

Authority: Item 8, Planning Committee
Report 17-012 (PED17114)
CM: July 14, 2017
Ward: 2

Bill No. 152

CITY OF HAMILTON

BY-LAW NO. 17-

To Amend Zoning By-law No. 6593 (Hamilton), as amended by By-law No. 74-29, Respecting Lands Located at 500-512 James Street North (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";

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";

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

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);

WHEREAS, the Council of the City of Hamilton, in adopting Item 8 of Report 17-012 of the Planning Committee, at its meeting held on the 14th day of July 2017, which 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 in June 1, 1982.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Sheet No. E2 of the District Maps appended to and forming part of Zoning By-law No. 6593 (Hamilton) as amended, is further amended by changing from the "G" (Neighbourhood Shopping Centre, etc.) District to "H/S-1751 – 'H'" (Community Shopping and Commercial, etc.) District, Holding, Modified 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, be modified with the following special requirements:
 - (a) That in addition to Section 14(1) of Zoning By-law No. 6593, the following additional use shall be permitted:

- (i) A 45 Unit Multiple Dwelling.
- (b) That notwithstanding Section 14(1) of Zoning By-law No. 6593, the following uses shall be prohibited:
 - (i) A automobile service station or other public garage;
 - (ii) A manual or mechanical car wash; and,
 - (iii) An artificial ice plant.
- (c) That notwithstanding Section 14(2)(i) and (ii), the height of a building or structure shall not exceed four storeys or 14.0 metres in height.
- (d) That notwithstanding Section 14(3)(i), a minimum front yard depth of 3.1 metres shall be provided and maintained.
- (e) That notwithstanding Section 14(3)(ii)(a), for a building used wholly or partly for human habitation, a minimum northerly side yard width of 0.0 metres and a minimum southerly side yard width of 1.0 metres shall be provided and maintained.
- (f) That notwithstanding Section 18 (3)(vi)(d), a roofed-over unenclosed one storey porch, including eaves and gutters, may project into a required front yard to a distance of not more than 3.1 metres and every such projecting porch shall be distant at least 0 metres from the front lot line.
- (g) That notwithstanding Section 18 (3)(vi)(e), an uncovered porch, which does not extend more than 1.0 metre above the floor level of the first storey, including eaves and gutters, may project into a required front yard to a distance of not more than 3.1 metres and every such projecting porch shall be distant at least 0.0 metres from the front lot line.
- (h) That notwithstanding Section 18A(1)(a), a residential parking rate of 0.17 parking spaces per dwelling unit shall be provided.
- (i) That notwithstanding Section 18A(1)(b), a visitor parking rate of 0.25 parking spaces per dwelling unit shall be provided.
- (j) Section 18A(1)(c) shall not apply.
- (k) That notwithstanding Section 18A(11)(a), a parking area adjoining a residential district containing five (5) or more parking spaces shall not be located less than 1.3 m from a residential district.
- (l) Section 18A(12)(c) shall not apply.

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3. That the 'H' symbol applicable to the multiple dwelling use on the subject lands referred to in Section 1 of this By-law, shall be removed conditional upon:
 - (i) the applicant entering into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment and Climate Change (MOECC). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECC, and submission of the City of Hamilton's current RSC administration fee
4. 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 provisions, subject to the special requirements referred to in Sections 2 and 3.
5. That Sheet No. E2 of the District Maps is amended by marking the lands referred to in Section 1 of the By-law as "H/S-1751".
6. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1751.
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*.

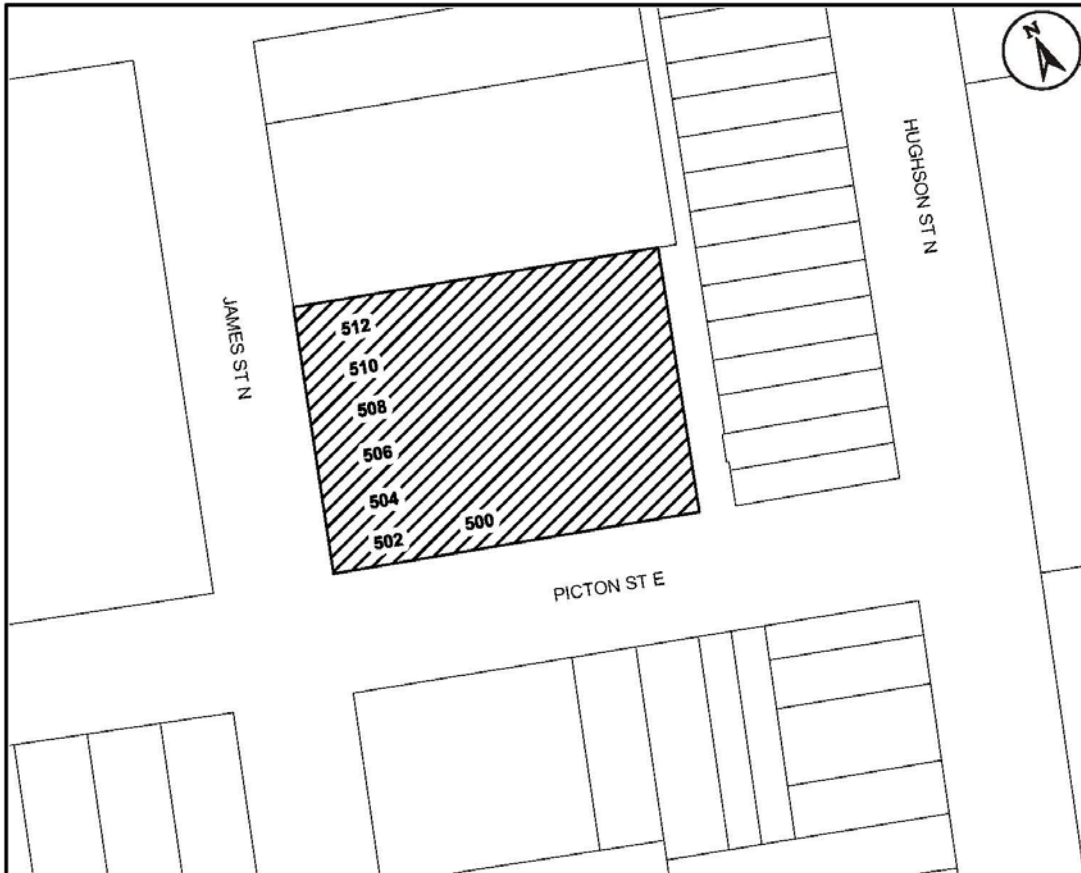
PASSED this 14th day of July, 2017.

F. Eisenberger
Mayor

R. Caterini
City Clerk

ZAC-16-071

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This is Schedule "A" to By-law No. 17- Passed the day of, 2017	----- Mayor ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 17-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 6593</p>	<p>Subject Property 500 - 512 James Street North</p> <p> Change in zoning from "G" (Neighbourhood Shopping Centre, etc.) District to "H/S-1751-'H" (Community Shopping and Commercial, etc. - Holding) District, Modified.</p>
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Scale: N.T.S.	File Name/Number: ZAC-16-071	
Date: June 9, 2017	Planner/Technician: TS/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		Hamilton