

Authority: Item 6, Planning Committee
Report 14-016 (PED14245)
CM: December 17, 2014

Bill No. 334

CITY OF HAMILTON

BY-LAW NO. 14-

To Amend Zoning By-law No. 6593 (Hamilton), as amended by By-law No. 96-109 Respecting Lands located at 1098 and 1100 Main Street West 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Plan of the former regional municipality, continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 6 of Report 14-016 of the Planning Committee, at its meeting held on the 9th day of December 2014, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS the Urban Hamilton Official Plan was declared in force and effect on August 16, 2013, and is the Official Plan in effect for the lands within the Urban Area of the City of Hamilton;

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. W-33 of the District maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), as amended, is hereby further amended as follows:

- (a) That Block 1 be rezoned from the “G/S-1361” (Neighbourhood Shopping Centre, etc.) District Modified, to the “G/S-1708” – ‘H’ (Neighbourhood Shopping Centre, etc. - Holding) District Modified;
- (b) That Block 2 be rezoned from the “G/S-1361” (Neighbourhood Shopping Centre, Etc.) District Modified, to the “G/S-1708” – ‘H’ (Neighbourhood Shopping Centre, etc. – Holding) District Modified;

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

2. That the “G” (Neighbourhood Shopping Centre Etc.) District, regulations, as contained in Section 13 of Zoning By-law No. 6593, the Parking and Loading Requirements regulations as contained in Section 18A of Zoning By-law No. 6593, and Prohibited Uses regulations as contained in Section 4 of Zoning By-law No. 6593 applicable for Blocks 1 and 2, be modified to include the following special requirements:

- a) That notwithstanding Subsection (3) (a) of Section 4 of Zoning By-law No. 6593, a single family dwelling existing on the date of the passing of this By-law the 17th day of December, 2014, and a multiple dwelling shall be permitted on the same lot.
- b) That notwithstanding Subsection (1) (f) of Section 18A of Zoning By-law No. 6593, on-site manoeuvring space shall not be required.
- c) That notwithstanding Subsection (7) of Section 18A of Zoning By-law No. 6593, a parking space shall have dimensions not less than 2.6 metres wide and 5.5 metres long.
- d) That notwithstanding Subsection (1) (a) of Section 18A of Zoning By-law No. 6593, a minimum of 0.75 parking space per Class A dwelling unit shall be provided. All other uses will be required to provide parking in accordance with Subsection 1(a) of Section 18A of Zoning By-law No. 6593.
- e) That notwithstanding Subsection (21) and (23) of Section 18A of Zoning By-law No. 6593, access to required parking spaces and manoeuvring space shall also have access by means a public alleyway.

3. That the “G” (Neighbourhood Shopping Centre Etc.) District, regulations, as contained in Section 13 of Zoning By-law No. 6593, Supplemental Requirements and Modifications contained in Section 18 of Zoning By-law No. 6593, and the Parking and Loading Requirements regulations as contained in Section 18A of Zoning By-law No. 6593, applicable for Block 1, be modified to include the following special requirements:

- a) That notwithstanding Subsection (1) of Section 13 of Zoning By-law No. 6593 a multiple dwelling for a maximum of 11 units within the existing building existing on the date of the passage of this By-law the 17th day of December, 2014 shall be permitted;
 - b) That Subsection (1) (i) of Section (13) of Zoning By-law No. 6593 shall not apply to the subject lands.
 - c) That, notwithstanding Subsections (3) (i), (3) (ii) and (3) (iii)(a) of Section 13 of Zoning By-law No. 6593, the following yards shall be provided and maintained.
 - i) a minimum front yard depth of 0.0m;
 - ii) For a building used wholly or partially as a dwelling, a side yard along each side lot line, of a width of at least 0.0m; and,
 - iii) For a building used wholly or partially for human habitation a rear yard depth of at least 4.8m.
 - d) That notwithstanding Subsection (2) of Section 13 of Zoning By-law No. 6593, a maximum building height of three (3) stories shall be permitted.
 - e) That notwithstanding Subsection (3) (vi) (d) of Section 18 of Zoning By-law No. 6593, a porch may project 3 metres into a required front yard and be located 0.0 metres from a front lot line.
 - f) That notwithstanding Subsection (1) (b) and 1(c) of Section 18A of Zoning By-law No. 6593, visitor parking and loading shall not be required for a multiple dwelling.
 - g) That notwithstanding Subsection (24) (b) (iv) of Section 18A of Zoning By-law No. 6593, bumpers or wheel barriers shall not be provided the parking space located in the north westerly corner of the property.
4. That the “G” (Neighbourhood Shopping Centre Etc.) District, regulations, the Parking and Loading Requirement regulations as contained in Section 18A of Zoning By-law No. 6593, applicable for Block 2, be modified to include the following special requirements:
- a) That notwithstanding Subsection (1) (i) of Section 13 of By-law shall not apply.
 - b) That notwithstanding Section 4 a) of this By-law a single detached dwelling existing on the date of the passage of this By-law the 17th day of December, 2014 shall be permitted.

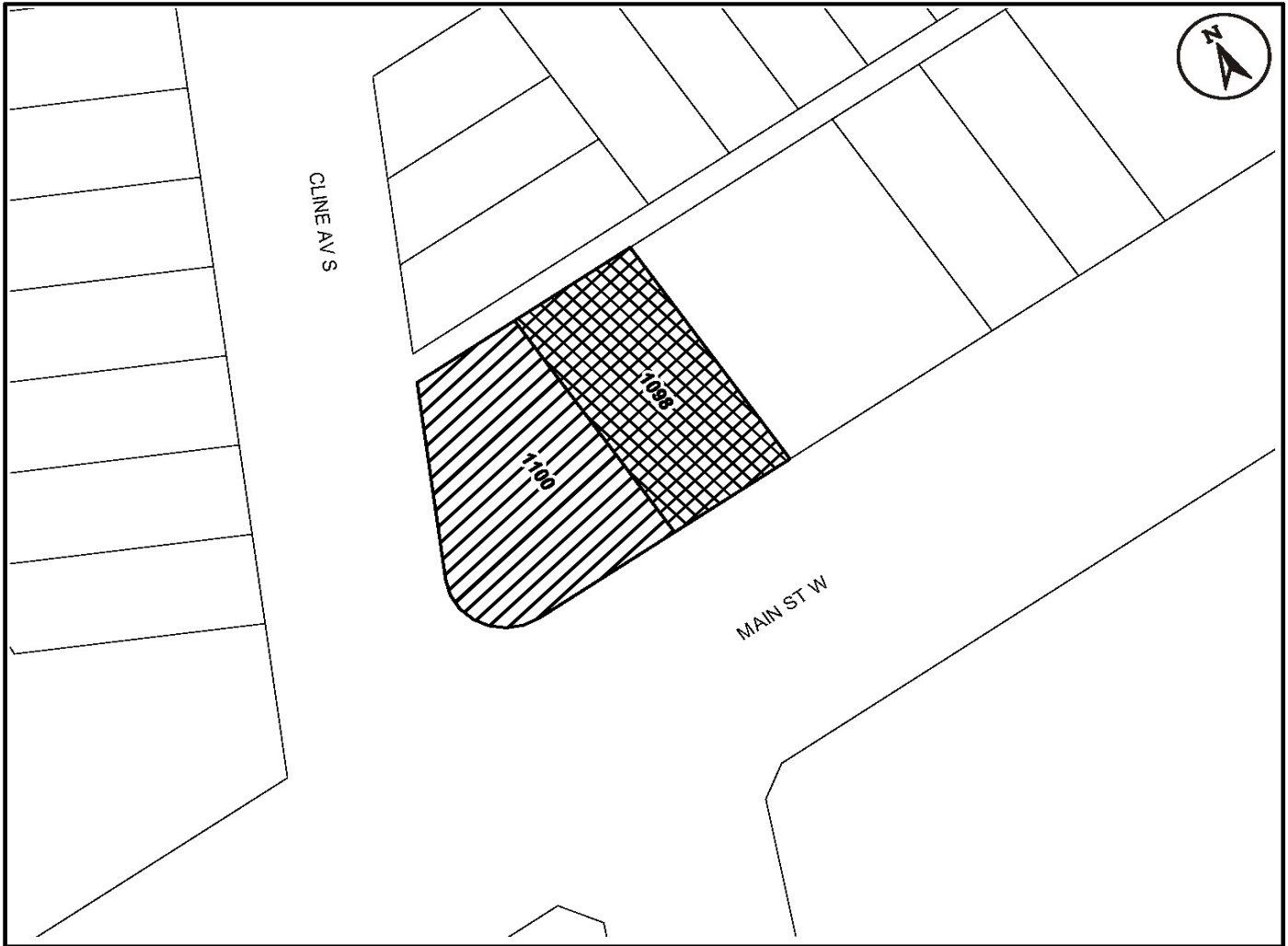
- c) That notwithstanding Subsection (24) (b) (i) of Section 18A of Zoning By-law No. 6593, a minimum access driveway width of 2.8m shall be provided for the access driveway onto Main Street West.
 - d) That notwithstanding Subsection (10) of Section 18A of Zoning By-law No. 6593, the accessibility to and the manoeuvring space for a maximum of one parking space may be obstructed by other parking spaces.
 - e) That notwithstanding Subsection (14) (h) of Section 18A of Zoning By-law No. 6593, one parking space may be permitted in the front yard.
5. That the 'H' symbol, applicable to the lands zoned "G/S-1708" - 'H' (Neighbourhood Shopping Centre, etc.) Holding District, may be removed by further amendment to this By-law for Blocks 1 and 2 at such a time as:
- 1) That the owner/applicant applies for and receives final Site Plan Approval, to the satisfaction of the Director of Planning.
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 17th day of December, 2014.

Fred Eisenberger
Mayor

Rose Caterini
City Clerk

ZAR-14-005



This is Schedule "A" to By-law No. 14-

Passed the day of, 2014

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-law No. 14-_____

to Amend By-law No. 6593

Subject Property

1098 & 1100 Main Street West



Block 1: Change in Zoning from the "G/S-1361" Neighbourhood Shopping Centre, etc. District to the "G/S-1708" - 'H' Neighbourhood Shopping Centre Holding District



Block 2: Change in Zoning from the "G/S-1361" Neighbourhood Shopping Centre, etc. District to the "G/S-1708" - 'H' Neighbourhood Shopping Centre Holding District

Scale:
N.T.S.

File Name/Number:
ZAR-14-005

Date:
Nov 20, 2014

Planner/Technician:
DB/DB



Hamilton