

**Authority:** Item 6 of Planning Committee  
Report: 18-012 (PED18129)  
CM: August 17, 2018  
Ward: 3

**Bill No. 237**

## **CITY OF HAMILTON**

### **BY-LAW NO. 18-237**

#### **To Amend Zoning By-law No. 6593 (Hamilton) Respecting the Lands Located at 100 Cumberland Avenue, 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";

**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";

**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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**WHEREAS** the Council of the Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25<sup>th</sup> day of July 1950, which By-law was approved by the Ontario Municipal Board by Order, dated the 7<sup>th</sup> day of December 1951, (File No. P.F.C. 3821);

**WHEREAS** the Council of the City of Hamilton, in adopting Item 6 of Report 18 - 012 of the Planning Committee, at its meeting held on the 17<sup>th</sup> day of August, 2018, which recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

**WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan approved August 16, 2013.

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

1. The Sheet No. E23 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), as amended, is further amended by changing from "JJ" (Restricted Light Industrial) District to the "DE-2/S-1763-'H'" (Multiple Dwellings) District, Holding, Modified, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That the “DE-2” (Multiple Dwellings) District provisions, as contained in Section 10B of Zoning By-law No. 6593, be modified to include the following special requirements:
- a) Notwithstanding Section 10B(1)(vi), a multiple dwelling with a maximum of 65 dwelling units shall be permitted.
  - b) That in addition to Section 10B(1), a restaurant without dancing or other entertainment shall be permitted within a building containing a multiple dwelling, subject to the following provision:
    - i) That a restaurant shall be restricted to a maximum gross floor area of 80 square metres.
  - c) Sections 10B(1)(vii) and (viii) shall not apply.
  - d) Notwithstanding Section 10B(2)(ii), no building or structure for any other use shall exceed five storeys or 22.0 m in height.
  - e) Notwithstanding Section 10B(3)(i)(b), for every other building or structure a front yard of a depth of at least 6.5 m for the first two storeys and 12.5 m for all storeys above the second storey.
  - f) Notwithstanding Section 10B(3)(ii)(b):
    - i) an easterly side yard of a width of at least 2.4 m; except for the portion of the building above the second storey that is setback less than 22.5 m from the front lot line, than a side yard of a width of at least 5.4 m;
    - ii) a westerly side yard of a width of at least 36.4 m; except for the portion of the building above the second storey that is setback less than 22.5 m from the front lot line, than a side yard of a width of at least 39.4 m; and,
    - iii) A minimum width of 0.0 m from the easterly side lot line of the hypotenuse to the daylight triangle.
  - g) Notwithstanding Section 10B(3)(iii)(b), a rear yard of a depth of at least 14.9 m.
  - h) Section 10B(5) shall not apply.
  - i) Notwithstanding Section 10B(6), there shall be provided and maintained on the lot and within the district, at least 20% of the area of the lot on which it is situate, as landscaped area, unused for access or manoeuvring space or parking or any other purpose other than landscaped area including a playground.
  - j) Notwithstanding Section 18(3)(vi)(cc)(i), a balcony may project:

- i) into a required front yard not more than 1.8 m above the second storey, provided that no such project shall be closer to a street line than 1.5 m;
  - ii) into a required rear yard not more than 1.8 m;
  - iii) into a required easterly side yard not more than 1.8 m above the second storey; and,
  - iv) into a required westerly side yard not more than 1.8 m.
- k) Notwithstanding Section 18(3)(d), a below grade porch providing access and amenity area to the units located below the first storey may project into a required front yard to a distance of not more than 4.0 m and every open stairway associated with the below grade porch shall be distant at least 0.0 m from the front lot line.
- l) Notwithstanding Subsection 18(4)(iv), an accessory building shall:
- i) not be located in a front yard or required side yard;
  - ii) be distant at least 0.0 m from the rear lot line;
  - iii) be distant a least 5.5 m from the side lot line;
  - iv) have maximum gross floor area of 600 sq m;
- m) Notwithstanding Section 18A(1)(a) and (b), the following provisions shall apply:
- i) A multiple dwelling is required to provide not less than 1.3 parking spaces per dwelling unit, 0.25 of which will be reserved for visitors.
  - ii) In addition to i) above, one parking space shall be provided on a surface parking area for the exclusive purpose of accommodating a car share vehicle.
  - iii) A multiple dwelling is required to provide not less than 1.16 bicycle parking spaces per dwelling unit of which six bicycle parking spaces shall be short term bicycle parking spaces and 70 bicycle parking space shall be secure long term bicycle parking spaces.
  - iv) A restaurant with a maximum of 18 seats shall require no parking.
- n) That in addition to Section 18A(1)(c), the required loading space may have a minimum length of 10.5 m.
- o) That in addition to Section 18A(7), two parking spaces located within the underground parking garage may have a minimum width of 2.6 m.

- p) Notwithstanding Subsection 18A(14g), a parking area shall not be located within a front yard except for a maximum 35.0 m wide portion which may not be any closer than 5.6 m to the front lot line.
3. That the 'H' Holding symbol, applicable to the lands zoned "DE-2/S-1763-'H'" (Multiple Dwellings) District, Holding, Modified, may be removed by further amendment to this By-law at such time as:
- a) The Owner submitting a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment and Conservation and Parks (MECP). 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 MECP, and submission of the City of Hamilton's current RSC administration fee.
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 "DE-2" (Multiple Dwellings) District, provisions, subject to the special requirements referred to in Section 2 of this By-law.
5. That Sheet No. E23 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as "DE-2/S-1763-'H'".
6. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1763.
7. 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 17<sup>th</sup> day of August, 2018.

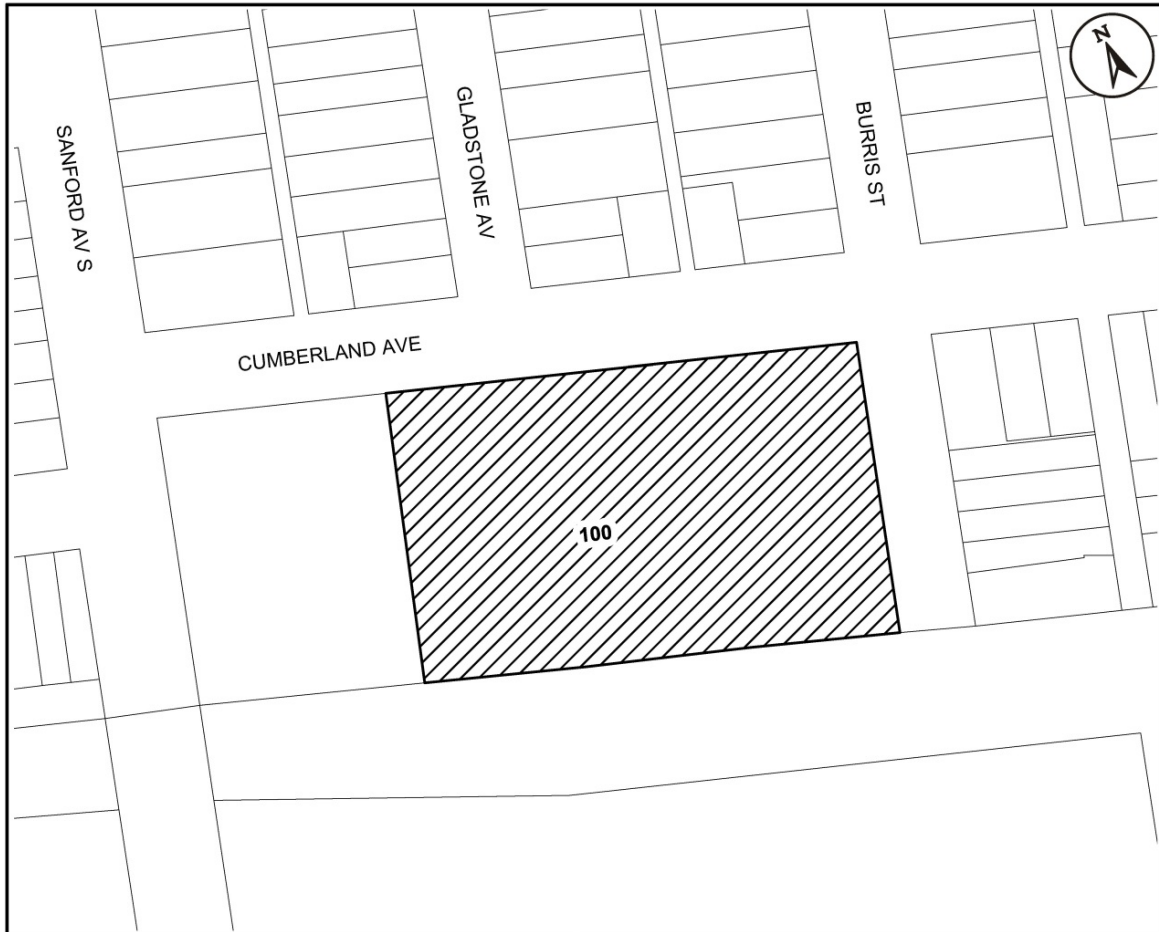
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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

ZAC-13-007



This is Schedule "A" to By-Law No. 18-  Passed the ..... day of ....., 2018	----- Mayor  ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2>  <h3 style="margin: 0;">Map Forming Part of By-Law No. 18-_____</h3>  <h4 style="margin: 0;">to Amend By-law No. 6593</h4>	<b>Subject Property</b> 100 Cumberland Avenue Change in Zoning from the "JJ" (Restricted Light Industrial) District to the "DE-2/S-1763-H" (Multiple Dwellings) District, Holding, Modified
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<b>Scale:</b> N.T.S.	<b>File Name/Number:</b> ZAC-13-007 / OPA-13-001	
<b>Date:</b> April 24, 2018	<b>Planner/Technician:</b> DB/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		