

CITY OF HAMILTON

BY-LAW NO. - ____

To Amend Zoning By-law No. 6593, Respecting Lands Located at 1177, 1183 & 1187 West 5th Street, 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 23-____ of the Planning Committee at its meeting held on the ____ day of _____, 2023, 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 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 rezoning to the City of Hamilton Zoning By-law No. 6593, the lands and boundaries of which are shown Block No. 1 on Schedule “A” from the “AA” (Agricultural) District and placed into the site specific “E-3/S-____” (High Density Multiple Dwellings) District, Modified.
 - (b) By rezoning to the City of Hamilton Zoning By-law No. 6593, the lands and boundaries of which are shown Block No. 2 on Schedule “A” from the “RT-20-H” (Townhouse- Maisonette) District and placed into the site specific “E-3/S-____” (High 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 “E3” (High Density Multiple Dwellings) District regulations, as contained in Section 11C of Zoning By-law No. 6593, are modified to include the following special requirements for the lands zoned “E3/S-____” (High Density Multiple Dwellings) District, Modified:

2.1.1 The following provisions shall apply to multiple dwellings:

- (a) Notwithstanding Section 11C(1), (2) and (5) of Zoning By-law No. 6593, the following provisions shall apply to multiple dwellings:
 - i. The maximum permitted building height shall be 10 storeys or 35.0 metres.
 - ii. The minimum permitted front yard setback (West 5th Street) shall be 2.5 metres to a structure 6 storeys in height and a minimum stepback of 1.8 metres above the 6th floor from West 5th Street.
 - iii. The minimum permitted southerly side yard setback shall be 5.4 metres.
 - iv. The minimum permitted northerly side yard setback shall be 20.0 metres to a structure 6 storeys in height, 25.0 metres to a structure 8 storeys in height, and 30.0 metres to a structure 10 storeys in height.
 - v. The minimum permitted rear yard shall be 6.5 metres to a structure 10 storeys in height.
 - vi. The minimum required landscaped area shall be 25% of the lot area.
 - vii. Section 11C(4) shall not apply.
- (b) Notwithstanding Subsection 18(3)(vi)(b) of Zoning By-law No. 6593, the following provision shall apply to the lands zoned "E3/S-___":
 - i. Canopies shall be permitted to encroach a maximum of 1.6 metres into any required yard.
- (c) Notwithstanding Subsection 18(3)(vi)(c) of Zoning By-law No. 6593, the following provision shall apply to the lands zoned "E3/S-___":
 - i. Stairways shall be permitted to encroach a maximum of 2.9 metres into any required yard.
- (d) Notwithstanding Subsection 18(3)(vi)(cc) of Zoning By-law No. 6593, the following provision shall apply to the lands zoned "E3/S-___":
 - i. Balconies shall be permitted to encroach a maximum of 1.8 metres into any required yard.
- (e) Notwithstanding Subsections 18(A) (7) of Zoning By-law No. 6593, the following provisions shall apply to the lands zoned "E3/S-___":
 - i. The minimum typical parking space at grade or below grade shall have the dimensions of 2.8 metres wide and 5.8 metres long.
- (f) Notwithstanding Subsections 18(A) Table 1 and 2 of Zoning By-law No. 6593, the minimum required parking ratio shall be 1.1 spaces per unit inclusive of visitor parking.

(a) The By-law No. 6593 is amended by adding this by-law to Section__ as Schedule "A";

(b) 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 _____, 2023.

Mayor

Clerk

ZAC-23-_____