

Authority: Item 10
Planning Committee
Report: 12-011 (PED12130)
CM: July 12, 2012

Bill No. 181

CITY OF HAMILTON

**BY-LAW No. 12-
To Amend Zoning By-law No. 05-200
Respecting Lands Located at 135 and 137 King Street East and 42
Passmore Street (Stoney Creek)**

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

AND WHEREAS it is desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 10 of Report 12-011 of the Planning Committee, at its meeting held on the 12th day of July, 2012, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former City of Stoney Creek) upon approval of Official Plan Amendment No. 170.

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

1. That Map 1249 of Schedule "A" to Zoning By-law No. 05-200 is amended by:
 - (a) Incorporating the Major Institutional (I3, 449, H49) Zone, boundaries for the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That Schedule "C" - Special Exceptions of By-law No. 05-200 is amended by adding an additional Exception as follows:

449. That notwithstanding Sections 8.3.1, 8.3.2.1(b), 8.3.2.1(c), 5.1(v)(a), 5.1(v)(b), 5.1(d)(i), and 4.6 of this By-law, on those lands zoned Major Institutional (I3) Zone, on Map 1249 of Schedule "A" - Zoning Maps and described as 135 and 137 King Street East and 42 Passmore Street (Stoney Creek), the following regulations shall also apply:
- (a) In conjunction with and attached to a use permitted in the Major Institutional (I3) Zone, a maximum 93 square metre restaurant and a maximum of 300 square metres of offices shall also be permitted;
 - (b) A minimum northerly and easterly side yard of 6.0 metres; a minimum westerly side yard of 4.5 metres; and a minimum southerly side yard of 5.0 metres shall be provided and maintained;
 - (c) One parking space off King Street East is permitted within 3.0 metres of a street line separated from the street line by a minimum 2.0 metre wide planting strip;
 - (d) For the portion of the building abutting Passmore Street, a minimum of 37.0 metres of the façade length shall be a maximum of 1-storey in height; and,
 - (e) A pergola may encroach into a rear yard.
3. That Schedule "D" - Holding Provisions, of By-law No. 05-200, be amended by adding the additional Holding Provision, as follows:
- "49 Notwithstanding Section 8.3 of this By-law, within the lands zoned Major Institutional (I3, 449) Zone, on Map No. 1249 of Schedule "A" - Zoning Maps, and described as 135 and 137 King Street East and 42 Passmore Street (Stoney Creek), no development or change of use shall be permitted until such time:
- (a) That the owner/applicant has submitted a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE). This RSC must be to the satisfaction of the Manager of Development Planning, including an acknowledgement of receipt of the RSC by the MOE, and submission of the City of Hamilton's current RSC administration fee."

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.
5. That this By-law No. 12-181 shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Sub-section.

PASSED this 16th day of August, 2012.

R. Bratina
Mayor

R. Caterini
City Clerk

ZAC-11-069/OPA-11-017




This is Schedule "A" to By-Law No. 12-
 Passed the day of, 2012

 Mayor

 Clerk

Schedule "A"
 Map Forming Part of
 By-Law No. 12-_____
 to Amend By-law No. 05-200
 Map 1249

Subject Property
 135 & 137 King Street East and 42 Passmore Street

 Lands to be Zoned Major Institutional (I3, 449, H49) Zone.

Scale:
 N.T.S.
 Date:
 May 17, 2012

File Name/Number:
 ZAC-11-069 / OPA-11-017
 Planner/Technician:
 GM / MB



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT