

**Authority:** Item 5, Planning Committee  
Report 22-011 (PED22149)  
CM: July 8, 2022  
Ward: 7

**Bill No. 175**

## **CITY OF HAMILTON**

### **BY-LAW NO. 22-175**

#### **To Amend Zoning By-law No. 6593 (Hamilton) Respecting Lands Located at 1540 Upper Wentworth Street (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Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 5 of Report 22-011 of the Planning Committee, at its meeting held on the 8<sup>th</sup> day of July 2022, recommended that Zoning By-law No. 6593 (Hamilton), 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. That Map No. E18d of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by changing the zoning from the "RT-20" (Townhouse - Maisonette) District to "RT-20/S-1823" (Townhouse - Maisonette) District (Block 1) and "E-2/S-1823-H" (Multiple Dwellings) District, Modified, Holding (Block 2) the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. For the purpose of the regulations contained in Hamilton Zoning By-law No. 6593, the external boundary of the lot shown on Schedule "A" shall be deemed to be the lot lines for this purpose and the regulations of the "RT-20/S-1823" (Townhouse - Maisonette) District (Block 1) and "E-2/S-1823-H" (Multiple Dwellings) District, Modified, Holding including but not limited to the lot area, lot frontage, lot depth, lot coverage and building setbacks, shall be from the external boundaries of these lots shown on Schedule "A" and not the individual property boundaries of any lots created by registration of a Condominium Plan, Part Lot Control, or Consent.
3. That the "E-2" (Multiple Dwellings) District provisions, as contained in Section 11B of Zoning By-law No. 6593, applicable to a portion of the subject lands (Block 2), be modified to include the following special requirements:
  - a) Notwithstanding Sections 2(2)J.(xiii) and 2(2)J.(xv), for the purposes of this By-law:
    - i. "Lot-Line, Front" shall mean the boundary lot line along Upper Wentworth Street;
    - ii. "Lot-Line, Exterior Side" shall mean the boundary lot line along Emperor Avenue; and,
    - iii. "Lot-Line, Interior Side" shall mean any lot line except a front lot line, rear lot line or exterior side lot line.
  - b) Notwithstanding Section 11B(2)(ii), no building or structure for any other use shall exceed eight storeys or 27.0 metres in height.
  - c) Notwithstanding Section 11B(3)(i)(b), for all other buildings or structures, a minimum front yard depth of 5.0 metres.
  - d) Notwithstanding Section 11B(3)(ii)(b), for all other buildings or structures, a minimum side yard width of 3.0 metres.
  - e) Notwithstanding Section 11B(5), a maximum floor area ratio shall not apply.
  - f) Notwithstanding Section 18(3)(vi)(b)(iii), a canopy may project into a required side yard not more than 2.0 metres.
  - g) Notwithstanding Section 18(3)(vi)(e), a terrace, uncovered porch, platform or ornamental feature which does not extend more than 1.0 metre above the floor level of the first storey, may project into a required yard, if distant at least 1.0 metre from the nearest side lot line and at least 1.0 metre from the nearest street line.
  - h) Notwithstanding Section 18(8)(c)(1), each multiple dwelling shall be distant from every other building as follows:
    - i. By at least 6.0 metres; except,

- ii. By at least 4.5 metres from the southerly exterior wall of the multiple dwelling.
  - i) Notwithstanding Section 18A(1)(a), 18A(1)(b), 18A Table 1, and 18A Table 2, multiple dwellings shall require:
    - i. 0.59 parking spaces per Class A dwelling unit greater than 50.0 square metres in gross floor area, except;
    - ii. 0.29 parking spaces per Class A dwelling unit less than 50.0 square metres in gross floor area; and,
    - iii. 8.5% of total required parking shall be dedicated visitor parking.
  - j) Notwithstanding Section 18A(7), a parking space shall have dimensions not less:
    - i) Than 2.8 metres by 5.8 metres; except,
    - ii) Where 10 or more parking spaces are required on a lot, the minimum parking space size of not more than 8.5% of such required parking spaces shall be a width of 2.6 metres and a length of 5.5 metres, provided that any such parking space is clearly identified as being reserved for the parking of small cars only.
  - k) Notwithstanding Section 18A(1)(c), and 18A Table 3, one loading space shall be required, having a minimum size of that is 9.0 metres in length, 3.7 metres in width, and 4.3 metres in height.
3. That the 'H' symbol applicable to the lands referred to in Section 1 of this By-law, shall be removed conditional upon:
- a) The Holding Provision "E-2/S-1823-H" (Multiple Dwellings) District Modified, Holding be removed conditional upon:
    - i) An acceptable tenant relocation and assistance plan addressing the right to return to occupy the replacement housing at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen the hardship, is provided to the satisfaction of the Director of Housing Services and Director of Planning and Chief Planner.
4. 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-2" (Multiple Dwellings) District provisions, subject to the special requirements referred to in Section 2 of this By-law.
5. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1823.

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*.

**PASSED** this 8<sup>th</sup> day of July, 2022.

---

F. Eisenberger  
Mayor

---

A. Holland  
City Clerk

ZAC-21-023



<p>This is Schedule "A" to By-law No. 22-</p> <p>Passed the ..... day of ....., 2022</p>		<p>-----</p> <p>Mayor</p> <p>-----</p> <p>Clerk</p>
<p><b>Schedule "A"</b></p> <p><b>Map forming Part of</b></p> <p><b>By-law No. 22-_____</b></p> <p><b>to Amend By-law No. 6593</b></p>		<p><b>Subject Property</b></p> <p>1540 Upper Wentworth Street</p> <p> Block 1 - Change in zoning from "RT-20" (Townhouse - Maisonette) District to "RT-20/S-1823" (Townhouse - Maisonette) District, Modified</p> <p> Block 2 - Change in zoning from "RT-20" (Townhouse - Maisonette) District to "E-2/S-1823-H" (Multiple Dwellings) District, Modified, Holding</p>
<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-21-023</p>	<p><b>Hamilton</b></p>
<p>Date: June 1, 2022</p>	<p>Planner/Technician: MF/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		