

**Authority:** Item ,  
Report (PED19XXX)  
CM:  
Ward: 8

**Bill No.**

## **CITY OF HAMILTON**

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

#### **To Amend Zoning By-law No. 6593, Respecting Lands Located at 370 Concession Street, Hamilton**

**WHEREAS** the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Schedule 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 and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 \_\_\_\_\_ of Report 19-\_\_\_\_\_ of the Planning Committee, at its meeting held on the 9<sup>th</sup> day of July 2019, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

**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. E15 of the District Maps appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended as follows:
  - a) By changing the zoning from "DE-2/S-5" (Multiple Dwellings) District, Modified to the "DE-2/S-5a-H" (Multiple Dwellings) District, Modified, Holding (Block 1);

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- b) By changing the “C” (Urban Protected Residential, etc.) District to the “DE-2/S-5a-H” (Multiple Dwellings) District, Modified, Holding (Block 2); and,
- c) By changing the “DE-2/S-5” (Multiple Dwellings) District, Modified to the “RT-30/S-1781-H” (Street – Townhouses) District, Modified, Holding (Block 3);

on the land the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That the “DE-2/S-5a” (Multiple Dwellings) District, Modified, provisions as contained within Section 10B of Zoning By-law No. 6593 applicable to the subject lands (Blocks 1 and 2), be modified to include the following special requirements:
  - a) Notwithstanding Section 10B(3)(i)(b), the existing multiple dwelling shall have a front yard depth of not less than 7.15 metres.
  - b) Notwithstanding Section 10B(5), the existing gross floor area of 2,995.3 square metres for the existing multiple dwelling on the subject land shall be deemed to conform as of the date of the passing of the By-law.
  - c) Notwithstanding Section 10B(6), for every building or structure in a “DE-2” District, there shall be provided and maintained on the lot and within the district, at least 20% of the area of the lot on which it is situate, as landscaped area, unused for access or manoeuvring space or parking space or for any other purpose other than landscaped area including a playground.
  - d) Notwithstanding Section 18(3)(vi)(b)(i) and (ii), and (cc)(i) and (ii), the following provisions apply:
    - (i) A canopy, cornice, eave or gutter may project into a required front yard not more than 5.23 metres;
    - (ii) A canopy, cornice, eave or gutter may project into a required rear yard not more than 1.6 metres;
    - (iii) A bay, balcony or dormer may project into a required front yard not more than 1.6 metres;
    - (iv) A bay, balcony or dormer may project into a required rear yard not more than 1.6 metres.

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- i) Notwithstanding Section 18A(1)(a) and Section 18A(1)(b) Table 1 and 2, 1 parking space per Class A dwelling unit shall be provided.
  - j) Section 18A(1)(b) shall not apply.
  - k) Section 18A(1) (c) shall not apply.
  - l) Notwithstanding Section 18A(7), a maximum 23 parking spaces, other than a parallel parking space, shall have dimensions not less than 2.6 metres wide and 5.5 metres long.
  - n) Notwithstanding Section 18A(11), the boundary of every parking area and loading space on a lot containing five or more parking spaces located on the surface of a lot adjoining a residential district shall be fixed:
    - i) not less than 1.0 metre from the western and eastern adjoining "C" (Urban Protected Residential, etc.) District and "E-2" (Multiple Dwellings) District, boundary;
    - ii) not less than 1.2 metres from the southern adjoining "C" (Urban Protected Residential, etc.) District boundary;
  - o) Section 18A(25) shall not apply.
3. That the "RT-30/S-1781-H" (Street - Townhouses) District, Modified, Holding, provisions as contained within Section 10F of Zoning By-law No. 6593 applicable to the subject lands (Block 3), be modified to include the following special requirements:
- a) Notwithstanding Section 10F(4)(b), a rear yard depth of not less than 6.0 metres shall be provided.
  - b) Notwithstanding Section 10F(4)(c), a side yard abutting a wall that is not a party wall, along each side lot line of a width of not less than:
    - i) 1.0 metres from the southerly lot line for a Street Townhouse Dwelling, not exceeding two storeys in height; and,
    - ii) 0.7 metres from the northerly lot line for a Street Townhouse Dwelling, not exceeding two storeys in height.
  - c) Notwithstanding Section 10F(6)(c)(i), in a "RT-30" District every lot or tract of land upon which Street Townhouse Dwelling is erected, altered

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extended or enlarged shall have a lot area not less than 140.0 square metres.

- d) Notwithstanding Section 18(3)(vi)(cc)(i), a balcony may project into a required front yard not more than 1.5 metres.
  - e) Section 18(3)(vi)(e), shall not apply.
4. That the 'H' symbol applicable to the lands referred to in Section 1 of this By-law, shall be removed conditional upon:
- a) The holding provision "DE-2/S-5a-H" (Multiple Dwellings) District, Modified, Holding applicable to Blocks 1 and 2 be removed conditional upon:
    - i) The Owner applying for a Building Permit to legalize the existing 41 dwelling units within the multiple dwelling, to the satisfaction of the City's Chief Building Official.
    - ii) The Owner receiving Conditional Site Plan Approval, to the satisfaction of the Manager of Development Planning, Heritage and Design.
  - b) The holding provision "RT-30/S-1781-H" (Street – Townhouses) District, Modified, Holding applicable to Block 3 be removed conditional upon:
    - i) The Owner receiving Conditional Site Plan Approval, to the satisfaction of the Manager of Development Planning, Heritage and Design.
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-5a-H" (Multiple Dwellings) District, Modified, Holding and "RT-30/S-1781-H" (Street - Townhouses) District, Modified, Holding the provisions, subject to the special requirements referred to in Sections 2 and 3.
6. That Sheet No. E15 of the District Maps is amended by marking the lands referred to in Section 2 of the By-law as "DE-2/S-5a-H" (Multiple Dwellings) District, Modified, Holding and "RT-30/S-1781-H" (Street - Townhouses) District, Modified, Holding.
7. 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*.

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**PASSED** this \_\_\_\_\_ , 2019.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

ZAC-18-008

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<p>This is Schedule "A" to By-law No. 19-</p> <p>Passed the ..... day of ....., 2019</p>	<p style="text-align: center;">-----</p> <p style="text-align: center;">Mayor</p> <p style="text-align: center;">-----</p> <p style="text-align: center;">Clerk</p>		
<p style="text-align: center; font-size: 1.2em;"><b>Schedule "A"</b></p> <p style="text-align: center; font-size: 1.1em;">Map Forming Part of By-law No. 19-_____</p> <p style="text-align: center;">to Amend By-law No. 6593</p>	<p><b>Subject Property</b> 370 Concession Street, Hamilton</p> <div style="display: flex; align-items: flex-start;"> <div style="width: 30px; height: 15px; border: 1px solid black; margin-bottom: 5px; margin-right: 5px;"> <div style="width: 100%; height: 100%; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px);"></div> </div> <div> <p><b>Block 1</b> - Change in zoning from the "DE-2/S-5" (Multiple Dwellings) District, Modified to the "DE-2/S-5a-H" (Multiple Dwellings) District, Modified, Holding</p> </div> </div> <div style="display: flex; align-items: flex-start; margin-top: 5px;"> <div style="width: 30px; height: 15px; border: 1px solid black; margin-bottom: 5px; margin-right: 5px;"> <div style="width: 100%; height: 100%; background: repeating-linear-gradient(-45deg, transparent, transparent 2px, black 2px, black 4px);"></div> </div> <div> <p><b>Block 2</b> - Change in zoning from the "C" (Urban Protected Residential, etc.) District to the "DE-2/S-5a-H" (Multiple Dwellings) District, Modified, Holding</p> </div> </div> <div style="display: flex; align-items: flex-start; margin-top: 5px;"> <div style="width: 30px; height: 15px; border: 1px solid black; margin-bottom: 5px; margin-right: 5px;"> <div style="width: 100%; height: 100%; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px);"></div> </div> <div> <p><b>Block 3</b> - Change in zoning from the "DE-2/S-5" (Multiple Dwellings) District, Modified to the "RT-30/S-1781-H" (Street – Townhouses) District, Modified, Holding</p> </div> </div>		
<p><b>Scale:</b> N.T.S.</p>	<p><b>File Name/Number:</b> ZAC-18-008</p>	 	
<p><b>Date:</b> June 28, 2019</p>	<p><b>Planner/Technician:</b> MS/AL</p>	<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	