

Authority: Item [REDACTED]
Planning Committee
Report 15 [REDACTED] (PED15028)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY- LAW NO. [REDACTED]

To Amend Zoning By-law No. 6593 (Hamilton) Respecting Modifications and Updates

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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 [REDACTED] of Report 15-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED] 2015, 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 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 Nos. E-25 and E-26 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), are hereby amended by:
 - a) zoning Blocks "1" and "2" the "H" (Community Shopping and Commercial, etc.) District;
 - b) zoning Block "3" the "H/S-1572" (Community Shopping and Commercial, etc.) District, Modified; and,
 - c) zoning Block "4" the "C/S-1572" (Urban Protected Residential, etc.) District, Modified;

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A1".

2. That Sheet No. E-59 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is hereby amended by zoning the lands at 271 Carson Drive as "C" (Urban Protected Residential, etc.) District, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A2".
3. That Sheet No. E-38c of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is hereby amended by removing the lands at 1457 Upper Sherman Avenue from By-law No. 6593, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A3".
4. That **SECTION 2: INTERPRETATION AND DEFINITIONS** is amended by deleting and replacing the definition of height:
 2. (2) J. (ix) **"Height"** means the vertical distance from grade to the uppermost point of the building but not including any mechanical penthouse or any portion of a building designed, adapted or used for such features as a chimney, smokestack, fire wall, stair tower, fire tower, water tower, tank, elevator bulkhead, ventilator, skylight, cooling tower, derrick, conveyor, antenna, or any such requisite appurtenance, or a flagpole, display sign, ornamental figure, parapet, bell tower or other similar structure. Provided, however, where this By-law requires building height to be calculated to determine a minimum rear yard or a minimum side yard requirement, building height shall mean the vertical distance between the lowest finished grade elevation along the lot line related to such required yard at that point closest to the building and the horizontal extension of the uppermost point of the building. Where the height is designated in terms of storeys, it shall mean the

number of storeys, contained between the roof and the floor of the first storey.

5. That **SECTION 18: SUPPLEMENTARY REQUIREMENTS AND MODIFICATIONS** is amended:

- (a) by deleting and replacing clause (v) of Subsection (4) **ACCESSORY BUILDING REQUIREMENTS AND MODIFICATIONS** to read as follows:

(4) (v) Air conditioners and pumps (including heat pumps and swimming pool pumps) and other similar mechanical equipment shall be located only in accordance with the following regulations:

- a) Within a required front yard, provided such equipment shall have a minimum setback of 3.0 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping; and,
- b) Within a required side yard or required rear yard provided such equipment has a minimum setback of 0.6 metres from the side lot line or rear lot line.

- (b) by revising the introduction and clause (b), and renumbering original clauses (c), (d) and (e) as (e), (f) and (g) of Subsection (11) **SPECIAL REQUIREMENTS FOR OUTDOOR PATIOS** to read as follows:

(11) Notwithstanding any provisions of this By-law, every Outdoor Commercial Patio, inclusive of all outdoor areas and portions of the patio that cross property lines such as road allowances, shall comply with the following:

- (b) Seating Capacity Requirements

An Outdoor Commercial Patio shall be limited to a seated capacity of a minimum of 1.10 square metres of patio area per person.

- (e) Lighting Requirement:

All lighting for an outdoor patio shall be directed only towards and onto the area occupied by the outdoor patio and away from adjoining land, buildings and streets.

- (f) Parking Requirement:

Notwithstanding Section 18A, no parking spaces or loading spaces shall be required for an outdoor patio.

(g) Land Use Requirement:

No part of the land on which the outdoor patio is situate shall be used as a place of entertainment for the purpose of providing entertainment or amusement including live or recorded music or dance facilities.

6. That **SECTION 18A: PARKING AND LOADING REQUIREMENTS** is amended:

(a) ~~by changing "2.7 metres" to "2.6 metres" and "6.0 metres" to "5.5 metres" in Subsection (7).~~

(b) by adding a new Subsection (43):

(43) The provisions of Subsection 18A. (1) shall not apply to any permitted commercial use(s), except "Medical Office" which includes "Doctor, Dentist, Osteopath and Drugless Practitioner," located in all or part of a building existing on the effective date of this By-law, within the areas shown on Schedules "P", "Q", "R", "S" and "T", attached as Schedules "A4", "A5", "A6", "A7" and "A8" to this By-law, no parking spaces are required provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained. Where an addition or expansion of an existing building is proposed, the parking requirements of Section 18A. (1) above, shall only apply to the commercial use or uses contained within the increased gross floor area.

7. That **SECTION 19: RESIDENTIAL CONVERSION REQUIREMENTS** is amended by deleting "of the cellar, if any, and" after "but excluding the area of" in clause (i) of Subsections (1) and (2).

8. That **SECTION 20: ADMINISTRATION AND VIOLATION** is amended by revising Subsection (1) to read as follows:

(1) **Enforcement:** This By-law shall be administered by the City's Director, Building Division, Chief Building Official.

9. 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 and ENACTED this [REDACTED] day of [REDACTED], 2015.

Fred Eisenberger
Mayor

CI-14-H

Rose Caterini
Clerk