

Authority: Item 5, Planning Committee
Report 12-004 (PED12036)
CM: March 28, 2012

Bill No. 068

CITY OF HAMILTON

BY-LAW NO. 12-

To Amend Zoning By-law No. 6593 Respecting Lands Located at 848 Upper Wentworth Street (Hamilton)

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 5 of Report 12-004 of the Planning Committee, at its meeting held on the 28th day of March, 2012, recommended that Zoning By-law No. 6593 (Hamilton) be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton, approved by the Minister under the Planning Act on June 1, 1982.

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

1. That Sheet No. W16 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing the zoning from the "AA" (Agricultural) District to the "C/S-1652-'H'" (Urban Protected Residential - Holding) District, Modified, on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That the "C" (Urban Protected Residential) District regulations, as contained in Section 9 of Zoning By-law No. 6593, be modified to include the following special requirements:
 - (a) That notwithstanding Section 9(1) (Permitted Uses) of Zoning By-law 6593, the following uses shall also be permitted:
 - (i) A hair dressing establishment with an accessory dwelling unit only within the building existing on the date of the passing of this By-law, being the 28th day of March, 2012.
 - (b) That notwithstanding Section 18A(7), minimum dimensions of 2.6 metres by 5.5 metres shall be provided and maintained for every parking space.
 - (c) That notwithstanding Section 18A(1)(a)(Table 1), a minimum of 7 parking spaces shall be provided and maintained.
 - (d) That notwithstanding Section 18A(14)(g), two of the required parking spaces may be located within the front yard.
 - (e) That notwithstanding Section 18A(12)(a) and Section 18(12)(b), the following shall apply with respect to the provision of planting strips:
 - (i) A minimum 1.5m wide planting strip shall be provided and maintained along the rear lot line, with the exception of a 4.1m section extending from the northerly side lot line, which shall be 0m for vehicle manoeuvring; and,
 - (ii) No planting strip shall be required along the northerly side lot line.
 - (f) That notwithstanding Section 18(14)(i) and Section 18(14a)), a landscaped area having a minimum width of 4.0m and a minimum depth of 8.2m shall be provided and maintained in the front yard abutting the southerly side lot line;
 - (g) That notwithstanding Section 14(9)(ii), a minimum 1.75m wide landscaped area shall be provided and maintained along the entire street line of the lot, except for the area used for an access driveway.

- (h) That notwithstanding Section 18A(12)(c), a visual barrier of not less than 1.2m in height and not greater than 2.0m in height shall be provided and maintained only along the southerly side lot line and rear lot line.
 - (i) That notwithstanding Section 18A(1)(f), Table 6, a manoeuvring space for a parking area in the rear yard shall be permitted to have a minimum aisle width of 4.1m.
 - (j) That notwithstanding Section 18A(26), an access driveway shall be permitted to be located a distance of 0m from the northerly lot line.
 - (k) That notwithstanding Section 18A(24)(i), the minimum width of an access driveway to serve a parking area of 5 or more spaces shall be permitted to be 5.2m.
3. That the amending Zoning By-law apply the Holding provisions of Section 36 (1) of the Planning Act, R.S.O., 1990 to the subject lands identified in Section 1 of this By-law by introducing the Holding symbol 'H' as a suffix to the proposed "C/S-1652" (Urban Protected Residential) District.

The Holding provision "C/S-1652-'H'" will prohibit the use of the subject lands for a hair dressing establishment and accessory dwelling unit, until such time that the owner has:

- (1) Received approval for a reciprocal right-of-way for the shared use of the driveway with 844 Upper Wentworth Street, which shall be registered on title, to the satisfaction of the Manager of Development Planning; and,
- (2) Applied for and received final approval for a Site Plan application, to the satisfaction of the Manager of Development Planning.

City Council may remove the 'H' symbol, and thereby give effect to the "C/S-1652" (Urban Protected Residential) District, by enactment of an amending By-law once the above conditions have been fulfilled.

- 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 "C" (Urban Protected Residential) District provisions, subject to the special requirements referred to in Section 2 of this By-law.
- 5. That Sheet No. W16 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1652.
- 6. That Zoning By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1652.

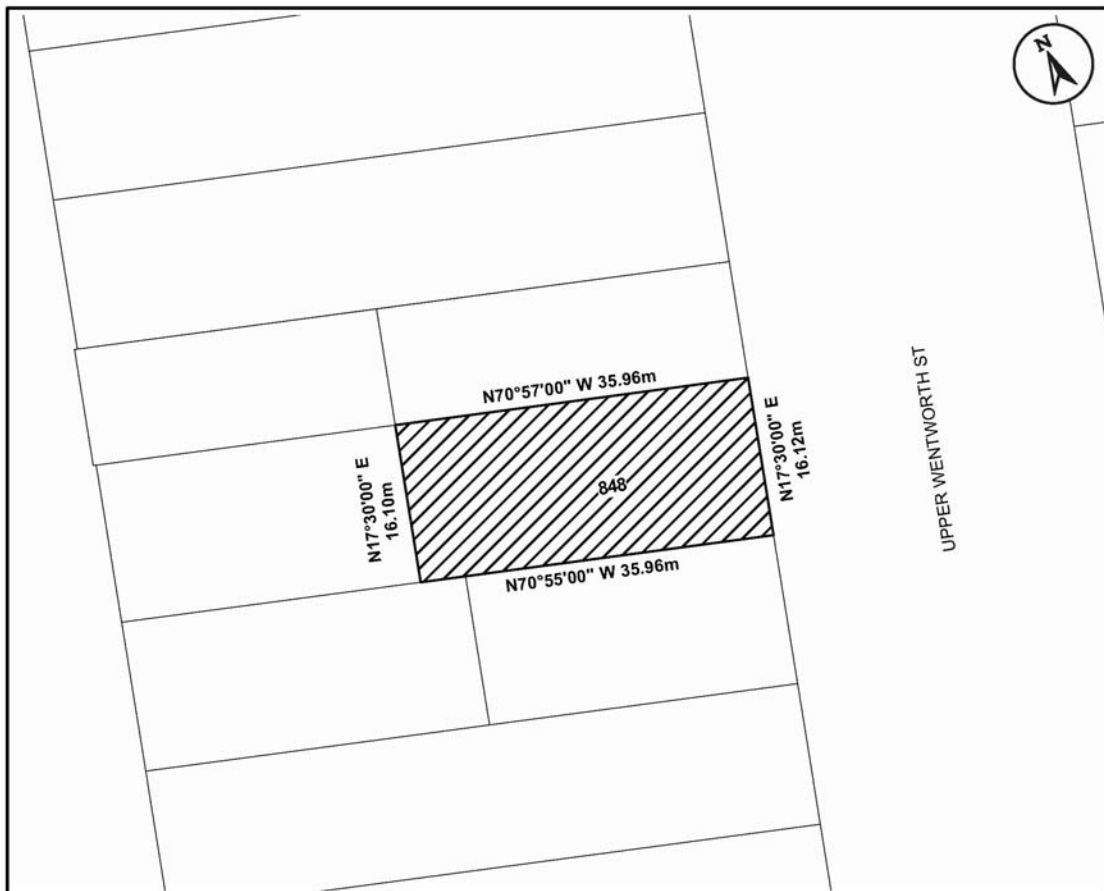
7. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED this 28th day of March, 2012.

R. Bratina
Mayor

R. Caterini
City Clerk

ZAC-11-052



This is Schedule "A" to By-Law No. 12- Passed the day of, 2012	----- Clerk ----- Mayor
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<h2 style="margin: 0;">Schedule "A"</h2> <h3 style="margin: 0;">Map Forming Part of By-Law No. 12-_____</h3> to Amend By-law No. 6593	848 Upper Wentworth Street Change in Zoning from the "AA" (Agricultural) District to the "C/S-1652-'H" (Urban Protected Residential, Etc - Holding) District, Modified.
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Scale: N.T.S.	File Name/Number: ZAC-11-052	
Date: Nov. 11, 2011	Planner/Technician: CT/MS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		