

Authority:

Ward: 6

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

**To Amend Zoning By-law No. 6593, as amended
by By-laws No(s). 92-032 and 93-216
Respecting Lands located at 952 – 954 Concession 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 _____ of Report 17-_____ of the Planning Committee, at its meeting held on the day of _____ 2017, 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. That By-law No. 92-032 is repealed in its entirety.

2. That Section 2 of By-law No. 93-216 is deleted in its entirety.
3. That Sections 4(i) and (v) of By-law No. 93-216 are deleted in their entirety.
4. That Section 4(ii) of By-law No. 93-216, is amended by deleting the words "within the existing building only".
5. That Section 4(iii) of By-law No. 93-216, is amended by deleting the words "within the existing building only".
6. That Section 8 of By-law No. 93-216 is deleted in its entirety.
7. That Sheet No. E-35 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing the zoning from the "G-3" (Public Parking Lots) District, to the "G-4/S-1214b" (Designed Neighbourhood Shopping Area) District, Modified, on the lands comprised of "Block 1";

the extent and boundaries of which are shown on a plan hereto annexed as Schedule 'A' to this By-law.

8. That the "G-4" (Designed Neighbourhood Shopping Area) District provisions, as contained in Section 13D of Zoning By-law No. 6593, as amended by By-law No. 93-216, applicable to the lands comprised of "Block 1" and "Block 2", the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are further amended as follows:
 - (a) In addition to the uses permitted in Section 13D(1)B and By-law No. 93-216, as amended by this By-law, an animal hospital, excluding cremation, shall be permitted.
 - (b) The commercial uses shall be restricted to the ground floor of the building, and further, the cellar of the building shall only be used for storage for the commercial uses.
 - (c) In addition to the uses permitted in Section 13D(1), a maximum of three dwelling units shall be permitted in the same building with a permitted commercial use, provided that the dwelling unit is located above the ground floor, except for access and utility areas, and provided further that the total gross floor area of the portion of the building used for dwelling units, except for access and utility areas, does not exceed the total gross floor area used for commercial purposes.
 - (d) Notwithstanding Section 13D(4)(i), a minimum front yard of a depth of at least 0.35 metres shall be provided and maintained.
 - (e) Notwithstanding Section 13D(4)(ii), a minimum side yard along the easterly lot line of a width of at least 0.30 metres shall be provided and maintained.

- (f) Notwithstanding Section 13D(4)(iii), a rear yard of a depth of 0.0 metres.
- (g) Notwithstanding Section 13D(7)(i), a planting strip of not less than 0.9 metres in width shall be provided and maintained along the westerly side lot line adjoining a residential district or use, except where a building, structure or accessory building is located and except for the area used for access driveways.
- (h) Section 13D(7)(ii) shall not apply.
- (i) Notwithstanding Section 18(3)(vi)(a), a chimney, sill, belt course, leader, pilaster, lintel or ornamental projection may project not more than 0.35 metres into the required front yard, and not more than 0.3 metres into the required side yard along the easterly lot line.
- (j) Notwithstanding Section 18(3)(vi)(b)(i) and (iii), a cornice, eave or gutter may project not more than 0.35 metres into the required front yard, and not more than 0.3 metres into the required side yard along the easterly lot line.
- (k) Notwithstanding Section 18(3)(vi)(c)(ii), an open stairway may project not more than 0.35 metres into the required front yard, and may project not more than 0.3 metres into the required side yard along the easterly lot line.
- (l) Notwithstanding Section 18(3)(vi)(e), a terrace, uncovered porch, platform or ornamental feature which does not extend more than 1.0 metre (3.28 feet) above the floor level of the first storey, may project not more than 0.35 metres into the required front yard, and not more than 0.3 metres into the required side yard along the easterly lot line.
- (m) Notwithstanding Section 18(3)(vi)(k), a building may encroach or further encroach for the purpose only of refacing the building, not more than 0.35 metres into the required front yard, and not more than 0.3 metres into the required side yard along the easterly lot line.
- (n) Notwithstanding Section 18A(7), every required parking space, other than a parallel parking space, shall have dimensions not less than 2.7 metres wide and 5.8 metres long.
- (o) Notwithstanding Section 18A(11)(a), the boundary of every parking area and loading space on a lot containing five or more parking spaces located on the surface of a lot adjoining a residential district shall be fixed not less than 0.9 metres from the adjoining residential district boundary.
- (p) Section 18A(11)(b) shall not apply.

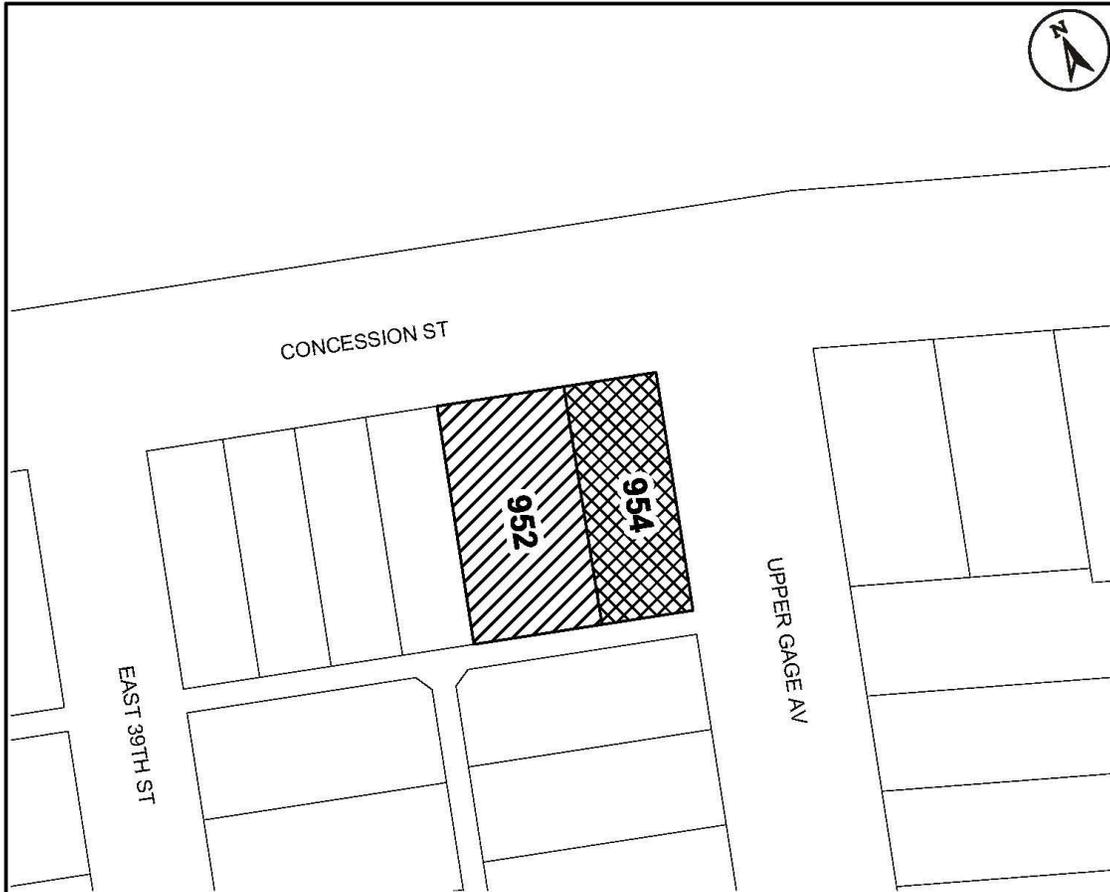
- (q) Notwithstanding Section 18A(16), each required visitor parking space shall,
- i. be maintained for the shared use between the commercial use and the residential use;
 - ii. have a sign appurtenant thereto legibly marked that the parking space is for the shared use of both commercial and residential visitor parking; and,
 - iii. be maintained readily accessible for either use, free and clear of all obstructions.
- (r) Section 18A(26) shall not apply.
9. 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 "G-4" District provisions, as amended by By-law 93-216, subject to the special requirements referred to in Section 8 of this By-law.
10. That Zoning By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1214b.
11. That Sheet No. E-35 of the District Maps is amended by marking the lands referred to as "Block 2" in Section 8 of this By-law as S-1214b.
12. In all other respects, By-law No. 93-216 is hereby confirmed, unchanged.
13. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law, in accordance with the *Planning Act*.

PASSED and ENACTED this day of November, 2017.

Fred Eisenberger
Mayor

Rose Caterini
City Clerk

ZAR-17-010



<p>This is Schedule "A" to By-law No. 17-</p> <p>Passed the day of, 2017</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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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: 0 0 0 0;">to Amend By-law No. 6593</p>	<p>Subject Property</p> <p>952-954 Concession Street, Hamilton</p> <p> Block 1 - Change in zoning from the "G-3" (Public Parking Lots) District, to the "G-4/S-1214b" (Designed Neighbourhood Shopping Area) District, Modified</p> <p> Block 2 - Change in zoning from the "G-4/S-1214a" (Designed Neighbourhood Shopping Area) District, Modified, to the "G-4/S-1214b" (Designed Neighbourhood Shopping Area) District, Modified</p>
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<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAR-17-010</p>		<p>Date: Sept. 28, 2017</p>	<p>Planner/Technician: AF/NB</p>
<p style="text-align: center; font-size: small;">PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>				

For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes

Committee: PC

Report No.: PED17193

Date: 11/14/2017

Ward(s) or City Wide: Ward 6

(MM/DD/YYYY)

Prepared by: Alana Fulford

Phone No: 4771

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