

**Authority:** Item 9  
Planning Committee  
Report: 13-009  
CM: June 12, 2013

**Bill No. 212**

**CITY OF HAMILTON**

**BY-LAW NO. 13-212**

**To Amend Zoning By-law No. 3581-86 (Dundas) as Amended  
Respecting Lands Located at 24 Brock Street North**

**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 area municipality known as the "The Corporation of the Town of Dundas" 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Plan of the former Regional Municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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. 3581-86 (Dundas) was enacted on the 22nd day of May, 1986, and approved by the Ontario Municipal Board on the 10th day of May, 1988;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 9 of Report 13-009 of the Planning Committee, at its meeting held on the 12 day of June, 2013, recommended that Zoning By-law No. 3581-86 (Dundas), be amended as hereinafter provided;

**AND WHEREAS** this By-law is in conformity with the Dundas Official Plan, in accordance with the provisions of the Planning Act.

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

1. That Schedule "B" (Colborne) of Zoning By-law No. 3581-86 (Dundas) is hereby further amended by deleting the lands, the extent and boundaries of which are shown as Block "1" on a plan hereto annexed as Schedule 'A'.
2. That Schedule "B" (Colborne) of Zoning By-law No. 3581-86 (Dundas) is hereby further amended by changing the zoning from the Low to Medium Density Multiple Dwelling (RM1-'H'/S-102)-Holding Zone to the Medium to High Density

Multiple Dwelling (RM3-'H'/S-123) Holding Zone, Modified, on the lands the extent and boundaries of which are shown as Block "2" on a plan hereto annexed as Schedule 'A'.

3. That Section 32 - "EXCEPTIONS" of Zoning By-law No. 3581-86 (Dundas), as amended, is hereby further amended by adding the following Sub-section:

RM3-'H'/S-123 That Notwithstanding the provisions of Section 14: Medium to High Density Multiple Dwelling Zone (RM3), the following Special Provisions shall apply to lands known Municipally as No. 24 Brock Street North, shown as "RM3/'H'/S-123" on Schedule "A".

- (a) For the purpose, of this By-law, the following shall apply:
- (i) The setbacks which apply to the apartment building shall also apply to the underground parking area.
  - (ii) Notwithstanding Sections 3.2.34 (Grade) and 3.2.38 (Height) within By-law No. 3581-86 (Dundas), for the purpose of this by-law the following shall apply: Building Height shall be determined by the mean elevation of all the existing ground adjoining the building or structure and within 4.5 metres of it."
- (b) Notwithstanding Section 14.2 Regulations for Apartment Buildings, the following special regulations shall apply:

#### 14.2 REGULATIONS FOR APARTMENT BUILDINGS

##### 14.2.2.1 FRONT YARD

Minimum: 1.6 metres

##### 14.2.2.2 SIDE YARD (southerly)

Minimum: 5.1m

Notwithstanding Section 14.2.2.2, the setbacks from the northerly side yard shall not apply.

##### 14.2.2.3 REAR YARD (westerly, being 25.61 metres in length).

Minimum: 3.9 metres.

REAR YARD (westerly, being 32.34 metres in length).

Minimum: 5.3 metres.

##### 14.2.3 HEIGHT

Maximum: 11.4 metres (excluding a mechanical penthouse, which shall be a maximum of 2.7m in height and maximum 30sq.m in area).

14.2.4 DENSITY

Maximum: 48 units.

14.2.7 LANDSCAPED AREA

Minimum: 30% of the site area which may include outdoor terraces used for amenity areas and green roof areas.

(b) Notwithstanding Section 6.6 Encroachment into Yards, the following shall apply:

6.6.1 BALCONIES

No projections shall be permitted into the northerly side yard located adjacent to the "P5" Zone.

(c) Notwithstanding Section 7.6, 7.13 Off-Street Parking and Loading, and Section 7.14 Dimensions for the Design of Parking Areas, the following shall apply:

7.6 LOADING SPACES

7.6.3 A loading space may be located a minimum distance of 5.5 metres from a public thoroughfare.

7.12 OFF-STREET PARKING SPACE REQUIREMENTS

7.12.1.5	Apartment Buildings	1.5 spaces per dwelling unit, of which 0.25 spaces per dwelling unit shall be provided for Visitor Parking.
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7.13 OFF-STREET LOADING REQUIREMENTS

7.13.1 RESIDENTIAL USES

Minimum Width: 3.7m

Minimum Length: 9.0m

Minimum Height: 4.0m

7.14 DIMENSIONS FOR THE DESIGN OF PARKING AREAS

7.14.1 MINIMUM DIMENSIONS

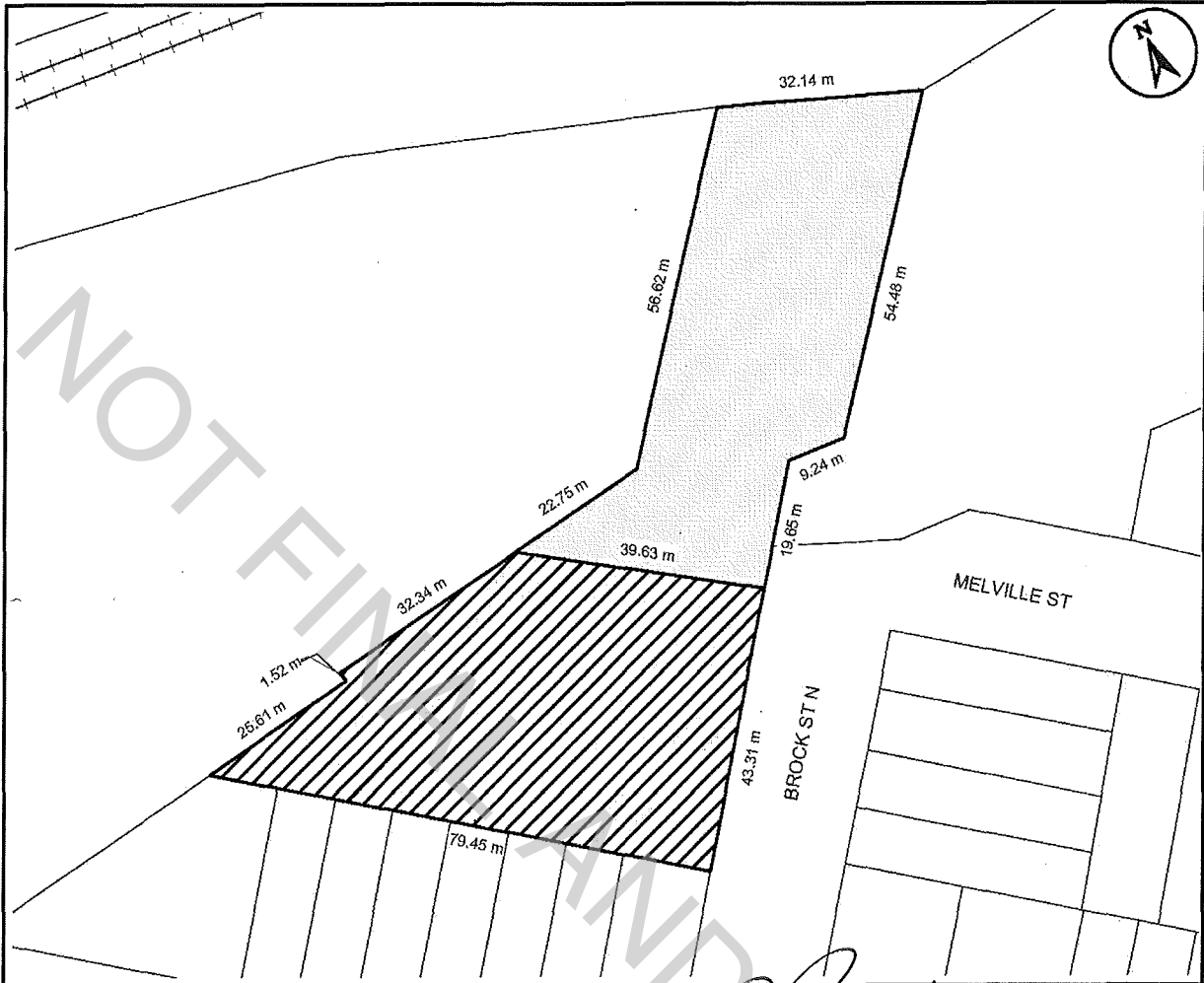
Angle: 90 degrees  
Width: 2.6m  
Length: 5.5m

4. That an (H) Holding Symbol, pursuant to Section 36 of The Planning Act, R.S.O. 1990, c.P. 13 and Sub-section 4.9 of By-law No. 3581-86, is hereby applied to the RM3/S-123 Zone category as it applies to 24 Brock Street. Such Holding Symbol (H) shall continue to apply to the subject lands until removed by subsequent By-law Amendment. Council shall remove the (H) Holding Symbol by By-law Amendment upon the following requirement having been addressed:
- (i) A Construction Management Plan has been approved, to the satisfaction of the Manager of Development Planning, in consultation with the Hamilton Conservation Authority.
  - (ii) The Senior Director of Growth Management confirms that he is satisfied there is sufficient and adequate water service and water pressure available, including sufficient and adequate water service and pressure for firefighting purposes, for any development at 24 Brock Street North, permitted by By-law 3581-86, as amended.
5. That By-law No. 3581-86 (Dundas) is amended by adding this By-law to Section 32 as Schedule S-123.
6. That Schedule "A" of the Zoning Schedule Key Map is amended by marking the lands referred to in Section 1 of this By-law as S-123.
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 and ENACTED** this 16th day of August, 2013.

  
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R. Bratina  
Mayor

  
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R. Caterini  
Clerk





This is Schedule "A" to By-law No. 13- 212  
 Passed the 16th day of August, 2013


*Robina*  
 Mayor  
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 Clerk

**Schedule "A"**  
 Map 1 of 2  
 Map Forming Part of  
 By-law No. 13- 212  
 to Amend By-law No. 3581-86

**Subject Property**  
 24 Brock Street North

 **Block 1** - Lands to be Removed from By-law 3581-86

 **Block 2** - Change in Zoning from the Low to Medium Density Multiple Dwelling "RM1-H/S-102" Zone to the Medium to High Density Multiple Dwelling "RM3-H/S-123" Holding Zone with a Special Exception.

Scale: N.T.S.	File Name/Number: ZAC-09-010	 <b>Hamilton</b>
Date: May 16, 2013	Planner/Technician: CT/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		