

**Authority:** Item 4, Planning Committee  
Report: 16-007 (PED16086)  
CM: April 27, 2016

**Bill No. 117**

## **CITY OF HAMILTON**

### **BY-LAW NO. 16-117**

#### **To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 219 Dundas Street East (Flamborough)**

**WHEREAS** the *City of Hamilton Act, 1999*, Statutes of Ontario 1999 Chap. 14, Schedule C did incorporate, as of January 1<sup>st</sup>, 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council or the City of Hamilton;

**AND WHEREAS** Zoning By-law No. 90-145-Z (Flamborough) was enacted on the 5th of November 1990 and approved by the Ontario Municipal Board on the 21<sup>st</sup> of December, 1991;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 4 of Report 16-007 of the Planning Committee, at its meeting held on the 27<sup>th</sup> day of April, 2016, which recommended that Zoning By-law No. 90-145-Z (Flamborough) be amended as hereinafter provided;

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

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

1. The Schedule "A-30" of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended to rezone from the Urban Commercial "UC" Zone, to the Medium Density Residential "R6-44" Zone, Modified, on

the lands the extent and boundaries of which are more particularly shown on Schedule “A”, annexed hereto and forming part of this By-law.

2. For the purposes of this By-law, the following definitions shall apply:

2.1 *Live Work Unit:* For the purpose of this By-law, a Live-Work Unit shall be defined as a dwelling unit that may contain residential uses and the following commercial uses on the ground floor: retail establishment, personal service establishment, service shop, office, or dry cleaning distribution station. The commercial and residential components of Live Work Units are accessed by a common internal entrance.

2.2 *Maisonette:* For the purpose of this By-law, a Maisonette shall be defined as a building not more than one single detached dwelling unit in height, designed to contain not less than six dwelling units and not exceeding 12 dwelling units, fully attached to each other, side-by-side, in two rows arranged back-to-back and in substantial harmony with each other, each of which dwelling unit:

- a. Has a separate front entrance;
- b. Is joined on one or both sides by a party wall to another dwelling unit in the same row; and,
- c. Is joined by a common vertical back wall extending the length of the building.

2.3 *Stacked Townhouse:* For the purpose of this By-law, a Stacked Townhouse shall be defined as a building divided vertically and horizontally, not more than two dwelling units in height, with a maximum of ten dwelling units, each having a separate front entrance at grade.

3. Section 11 – Medium Density Residential “R6” Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding the following sub-section:

11.3 **EXCEPTION NUMBERS**

11.3.44 **“R6-44” (See Schedule A-30)**

Permitted Uses:

- (a) Retail Establishment
- (b) Personal Service Establishment
- (c) Service Shop
- (d) Dry Cleaning Distribution Station
- (e) Office
- (f) Townhouse
- (g) Street Townhouse
- (h) Stacked Townhouse
- (i) Maisonette
- (j) Live Work Unit
- (k) Apartment Unit located in the same building as a commercial use permitted in Paragraphs (a) to (e) above

#### Restriction of Uses

- (a) The buildings fronting Dundas Street East shall only be Live Work Units or buildings with commercial uses on the ground floor and Apartment Units located above the ground floor. Single use buildings shall not be permitted fronting Dundas Street East. The commercial uses permitted in paragraphs (a) to (e) above shall only be permitted on the ground floor of buildings fronting Dundas Street East in conjunction with residential uses on the second and third floors of the building.
- (b) In addition to Paragraph (a) above, Apartment Units shall not be permitted within the same building as Live Work Units.
- (c) The combined maximum Gross Floor Area (GFA) for the uses permitted in paragraphs (a) to (e) above shall be 540.0 sq m on a single lot, of which the maximum Gross Floor Area for uses permitted in paragraph (e) above shall be 300 sq m.

#### General Zone Provisions

- (a) Lot Area (minimum).....6,600 sq m
- (b) Lot Frontage (minimum) .....50.0 m

- (c) Height (maximum) ..... 12.5 m for buildings  
adjacent to Dundas  
Street East  
..... 11.0 m for  
Maisonettes and  
Stacked  
Townhouses  
..... 8.5 m for buildings  
abutting the rear  
property line
- (d) Lot Coverage (maximum) .....40%
- (e) Front Yard (minimum).....2.4 m
- (f) Interior Side Yard (minimum).....1.5 m for  
northeasterly and  
southwesterly side  
lot lines  
.....6.3 m for  
northwesterly side  
lot line
- (g) Exterior Side Yard (minimum).....N/A
- (h) Planting Strip.....No Planting Strip  
shall be required  
across the lot line  
adjacent to Dundas  
Street
- (i) Density (maximum).....65 dwelling units  
per net hectare
- (j) Notwithstanding Section 5.12.2(d) of Zoning By-law No. 90-145-Z, a  
planting strip of 1.5 m in width shall be provided and maintained along  
the rear lot line of a lot zoned Medium Density Residential “R6-44”  
Zone, Modified, where such a lot line is adjacent to any other  
Residential Zone or Institutional Zone.
- (k) In addition to Paragraph (j) above, a continuous solid fence or a  
continuous solid wall shall be provided and maintained along the rear  
and interior side lot lines of a lot zoned Medium Density Residential  
“R6-44” Zone, Modified, where such a lot line is adjacent to any other  
Residential Zone or Institutional Zone.
- (l) Notwithstanding Paragraphs (c), (ee), (r), and (t) of Section 5.21.1, the  
following parking provisions shall apply:

<b>Type of Use</b>	<b>Minimum Number of Parking Spaces Required</b>
Retail Establishment	1 parking space per 50 sq m of gross floor area
Personal Service Establishment	1 parking space per 50 sq m of gross floor area
Service Shop	1 parking space per 50 sq m of gross floor area
Dry Cleaning Distribution Station	1 parking space per 50 sq m of gross floor area
Office	1 parking space per 50 sq m of gross floor area
Townhouse	1.5 parking space per dwelling unit plus 0.25 visitor parking spaces per dwelling unit
Street Townhouse	1.5 parking space per dwelling unit plus 0.25 visitor parking spaces per dwelling unit
Stacked Townhouse	1.5 parking space per dwelling unit plus 0.25 visitor parking spaces per dwelling unit
Maisonette	1.5 parking space per dwelling unit plus 0.25 visitor parking spaces per dwelling unit
Live Work Unit	1.5 parking space per dwelling unit plus 0.25 visitor parking spaces per dwelling unit, and 1 parking space per 50 sq m of commercial gross floor area
Apartment Unit	1.5 parking space per dwelling unit plus 0.25 visitor parking spaces per dwelling unit

- (m) Notwithstanding Section 5.21.4 of Zoning By-law No. 90-145-Z, each parking space shall have a minimum width of 2.6 m and a minimum length of 5.5 m. A parking space for disabled persons shall have a minimum width of 4.4 m and a minimum length of 5.5 m.

- (n) Notwithstanding any provisions to the contrary, a garage for parking shall have a minimum interior width of 3.0 m and a minimum interior length of 6.0 m with an unobstructed width of 2.6 m and an unobstructed length of 5.5 m wherein no encroachments are permitted.
  - (o) Tandem parking shall be permitted for those parking spaces located in the attached garages and driveways appurtenant to the maisonettes and townhouses.
  - (p) Notwithstanding any provision to the contrary, the required minimum number of spaces to be reserved for disabled persons may be included in the required residential, visitor, and commercial parking rates.
  - (q) Notwithstanding Section 5.21.6(b), driveways with two-way vehicular movement shall have a minimum unobstructed width of not less than 6.0 m.
  - (r) Notwithstanding Sections 5.13.1(a) and 5.13.3 of Zoning By-law No. 90-145-Z, no loading spaces shall be required.
  - (s) In addition to Section 5.9 of Zoning By-law No. 90-145-Z, stairwells providing access to the roof of maisonettes and / or stacked townhouses are permitted to project a maximum of 1.5 m above the permitted height of the primary structure.
  - (t) Notwithstanding any provisions to the contrary, rear balconies shall not be permitted on dwelling units located adjacent to any lot with a single detached dwelling.
  - (u) All other zone provisions of Section 11.2 shall apply.
3. That By-law No. 90-145-Z (Flamborough) is amended by adding this By-law to Section 6 as "R6-44".
4. 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 27<sup>th</sup> day of April, 2016.

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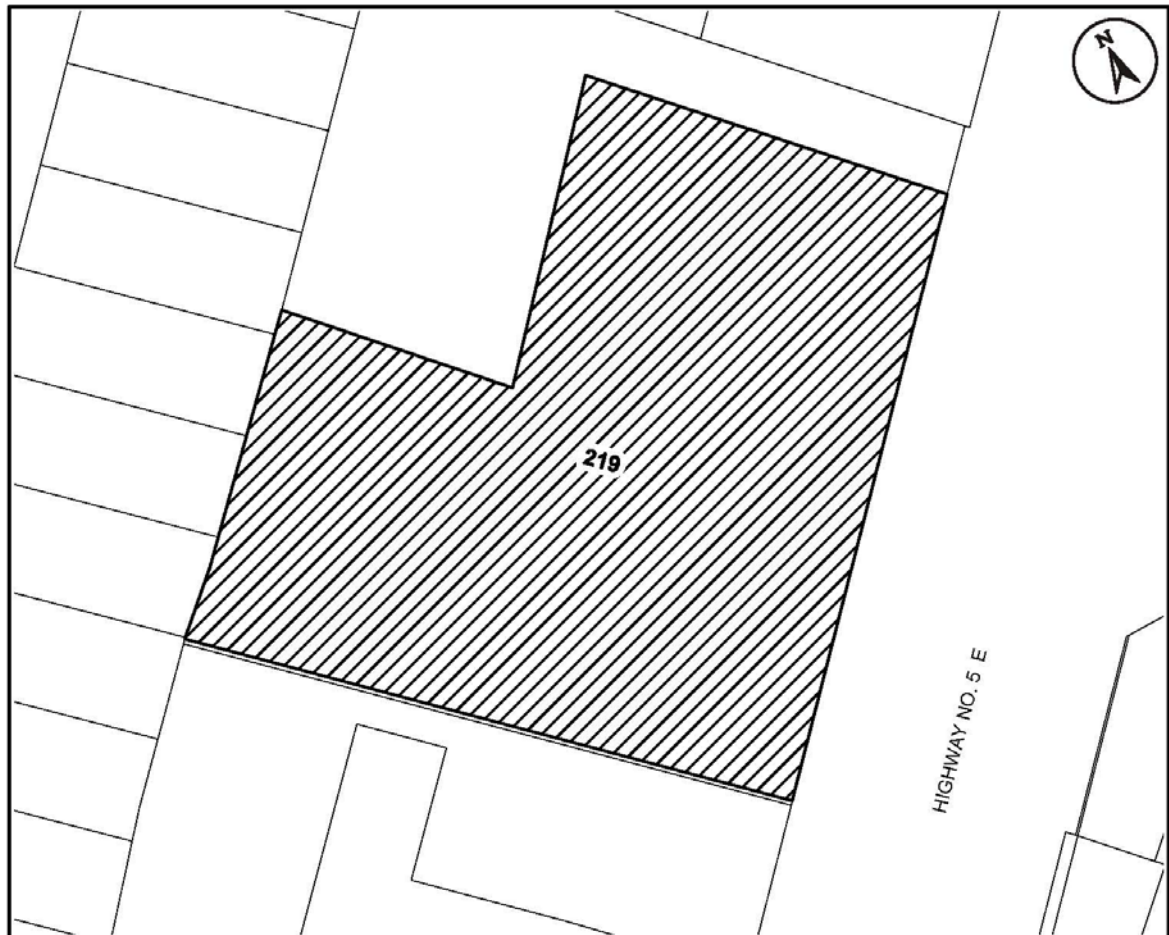
F. Eisenberger  
Mayor  
ZAC-15-027

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R. Caterini  
City Clerk

To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at  
219 Dundas Street East (Flamborough)

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This is Schedule "A" to By-law No. 16-

Passed the ..... day of ....., 2016

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Mayor

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Clerk

## Schedule "A"

Map Forming Part of  
By-law No. 16-\_\_\_\_\_

to Amend By-law No. 90-145-Z

### Subject Property



219 Dundas Street East

Scale:  
N.T.S.

File Name/Number:  
ZAC-15-027

Date:  
Jan. 26, 2016

Planner/Technician:  
MG/VS



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT