

CITY OF HAMILTON

BY-LAW NO. - ____

**To Amend Zoning By-law No. 6593, Respecting Lands Located at 801, 820, 828, 855, 865, and 870
Scenic Drive, in the City of 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 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-law 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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, which was approved by the Ontario Municipal Board by Order dated the 7th date of December 1951, (File. No. O.F. C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item ____ of Report 21-____ of the Planning Committee at its meeting held on the ____ day of _____, 2021, 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 upon final approval of Official Plan Amendment No. _____, approved by the Minister under the Planning Act on March 16, 2011;

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

1. That Map No. ____ of Schedule “A” – Zoning Maps, to Zoning By-law No. 6593 is hereby further amended as follows:
 - (a) By removing the lands and boundaries of which are shown on Block No. 1 on Schedule “A” from the City of Hamilton Zoning By-law No. 6593.
 - (b) By adding to City of Hamilton Zoning By-law No. 6593, the lands and boundaries of which are shown on Block No. 2 on Schedule “A” and placed into the “DE/S-____” (Low Density Multiple Dwellings) District Modified.
 - (c) By rezoning the lands and boundaries of which are shown on Block No. 3 on Schedule “A” from “E-H/S-1600” (Multiple Dwellings, Lodges, Clubs, Etc.) District to the “DE/S-____” (Low Density Multiple Dwellings) District Modified.

(d) By adding to City of Hamilton Zoning By-law No. 6593, the lands and boundaries of which are shown on Block No. 4 on Schedule "A" and placed into the "DE/S-____" (Low Density Multiple Dwellings) District Modified.

(e) By rezoning the lands and boundaries of which are shown on Block No. 5 on Schedule "A" from "DE-H/S-1600" (Low Density Multiple Dwellings) District to the "DE/S-____" (Low Density Multiple Dwellings) District Modified.

2. That Section 19B -Special Requirements of Zoning By-law No. 6593 is hereby further amended as follows:

2.1 That the "DE" (Low Density Multiple Dwellings) District regulations, as contained in Section 10A of Zoning By-law No. 6593, are modified to include the following special requirements for the lands zoned "DE/S-____" (Low Density Multiple Dwellings) District, Modified:

(a) Notwithstanding Section 10A(1) of Zoning By-law No. 6593, only the following uses shall be permitted:

- i. Townhouse dwellings; and,
- ii. Multiple dwellings.

(b) Notwithstanding Subsections 10A(2), (3), and (4) of Zoning By-law No. 6593, the following provisions shall apply to multiple dwelling units:

- i. The maximum building height is eight (8) storeys or 36.0 metres;
- ii. The minimum setback to Scenic Drive shall be 39.0 metres;
- iii. The minimum setback to a Conservation/Hazard Lands (P5) Zone in City of Hamilton Zoning By-law No. 05-200 shall be 37.0 metres;
- iv. The minimum setback to a townhouse dwelling shall be 16.0 metres; and
- v. The maximum number of dwelling units shall be 204 units.

(c) Notwithstanding Subsections 10A(2), (3), and (4) of Zoning By-law No. 6593, the following provisions shall apply to townhouse units:

- i. The maximum building height is three (3) storeys or 16.0 metres;
- ii. The minimum setback to Scenic Drive shall be 2.0 metres;
- iii. The minimum setback to a Conservation/Hazard Lands (P5) Zone in City of Hamilton Zoning By-law No. 05-200 shall be 5.75 metres;
- iv. The maximum number of dwelling units shall be 56 units;
- v. The minimum setback to the multiple dwelling unit shall be 14.0 metres; and
- vi. That a minimum setback of 1.75 metres shall be provided between end wall to end wall of townhouse dwelling units.

(d) Notwithstanding Subsections 10A (4) and (5) of Zoning By-law No. 6593, the following provisions shall apply to the lands zoned DE-S____:

- i. The minimum lot frontage shall not apply;
- ii. The minimum lot area shall be 2.95 hectares;

iii. The minimum setback from any lot line to the underground parking area shall be 17.25 metres;

(e) Notwithstanding Subsections 18(A) Table 1 of Zoning By-law No. 6593, the following provisions shall apply to the lands zone DE/S-___:

i. Minimum visitor parking shall be 0.2 spaces per unit.

(f) Notwithstanding any other provision in this By-law, the boundaries of the zone shall be deemed to be lot lines.

2.2 That the "DE" (Low Density Multiple Dwellings) District regulations, as contained in Section 11 of Zoning By-law No. 6593 are modified to include the following special requirements That the "DE/S-___" (Low Density Multiple Dwellings) District, Modified:

(a) Notwithstanding Subsection 10A(1) of Zoning By-law No. 6593, only the following uses shall be permitted:

i. Artist studio, craftsperson shop, office, personal services, retail, day nursery, place of assembly, medical clinic and multiple dwellings within existing building as located at the time of the passing of this by-law;

ii. Multiple dwellings; and,

iii. Townhouses.

(b) Notwithstanding Subsections 10A (2), (3), and (4) of Zoning By-law No. 6593, the following provisions shall apply to multiple dwellings:

i. The maximum building height is eight (8) storeys or 36.0 metres;

ii. The minimum setback to Scenic Drive shall be 3.75 metres for a four (4) storey multiple dwelling, 5.5 metres for a five (5) storey multiple dwelling and thirty-five (35) metres to an 8 storey multiple dwelling and 0.0 metres to underground parking;

iii. The minimum setback to a Conservation/Hazard Lands (P5) Zone for multiple dwellings shall be 5.65 metres;

iv. The minimum setback to a Conservation/Hazard Lands (P5) Zone for an underground parking area shall be 5.65 metres;

v. The minimum setback to a Conservation/Hazard Lands (P5) Zone for any buildings existing at the time of the passing of this by law shall be 4.5 metres; and,

vi. The maximum number of dwelling units shall be 370 units.

(c) Notwithstanding Subsections 10A(2), (3), and (4) of Zoning By-law No. 6593, the following provisions shall apply to townhouse units:

i. The maximum building height is three (3) storeys or 16.0 metres;

ii. The minimum setback to Scenic Drive shall be 2.0 metres;

iii. The minimum setback to a Conservation/Hazard Lands (P5) Zone in City of Hamilton Zoning By-law No. 05-200 shall be 5.75 metres;

iv. The minimum setback to the multiple dwelling unit shall be 14.0 metres; and

- v. That a minimum setback of 1.75 metres shall be provided between end wall to end wall of townhouse dwelling units.
- (d) Notwithstanding Subsections 10A (4), (5), and (6) of Zoning By-law No. 6593, the following provisions shall apply:
 - i. The minimum lot frontage shall not apply; and,
 - ii. The minimum lot area shall be 2.75 hectares.
- (e) The maximum number of dwelling units shall exclude any dwelling units that may be contained in the buildings existing on the date of the passing of this by-law.
- (f) Notwithstanding Subsections 18(A) Table 1 of Zoning By-law No. 6593, the following provisions shall apply to the lands zone DE/S-___:
 - i. Minimum visitor parking shall be 0.2 spaces per unit.
- (g) 20 parking spaces shall be required for the buildings existing on the date of the passing of this by-law.
- (h) Notwithstanding any other provision in this By-law, the boundaries of the zone shall be deemed to be lot lines.

2.3 That in addition to the requirements of Section Nos. 2.1 and 2.2 above, the following provisions shall also apply to the lands zoned “DE/S-___” (Low Density Multiple Dwellings) District, Modified and “DE/S-___” (Low Density Multiple Dwellings) District, Modified:

- (a) Notwithstanding Section 18A (8), a minimum parking space shall be 3.0 metres in width by 5.8 metres in length, 2.8 metres in width by 5.8 metres for underground parking and 4.40 metres in width by 5.8 metres in length for a barrier free parking space; and,
- (b) Notwithstanding Section 18A, Table 3, 4 and 5 shall not apply.

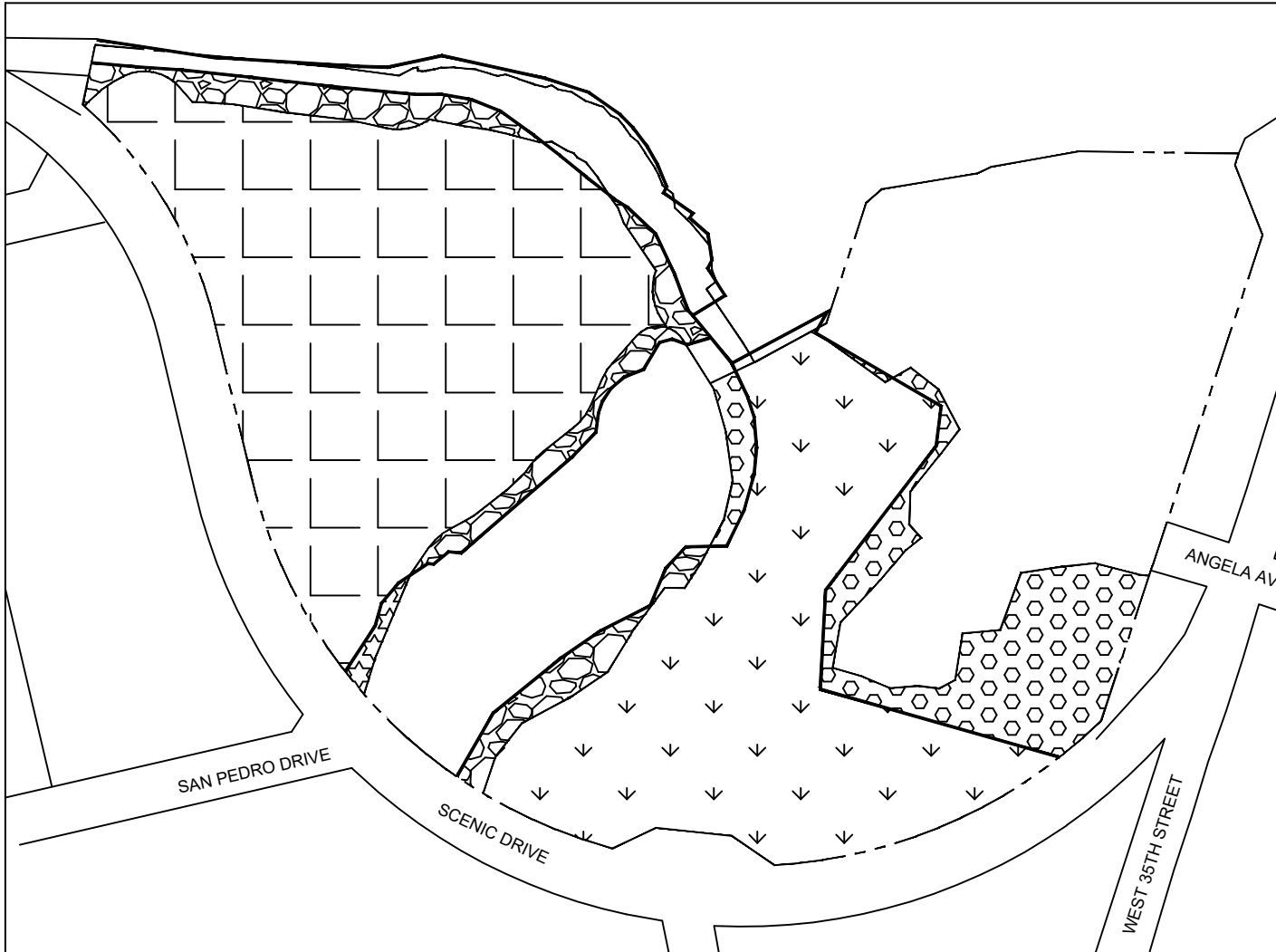
- 3. The By-law No. 6593 is amended by adding this by-law to Section__ as Schedule “A”;
- 4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED AND ENACTED this ____ day of _____, 2021.

Mayor

Clerk

ZAC-20-_____



This is Schedule "A" to By-law No.
21-_____

Passed the _____ day of _____, 2021

Clerk

Mayor



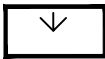

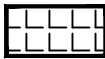
DRAFT Schedule "A"

Map Forming part of
By-law No. 6593-

to Amend By-law No. 6593

Subject Property

801, 820, 828, 855 & 870 Scenic Drive in the City of Hamilton.

-  Block 1 - Lands to be removed from City of Hamilton By-law No. 6593.
-  Block 2 - Lands to be added to City of Hamilton By-law No. 6593 and zoned "DE/S-____" (Low Density Multiple Dwellings) District, Modified
-  Block 3 - Lands to be rezoned from "E-H/S-1600" (Multiple Dwellings, Lodges, Clubs, Etc.) District to "DE/S-____" (Low Density Multiple Dwellings) District, Modified
-  Block 4 - Lands to be added to City of Hamilton By-law No. 6593 and zoned "DE/S-____" (Low Density Multiple Dwellings) District, Modified
-  Block 5 - Lands to be rezoned from "DE-H/S-1600" (Low Density Multiple Dwellings) District, Modified to "DE/S- ____" (Low Density Multiple Dwellings) District, Modified

Scale: N.T.S	File Name/Number: 154-16
Date: 2020-08-24	Planner/Technician: L.DRENNAN
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	