

Authority: Item 8.1, Planning Committee Minutes 26-005 (PED26024)
CM: April 22, 2026 Ward: 8

Bill No. 077

CITY OF HAMILTON

BY-LAW NO. 26-

To amend Zoning By-law No. 6593 with respect to lands located at 1042 and 1050 West 5th Street, Hamilton

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap.14, Sch. C did incorporate, as of January 1st, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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, and approved by the Ontario Land Tribunal on the 7th day of December, 1951;

AND WHEREAS Council approved Item 8.1 of Planning Committee Minutes 26-005, at its meeting held on the 22nd day of April, 2026;

AND WHEREAS this By-law conforms to the Urban Hamilton Official Plan;

NOW THEREFORE Council amends Zoning By-law No. 6593 as follows:

1. That Sheet No. W-9c of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by changing the zoning from "C/S-1822" (Urban Protected Residential, etc.) District to “DE-2/S-1844” (Multiple Dwellings) District,

Modified, for the lands known as 1042 and 1050 West 5th Street, Hamilton, the extent and boundaries of which are shown on Schedule "A" to this By-law.

2. That SECTION TWO – INTERPRETATIONS AND DEFINITIONS is modified to include the following special requirements:

(a) That in addition to Section 2.(2)A. – RESIDENTIAL USES, for the purpose of the DE-2/S-1844 (Multiple Dwellings) District, Modified, the following definition shall apply:

"Multiple Dwelling Townhouse" shall mean:

- (i) One separate building containing five or more dwelling units; or,
- (ii) Two or more separate buildings containing three or more dwelling units each, which form one comprehensive development containing a total of five or more dwelling units;

And,

- (i) Dwelling units are divided by common walls preventing internal access between units;
 - (ii) Each dwelling unit has at least one exclusive exterior pedestrian access;
 - (iii) Dwelling Units within a Multiple Dwelling Townhouse may have shared amenity areas(s), parking area(s) and common vehicular access to a street, such as a condominium road.
 - (iv) A Multiple Dwelling Townhouse shall include a block townhouse, a stacked townhouse, a back-to-back townhouse, a stacked back-to-back townhouse, a maisonette, and a townhouse development comprising townhouse units or parcels of tied land, except as restricted in the By-law.
- (b) That notwithstanding Section 2.(2)(J)(xi) – MISCELLANEOUS DEFINITIONS – TECHNICAL as it relates to the definition of "Lot", and in addition to Section 2.(2)(J)(xii) – MISCELLANEOUS DEFINITIONS – TECHNICAL as it relates to the definition of "Lot-Line", for the purpose of the regulations contained in Hamilton Zoning By-law No. 6593, the external boundary of the lands shown on Schedule "A" shall be deemed to be the lot lines for this purpose and the regulations of the "DE-2/S-1844" (Multiple Dwellings) District, Modified, including but not limited to the lot area, lot frontage, lot depth, lot coverage, landscape area, and building setbacks, shall be from the external boundaries

of this parcel shown on Schedule “A” and not the individual property boundaries of any parcels created by registration of a Condominium Plan, Part Lot Control, or Consent.

- (c) That notwithstanding Section 2.(2)J.(xiii) – MISCELLANEOUS DEFINITIONS – TECHNICAL as it relates to the definition of “Lot-Line, Front”, the front lot line shall mean the lot line along West 5th Street.

3. That the “DE-2” (Multiple Dwellings) District regulations, as contained in Section Ten B of Zoning By-law No. 6593, are modified to include the following special requirements:

- (a) That in addition to Section 10B.(1), a Multiple Dwelling Townhouse shall also be permitted.
- (b) That in addition to Section 10B.(2), no building or structure within 30 metres of the rear lot line shall exceed 8.5 metres in height.
- (c) That in addition to Section 10B.(2), no building or structure within 25 metres of the front lot line shall exceed 14.5 metres in height.
- (d) That notwithstanding Section 10B.(3)(ii)(b), there shall be provided and maintained within the district, for every building and structure in a “DE-2” District:
 - (i) a northerly side yard having a width of at least 3.0 metres for stacked townhouse structures;
 - (ii) a northerly side yard having a width of at least 1.6 metres for block townhouse structures;
 - (iii) a southerly side yard having a width of at least 6.0 metres for stacked townhouse structures;
 - (iv) a southerly side yard having a width of at least 6.0 metres for block townhouse structures;

4. That SECTION EIGHTEEN – SUPPLEMENTARY REQUIREMENTS AND MODIFICATIONS is modified to include the following special requirements:

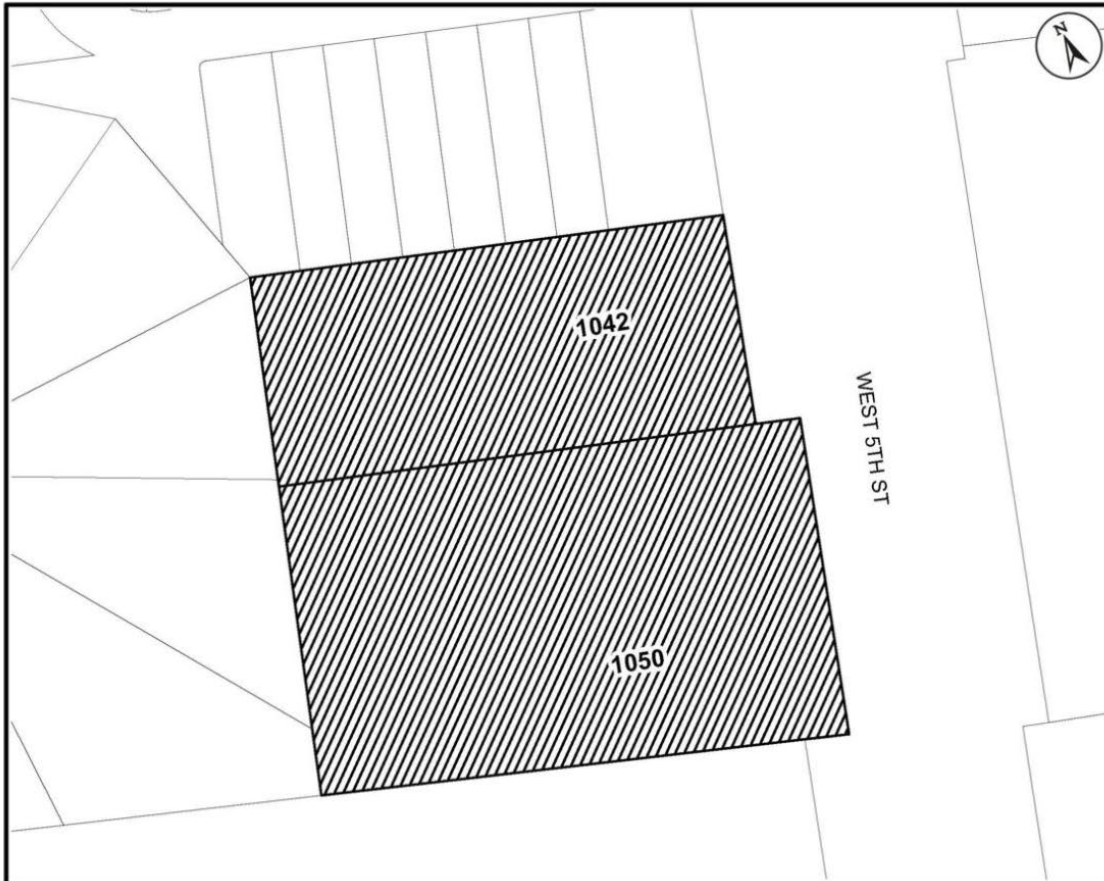
- (a) That notwithstanding Section 18.(3)(vi)(d), a roofed-over but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, may project into a required front yard a distance not more than 3.0 metres, and shall be distant at least 1.0 metre from the front lot line.

- (b) That notwithstanding Section 18.(8)1., a separation distance of at least 3.0 metres shall be provided between the side walls of block townhouse buildings that contain windows to habitable rooms.
 - (c) That Section 18.(10)(i)(a) shall not apply.
5. That SECTION EIGHTEEN A – PARKING AND LOADING REQUIREMENTS is modified to include the following special requirements:
- (a) That in addition to Section 18A.(1)(a) and (b), Table 1 and Table 2, for a Multiple Dwelling Townhouse a minimum of one (1) parking space per Class A dwelling unit shall be provided and maintained, inclusive of visitor parking spaces.
 - (b) That notwithstanding Section 18A.(1)(c) and Table 3, no loading spaces shall be required.
 - (c) That notwithstanding Section 18A.(1)(f) and 18A.(10), tandem parking shall be permitted for each unit of a Multiple Dwelling Townhouse.
 - (d) That notwithstanding Section 18A.(7), every required parking space, other than a parallel parking space, shall have dimensions not less than 2.8 metres wide and 5.8 metres long.
6. 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 modified "DE-2/S-1844" (Multiple Dwellings) District, Modified provisions, subject to the special requirements referred to in Sections 2, 3, 4 and 5 of this By-law.
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 22nd day of April, 2026

A. Horwath
Mayor

M. Trennum
City Clerk



This is Schedule "A" to By-law No. 26- 077

Passed the 22 day of April, 2026

Mayor

Clerk


Schedule "A"

Map forming Part of
By-law No. 26- 077

to Amend By-law No. 6593

Subject Property

1042-1050 West 5th Street, Hamilton (Ward 8)

 Change in Zoning from "C/S-1822" (Urban Protected Residential, etc.) District, Modified to "DE-2/S-1844" (Multiple Dwellings) District, Modified

Scale:
N.T.S

File Name/Number:
ZAC-25-031

Date:
November 28, 2025

Planner/Technician:
AP/RS



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT