

CITY OF HAMILTON

BY-LAW NO. 20-

**To Amend Zoning By-law No. 6593, as amended,
Respecting Lands Located at 184 and 186 Markland Street, Hamilton**

WHEREAS, the Council of the City of Hamilton, in adopting Item 4 of Report 20-002 of the Planning Committee, at its meeting held on the 12th day of February, 2020, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

WHEREAS this By-law is 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. W6 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 the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, to the “DE/S-1796-‘H” (Multiple Dwelling) District, Holding, Modified;

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

2. That the “DE” (Multiple Dwelling) District provisions as contained in Section 10C of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements:

- a) That in addition to Section 10C (1), a multiple dwelling with a maximum of six dwelling units shall be permitted within the building existing on the date of the passing of this By-law.
- b) That Section 10C (1) (via) and (vii) shall not apply.
- c) That Section 10C (2) shall not apply to the building existing on the date of the passing of this By-law.
- d) That notwithstanding Section 10C (3) (i) (b), a front yard of a depth of 2.7 metres shall be permitted for the building existing on the date of the passing of this By-law.

- e) That notwithstanding Section 10C (3) (ii) (b), a side yard of a width of 1.2 metres for the easterly side yard and 0 metres for the westerly side yard, shall be permitted for the building existing on the date of the passing of this By-law.
- f) That notwithstanding Section 10C (4) ii), iii) and iv), a width of at least 12.8 metres and an area of at least 545.0 square metres.
- g) That Section 10C (5) shall not apply for the building existing on the date of the passing of this By-law.
- h) That notwithstanding Section 18 (3) (vi) (b), the existing encroachment of any eaves or gutters of the building existing on the date of the passing of this By-law shall be permitted.
- i) That notwithstanding Section 18 (3) (vi) (e), the encroachment of any uncovered porch and associated stairs of the building existing on the date of the passing of this By-law shall be permitted.
- j) That notwithstanding Section 18 (4) (v) (b), an air conditioner shall be permitted within the westerly side yard provided such equipment has a minimum setback of 0 metres from the side lot line.
- k) That Section 18A (1) (c), (32) and (33) shall not apply.
- l) That notwithstanding Section 18A (1) (f), (9) and (10), manoeuvring space may be provided both on the lot and on the un-assumed laneway with a minimum aisle width of 4.2 metres.
- m) That Section 18A (11) (a), shall not apply to the northerly and westerly lot line but shall apply to the easterly lot line.
- n) That Section 18A (12) (a) and (b), shall not apply to the northerly and westerly lot line but shall apply to the easterly lot line.
- o) That Section 18A (12) (c), shall not apply to northerly and westerly lot line but shall apply to the easterly lot line.
- p) That notwithstanding Section 18A (24) (b) (i) and (ii), access shall be provided by way of an alleyway.
- q) That Section 18A (25), shall not apply to the northerly and westerly lot line, however an access driveway shall be a minimum of 1.5 metres from the easterly lot line.
- r) That notwithstanding Section 18A (30), a permanent durable and dustless

surface that is graded, drained and paved with concrete, asphalt or other suitable material implementing low impact development or combination of concrete, asphalt or other suitable material implementing low impact development, shall be provided and maintained for every parking area, manoeuvring space, loading space and access driveway.



3. That the 'H' symbol applicable to the lands referred to in Section 1 shall be removed conditional upon:
 - i) The Owner apply for a Building Permit to legalize a multiple dwelling with a maximum of six units, to the satisfaction of the City's Chief Building Official;
 - ii) That the Owner applies for and receives Conditional Site Plan Approval, to the satisfaction of the Manager of Development Planning, Heritage and Design; and,
 - iii) That the Owner merge the properties municipally known as 184 and 186 Markland Street into the same name and title, to the satisfaction of the Manager of Development Planning, Heritage and Design.
4. 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-3" District provisions, subject to the special requirements in Section 2 of this By-law.
5. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1796.
6. That Sheet No. W6 of the District maps is amended by making the lands referred to in Section 1 of this By-law as Schedule S-1796.
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*.

PASSED this 12th day of February, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAC-18-047

		
<p>This is Schedule "A" to By-law No. 20-</p> <p>Passed the day of, 2020</p>		<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0;">Map Forming Part of</p> <p style="margin: 10px 0;">By-law No. 20-_____</p> <p style="margin: 10px 0;">to Amend By-law No. 6593</p>		<p>Subject Property 184 & 186 Markland Street</p> <p> Change in Zoning from the "D" (Urban Protected Residential - One and Two Family Dwelling, Etc.) District to "DE-3/S-1796-'H" (Multiple Dwellings) District, Modified, Holding</p>
<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-18-047</p>	 Hamilton
<p>Date: Nov. 201, 2019</p>	<p>Planner/Technician: DB/NB</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		