

Authority: Item 8
Planning Committee
Report: 13-012 (PED13144)
CM: October 9, 2013
Bill No. 245

CITY OF HAMILTON

BY-LAW NO. 13-

**To Amend Zoning By-law No. 6593 (Hamilton)
Respecting 273, 277, and 279 East Avenue North**

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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 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 8 of Report 13-012 of the Planning Committee, at its meeting held on the 16th day of August, 2013, 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 Hamilton Planning Area, 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. E12 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended;
 - (i) by changing the zoning from the “D/S-172a” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, with a Special Exception, to the “D/S-1665” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, with a Special Exception, the lands identified as “Block 1”; and,
 - (ii) by changing from the “D/S-437a” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, with a Special Exception, to the “D/S-1665” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, with a Special Exception,

the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That the “D” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District provisions, as contained in Section 10 of Zoning By-law No. 6593, be modified to include the following provisions:
 - (a) That notwithstanding Section 10(1) of Zoning By-law No. 6593, “Requirements As To Use”, a “Warehouse” and “Ancillary/Accessory Administrative Office”, shall be permitted within the building existing on the date of passing of this By-law, being the 9th day of October, 2013.
 - (b) That notwithstanding Section 2(2)(D) of Zoning By-law No. 6593, “Interpretations and Definitions - Commercial Uses”, a “Warehouse” shall be defined as follows:

“**Warehouse**” shall mean the use of land, building or structure, or part thereof, for the bulk storage or distribution of goods to industrial, commercial, or institutional business users or other wholesalers, but shall not include the retailing of goods to the general public. A Warehouse shall not include a Waste Management Facility, Salvage Yard, or Towing Establishment.
 - (c) That notwithstanding the provisions of Section 18A(1)(a), Table 1, a minimum of 1 parking space per 30m² of gross floor area, which accommodates the office component of the Warehouse use, shall be required and maintained.

- (d) That notwithstanding the provisions of Section 18A(7), that the 2 most northerly parking spaces shall have dimensions of not less than 3m wide and 5.5m long, and every other required parking space, other than a parallel parking space, shall have dimensions of not less than 2.6m wide and 5.5m long.
 - (e) That notwithstanding the provisions of Section 18A(1)(d) and (e), and Tables 4 and 5, a minimum 2.75m wide x 9.0m long loading space shall be provided within the building existing on the date of the passing of this By-law, being the 9th day of October, 2013.
 - (f) That notwithstanding the provisions of Section 18A(1)(f), (9) and (10), no on-site manoeuvring shall be required.
3. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1665.
 4. That Sheet E12 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1665.
 5. 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 "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, provisions, subject to the modifications referred to in Section 2.
 6. 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 9th day of October, 2013.

R. Bratina
Mayor

R. Caterini
Clerk

ZAR-12-057



This is Schedule "A" to By-Law No. 13-

Passed the day of, 2013

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-Law No. 13-_____

to Amend By-law No. 6593

Subject Property

273, 277 & 279 East Avenue North



Block 1 - Change in Zoning from the "D/S-172a" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, with a Special Exception, to the "D/S-1665" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District



Block 2 - Change in Zoning from the "D/S-437a" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, with a Special Exception, to the "D/S-1665" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District

Scale:
N.T.S.

File Name/Number:
ZAR-12-057

Date:
June 4, 2013

Planner/Technician:
AC/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT