Authority: Item ,
Report (PED22144)
CM:
Ward: 2

Bill No.

CITY OF HAMILTON

BY-LAW NO. 22-

To Repeal By-law No. 87-167 and To Amend Zoning By-law No. 6593 Respecting Lands Located at 221-223 Charlton Avenue East and 200 Forest Avenue, 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 25th day of July 1950, which was approved by the Ontario Municipal Board by Order dated the 7th date of December 1951, (File. No. O.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item   of Report 22-   of the Planning Committee, at its meeting held on the XX day of XX 2022, 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 Council of the City of Hamilton enacts as follows:

1.   That By-law No. 87-167 is hereby repealed in its entirety.

2.   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 "DE-3/S-970" (Multiple Dwellings) District, Modified (Block 1) and the "D" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District (Block 2) to the "DE-3/S-1819" (Multiple Dwellings) District, Modified; the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

3.   That the "DE-3" (Multiple Dwellings) 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)   The lands zoned "DE-3/S-970" (Multiple Dwellings) District, Modified shall be deemed to be one lot for the purposes of applying the provisions of the By-law. Zoning provisions shall apply only to the external lot lines of the overall lands, not to internal lot lines resulting from any future severance.

b)   Notwithstanding Sections 2(2)J.(xiii), 2(2)J.(xiv), and 2(2)J.(xv), for the purposes of this By-law:

    i)   "Lot-Line, Front" shall mean the boundary line along Charlton Avenue East;

    ii)   "Lot-Line, Rear" shall mean the boundary line along Forest Avenue;

    iii)   "Lot-Line, Exterior Side" shall mean the boundary lot line along Aurora Street; and,

    iv)   "Lot-Line, Interior Side" shall mean any lot line except a front lot line, rear lot line or exterior side lot line.

c)   In addition to Section 10C(2), the four storey building height of the multiple dwelling existing on the date of the passing of this By-law shall be permitted.

d)   Notwithstanding Section 10C(3)(i)(b), a minimum front yard depth of 1.0 metres.

e)   Notwithstanding Section 10C(3)(ii)(b), the following side yards shall be provided:

    i)   a minimum interior side yard width of 6.3 metres, except 1.5 metres where no window of a habitable room overlooks the side yard; and,

    ii)   a minimum exterior side yard width of 6.8 metres.

f)   Notwithstanding Section 10C(3)(iii)(b), a minimum rear yard of 6.0 metres.

g)   That Section 10C(5) shall not apply.

h)   That Section 18(3)(vi)(b) shall not apply.

i)   That Section 18(3)(vi)(d) shall not apply.

j)   Notwithstanding Section 18A.(1)(a), not less than 0.55 parking spaces per Class A dwelling unit shall be provided.

k)   That Section 18A.(1)(b) shall not apply.

l)   Notwithstanding Section 18A.(1)(c), one loading space shall be provided with the following dimensions:

Length – 9.0 metres;
Width – 3.7 metres; and,
Height – 4.3 metres.

m) That in addition to Section 18A(7), not more than 10% of the required parking spaces may have dimensions not less than 2.6 metres wide and 5.5 metres long, provided that any such parking space is clearly identified as being reserved for the parking of small cars only.

n) Notwithstanding Section 18(25), where a townhouse dwelling, maisonette dwelling or multiple dwelling is adjacent to a residential district that does not permit such uses, every access driveway to the townhouse dwelling, maisonette dwelling or multiple dwelling shall be located not less than 1.5 metres from the common boundary between the district in which the townhouse dwelling, maisonette dwelling or multiple dwelling is located and the district that does not permit such uses.

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" (Multiple Dwellings) District provisions, subject to the special requirements referred to in Section 3 of this By-law.

5. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1819.

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 __ day of _____, 2022.

Fred Eisenberger	Andrea Holland
Mayor	City Clerk

FOREST AV

N

200

AURORA ST

FERGUSON AV S

223
221

CHARLTON AV E

This is Schedule "A" to By-law No. 22-

Passed the .... day of ...., 2022

_ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _
Mayor

_ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _
Clerk

Schedule "A"

Map forming Part of By-law No. 22-_____

to Amend By-law No. 6593

Subject Property

221 - 223 Charlton Avenue East & 200 Forest Avenue

Block 1 - Change in zoning from the "DE-2/S-970" (Multiple Dwellings) District, Modified to the "DE-3/S-1819" (Multiple Dwellings) District, Modified

Block 2 - Change in zoning from the "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, to the "DE-3/S-1819" (Multiple Dwellings) District, Modified

Scale: N.T.S	File Name/Number: ZAC-21-020	
Date: May 18, 2022	Planner/Technician: MK/AL	Hamilton
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		