

**Authority:** Item 4, Planning Committee  
Report: 15-016 (PED15167)  
CM: October 28, 2015

**Bill No. 243**

## **CITY OF HAMILTON**

### **BY-LAW NO. 15-**

#### **To Amend Zoning By-law No. 6593 (Hamilton) Respecting the Lands Located at 623 Upper James Street, 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 4 of Report 15-016 of the Planning Committee at its meeting held on the 28<sup>th</sup> day of October 2015, which recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

**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. The Sheet No. E-7 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), as amended, is further amended by changing the zoning from the "E/S-1254" (Multiple Dwellings, Lodges, Clubs, Etc.) District to the "H/S-1725" (Community Shopping and Commercial, Etc.) District on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That the “H” (Community Shopping and Commercial, Etc.) District provisions, as contained in Section 14 of Zoning By-law No. 6593, pertaining to the land zoned “H/S-1725” District shall include the following special provisions:
  - (a) That notwithstanding Subsection 14(1)(iia) of the By-law No. 6593, a maximum of thirty-four dwelling units within the building is situate provided that the building does not exceed 6 stories in height shall be permitted.
  - (b) That notwithstanding Subsection 14(2)ii of the By-law No. 6593, for a mixed-use building where a southerly side yard is not less than 3 metres (9.84 feet) wide, the height of a building or structure shall not exceed six storeys or 27.0 metres (88.58 feet) in height.
  - (c) That notwithstanding Subsections 14(9), 18A (11)(a) of the By-law No. 6593 where any parking space or manoeuvring space is adjacent to a street line or residential district, a landscaped area having a minimum average width of 1.0 metres, but not less than 0.4 metres in width, shall be provided and maintained along the entire street line of the lot, except for the area used for access driveways.
  - (d) That notwithstanding Subsections 18A (1)(a), 18A (1)(c), 18A (1)(d), 18A(7):
    1. Every required parking space other than a parallel parking space or barrier free space, shall have dimensions not less than 2.6 metres wide and 5.5 metres long;
    2. One parking space for every residential unit shall be provided;
    3. One parking space for every 22 sq m of medical office space shall be provided; and,
    4. One loading space shall be provided having dimensions not less than 9.0 metres long, 3.7 metres wide and 4.0 metres in height.
  - (e) That notwithstanding Subsection 18A (26), every access driveway providing access to or egress from or both access to and egress from the non-residential use shall be located not less than 0.4 metres from the common boundary with the residential district.
3. No building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or park thereof be used, nor shall any land be used, except in accordance with the “H” (Community Shopping and Commercial, Etc.) District provisions, subject to the special requirements referred to in Section 2 of this By-law.

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4. 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 28<sup>th</sup> day of October, 2015.

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Fred Eisenberger  
Mayor





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R. Caterini  
Clerk

ZAC-14-014

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<p>This is Schedule "A" to By-law No. 15-</p> <p>Passed the ..... day of ....., 2015</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>					
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p style="text-align: center; font-size: 1.2em;"><b>Schedule "A"</b></p> <p style="text-align: center;">Map Forming Part of By-law No. 15-_____</p> <p style="text-align: center;">to Amend By-law No. 6593</p> </div> <div style="width: 50%;"> <p><b>Subject Property</b></p> <div style="display: flex; align-items: flex-start;"> <div style="width: 20px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); margin-right: 5px;"></div> <p>623 Upper James Street, Hamilton to be rezoned "H/S-1725" (Community Shopping and Commercial, Etc.) District, Modified.</p> </div> </div> </div>						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; padding: 2px;"> <b>Scale:</b> N.T.S.                 </td> <td style="width: 25%; padding: 2px;"> <b>File Name/Number:</b> ZAC-14-014                 </td> <td rowspan="2" style="width: 50%; text-align: center; padding: 5px;">   <u>Hamilton</u> </td> </tr> <tr> <td style="padding: 2px;"> <b>Date:</b> July 6, 2015                 </td> <td style="padding: 2px;"> <b>Planner/Technician:</b> MS/VS                 </td> </tr> </table>		<b>Scale:</b> N.T.S.	<b>File Name/Number:</b> ZAC-14-014	 <u>Hamilton</u>	<b>Date:</b> July 6, 2015	<b>Planner/Technician:</b> MS/VS
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<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>						