

Authority: Item 10, Planning Committee,
Report 18-011 (PED18158)
CM: July 13, 2018
Ward: 4

Bill No. 203

CITY OF HAMILTON

BY-LAW NO. 18-203

To Amend Zoning By-law No. 05-200

Respecting Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton

WHEREAS Council approved Item 10 of Report PED18-011 of the Planning Committee at its meeting held on the 13th day of July, 2018;

AND WHEREAS this By-law conforms with the Urban Hamilton Official Plan upon adoption of Official Plan Amendment No. 108.

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

1. That Map No. 1092 of Schedule "A" – Zoning Maps of Zoning By-law No. 05-200, is amended by changing the zoning from the Community Institutional (I2) Zone to the Downtown Multiple Residential (D6, 696) and (D6, 696, H70) Zone, and adding lands to Zoning By-law 05-200 as Downtown Multiple Residential (D6, 696) and (D6, 696, H70) Zone, and Conservation/Hazard Land (P5) Zone for the applicable lands, the extent and boundaries of which are shown as in Schedule "A" annexed as hereto and forming of this By-law.
2. That Schedule "C": Special Exceptions of Zoning By-law No. 05-200, is hereby amended by adding an additional special exception as follows:

"696 Within the lands zoned Downtown Multiple Residential (D6, 696) Zone, identified on Map No. 1092 of Schedule "A" – Zoning Maps and described as 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, the following special provisions shall apply:

a) Notwithstanding Section 3: Definitions and only for the purposes of Special Exception 696 the following definitions shall apply:

i) Block Townhouse Dwelling Shall mean a building divided vertically by a common or party wall, into a minimum of three and a maximum of eight Dwelling Units fronting on a laneway or common condominium driveway, each of which having an independent

entrance at grade, but shall not include a maisonette.

ii) Maisonette Dwelling

Shall mean a building used exclusively for residential purposes divided vertically into a minimum of four and a maximum of 16 back-to-back Dwelling Units, by two or more common walls which prevent internal access between units and extend from the base of the foundation to the roof line, and each Dwelling Unit having an independent entrance at grade.

iii) Stacked Townhouse Dwelling

Shall mean a building divided vertically and horizontally into a minimum of three and a maximum of 24 Dwelling Units, by common walls which prevent internal access between units, with each Dwelling Unit having one or more private entrances at grade.

b) Notwithstanding Section 4.3 b), 4.6 d) and e) 4.23 d) and in addition to Section 4.21 c) of this By-law the following shall apply:

A) Section 4.3 b) shall not apply to **Blocks “2”, “4”, “4a”, “5”, “7”, and “7a”** for a standard condominium.

B) Permitted Yard Encroachments

1. A porch, deck or canopy including any associated stairs may encroach into any required yard to a maximum of 1.8 metres.

2. A balcony may encroach into any required yard to a maximum of 1.8 metres, except for a required side yard of not more than one third of its width or 1.8 metres, whichever is lesser.

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| C) | Home Business | Block Townhouse Dwellings, Maisonette Dwellings and Stacked Townhouse Dwellings shall be permitted to have a Home Business in accordance with Section 4.21 c) i) – iii). |
| D) | Setback to a Conservation/Hazard Land (P5) Zone | All buildings or structures located on a property shall be setback a minimum of 5.0 metres. |
| c) | Notwithstanding Section 5.1 a) v) c) and 5.6 a) of this By-law the following special provisions shall apply: | |
| A) | Restriction of Architectural Wall or Feature within a Required Planting Strip | Where a planting strip is provided, as per Section 5.1 a) v) c), any architectural wall or feature within the Planting Strip shall be limited to a maximum height of 2.0 metres. |
| B) | Parking Requirements | Parking spaces shall be provided in the minimum quantity specified below: |
| | Block Townhouse Dwelling
Maisonette Dwelling
Stacked Townhouse Dwelling | 1 for each dwelling unit. No additional parking shall be required for an Accessory Dwelling Unit. |
| | Multiple Dwelling | |
| | i) Dwelling units less than 50.0 square metres in gross floor area | 0.3 per unit; |
| | ii) Dwelling units greater than 50.0 square metres in gross floor area | 1. 0.80 for each dwelling unit; |
| | | 2. Notwithstanding B) ii) 1. above, 0.45 for each dwelling unit in a multiple dwelling in <u>Block “7”</u> as shown on |

Figure 20 of Schedule "F" –
Special Figures.

- iii) Units with 3 or more bedrooms 0.3 per unit.
- d) For the purposes of Special Exception No. 696 a maximum of 840 dwelling units shall be permitted.
- e) For the purposes of Special Exception No. 696 the following special provisions shall apply to **Block "1" and "3"** as shown on Figure 20 of Schedule "F" – Special Figures:
 - i) Notwithstanding Section 6.6.1 the permitted uses shall be restricted to Street Townhouse Dwelling Units.
 - ii) In addition to i) above, an accessory dwelling unit shall only be permitted within an end unit.
 - iii) Notwithstanding Section 6.6.2.2 the following special provisions shall apply:
 - A) Minimum Lot Area 120.0 square metres for each dwelling unit.
 - B) Minimum Unit Width 4.8 metres for each dwelling unit.
 - C) Minimum Front Yard 1. 4.5 metres for the dwelling;
and,
2. 6.0 metres for the garage.
 - D) Minimum Side Yard 1. Minimum 1.2 metres except for the side yard related to the common wall of the dwelling unit, which shall have a minimum 0 metre side yard;

2. 1.5 metres to a flankage yard.
 - E) Minimum Rear Yard 7.0 metres;
 - F) Building Height 1. Minimum 9.0 metres; and,

2. Maximum 12.0 metres.

G) Maximum Number of 8;
Street Townhouse
Dwelling Units in a
Row

f) For the purposes of Special Exception No. 696 the following special provisions shall apply to **Block "2"** as shown on Figure 20 of Schedule "F" – Special Figures:

i) Notwithstanding Section 6.6.1 of this By-law, the permitted uses shall be restricted to Block Townhouse Dwelling Units.

ii) In addition to i) above, an accessory unit shall only be permitted within an end unit.

iii) Notwithstanding Section 3: Definition of this By-law, as it relates to Front Lot Line, the lot line abutting Ayr Avenue shall be deemed the front lot line.

iv) Notwithstanding Sections 5.1 d) and 6.6.2 of this By-law, the following special provisions shall apply to Block Townhouse Dwellings:

A) Minimum Lot Width 12.0 metres;

B) Minimum Front Yard 1.5 metres;

C) Maximum Flankage 3.0 metres;
Yard

D) Minimum Side Yard 6.0 metres;

E) Minimum Rear Yard 1.5 metres;

F) Building Height 1. Minimum 9.0 metres; and,

2. Maximum 12.0 metres.

G) Required Parking Space Location 1. The required parking spaces for such dwelling unit shall be located a minimum distance of 5.8 metres from the

condominium road.

- H) Minimum Setback to a Condo Road
 - 1. 4.5 metres to the dwelling.
 - I) Minimum Distance between End Walls
 - 2.4 metres;
 - J) Visitor Parking Spaces
 - 1. Parking for visitors shall be provided on the basis of 0.25 per dwelling unit for each unit fronting on a condominium road.
 - 2. Notwithstanding J) 1. above, no visitor parking spaces shall be required for Accessory Dwelling Units.
 - 3. In addition to J) 1. above, visitor parking spaces shall be provided on **Blocks “4” and “4a”** as shown on Figure 20 of Schedule “F” – Special Figures.
- g) For the purposes of Special Exception No. 696 the following special provisions shall apply to **Block “4” and “4a”** as shown on Figure 20 of Schedule “F” – Special Figures:
- i) Notwithstanding Section 3: Definition of this By-law, as it relates to Front Lot Line, the westerly lot line abutting Reid Avenue South shall be deemed the front lot line.
 - ii) Notwithstanding Section 6.6.1 of this By-law, only the following uses shall be permitted on **Block “4”** as shown on Figure 20 of Schedule “F” – Special Figures:

Stacked Townhouse Dwellings; and,
Maisonette Dwellings.
 - iii) Notwithstanding Section 6.6.1 of this By-law, only the following uses shall be permitted on **Block “4a”** as shown on Figure 20 of Schedule “F” – Special Figures:

Block Townhouse Dwellings;

Stacked Townhouse Dwellings; and,
Maisonette Dwellings.

- iv) In addition to iii) above, an Accessory Dwelling Unit shall only be permitted within the end unit of a Block Townhouse Dwelling.
- v) Notwithstanding Sections 5.1 d) and 6.6.2 of this By-law, the following provisions shall apply to **Block “4” and “4a”** as shown on Figure 20 of Schedule “F” – Special Figures:
 - A) Minimum Lot Width 12.0 metres;
 - B) Minimum Front Yard 3.0 metres;
 - C) Minimum Rear Yard 2.0 metres;
 - D) Minimum Side Yard
 - 1. 10.0 metres from northerly lot line; and,
 - 2. 4.5 metres from the southerly lot line.
 - E) Minimum Setback to a Condominium Road 4.5 metres;
 - F) Minimum Distance between End Walls 2.4 metres;
 - G) Visitor Parking Spaces
 - 1. Parking for visitors shall be provided on the basis of 0.25 per dwelling unit for each unit fronting on a condominium road.
 - 2. Notwithstanding G) 1. above, no visitor parking spaces shall be required for Accessory Dwelling Units.
 - 2. Visitor parking spaces required in G) 1. above shall be provided in addition to visitor parking spaces required for **Block “2”** as shown on Figure 20 of Schedule “F” – Special

Figures.

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| H) | Minimum Landscaped Area | 10 percent of the lot area. |
| I) | Minimum Planting Strip Requirement | <ol style="list-style-type: none">1. 3.0 metres along a front lot line; and,2. 2.0 metres along a rear lot line.3. In addition to Sections I) 1. and 2. above, an Architectural Wall or Feature shall be provided within the required planting strip adjacent to visitor parking abutting the Reid Avenue South street line on <u>Block "4a"</u> as shown on Figure 20 of Schedule "F" – Special Figures. |
- vi) In addition to v) above, the following special provisions shall apply to Block Townhouse Dwellings:
- | | | |
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| A) | Building Height | <ol style="list-style-type: none">1. Minimum 9.0 metres; and,2. Maximum 12.0 metres. |
| B) | Maximum Number of Dwelling Units | 18; |
| C) | Minimum Amenity Area | 25.0 square metres per unit. |
| D) | Required Parking Space Location | Required parking spaces for such dwelling unit shall be located a minimum distance of 5.8 m from a condominium road. |
- vii) In addition to v) above, the following special provisions shall apply to Maisonette Dwellings and Stacked Townhouse Dwellings:

- A) Minimum Flankage Yard 4.5 metres;
 - B) Building Height
 1. Minimum 9.0 metres; and,
 2. Maximum 15.0 metres;
 - C) Minimum Private Amenity Area
 1. 3.0 square metres per dwelling unit; and,
 2. Private Amenity Area shall be designed for the exclusive use of the dwelling unit.
 - D) Required Parking Space Location
 1. The required parking spaces for such dwelling unit shall be located a minimum distance of 5.8 m from a condominium road.
 2. Notwithstanding Section D) 1. above, visitor parking spaces shall not be subject to the minimum distance requirement.
- h) For the purposes of Special Exception No. 696 the following special provisions shall apply to **Block "5"** as shown on Figure 20 of Schedule "F" – Special Figures:
- i) Notwithstanding Section 3: Definition of this By-law, as it relates to Front Lot Line, Hayes Avenue shall be deemed the front lot line.
 - ii) Notwithstanding Section 6.6.1 of this By-law, only the following uses shall be permitted:

Block Townhouse Dwellings;
Maisonette Dwellings; and,
Stacked Townhouse Dwellings.
 - iii) In addition to iii) above, an Accessory Dwelling Unit shall only be permitted within the end unit of a Block Townhouse Dwelling.

iv) Notwithstanding Sections 5.1 d) and 6.6.2 of this By-law, the following provisions shall apply to **Block “5”** as shown on Figure 20 of Schedule “F” – Special Figures:

- A) Minimum Front Yard 2.0 metres;
- B) Minimum Flankage Yard 3.0 metres;
- C) Minimum Side Yard
 - 1. 3.0 metres;
 - 2. Notwithstanding Section C) 1. above, 1.0 metres to Areas “1”, “2”, and “3” as shown on Figure 20 of Schedule “F” – Special Figures.
 - 3. Notwithstanding Sections C) 1. and 2. above, 6.0 metres shall be required where the side lot line abuts the Red Hill Valley Expressway.
- D) Minimum Rear Yard 6.0 metres;
- E) Minimum Setback to a Condominium Road 4.5 metres to the front of the dwelling unit;
- F) Minimum Distance between End Walls 2.4 metres;
- G) Minimum Landscaped Area 20 percent of the lot area.
- H) Minimum Planting Strip
 - 1. 2.0 metres to a front lot line; and,
 - 2. 3.0 metres to a flankage lot line.
- I) Visitor Parking Spaces
 - 1. Parking for visitors shall be provided on the basis of 0.25 per dwelling unit.
 - 2. Notwithstanding I) 1. above,

no visitor parking spaces shall be required for Accessory Dwelling Units.

3. Notwithstanding Section I) 1. above, no Visitor Parking shall be required for a Block Townhouse Dwelling unit or a Maisonette Dwelling Unit that fronts onto a street.

- v) In addition to iv) above, the following special provisions shall apply to Block Townhouse Dwellings:

- | | |
|-------------------------------------|--|
| A) Building Height | 1. Minimum 9.0 metres; and
2. Maximum 12.0 metres. |
| B) Maximum Number of Dwelling Units | 18; |
| D) Minimum Amenity Area | 25.0 square metres per unit; |
| C) Required Parking Space Location | Required parking spaces for such dwelling unit shall be located a minimum distance of 5.8 m from a condominium road. |

- vi) In addition to iv) above, the following special provisions shall apply to Maisonette Dwellings and Stacked Townhouse Dwellings:

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|---------------------------------|---|
| A) Building Height | 1. Minimum 9.0 metres; and,
2. Maximum 15.0 metres; |
| B) Minimum Private Amenity Area | 1. 3.0 square metres per dwelling unit; and,
2. Private Amenity Area shall be designed for the exclusive use of the dwelling unit. |

- C) Required Parking Space Location
1. The required parking spaces for such dwelling unit shall be located a minimum distance of 5.8 m from a condominium road.
 2. Notwithstanding Section 1. above, visitor parking spaces shall not be subject to the minimum distance requirement.
- i) For the purposes of Special Exception No. 696 the following special provisions shall apply to **Block "6"** as shown on Figure 20 of Schedule "F" – Special Figures:
- i) Notwithstanding Section 6.6.1 of this By-law, the permitted uses shall be restricted to Block Townhouse Dwelling Units.
 - ii) In addition to iii) above, an Accessory Dwelling Unit shall only be permitted within the end unit.
 - iii) Notwithstanding Section 3: Definition of this By-law, as it relates to Front Lot Line, the lot line abutting Hayes Avenue shall be deemed the front lot line.
 - iv) Notwithstanding Sections 5.1 d) and 6.6.2 of this By-law, the following special provisions shall apply to Block Townhouse Dwellings:
 - A) Minimum Lot Width 12.0 metres;
 - B) Minimum Front Yard 3.0 metres;
 - C) Minimum Side Yard 6.0 metres;
 - D) Minimum Rear Yard 5.0 metres;
 - E) Building Height
 1. Minimum 9.0 metres; and,
 2. Maximum 12.0 metres.
 - F) Required Parking Space Location The required parking spaces for such dwelling unit shall be located a minimum distance of 5.8 metres from the

condominium road.

- G) Minimum Setback to a Condominium Road 4.5 metres;
 - H) Minimum Distance between End Walls 2.4 metres;
 - I) Visitor Parking Spaces
 - 1. Parking for visitors shall be provided on the basis of 0.25 per dwelling unit.
 - 2. Notwithstanding I) 1. above, no visitor parking spaces shall be required for Accessory Dwelling Units.
- j) For the purposes of Special Exception No. 696 the following special provisions shall apply to **Block “7” and “7a”** as shown on Figure 20 of Schedule “F” – Special Figures:
- i) **Blocks “7” and “7a”** as shown on Figure 20 of Schedule “F” – Special Figures, shall be considered as one lot for the purposes of implementing regulations j) iv) A) – K) below.
 - ii) Notwithstanding Section 3: Definition of this By-law, as it relates to Front Lot Line, Reid Avenue South shall be deemed the front lot line.
 - iii) Notwithstanding Section 6.6.1 of this By-law, the permitted uses shall be restricted to Multiple Dwellings.
 - iv) Notwithstanding Section 6.6.2 of this By-law, the following provisions shall apply to **Block “7”** and **Block “7a”** as shown on Figure 20 of Schedule “F” – Special Figures:
 - A) Minimum Lot Width 12.0 metres;
 - B) Minimum Front Yard
 - 1. 8.0 metres;
 - 2. Notwithstanding 1. above, 3.0 metres shall be permitted for a length not exceeding 20.0 metres.
 - C) Minimum Flankage 3.0 metres;

Yard

- | | | |
|----|--|---|
| D) | Minimum Side Yard | 3.0 metres; |
| E) | Minimum Rear Yard | 3.0 metres; |
| F) | Maximum Building Height | <ol style="list-style-type: none">1. 29.0 metres;2. Notwithstanding 1. above, 38.0 metres shall be permitted in <u>Block “7a”</u> as shown on Figure 20 of Schedule “F” – Special Figures. |
| G) | Visitor Parking Spaces | Parking for visitors shall be provided on the basis of 0.25 per dwelling unit. |
| H) | Minimum Amenity Area | <ol style="list-style-type: none">1. 3.0 square metres per dwelling unit located on <u>Block “7”</u> as shown on Figure 20 of Schedule “F” – Special Figures; and,2. 5.0 square metres per dwelling unit located on <u>Block “7a”</u> as shown on Figure 20 of Schedule “F” – Special Figures. |
| I) | Minimum Landscaped Area | 10 percent of the lot area. |
| J) | Minimum Planting Strip Abutting a Street | 3.0 metres; |
| K) | Minimum Bicycle Parking Requirements | <ol style="list-style-type: none">1. 5 Short Term Bicycle Parking Spaces shall be provided per multiple dwelling; and,2. 0.5 Long Term Bicycle Parking spaces shall be |

provided per unit.

3. That Map 1092 on Schedule “A” – Zoning Maps of By-law No. 05-200, be amended the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” to this By-law by: ,
 - a) Change in zoning from the Community Institutional (I2) Zone to the Downtown Multiple Residential (D6, 696, H70) and (D6, 696) Zone;
 - b) Lands to be added to Zoning By-law 05-200 as Downtown Multiple Residential (D6, 696) Zone; and,
 - c) Lands to be added to Zoning By-law 05-200 as Conservation / Hazard Lands (P5) Zone.
4. That Schedule “D” – Holding Provisions, of By-law No. 05-200, be amended by adding the additional Holding Provision as follows:
 - “70. Notwithstanding Section 6.6 of this By-law, within lands zoned Downtown Multiple Residential (D6,696) Zone on Map 1092 on Schedule “A” – Zoning Maps, and described as 20 Reid Avenue North (Hamilton), and further shown as **Blocks “1”, “2”, and “3”** on Figure 20, Schedule “F” – Special Figures, no development shall be permitted until such time as:
 - (i) a signed Record of Site Condition (RSC) has been submitted to the City of Hamilton and the Ministry of the Environment and Climate Change (MOECC). 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 MOECC, and submission of the City of Hamilton’s current RSC administration fee.
5. That Schedule “F” – Special Figures, of By-law 05-200, be amended by adding Figure 20, hereto annexed as Schedule “B” to this By-law.
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*.
7. That this By-law No. shall come into force and be deemed to have come into force in accordance with Subsection 34(21) of the *Planning Act*, either upon the date of passage of this By-law or as provided by the said Subsection.

To Amend Zoning By-law No. 05-200
Respecting Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street, and
2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue (Hamilton)

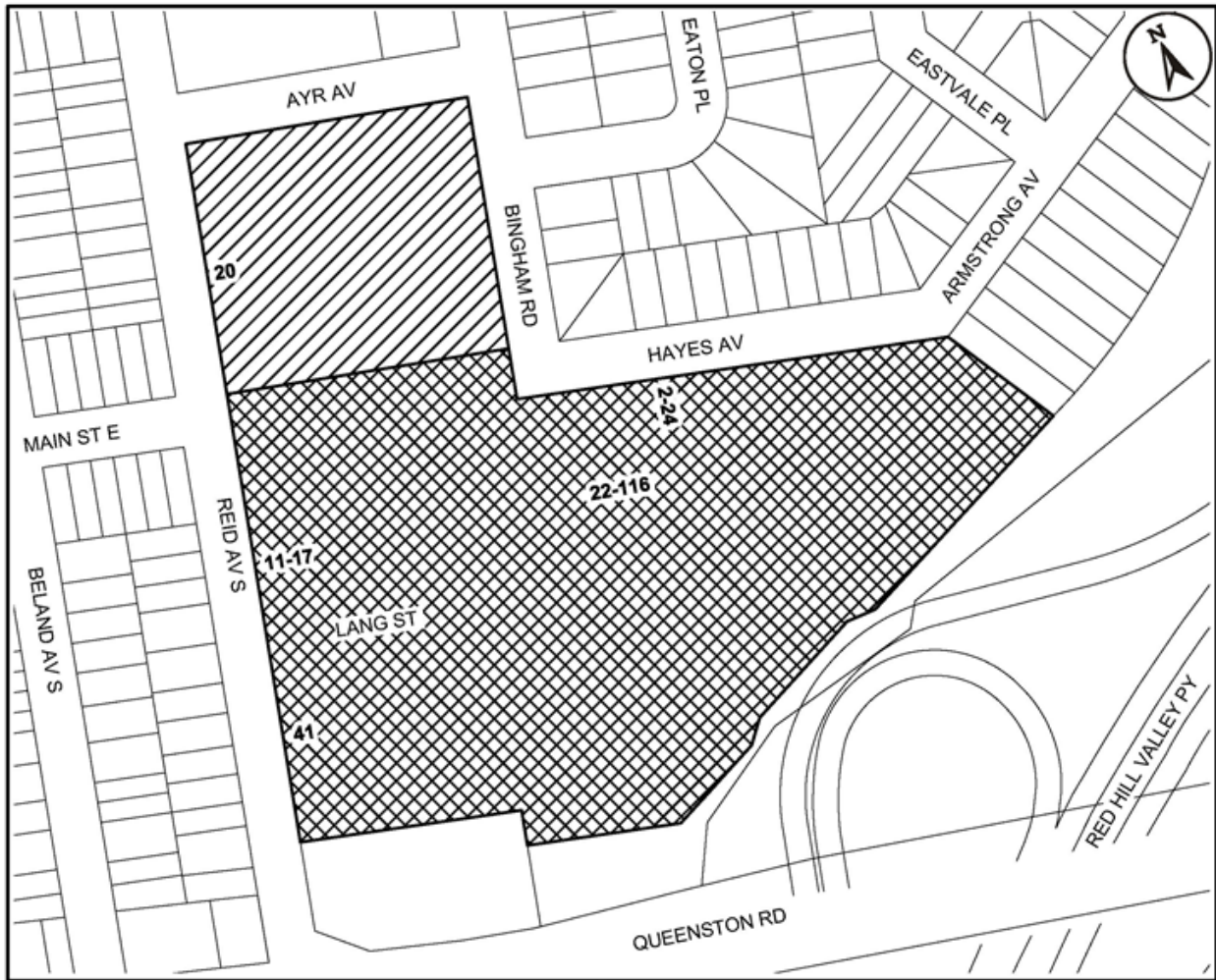
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PASSED this 13th day of July, 2018

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

ZAC-18-010/25T-201802




This is Schedule "A" to By-law No. 18-
 Passed the day of, 2018


 Mayor

 Clerk

Schedule "A"
 Map Forming Part of
 By-law No. 18-____
 to Amend By-law No. 05-200
 Maps 1092 & 1141

Subject Property
 20 Reid Avenue North, 11-17 & 41 Reid Avenue South,
 22-116 Lang Street & 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22
 and 24 Hayes Avenue, Hamilton (Ward 4)

 **Block 1** - Lands zoned to
 Downtown Multiple Residential (D6, 696, H70)
 Zone, Modified for Street Townhouse Dwellings

 **Block 2** - Lands zoned to
 Downtown Multiple Residential (D6, 696) Zone,
 Modified for Block Townhouses Dwellings

Scale: N.T.S.	File Name/Number: ZAC-18-010 / 25T-201802
Date: June 22, 2018	Planner/Technician: KH/AL
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	





Figure 20 to Schedule F - Special Figures

Date:
June 22, 2018

Legend

 Block 1	 Block 4	 Block 6	 Block 8
 Block 2	 Block 4a	 Block 7	 Area "1"
 Block 3	 Block 5	 Block 7a	 Area "2"
			 Area "3"

