

Authority: Item 6, Planning Committee Report 24-016 (PED24202)
CM: November 13 2024 Ward: 3
Written approval for this by-law was given by Mayoral Decision MDE-2024 24
Dated November 13, 2024

Bill No. 201

CITY OF HAMILTON
BY-LAW NO. 24-201

**To Amend Zoning By-law No. 6593 with Respect to Lands Located at 72 and 78
Stirton Street, Hamilton**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. 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 “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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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, and approved by the Ontario Land Tribunal on the 7th day of December 1951;

AND WHEREAS Council approved Item 6 of Report 24-016 of the Planning Committee, at its meeting held on November 13, 2024;

AND WHEREAS this By-law conforms to the Urban Hamilton Official Plan;

NOW THEREFORE Council amends Zoning By-law No. 6593 as follows:

1. That Sheet No. E22 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton) is amended by changing the zoning from the “D/S-459” and “D/S-1822” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified, to the “DE-2/S-1837 – ‘H’” (Multiple Dwellings) District, Modified, Holding, for the lands known as 72 and 78 Stirton Street, the extent, and boundaries of which are shown in Schedule “A” to this By-law.

2. That the "DE-2" (Multiple Dwellings) District regulations, as contained in Section Ten B of Zoning By-law No. 6593, are modified to include the following special requirements:
 - (a) That notwithstanding Section 2.(2) J.(xb) (c), "Landscaped Area" shall mean "an area of land provided and maintained on the same lot which the building or structure is situated, no part of which shall be less than 14% of which shall be natural earth comprised of the natural planting of grass lawns, trees, shrubs, flowers and raised planter beds, in such manner as to establish and enhance the beautification of the landscaped area and any building or structure on the same lot, and may include a planting strip".
 - (b) That notwithstanding Section 10B.(2)(ii), no building or structure for any other use shall exceed two storeys, and no structure shall exceed 10.0 metres in height.
 - (c) That notwithstanding Section 10B.(3)(i)(b), a minimum front yard of a depth of at least 0.0m shall be provided and maintained for the building existing on the date of passing of this By-law.
 - (d) That notwithstanding Section 10B.(3)(ii)(b), a minimum side yard of a depth of at least 0.0m shall be provided and maintained for the building existing on the date of passing of this By-law.
 - (e) That notwithstanding Section 10B.(5), no building or structure shall have a gross floor area greater than the area within the district of the lot on which it is situate, multiplied by the floor area ratio factor of 1.08.
 - (f) That in addition to Section 10B, that a minimum of 15.3 percent of the dwelling units shall be units with two or more bedrooms. Where the application of this requirement results in a numeric fraction, the fraction shall be rounded up to the nearest whole number.
 - (g) That notwithstanding Section 18A.(1)(a) and 18A.(1)(b) as it relates to a multiple dwelling, there shall be provided and maintained not less than 5 parking spaces.
 - (h) That notwithstanding Section 18A.(1)(c), no loading spaces shall be required.
 - (i) That notwithstanding Section 18A.(7), every required parking space, other than a parallel parking space, shall have dimensions not less than 2.8 metres wide and 5.8 metres long.
 - (j) That notwithstanding Section 18A.(11)(a), the boundary of every parking area and loading space 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 0.15 metres from the adjoining residential district boundary.

- (k) That notwithstanding Section 18A.(11)(b), the boundary of every parking area and loading space on a lot containing five or more parking spaces located on the surface of a lot adjoining a residential district shall be fixed not closer to the street line than 3.0 metres for that portion of the parking area within 3.0 metres of a residential district.
 - (l) That Section 18A.(12)(a) shall not apply.
 - (m) That a minimum of five short term bicycle parking spaces and a minimum of one long term secure enclosed bicycle parking spaces per dwelling unit shall be required.
3. That the 'H' symbol applicable to the lands referred to in Section 1 shall be removed conditional upon;
- a) That the owner submit and receive completion of a signed Record of Site Condition to the satisfaction of the Director of Planning and Chief Planner or enter into a conditional building permit agreement with respect to completing a Record of Site Condition. The Record of Site Condition must include a notice of acknowledgement of the Record of Site Condition by the Ministry of the Environment, Conservation and Parks, and submission of the City of Hamilton's current Record of Site Condition administration fee;
 - b) That the Noise and Vibration Impact Study prepared by dBA Acoustical Consultants Inc. dated March 2024, be peer reviewed by a qualified acoustical consultant, at the expense of the owner, to the satisfaction of the Director of Development Planning;
 - c) That the owner submit and receive approval of a Watermain Hydraulic Analysis Report to demonstrate that the existing watermain has sufficient capacity to support domestic and fire flows including an appropriate pressure range that the surrounding areas are not adversely impacted in accordance with City standards, to the satisfaction of the Director of Development Engineering;
 - d) That the owner enter into and register an External Works Agreement with the City on the title of the lands for the design and construction of any required improvements to the municipal infrastructure at the Owner's cost, should it be determined that upgrades are required to the infrastructure to support the development, according to the Functional Servicing Report and Watermain Hydraulic Analysis Report, to the satisfaction of the Director of Development Engineering;

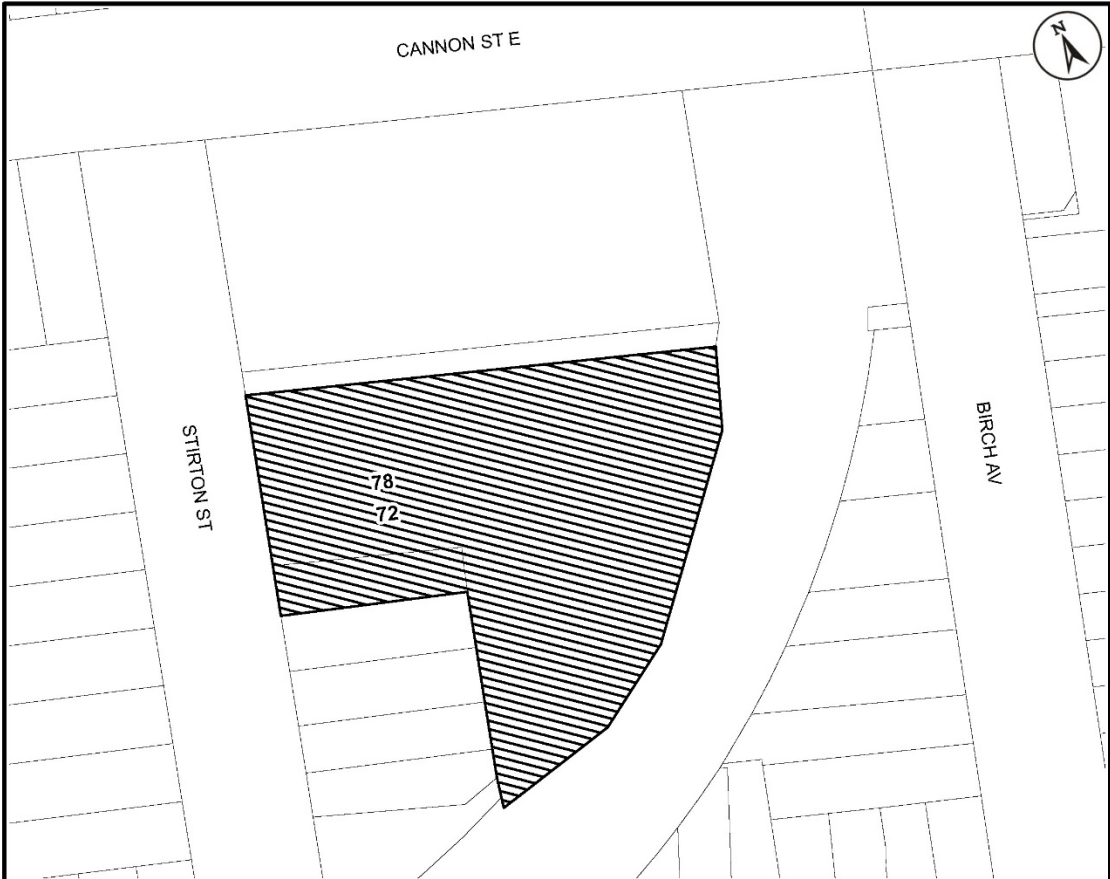
- e) That the owner submit and receive approval of a Conservation Management Plan, which includes detailed information regarding masonry repairs and cleaning, retrofit of the existing masonry walls for insulation, foundation work, roof repairs, salvage, detailed drawings and specifications for new doors and windows informed by the original windows and doors, be submitted and approved to the satisfaction of the Director of Heritage and Urban Design;
 - f) That the Owner submit and receive approval of a Conservation Management Plan and Interpretation / Commemoration Plan that may include salvage and reuse of interior elements and/or installation of interpretive elements that convey the significance of the Appleford Check Book Company and the Hamilton Radial Electric Railway, to the satisfaction of the Director of Heritage and Urban Design;
 - g) That the owner receive approval from Hydro One Network Inc. prior to the proposed residential land use being established on the subject lands, to the satisfaction of Hydro One Network Inc. as well as the Director of Development Planning.
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 modified “DE-2/S-1837” (Multiple Dwellings) District, Modified provisions, subject to the special requirements referred to in Section No. 2 of this By-law.
5. 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 13th day of November, 2024

A. Horwath
Mayor

M. Trennum
City Clerk

ZAC-24-021



This is Schedule "A" to By-law No. 24-
 Passed the day of, 2024

 Mayor


 Clerk

Schedule "A"

**Map forming Part of
 By-law No. 24-_____**

to Amend By-law No. 6593

Subject Property
 72 and 78 Stirton Street Hamilton

 Change in Zoning from the "D/S-459" and "D/S-1822" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, Modified, to "DE-2/S-1837-'H'" (Multiple Dwellings) District, Modified, Holding

Scale: N.T.S	File Name/Number: ZAC-24-021
Date: October 1, 2024	Planner/Technician: DB/NB
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

