

Authority: Item 7, Planning Committee
Report: 14-010 (PED14106)
CM: June 11, 2014

Bill No. 158

CITY OF HAMILTON

BY-LAW NO. 14-158

**To Amend Zoning By-law No. 6593 (Hamilton) as Amended
Respecting the Lands Located at 794 to 802 West 5th Street, 810 West 5th Street,
Portion of 820 West 5th Street and Block 112, Plan 62M-1040 (Hamilton)**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Schedule 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 Corporation of the City of Hamilton" and is the successor of 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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, which 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 7 of Report 14- 010 of the Planning Committee, at its meeting held on the 11th day of June, 2014, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. 21.

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

1. That Sheet No. W-9b of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), are amended:
 - (a) by changing from the "AA" (Agricultural) District to the "RT-30" (Street Townhouse) District, Modified, the lands comprised of **Block 1**;
 - (b) by changing from the "AA" (Agricultural) District to the "E" District (Multiple Dwellings, Lodges, Clubs, etc.), Modified, the lands comprised of **Block 2**;
 - (c) by changing from the "AA" (Agricultural) District to the to "C" (Urban Protected Residential, etc.) District, Modified lands comprised of **Block 3**;
 - (d) by changing from the "AA" (Agricultural) District to the "D" (Urban Protected Residential – 1 & 2 Family Dwelling) District, Modified for lands comprised of **Block 4**; and
 - (e) by changing from the "AA" (Agricultural) District to the "D"-H' (Urban Protected Residential – 1 & 2 Family Dwelling) District, Holding, Modified for lands comprised of **Block 5**

on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That the "RT-30" (Street – Townhouse) District regulations, as contained in Section 10F. of Zoning By-law No. 6593 applicable to **Block 1** of this By-law, are modified to include the following special requirements:
 - (a) That notwithstanding Sections 10F.(4)(c)(i) to (iii) inclusive of Zoning By-law No. 6593, a side yard abutting a wall that is not a party wall, along each side lot line of a width of not less than 1.2 metres shall be provided and maintained.
 - (b) That notwithstanding Section 10F.(5)(a) to (c) inclusive of Zoning By-law No. 6593, a distance between buildings of not less than 2.4 metres shall be provided and maintained.
 - (c) That Subsection 6.(19) shall not apply.

3. That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593 applicable to **Block 2** of this By-law, are modified to include the following special requirements:
 - (a) In addition to Subsection 11.(1)(ii) to (iii) inclusive of Zoning By-law No. 6593, townhouse dwellings (block townhouses) shall be a permitted use.
 - (b) Delete Subsections 11.(1)(iiia), (iiib), (iiic), (iv) and (v) inclusive of By-law No. 6593.
 - (c) That notwithstanding Subsection 11(2) (ii) and (iii) of By-law No. 6593, the maximum height of any building shall not exceed 4 storeys.
 - (d) That notwithstanding Subsection 11.(3)(iii)(b) of By-law No. 6593, the minimum rear yard of any building shall be 7.5m where it abuts the Lincoln Alexander Expressway or West 5th Street.
 - (e) That notwithstanding Subsection 11.(4)(iii) and Subsection 18.(3)(i) of By-law No. 6593, the minimum lot frontage shall be 19.0m and measured along the arc of Block 2 where it abuts proposed Springvalley Crescent.
 - (f) That Subsection 11.(5) shall not apply to an apartment building that is not greater than 4-stories in height.
 - (g) That notwithstanding Subsection 18.(8)(c)1. of By-law No. 6593, the front lot line shall be defined and measured along the arc of Block 2 where it abuts proposed Springvalley Crescent.
 - (h) That Subsection 6.(19) shall not apply.
4. That the "C" (Urban Protected Residential, etc) District regulations, as contained in Section 9 of Zoning By-law No. 6593 applicable to **Block 3** of this By-law, are modified to include the following special requirements:
 - (a) That notwithstanding Section 9.(3)(i) of Zoning By-law No. 6593, for a single family dwelling, a front yard depth of at least 4.5 metres to the dwelling and 5.8 metres to an attached garage shall be provided.
 - (b) That notwithstanding Section 18(14)(i) of Zoning By-law No. 6593, for a single family dwelling, not less than 30% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or similar materials.

- (c) That notwithstanding Section 18A(14a), (14b) and (14c) of Zoning By-law No. 6593, no part of a required parking space for a single family dwelling in a residential district shall be located in a required front yard and/or corner side yard, and not less than 30% of the gross area of the front yard and/or corner side yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials.
 - (d) That notwithstanding Section 9.(3) a minimum depth of 1.0m shall be provided and maintained from the hypotenuse of any required daylight triangle.
5. That the "D" (Urban Protected Residential, One and Two Family Dwellings, etc) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to **Blocks 4 & 5** of this By-law, are modified to include the following special requirements:
- (a) That notwithstanding Section 10(3)(i) of Zoning By-law No. 6593, for a two family dwelling, a front yard depth of at least 4.5 metres to the dwelling and 5.8 metres to an attached garage shall be provided.
 - (b) That notwithstanding Section 10(4)(ii) of Zoning By-law No. 6593, for a two family dwelling, a lot width of at least 16.0 metres, and a lot area of at least 470 square metres, shall be provided and maintained.
 - (c) That notwithstanding Section 18(14)(i) of Zoning By-law No. 6593, for a two family dwelling, not less than 30% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or similar materials.
 - (d) That notwithstanding Section 18A(14a) of Zoning By-law No. 6593, no part of a required parking space for a two family dwelling in a residential district shall be located in a required front yard, and not less than 30% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials.
6. That the 'H' symbol, applicable to the lands zoned "D" (Urban Protected Residential, One and Two Family Dwellings, etc.) District, Holding (**Block 5**), will prohibit the use of the subject lands for the purposes permitted within this by-law until such a time as:
- (a) The lands zoned "D"- 'H'/S-1706 (Urban Protected Residential, One and Two Family Dwellings, etc.) District, Holding have been appropriately assembled with lands located adjacent to West 5th Street in order to ensure


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comprehensive and orderly development to the satisfaction of the Director of
Planning

7. That Zoning By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1706.
8. That Sheet W-9b of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1706.
9. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law, in accordance with the Planning Act.

PASSED this 25th day of June, 2014.

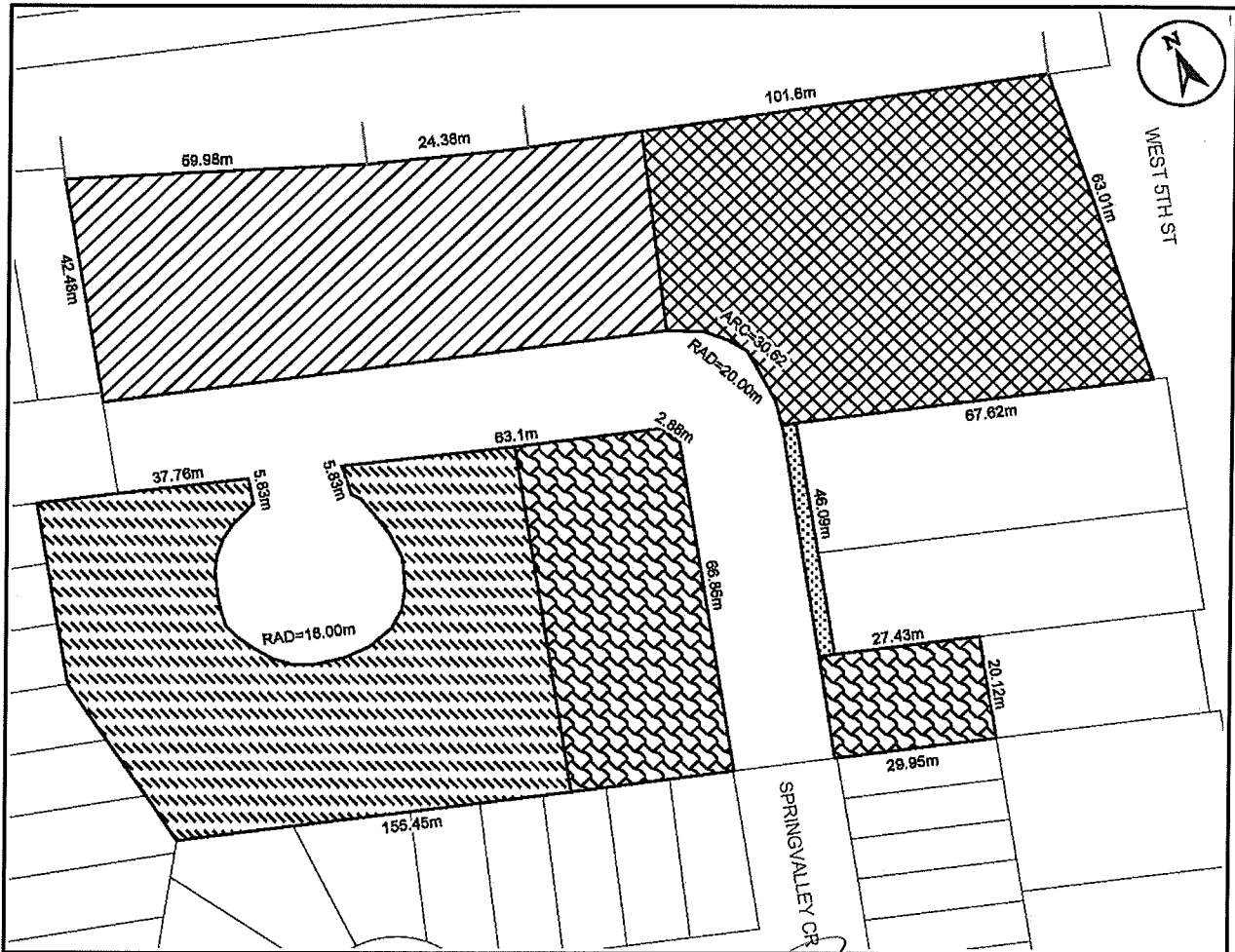


R. Bratina
Mayor



R. Caterini
City Clerk

ZAC-07-091



This is Schedule "A" to By-law No. 14- 158

Passed the .25.th.. day ofJune....., 2014

R. Batina
 Mayor
[Signature]
 Clerk

Schedule "A"

Map Forming Part of
 By-law No. 14- 158

to Amend By-law No. 6593

Subject Property

794-802 West 5th Street, 810 West 5th Street, Portion of 820 West 5th Street and
 Block 112, Plan 62M-1040



Block 1 - Change in Zoning from the "AA" (Agricultural) District to the "RT-30" (Street - Townhouse) District



Block 2 - Change in Zoning from the "AA" (Agricultural) District to the "E" (Multiple Dwellings, Lodges, Clubs, etc.), Modified.



Block 3 - Change in Zoning from the "AA" (Agricultural) District and "C" (Urban Protected Residential) District to the "C" (Urban Protected Residential, etc.) District, Modified



Block 4 - Change in Zoning from the "AA" (Agricultural) District to the "D" (Urban Protected Residential - one and two Family Dwellings, etc.) District, Modified



Block 5 - Change in Zoning from the "AA" (Agricultural) District to the "D"-H" (Urban Protected Residential - one and two Family Dwellings, etc.) District Holding

Scale:
 N.T.S.

File Name/Number:
 ZAC-07-091

Date:
 May 7, 2014

Planner/Technician:
 EJ/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT