

Authority: Item 6, Planning Committee
Report 19-007 (PED19089)
CM: May 8/9, 2019
Ward: Ward 2

Bill No. 102

CITY OF HAMILTON

BY-LAW NO. 19-102

To Amend Zoning By-law No. 6593 Respecting Lands Located at 122 & 126 Augusta Street and 127 Young Street and 125 Young 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Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 6 of Report 19-007 of the Planning Committee, at its meeting held on the 8th day of May, 2019, 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 of the City of Hamilton.

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

1. That Sheet No. E5 of the District Maps appended is amended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by changing the zoning from the “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District to the “E-3/S-1767-H” (High Density Multiple Dwellings) District, Holding, Modified (Block 1), “E-3/S-1767” (High Density Multiple Dwellings) District, Modified (Block 2) and the “D/S-1767-H” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Holding, Modified (Blocks 3 and 4); the

extent and boundaries of which are shown on a plan here to annexed as Schedule "A".

2. That the "E-3" (Multiple Dwellings) District provisions, as contained in Section 11C of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements:
 - a) That notwithstanding Section 2.(2)J.(xiii), for the purposes of this By-law, Augusta Street shall be deemed the front lot line.
 - b) That notwithstanding Section 2.(2)J.(xiv), for the purposes of this By-law, Young Street shall be deemed the rear lot line.
 - c) That notwithstanding Section 11C.(1) the following uses shall be permitted:
 - i) A use permitted in a "D" District;
 - ii) A Multiple Dwelling.
 - c) That notwithstanding Section 11C.(1a) no building or structure shall exceed 13.5 metres in height, wherein a roof top patio shall be permitted together with a mechanical penthouse and roof top stair not exceeding 16.5 metres in height.
 - d) That notwithstanding Section 11C.(2)(a), a front yard having a depth of 0 metres, except that any portion of the building exceeding three storey shall be set back not less than 2.4 metres from the front lot line.
 - e) That notwithstanding Section 11C.(2)(b), a side yard having a width not less than 2.0 metres, except that a roof top patio shall be setback not less than 6.0 metres from any side lot line.
 - f) That notwithstanding Section 11C.(2)(c), a rear yard having a depth not less than 9.7 metres.
 - g) That notwithstanding Section 11C(5), for every building or structure, there shall be provided and maintained on the lot and within the district at least 17% of the area of the lot on which it is situate, as landscaped area.
 - h) That notwithstanding Section 18(3)(vi)(b), a canopy, cornice, eave or gutter may project 0 metres from a street line.
 - i) That notwithstanding Section 18(3)(vi)(cc), a bay, balcony or dormer may project 0 metres from a street line.

- j) That notwithstanding Section 18(3)(vi)(d), a roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, may project 0 metres from a front lot line.
 - k) That notwithstanding Section 18A(1)(a), a multiple dwelling shall provide 0.75 parking spaces per Class A dwelling unit.
 - l) That notwithstanding Section 18A.(1)(b), for a multiple dwelling, a minimum 0.13 parking spaces per dwelling unit shall be allocated for visitor parking.
 - m) That notwithstanding 18A.(1)(c) no loading space shall be required.
 - n) That notwithstanding Section 18A.(7), every required parking space, other than a parallel parking space, shall have dimensions not less than 3.0 metres wide by 5.8 metres long.
 - o) That notwithstanding Section 18A.(8), every parallel parking space shall have dimensions not less than 2.4 metres wide and 6.7 metres long. End spaces which have a clear unobstructed approach shall have a minimum length of 5.5 metres.
 - p) That notwithstanding Section 18A.(11)(a), the boundary of every parking area on a lot containing five or more parking spaces located on the surface of a lot adjoining a residential district shall be fixed not less than 0.8 metres from the adjoining residential district boundary.
 - q) That notwithstanding Section 18A.(25), where a multiple dwelling is adjacent to a residential district that does not permit such a use, every access driveway to the multiple dwelling shall be located not less than 0.7 metres from the common boundary between the district in which the multiple dwelling is located and the district that does not permit such uses.
3. That the “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District provisions, as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements:
- a) That in addition to Section 10.(1), a three family dwelling shall be permitted within the building existing on the date of the passing of this By-law.
 - b) That notwithstanding Section 10.(3)(ii), an easterly side yard width of at least 1.6 shall be required for the building existing on the date of the passing of this By-law.
 - c) That in addition to Section 10.(4), for a three family dwelling a width of at least 10.8 metres and an area of at least 265.0 square metres.

- d) That notwithstanding Section 18A.(1)(a), a three family dwelling shall provide a minimum of 2 parking spaces.
 - e) That notwithstanding Section 18A.(1)(b), for a three family dwelling, no visitor parking is required.
 - f) That notwithstanding Section 18A.(7), every required parking space, other than a parallel parking space, shall have dimensions not less than 3.0 metres wide by 5.8 metres long.
 - g) That notwithstanding Section 18A.(1)(f), A minimum maneuvering space width of 4.5 metres is required for 90 degree parking.
4. 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-3/S-1767-H" (High Density Multiple Dwellings) District Modified, Holding applicable to Block 1 be removed conditional upon:
 - (i) The Owner conduct a Stage 3 Archaeological Assessment, and Stage 4 Archaeological Assessment if required, for the site and receive approval of this / these report(s) from the Ministry of Tourism, Culture and Sport and the City of Hamilton, to the satisfaction of the Manager of Development Planning, Heritage and Design.
 - b) The holding provision "D/S-1767-H" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified, Holding applicable to Block 3 be removed conditional upon:
 - (i) The Owner apply for a Building Permit to legalize the existing three family dwelling, to the satisfaction of the City's Chief Building Official.
 - c) The holding provision "D/S-1767-H" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified, Holding applicable to Block 4 be removed conditional upon:
 - (i) The Owner conduct a Stage 3 Archaeological Assessment, and Stage 4 Archaeological Assessment if required, for the site and receive approval of this / these report(s) from the Ministry of Tourism, Culture and Sport and the City of Hamilton, to the satisfaction of the Manager of Development Planning, Heritage and Design.

5. 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-3” (High Density Multiple Dwellings) District and “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District provisions, subject to the special requirements referred to in Sections 2, 3 and 4.
6. That Sheet No. E5 of the District Maps is amended by marking the lands referred to in Section 1 of the By-law as “E-3/S-1767-H”, “E-3/S-1767” and “D/S-1767-H”.
7. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1767.
8. 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 9th day of May, 2019.

M. Pearson
Acting Mayor

J. Pilon
Acting City Clerk

ZAC-18-013



This is Schedule "A" to By-law No. 19-
 Passed the day of, 2019

 Mayor

 Clerk

Schedule "A"

Map Forming Part of
 By-law No. 19-_____

to Amend By-law No. 6593

Scale: N.T.S.	File Name/Number: ZAC-18-013
Date: May 3, 2019	Planner/Technician: MK/NB

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Subject Property
 122 & 126 Augusta Street and 127 & 125 Young Street

Block 1 - Change in Zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to "E-3/S-1767-H" (High Density Multiple Dwellings) District, Modified, Holding

Block 2 - Change in Zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to "E-3/S-1767" (High Density Multiple Dwellings) District, Modified

Block 3 - Change in Zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to "D/S-1767-H" (Urban Protected - One and Two Family Dwellings, Etc.) District, Modified, Holding

Block 4 - Change in Zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to "D/S-1767-H" (Urban Protected - One and Two Family Dwellings, Etc.) District, Modified, Holding