

**Authority:** Item \_\_\_\_\_, Planning  
Committee Report  
CM:  
Ward: 2

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW NO. XXXX**

**To Amend Zoning By-Law No. 6593 (City of Hamilton)  
Respecting Lands Located at 130 Wellington Street South, 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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** Zoning By-law No. 6593 (Hamilton) was enacted on the 25<sup>th</sup> day of July 1950, which was approved by the Ontario Municipal Board by Order dated the 7<sup>th</sup> date of December 1951, (File. No. O.F.C. 3821);

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item \_\_\_\_ of Report 21-\_\_\_\_ of the Planning Committee at its meeting held on the 2<sup>nd</sup> day of February 2021, 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.

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

1. That Sheet No. E5 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by changing the zoning from the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District to the “D/S-1806 - ‘H’” (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified, Holding; the extent and boundaries of which are shown on a plan here to annexed as Schedule “A”.

2. That the "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District provisions as contained in Section 10 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 10 (1), a multiple dwelling with a maximum of six units shall be permitted within the building existing on the date of the passing of this By-law.
  - b) That notwithstanding Section 10 (3) (i), a front yard depth of 5.28 metres shall be permitted for the building existing on the date of the passing of this By-law.
  - c) That notwithstanding Section 10 (3) (ii), a side yard having a width of 0.44 metres on the north side of the building, and 0.64 metres on the south side of the building shall be permitted for the building existing on the date of passing of this By-law.
  - d) That notwithstanding Section 10 (4), a lot width of 9.75 metres and lot area of 631.0 square metres.
  - e) That notwithstanding Section 18 (3) (vi) (a), the encroachment of any chimney, sill, belt course, leader, pilaster, lintel or ornamental projections of the building existing on the date of the passing of this By-law shall be permitted.
  - f) That notwithstanding Section 18 (3) (vi) (b), the encroachment of any eaves or gutters of the building existing on the date of the passing of this By-law shall be permitted.
  - g) That notwithstanding Section 18A (1) (a) and Section 1 (g) of Table 1, the Minimum Parking Requirement for a Multiple Dwelling shall be 0.66 spaces per Class A Dwelling Unit.
  - h) Section 18A (1) (b) and Column 1 of Table 2, shall not apply.
  - i) Section 18A (1) (c) and Column 1 of Table 3, shall not apply.
  - j) Section 18A (9) shall not apply.
  - k) That notwithstanding Section 18A (23), the driveway access shall be provided via the existing right-of-way to the alleyway.

- l) Section 18A (25), shall not apply.
  - m) That notwithstanding Section 18A (28), lands in the adjacent "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, which does not permit multiple dwellings, shall be used for the purpose of vehicular access to the existing multiple dwelling on the lands shown on Schedule "A" by way of the right-of-way currently providing access to the rear yard of these lands from the alleyway and roadway.
  - n) That Notwithstanding Section 18A (30), a permanent surface that is graded, drained and paved with concrete or asphalt, or a combination of concrete and asphalt, or gravel or similar surface shall be provided and maintained for every parking area, maneuvering space and access driveway.
  - o) Section 18A (32) shall not apply.
  - p) Section 18A (33) shall not apply.
3. That the 'H' symbol applicable to the lands referred to in Section 1 shall be removed conditional upon:
- i. That the Owner apply for a Building Permit to legalize a multiple dwelling with a maximum of six units, to the satisfaction of the Chief Building Official, Building Division.
  - ii. That the Owner implements the recommendations of the Noise Impact Study, dated December 7, 2018 in the application for Building Permit, to the satisfaction of the Chief Building Official, Building Division.
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 "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District provisions, subject to the special provisions referred to in Section 2.
5. That the Clerk is hereby authorized and directed to proceed with giving of notice of the passing of this By-Law in accordance with the *Planning Act*.

**PASSED** this xx day of xx, 2021.

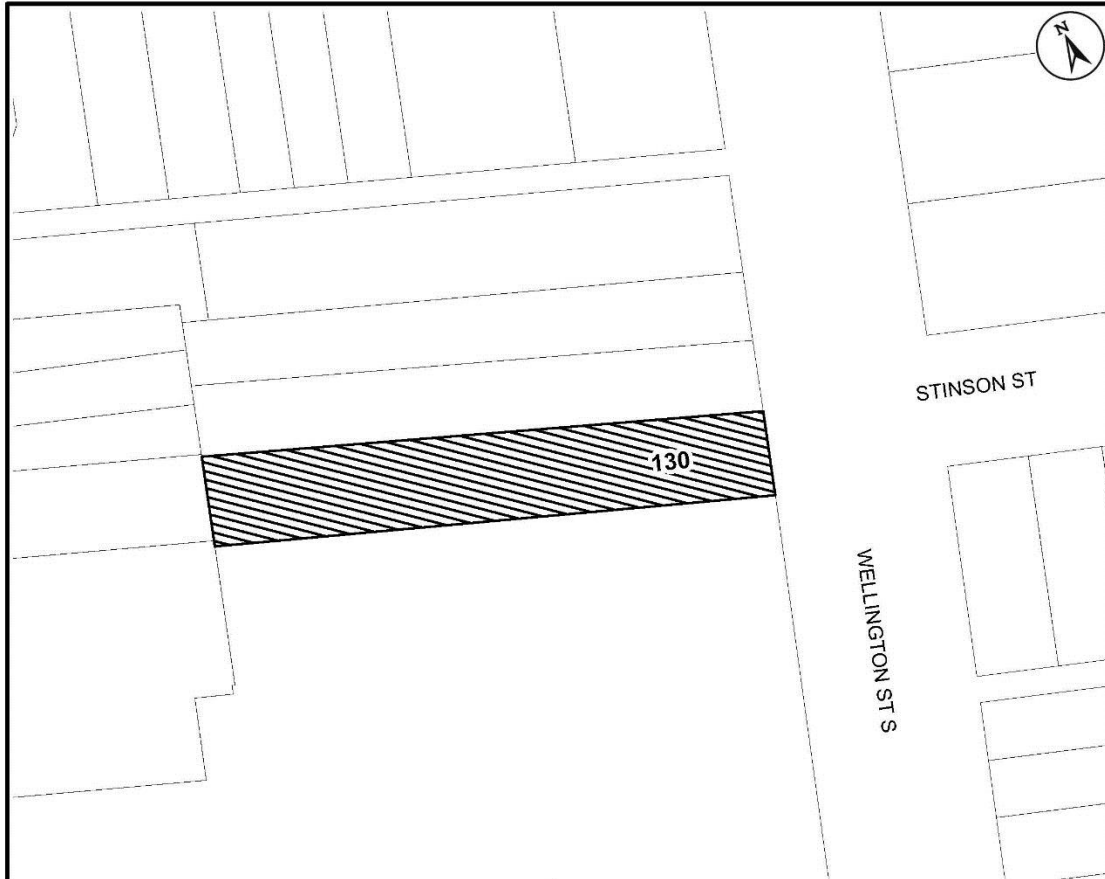
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F. Eisenberger  
Mayor

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A. Holland  
Clerk

ZAR-18-057



<p>This is Schedule "A" to By-law No. 21-</p> <p>Passed the ..... day of ....., 2021</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2>Schedule "A"</h2> <p><b>Map forming Part of By-law No. 21-_____</b></p> <p><b>to Amend By-law No. 6593</b></p>	<p><b>Subject Property</b></p> <p>130 Wellington Street South</p> <p> Change in Zoning from the "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to the "D/S-1806-H" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, Modified, Holding</p>
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<p><b>Scale:</b> N.T.S</p>	<p><b>File Name/Number:</b> ZAR-18-057</p>	
<p><b>Date:</b> November 26, 2020</p>	<p><b>Planner/Technician:</b> SS/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		