

Authority: Item 7, Planning Committee
Report 12-019 (PED12239)
CM: December 12, 2012

Bill No. 285

CITY OF HAMILTON

BY-LAW NO. 12-

**To Amend Zoning By-law No. 6593 (Hamilton)
Respecting Lands located at 438, 444, 446, and 450 Concession Street
and 18 East 18th 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 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Plan of the former regional municipality, continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 7 of Report 12-019 of the Planning Committee, at its meeting held on the 12th day of December 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 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 Nos. E-15 and W-14 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), are amended:
 - (a) by changing from the “H” (Community Shopping and Commercial, Etc.) District to the “H/S-1656” (Community Shopping and Commercial, Etc.) District, Modified, the lands comprised of Blocks 1 and 2;
 - (b) by applying the “H/S-1656” (Community Shopping and Commercial, Etc.) District, Modified, to the lands comprised of Block 3;
 - (c) by changing from the “H” (Community Shopping and Commercial, Etc.) District to the “G-3/S-1656-‘H’” (Public Parking Lots - Holding) District, Modified, the lands comprised of Blocks 4 and 5;
 - (d) by applying the “G-3/S-1656-‘H’” (Public Parking Lots - Holding) District, Modified, to the lands comprised of Block 6; and,
 - (e) by changing from the “C” (Urban Protected Residential, Etc.) District to the “G-3/S-1656-‘H’” (Public Parking Lots - Holding) District, Modified, the lands comprised of Blocks 7 and 8;

on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.
2. That the ‘H’ symbol, applicable to the lands zoned “G-3/S-1656-‘H’” (Public Parking Lots - Holding) District, may be removed by further amendment to this By-law at such a time as:
 - (a) The owner/applicant receiving Final Approval of a Site Plan application for the subject lands, to the satisfaction of the Manager, Development Planning, Heritage and Design.
3. That the “H” (Community Shopping and Commercial, Etc.) District, regulations, as contained in Section 14 of Zoning By-law No. 6593, applicable to Blocks 1, 2, and 3 are modified to include the following special requirements:
 - (1) That notwithstanding Section 2 (2) J (xi), the lands shall be considered as one lot for the purposes of this By-law.
 - (2) That for the purposes of this By-law, the front lot line shall be Concession Street.
 - (3) That notwithstanding Section 18A (1) (a), Table 1, Paragraph 4 (a), Column 2, and Section 18A (2) of Zoning By-law No. 6593, a minimum of one parking space per 25 sq. m of gross floor area shall be provided and maintained for a medical office.
 - (4) That Section 18A (1) (d) of Zoning By-law No. 6593, shall not apply.

- (5) That notwithstanding Section 18A (9) of Zoning By-law No. 6593 concerning required parking:
 - (a) Where the provision of parking on the same lot as the use requiring such parking is not possible, or not practical, such parking spaces and maneuvering spaces may be located on another lot within the "G-3/S-1656" (Public Parking Lots) District, and shall be subject to Sub-section 5 (b), below.
 - (b) Where the required parking is provided in accordance with Sub-section 5 (a) above, the owners of both lots shall enter into an agreement with the City to be registered against the title of both the lot upon which parking is to be provided and the lot containing the use requiring the parking. The lot upon which the parking is located, pursuant to the agreement, shall continue to be so used only for such purposes until alternate parking spaces in conformity with the regulations of this By-law are provided.
4. That the "G-3" (Public Parking Lots) District, regulations, as contained in Section 13C of Zoning By-law No. 6593, applicable to Blocks 4, 5, 6, 7, and 8, are modified to include the following special requirements:
 - (1) That notwithstanding Section 4 (3) (a) and Section 13C (1) of Zoning By-law No. 6593, a single family dwelling within the building known as 18 East 18th Street existing on the date of the passage of this By-law, being the 12th day of December 2012, shall be permitted.
 - (2) That an outdoor, fenced, amenity area, having a minimum of 77 sq. m, shall be provided and maintained for the exclusive use of the occupants of the single family dwelling within the building known as 18 East 18th Street existing on the date of the passage of this By-law, being the 12th day of December 2012.
 - (3) That Section 13C (1) (ii) of Zoning By-law No. 6593 shall not apply.
 - (4) That Section 13C (4) (ii) of Zoning By-law No. 6593 shall not apply along the northerly boundary of the residential use within the building known as 18 East 18th Street existing on the date of the passage of this By-law, being the 12th day of December 2012, nor apply to the westerly boundary adjacent the residential use existing within the building known as 436 Concession Street.

- (5) That notwithstanding Section 18A (1) (a) of Zoning By-law No. 6593, no parking spaces shall be required for a single family dwelling within the building known as 18 East 18th Street existing on the date of the passage of this By-law, being the 12th day of December 2012.
 - (6) That notwithstanding Section 18A (7) of Zoning By-law No. 6593, the minimum dimensions of a parking space, other than a parallel parking space, shall be 2.6m in width by 5.5m in length.
 - (7) That notwithstanding Section 18A (9) of Zoning By-law No. 6593, only the required parking space and maneuvering space for those uses permitted within the "H/S-1656" (Community Shopping and Commercial, Etc.) District, Modified, may be provided on lands within the "G-3/S-1656" (Public Parking Lots) District, in accordance with Sub-section 3 (6) above.
 - (8) That notwithstanding Section 18A (11) (b) of Zoning By-law No. 6593, a parking area containing five or more parking spaces may be located a minimum of 3.0m from the street line adjacent to East 18th Street.
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 "H" (Community Shopping and Commercial, Etc.) District, and the "G-3" (Public Parking Lots) District, provisions, subject to the special requirements referred to in Sections 3, 4, and 5 of this By-law.
 6. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19 B as Schedule S-1656.
 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 12th day of December, 2012.

R. Bratina
Mayor

R. Caterini
City Clerk

ZAC-11-002



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. 6593

- Subject Lands**
 438 Concession St., 444 Concession St., 446 Concession St.,
 450 Concession St., and 18 East 18th St.
- Blocks 1 & 2:** Change in Zoning from the "H" (Community Shopping and Commercial, Etc.) District to the "H/S-1656" (Community Shopping and Commercial, Etc.) District, Modified.
 - Block 3:** Lands to be Zoned "H/S-1656" (Community Shopping and Commercial, Etc.) District, Modified.
 - Blocks 4 & 5:** Change in Zoning from the "H" (Community Shopping and Commercial, Etc.) District to the "G-3/S-1656-H" (Public Parking Lots - Holding) District, Modified.
 - Block 6:** Lands to be Zoned "G-3/S-1656-H" (Public Parking Lots - Holding) District, Modified.
 - Blocks 7 & 8:** Change in Zoning from the "C" (Urban Protected Residential, Etc.) District to the "G-3/S-1656-H" (Public Parking Lots - Holding) District, Modified.

Scale: N.T.S.	File Name/Number: ZAC-11-002
Date: Nov. 2, 2012	Planner/Technician: DM/AL
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

