

**Authority:** Item 6, Planning Committee Report 23-016 (PED23179)  
CM: October 11, 2023 Ward: 8  
Written approval for this by-law was given by Mayoral Decision MDE-2023-04  
dated October 11, 2023

**Bill No. 188**

## **CITY OF HAMILTON**

### **BY-LAW NO. 23-188**

**To Amend Zoning By-law No. 6593 with Respect to Lands Located at 1177, 1183 and 1187 West 5<sup>th</sup> 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 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-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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council or the City of Hamilton;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 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);

**AND WHEREAS** the Council, in approving Item 6 of Report 23-016 of the Planning Committee, at its meeting held on the 11<sup>th</sup> day of October, 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;

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

1. That Sheet No. W9d of the District Maps appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by changing the zoning from the “AA” (Agricultural) District (Block 1) and the “RT-20-H” (Townhouse-Maisonette) District, Modified, Holding (Block 2) to the “E-3/S-1830-H” (High Density Multiple Dwellings) District, Modified, Holding; the extent and boundaries of which are shown on a plan here to annexed as Schedule “A”.

2. That the “E-3” (High Density Multiple Dwellings) District provisions, as contained in Section 11C of Zoning By-law 6593, applicable to the subject lands, be modified to include the following special requirements:
- a) Notwithstanding Section 11C.(1a), the height of a building or structure shall not exceed 10 storeys or 35.0 metres in height.
  - b) Notwithstanding Section 11C.(2)(a), a front yard having a depth of not less than 2.5 metres, except that any portion of a building exceeding 20.0 metres in height shall provide and maintain a minimum front yard depth of 4.3 metres.
  - c) Notwithstanding Section 11C.(2)(b), a southerly side yard having a width of not less than 5.4 metres.
  - d) Notwithstanding Section 11C.(2)(b), a northerly side yard having a width of not less than 20.0 metres, except that any portion of a building exceeding 23.5 metres in height shall provide and maintain a minimum northerly side yard width of 25.0 metres and any portion of a building exceeding 30.0 metres in height shall provide and maintain a minimum northerly side yard width of not less than 30.0 metres.
  - e) Notwithstanding Section 11C.(2)(c), a rear yard having a depth not less than 6.5 metres.
  - f) Section 11C.(4) shall not apply.
  - g) Notwithstanding Section 11C.(5), for every building or structure, there shall be provided and maintained on the lot and within the district, at least 25% of the area of the lot on which it is situate, as landscaped area.
  - h) In addition to Section 11C, a planting strip of not less than 3.0 metres in width and 50.0 metres in length shall be provided and maintained along the northerly side lot line.
  - i) Notwithstanding Section 18.(3)(vi)(b), as it relates to a canopy, a canopy may project into any required yard not more than 1.6 metres.
  - j) Notwithstanding Section 18.(3)(vi)(c), as it relates to an open stairway, an open stairway may project into a side yard or rear yard not more than 2.9 metres.
  - k) Notwithstanding Section 18.(3)(vi)(cc), as it relates to a balcony, a balcony may project into any required yard not more than 1.8 metres.

- l) Section 18.(3)(vi)(ee) shall not apply.
  - m) Notwithstanding Section 18A.(1)(a) and Table 1, a multiple dwelling shall provide a minimum of 1.0 parking spaces per dwelling unit.
  - n) Notwithstanding Section 18A.(1)(b) and Table 2, a multiple dwelling shall provide a minimum of 0.07 parking spaces per dwelling unit.
  - o) Notwithstanding Section 18A.(1)(c) and Table 3, a multiple dwelling shall provide a minimum of 1 loading space with dimensions not less than 3.7 metres wide, 9.0 metres long, and 4.3 metres high.
  - p) 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.
3. That the Holding Provision “E-3/S-1830-H” (High Density Multiple Dwellings) District, Modified, Holding applicable to the lands referred to in Section 1 of this By-law, shall be removed conditional upon:
- a) That the Owner confirms that the municipal storm sewer along West 5<sup>th</sup> Street has been constructed and is fully operational to provide a stormwater outlet for the subject site, to the satisfaction of the Director of Development Engineering.
  - b) That the Owner confirms that the municipal sanitary sewer along West 5<sup>th</sup> Street has been upgraded to support the proposed development, to the satisfaction of the Director of Development Engineering.
  - c) That the owner submit and receives approval of a Functional Servicing Report that addresses required fire flow, to the satisfaction of the Director of Development Engineering.
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 “E-3” (High Density Multiple Dwellings) District provisions, subject to the special requirements referred to in Sections 2 and 3 of this By-law.
5. That Sheet No. W9d of the District Maps is amended by marking the lands referred to in Section 1 of the By-law as “E-3/S-1830-H”.
6. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1830.

7. 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 11<sup>th</sup> day of October, 2023.

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A. Horwath  
Mayor

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J. Pilon  
Acting City Clerk

ZAC-22-047



This is Schedule "A" to By-law No. 23-

Passed the ..... day of ....., 2023

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 Mayor

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 Clerk


## Schedule "A"

Map forming Part of  
 By-law No. 23-\_\_\_\_\_


to Amend By-law No. 6593

### Subject Property

1177 & 1183 West 5th Street, Hamilton

 Block 1 - Change in Zoning from the "AA" (Agricultural) District to the "E-3/S-1830-H" (High Density Multiple Dwellings) District, Modified, Holding

1187 West 5th Street, Hamilton

 Block 2 - Change in Zoning from the "RT-20-H" (Townhouse-Maisonette) District, Holding to the "E-3/S-1830-H" (High Density Multiple Dwellings) District, Modified, Holding

Scale:  
 N.T.S

File Name/Number:  
 ZAC-22-047

Date:  
 July 4, 2023

Planner/Technician:  
 MM/VS



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT