

CITY OF HAMILTON

BY-LAW NO. 20-216

To Repeal By-law No. 78-237 and to Amend Zoning By-law No. 6593 Respecting Lands Located at 175 Catharine Street South and 117 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 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Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 6 of Report 20-011 of the Planning Committee, at its meeting held on the 14th day of October, 2020, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan of the City of Hamilton.

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

1. That By-law No. 78-237 is repealed in its entirety.
2. That By-law Nos. 76-148, 76-329 and 76-340 shall not apply to the lands shown on a plan here to annexed as Schedule “A”.
3. That Sheet No. E5 of the District Maps appended is amended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by changing the zoning from the “E-3/S-601” (High Density Multiple Dwellings) District, Modified to the “E-3/S-601a” (High Density Multiple Dwellings) District, Modified; the extent and boundaries of which are shown on a plan here to annexed as Schedule “A”.

4. That the “E-3” (High Density Multiple Dwellings) District provisions, as contained in Section 11C of Zoning By-law No. 6593, applicable to Block 1, be modified to include the following special requirement:
 - a) That notwithstanding the requirements of Sections 11C, 18 and 18A, only the existing 93 unit multiple dwelling within the building existing on the date of the passing of this By-law shall be permitted on a lot with an area not less than 2,400 square metres. The existing 57 parking spaces shall be maintained for the multiple dwelling.

5. That the “E-3” (High Density Multiple Dwellings) District provisions, as contained in Section 11C of Zoning By-law No. 6593, applicable to Blocks 2, 3 and 4, be modified to include the following special requirements:
 - a) Notwithstanding Section 2.(2)J.(xiii), Forest Avenue shall be deemed the front lot line.

 - b) That in addition to Section 11(1) and the definitions of “Dwelling, Multiple”, “Dwelling, Townhouse” and “Dwelling, Street Townhouse” as contained in Sections 2(2)A.(viii), 2(2)A.(viid) and 2(2)A.(viid) of Zoning By-law No. 6593, that a portion of a Multiple Dwelling building containing residential units that are attached to each other, side by side and each containing individual exterior access shall be considered as dwelling units within the overall Multiple Dwelling and shall be permitted.

 - c) That notwithstanding Section 11C.(1a):
 - i) For Block 2, no building or structure shall exceed 13.5 metres in height.

 - ii) For Block 3, no building or structure shall exceed 8.0 metres in height.

 - iii) For Block 4, no building or structure shall exceed 38.0 metres in height.

 - d) That notwithstanding Sections 11C.(2)(a), 11C.(2)(b) and 11C.(2)(c), the following yards shall be maintained:
 - i) For Block 2:
 1. A front yard depth not less than 2.5 metres;

 2. A northerly side yard width not less than 4.75 metres;

 3. An easterly side yard width not less than 0.75 metres; and,

4. A westerly side yard width not less than 0.5 metres, except 0.0 metres to a daylight radius.
- ii) For Block 3:
 1. A front yard depth not less than 2.5 metres; and,
 2. A northerly side yard width not less than 1.5 metres.
 - iii) For Block 4:
 1. A front yard depth not less than 0.5 metres;
 2. An easterly side yard width not less than 4.75 metres;
 3. A westerly side yard width not less than 2.75 metres; and,
 4. A rear yard depth not less than 0.75 metres.
- e) That Section 11C.(2a) shall not apply.
 - f) That Section 11C.(4) shall not apply.
 - g) That Section 11C.(5) shall not apply.
 - h) That in addition to Section 18.(3)(vi)(cc)(iii), a balcony may project into the required northerly side yard for Block 2 not more than 3.0 metres.
 - i) That notwithstanding Section 18.(3)(vi)(ee), the foundation wall for a building or structure located partially above grade and used for parking purposes in conjunction with a multiple dwelling may project into a required front, side or rear yard.
 - j) That notwithstanding Section 18A.(7) every required parking space, other than a parallel parking space, shall have dimensions not less than 2.6 metres wide and 5.5 metres long.
 - k) That notwithstanding Section 18A.(1)(a), a minimum 0.65 parking spaces per Class A dwelling unit.
 - l) That Section 18A.(1)(b) shall not apply.
 - m) That Section 18A.(1)(c) shall not apply.
 - n) A minimum 0.05 short term bicycle parking spaces per Class A dwelling Unit shall be required within a bicycle parking area at grade.

- o) A minimum 0.5 long term bicycle parking spaces per Class A dwelling unit shall be required within a secure enclosed bicycle parking area.
- 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 "E-3" (High Density Multiple Dwellings) District provisions, subject to the special requirements referred to in Sections 3, 4 and 5 of this By-law.
- 7. That Sheet No. E5 of the District Maps is amended by marking the lands referred to in Section 1 of the By-law as "E-3/S-601a".
- 8. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-601a.
- 9. 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 14th day of October 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAC-17-008



<p>This is Schedule "A" to By-law No. 20-</p> <p>Passed the day of, 2020</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>Map forming Part of By-law No. 20- _____</p> <p>to Amend By-law No. 6593</p>		<p>Subject Property</p> <p>117 Forest Avenue & 175 Catharine Street South, Hamilton</p> <ul style="list-style-type: none"> Block 1 - Change in zoning from "E-3/S-601" (High Density Multiple Dwellings) District, Modified to "E-3/S-601a" (High Density Multiple Dwellings) District, Modified. Block 2 - Change in zoning from "E-3/S-601" (High Density Multiple Dwellings) District, Modified to "E-3/S-601a" (High Density Multiple Dwellings) District, Modified. Block 3 - Change in zoning from "E-3/S-601" (High Density Multiple Dwellings) District, Modified to "E-3/S-601a" (High Density Multiple Dwellings) District, Modified. Block 4 - Change in zoning from "E-3/S-601" (High Density Multiple Dwellings) District, Modified to "E-3/S-601a" (High Density Multiple Dwellings) District, Modified.
<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-17-008</p>	
<p>Date: July 23, 2020</p>	<p>Planner/Technician: MK/VS</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		