

Authority: Item 5, Planning Committee
Report 21-010 (PED21119)
CM: June 23, 2021
Ward: 2

Bill No. 116

CITY OF HAMILTON
BY-LAW NO. 21-

**To Amend Zoning By-law No. 6593 (Hamilton) as amended,
Respecting Lands Located at 179, 181, 183, 185, 187
and 189 Catharine Street North, 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Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 5 of Report 21-010 of the Planning Committee, at its meeting held on the 23rd day of June, 2021, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the City of Hamilton Official Plan upon adoption of the Official Plan Amendment No. 246.

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

1. That Sheet No. E3 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by changing the zoning from the “L-mr-2” (Planned Development) District to the “E-1/S-1809” – ‘H’ (Multiple Dwelling, Lodges, Clubs, etc.) District, Modified, Holding, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That the “E-1” (Multiple Dwellings, Lodges, Clubs, Etc.) District provisions as contained in Section 11A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements:

Blocks 1, 2, 3 and 4

- a) That notwithstanding Section 2.(2)J.(viii), with reference to the height of a building or structure, grade shall be measured at a height of 88.1 metres above sea level.
- b) That notwithstanding Section 11A.(1)(i), a maximum of 49 units shall be permitted.
- c) That notwithstanding Section 11A.(2)(ii) and (iii), no building or structure for any use shall exceed 15.0 metres in height.
- d) That notwithstanding Section 18A.(1)(a) and (b), a minimum 0.8 parking spaces per dwelling unit shall be required and no parking shall be dedicated for visitor parking and a minimum of one required parking space shall be a barrier free parking space. Barrier free parking shall be provided at grade or access to grade by way of a lift.
- e) That notwithstanding Section 18A.(1)(c), a minimum of one loading space with a minimum length of 9.0 metres, a width of 3.7 metres and a height of 4.3 metres shall be required for a 49 unit multiple dwelling and permeable pavers shall be provided and maintained for the loading space.
- f) That notwithstanding Section 18A.(7), a minimum parking space size of 2.7 metres wide by 5.8 metres long shall be required and a minimum parking space size of 4.4 metres wide by 5.8 metres long shall be required for a barrier free parking space.
- g) That notwithstanding Section 18A.(7) and Section 2(f) of this By-law not more than 10% of such required parking spaces shall be a width of 2.6 metres and a length of 5.5 metres, provided that any such parking space is clearly identified as being reserved for the parking of small cars only.
- h) That notwithstanding Section 18(30), a permanent durable and dustless surface that is graded, drained and paved with concrete, asphalt, brick or permeable pavers or a combination of concrete, asphalt, brick or permeable pavers shall be provided and maintained for every parking area, manoeuvring space and access driveway.
- i) That a minimum of five short term bicycle parking spaces and a minimum of 0.5 long term secure enclosed bicycle parking spaces per dwelling unit shall be required.

Block 1

- j) That notwithstanding Section 11A.(1)(i), a multiple dwelling shall only be permitted within the building existing on the date of the passing of the By-law.
- k) That notwithstanding Section 11A.(3)(i)(b), the front yard setback of the building existing on the date of the passing of this By-law shall be permitted.
- l) That notwithstanding Section 11A.(3)(ii)(b), the following special provisions shall apply as it relates to minimum side yards:
 - i. The northerly side yard setback for the building existing on the date of the passing of this By-law shall be permitted.
 - ii. 1.2 metres shall be required for an enclosed stairway to an underground parking structure;
 - iii. 0.7 metres shall be required for the wall of a parking ramp from the northerly side lot line; and,
- m) That notwithstanding Section 18.(3)(vi)(d), the following special provisions shall apply as it relates to minimum front yard setback for a porch and stairway:
 - i. 1.4 metres shall be required for a porch; and,
 - ii. 0 metres shall be required for a stairway.

Block 2

- n) That notwithstanding Section 11A.(3)(i)(b), a front yard of a depth of 2.7 metres.
- o) That notwithstanding Section 11A.(3)(ii)(b), a side yard of a width of 2.3 metres shall be required for any building with any balcony, sunroom or window of a habitable room that overlooks a side yard.
- p) That notwithstanding Section 18.(3)(vi)(d), the following special provisions shall apply as it relates to minimum front yard setback for a porch and stairway:
 - i. 1.4 metres shall be required for a porch; and,
 - ii. 0 metres shall be required for a stairway.

Block 3

- q) That notwithstanding Section 11A.(3)(ii)(b), the following special provisions shall apply as it relates to minimum side yards:
 - i. 0.7 metres shall be required for the wall of a parking ramp from the northerly side lot line.
- r) That notwithstanding Section 11A.(3)(iii)(b), 5.0 metres shall be required except for:
 - i. 0 metres shall be required for the wall of a parking ramp.
- s) That notwithstanding Section 18.(3)(vi)(c)(i), for an open stairway to an amenity area located above a parking access ramp, a rear yard of a depth of 0.5 metres shall be required.
- t) That notwithstanding Section 18.(3)(vi)(d), the following special provisions shall apply as it relates to minimum rear yard setback for a porch and stairway:
 - i. 1.85 metres shall be required for a porch;
 - ii. Except for a stairway outlined in Section 2(s) of this By-law, a rear yard of a depth of 1.85 metres for a stairway shall be required; and
 - iii. 0 metres shall be required for an above grade patio.
- u) That notwithstanding Section 18.(8)(c)(1), a minimum separation of 3.0 metres between two multiple dwellings shall be required, where no windows are proposed on the façade of the building that faces the adjacent building, except for windows that are comprised of translucent glazing.

Block 4

- v) That in addition to Section 2 c) of this By-law, for any portion of a building or structure located within 7.0 metres of the southerly side lot line measuring 21.06 metres, where no building or structure shall exceed 8.75 metres in height.
- w) That notwithstanding Section 11A.(3)(ii)(b), the following special provisions shall apply as it relates to minimum side yards:
 - i. Notwithstanding i) above, 8.0 metres from the easterly side lot line measuring 9.33 metres shall be provided for any portion of a building located within 7.0 metres of the southerly side lot line measuring 21.06

metres.

- x) That notwithstanding Section 11A.(3)(iii)(b), 5.0 metres shall be required except for:
 - i. 3.0 metres shall be required for any portion of a building or structure located within 13.5 metres of the southerly side lot line measuring 21.06 metres.
 - y) That notwithstanding Section 18.(3)(vi)(d), the following special provisions shall apply as it relates to minimum rear yard setback for a porch and stairway:
 - i. 1.85 metres shall be required for a porch; and,
 - ii. 0.9 metres shall be required for a below grade walkout patio.
 - z) That in addition to Section 18.(3)(vi)(d), the following special provisions shall apply as it relates to a minimum side yard setback for a porch and stairway from the easterly side lot line measuring 9.33 metres:
 - i. 4.3 metres shall be required for a porch and stairway located within 9.33 metres of the southerly side lot line measuring 21.06 metres.
 - aa) That notwithstanding Section 18.(8)(c)(1), a minimum separation of 3.0 metres between two multiple dwellings shall be required, where no windows are proposed on the façade of the building that faces the adjacent building, except for windows that are comprised of translucent glazing.
3. That the 'H' symbol applicable to the lands referred to in Section 1 shall be removed condition upon;
- i) The Owner submit and receive completion of a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP) or enters into a conditional building permit agreement with respect to completing a Record of Site Conditions. This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and submission of the City of Hamilton's current RSC administration fee;
 - ii) The Owner agrees in a signed Site Plan Agreement to implement all required noise mitigation measures identified in Acoustical Study dated June 30, 2020 by IBI Group and updated December 22, 2020, through the Site Plan Control Application, to the satisfaction of the Director of Planning and Chief Planner.

- iii) The Owner agrees in a signed Site Plan Agreement, to provide notice to any subsequent owner, as well as any prospective purchasers or tenants that the dwellings are located in a Class 4 area, and to agree to register this notice and any / all warning clauses on title, and include them in any purchase and sale and in any lease or rental agreement, to the satisfaction of the Director of Planning and Chief Planner.
 - iv) That a Conservation Plan for 187 and 189 Catharine Street North, Hamilton be submitted, approved and implemented through a signed Site Plan Agreement, all to the satisfaction of the Director of Planning and Chief Planner.
- 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 “E-1/S-1809” 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-1809.
 - 6. That Sheet No. E3 of the District maps is amended by making the lands referred to in Section 1 of this By-law as Schedule S-1809.
 - 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 9th day of July, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAC-20-027

To Amend Zoning By-law No. 6593 (Hamilton) as amended,
Respecting Lands Located at 179, 181, 183, 185, 187
and 189 Catharine Street North, Hamilton

Page 7 of 7



This is Schedule "A" to By-law No. 21-

Passed the day of, 2021

Mayor

Clerk





Schedule "A"

Map forming Part of
By-law No. 21-_____

to Amend By-law No. 6593

Subject Property

179 - 189 Catharine Street North

-  Block 1 - Change in zoning from the "L-mr-2" (Planned) District to the "E-1/S-1809" - 'H' (Multiple Dwelling, Lodges, Clubs, etc.) District, Modified, Holding
-  Block 2 - Change in zoning from the "L-mr-2" (Planned) District to the "E-1/S-1809" - 'H' (Multiple Dwelling, Lodges, Clubs, etc.) District, Modified, Holding
-  Block 3 - Change in zoning from the "L-mr-2" (Planned) District to the "E-1/S-1809" - 'H' (Multiple Dwelling, Lodges, Clubs, etc.) District, Modified, Holding
-  Block 4 - Change in zoning from the "L-mr-2" (Planned) District to the "E-1/S-1809" - 'H' (Multiple Dwelling, Lodges, Clubs, etc.) District, Modified, Holding

Scale:
N.T.S.

File Name/Number:
ZAC-20-027 & UHOPA-20-015

Date:
May 13, 2021

Planner/Technician:
DB/NB



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT