

**CITY OF HAMILTON**

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b> Chair and Members Planning Committee	<b>WARD(S) AFFECTED:</b> WARD 1
<b>COMMITTEE DATE:</b> May 14, 2013	
<b>SUBJECT/REPORT NO:</b> Application for a Change in Zoning for 158 and 162 Locke Street South (Hamilton) (PED13081) (Ward 1)	
<b>SUBMITTED BY:</b> Tim McCabe General Manager Planning and Economic Development Department	<b>PREPARED BY:</b> Chris Bell (905) 546-2424 Ext. 1262
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That approval be given to **Amended Zoning Application ZAR-12-061, by 1521061 Ontario Inc., Owner**, for changes in zoning from the “D” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to the “G-3 - ‘H’/S-1666” (Public Parking Lot - Holding) District, Modified, with a Special Exception and a Holding provision (Block 1), and from the “H” (Community Shopping & Commercial, Etc.) District to the “H/S-1666” (Community Shopping & Commercial, Etc.) District, Modified, with a Special Exemption, to permit a private commercial parking lot on portions of the subject lands to the rear of the existing buildings, on lands municipally known as 158 and 162 Locke Street within Part of Lot 18, Concession 3, Former Township of Barton, now in the City of Hamilton, as shown on Appendix “A” to Report PED13081, on the following basis:

- (a) That the draft By-law, attached as Appendix “C” to Report PED13081, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

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- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1666, and that the subject lands on Zoning District Maps W-13 and W-14 be notated as S-1666; and,
- (c) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the Official Plan for the City of Hamilton.

**EXECUTIVE SUMMARY**

The purpose of this application is to rezone the subject lands to permit the rear portion of the properties to be used as a commercial parking lot. The subject lands would be used in conjunction with the portion of the lands to the rear of 172-176 Locke Street, and would include accesses to both Locke Street South and Blanshard Street (see Appendix "A").

The proposal has merit and can be supported since the changes in zoning are consistent with the Provincial Policy Statement, and conform with the City of Hamilton and Hamilton-Wentworth Official Plans. The proposed development is considered to be a form that is compatible and complementary to existing development.

*Alternatives for Consideration - See Page 14.*

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)**

**Financial:** N/A.

**Staffing:** N/A.

**Legal:** As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for an Amendment to the Zoning By-law.

**HISTORICAL BACKGROUND (Chronology of events)**

The subject lands are located within the Kirkendall North neighbourhood, and consist of part of the Locke Street commercial corridor. The lands subject to this application front onto Locke Street South and consist of existing commercial units, with an informal parking area to the rear, which is proposed to be expanded and formalized through the amending By-law and a future Site Plan application (see Appendix "A"). The lands are currently used for surface parking and loading for the associated uses in the existing buildings.

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In 2009, staff from the Parking and By-law Services Division negotiated with the owner of the subject lands, and the former owners of the adjacent lands to the south, to ascertain if it was possible to operate a public parking lot to provide additional parking for Locke Street patrons. However, the two owners agreed to a land swap, which resulted in the owner subject to this application acquiring all of the lands, which is now proposed through this application to be operated as a private commercial parking lot.

More recently, the following chronology of events has taken place that lead up to the preparation of this Report:

- December 20, 2012: Application for Zoning By-law Amendment submitted.
- January 7, 2013: Application for Zoning By-law Amendment deemed complete.
- January 9, 2013: Application circulated to relevant Agencies and Departments for preliminary review.
- January 16, 2013: Notice of Complete Application and Preliminary Circulation distributed to neighbouring residents within 120m of the subject lands.
- April 18, 2013: Circulation of Notice of Public Meeting.

**Details of Submitted Application:**

- Location:** 158 and 162 Locke Street South (Hamilton)  
(See Appendix "A")
- Owner:** 1521061 Ontario Inc.
- Applicant:** WEBB Planning Consultants
- Property Description:**
- |                         |                            |
|-------------------------|----------------------------|
| <u>Total Lot Width:</u> | 29.4m (Locke Street South) |
| <u>Lot Depth:</u>       | 51.5m                      |
| <u>Total Lot Area:</u>  | 1,514 sq. m.               |

**EXISTING LAND USE AND ZONING:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Commercial Buildings Fronting onto Locke Street with Parking/Loading Space Behind (Current Tenants are Starbucks and Retail Uses)	“H” (Community Shopping and Commercial) District and “D” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District
<b><u>Surrounding Lands:</u></b>		
<b>North</b>	Commercial Buildings Fronting onto Locke Street	“H” (Community Shopping and Commercial) District and “D” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District
<b>South</b>	Ground Floor Commercial Uses with Some Residential Units Above	“H” (Community Shopping and Commercial) District and “G-3-‘H’/S-1660” (Commercial Parking Lot - Holding) District
<b>East</b>	Ground Floor Commercial Uses with Some Residential Units Above	“H” (Community Shopping and Commercial) District and “D” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District
<b>West</b>	Vacant	“E-2-‘H’/S-1660” (Multiple Dwellings - Holding) District

<b>POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS</b>
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**Provincial Policy Statement:**

Staff recognizes that the application is consistent with the policies that focus growth in Settlement Areas, Policy 1.1.3.1.

In addition, Policy 2.6.3 states that development and site alteration may be permitted on adjacent lands to protect heritage property where the proposed development and site alteration has been evaluated, and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. Staff notes that the subject lands are located adjacent to 172-176 Locke Street South (Twentieth Century Club Building), which is designated under the Ontario Heritage Act, and is identified within **Hamilton's Heritage Volume I**. However, the development is to the rear of the protected heritage property and is not expected to produce any adverse impacts on the heritage attributes of the designated portions of the building. Therefore, a Heritage Impact Assessment was not required, and the property is deemed to be compliant with cultural-related Provincial policy.

Based on the forgoing, the proposal is consistent with the policies of the Provincial Policy Statement.

**Growth Plan for the Greater Golden Horseshoe (Places to Grow):**

Section 1.2.2 of the Growth Plan for the Greater Golden Horseshoe 2006 indicates that some of the guiding principles of the Plan are to “build compact, vibrant, and complete communities”, and to “optimize the use of existing and new infrastructure to support growth in a compact, efficient form”. The application conforms with these principles, as it proposes to assist in building a complete community.

**Region of Hamilton Wentworth Official Plan:**

The subject property is designated as “**Urban Area**” within the Hamilton-Wentworth Regional Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas.

However, Policy B-9.2 states that protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, shall be considered in the review of proposals for development and re-development. Where possible, these attributes will be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection. As noted above, the subject lands are located adjacent to 172-176 Locke Street South (Twentieth Century Club Building), which is designated under the Ontario Heritage Act and identified within **Hamilton's Heritage Volume I**. Notwithstanding this nearby designation, the proposed development will not produce any adverse impacts on the heritage attributes of the designated portions of the building.

The proposal conforms to the policies of the Region of Hamilton Wentworth Official Plan.

**New Urban Official Plan (Council Adopted):**

The Urban Hamilton Official Plan was adopted by Council on July 9, 2009, and received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011. However, it has been appealed to the Ontario Municipal Board.

The subject lands are designated both “Neighbourhoods” and “Mixed-Use Medium Density” in the new Urban Hamilton Official Plan. Sub-section 3.2.1 of the Urban Hamilton Official Plan notes that Areas designated “Neighbourhoods” shall function as complete communities, and include the full range of residential dwelling types and densities, as well as supporting uses intended to serve the local residents. The “Mixed-Use Medium Density” designation permits a range of commercial and multi-unit residential, either combined or separately.

This “dual designation” on the subject lands is a result of the lands being located at the interface between the existing and long-standing Locke Street commercial corridor and the neighbouring residential community on the interior of the Kirkendall North neighbourhood. In circumstances such as this, the Urban Hamilton Official Plan contains “Interpretation Policies” in Sub-section F.1.4.7, which notes that the boundaries of land use designations are considered approximate and not intended to define the exact limits of any land use. Minor adjustments to the Zoning By-law may be made without amending the Official Plan provided the By-law confirms to the general intent of the Official Plan.

Planning staff acknowledges that the subject lands have historically been used as an integral part of the commercial corridor along Locke Street South as both a parking and loading area for the associated commercial uses located in the existing buildings. As the proposed rezoning is intended to formalize a parking lot use servicing the Locke Street commercial corridor, planning staff is satisfied that the proposed rezoning is reinforcing the planned function of the commercial corridor by providing parking spaces for an area that has otherwise limited opportunities for on-site and on-street parking.

The subject application would be in conformity with the Urban Hamilton Official Plan.

**City of Hamilton Official Plan:**

The subject lands are designated both “Residential” and “Commercial”. As a result, the following policies are applicable to the proposed development:

- “A.2.1.8      It is the intent of Council that a variety of housing styles, types, and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or re-development will contribute to the desired mix of housing, where practicable. In this regard, Council will

be guided by the Housing Policies of Sub-section C.7 and the Neighbourhood Plan Policies of Sub-section D.2.

A.2.1.13 Plans for re-development will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced, and that the re-development will not burden existing facilities and services.

A.2.2.1 The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention, and entertainment facilities.”

Sub-section D.8.2 of the City of Hamilton Official Plan acknowledges that the boundaries between classes of land uses are not intended to form the exact limits of any land use or policy. Minor adjustments may be made in respect of such boundaries by way of Zoning By-law Amendment without the necessity of an Official Plan Amendment, provided the Zoning By-law conforms with the general intent and purpose of the Plan.

In this case, the Locke Street commercial corridor is identified as a general swath of land that does not reflect the varying depths of lots fronting onto Locke Street South. Planning staff notes that the portion of the subject lands proposed to be rezoned to permit the commercial parking lot is located to the immediate rear yard of the commercial properties at 158 and 162 Locke Street, which currently use their rear yards for limited parking and loading. In addition, 168 - 176 Locke Street South was recently rezoned to permit a commercial parking lot.

The proposed parking lot will logically function as a continuation of the existing commercially zoned property fronting onto Locke Street South.

The general provisions of the Commercial designation also provide additional policies to consider in circumstances where commercial uses are adjacent to residential uses. These policies include:

- “A.2.2.35
- i) Access drives, parking, and service areas will be screened and/or buffered such that noise, light, or undesirable impacts emanating from the commercial use are mitigated;
  - ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent residential uses; and,

- iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent uses.”

While the subject lands have been used for parking in the past, planning staff notes that the proposed new lot will be subject to Site Plan Control, which will provide a more formal and considered opportunity to enhance measures to lessen the impact on abutting residential land uses.

Considering the foregoing, Planning staff is satisfied that the proposed rezoning, to allow for a consolidated parking lot at the rear of commercial uses along the Locke Street corridor, is appropriate and compliant with the City of Hamilton Official Plan.

**Neighbourhood Plan:**

The subject lands are designated “Commercial” in the approved Kirkendall North Neighbourhood Plan. The proposed use is permitted in the “Commercial” designation.

**RELEVANT CONSULTATION**

**Agencies/Departments Having No Concern Or Objections:**

- Hamilton-Wentworth District School Board.
- Hamilton-Wentworth Separate School Board.
- Union Gas.
- Bell Canada.
- Canada Post.

**Other Agency/Department Comments:**

**Waste Management Section (Public Works Department)** has advised that the subject lands are eligible for weekly collection of garbage, organics, recyclable material, and leaf and yard waste subject to compliance with the specifications indicated by the Operations and Waste Management Division, and subject to compliance with the City’s Solid Waste Management By-law 09-067. This will be reviewed in further detail at the Site Plan stage.

**Traffic Engineering Section (Public Works Department)** staff has advised that the proposed parking lot will not currently have adequate access. In addition, they have advised that Blanshard Street is a public, unassumed alley, and cannot guarantee that it will provide access to the proposed development under its current condition. As such, as a condition of approval, it will be necessary for the owners to acquire two-way access from Poulette.



Planning staff duly notes the limitations of the existing condition of Blanshard Street. It will be necessary to ensure that access is improved before development takes place on the subject lands. In order to ensure that such improvements are duly considered, Planning staff is recommending placing an 'H' Holding provision on the zoning of the subject property to preclude development from occurring until arrangements have been made for improvements to the access. This is consistent with the previous planning approvals for the lands to the south and west, which have the same Holding provision affixed to their site-specific zoning.

**Forestry and Horticulture Section (Public Works Department)** staff has advised that they do not object to the proposed rezoning. A Landscape Tree Planting Plan will be required at the subsequent Site Plan Review stage.

**Hamilton Municipal Parking System** staff advised that the applicant should ensure that all on-site aisles and parking spaces are suitably dimensioned without encumbrances to allow for proper use of parking. These particulars will be considered during the review of a subsequent site plan application.

**Hamilton Conservation Authority (HCA)** staff has advised that the lands do not contain any natural heritage or natural hazard lands, and are not located in an area affected by the HCA's permitting regulations. As such, the HCA has no objection to the proposed applications, but requests that stormwater management and erosion control measures be satisfactorily addressed at the Site Plan stage.

**Public Consultation:**

In accordance with the changes to the Planning Act and the Public Participation Policy that was approved by Council, Notice of the Complete Application and Preliminary Circulation of the application was circulated to all property owners within 120m of the subject property on January 16, 2013. A total of 330 notices were circulated. The City did not receive any letters from the public as a result of this notice. However, the owners of 170 Locke Street South have contacted Planning staff to reconfirm that they have a vehicular access right-of-way in their favour over the portion of the lands also owned by the applicant directly to the south.

As noted in the earlier staff report dealing with the rezoning on the lands to south, the change in land use sought by the rezoning application will not diminish the rights enjoyed by the owners of 170 Locke Street South. The owner will be obligated to ensure that right-of-way access is still available when considering the future design of the parking lot. This will be further reviewed and assessed at the Site Plan stage.

A Public Notice Sign was posted on the subject lands, and a Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

(include Performance Measurement/Benchmarking Data, if applicable)

1. The proposed changes in zoning have merit, and can be supported for the following reasons:
  - (i) They are consistent with the Provincial Policy Statement, as it represents an opportunity for growth in a Settlement Area;
  - (ii) They conform to the City of Hamilton and Hamilton-Wentworth Official Plans;
  - (iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area; and,
  - (iv) The proposed development represents good planning by providing a compact urban form.
  
2. In 2009, the City investigated the possibility of acquiring and/or operating the parcel proposed to be used as a commercial parking lot. A substantial amount of discussion took place with the City and the owners between 2009 and late 2011, to investigate arrangements for the parking lot to be dedicated to the City to assist in meeting parking needs for the Locke Street corridor.

During this time period, the owners of the subject lands and former owner of the lands to the south negotiated a land exchange which resulted in the subject land owner acquiring the lands to the south, which have subsequently been rezoned to allow a commercial parking lot, subject to improvements to Blanshard Street.

3. As noted earlier in this Report, both the City of Hamilton Official Plan and the Urban Hamilton Official Plan acknowledge that the boundaries between classes of land uses are not intended to form the exact limits of any land use or policy. Minor adjustments may be made in respect of such boundaries by way of Zoning By-law Amendment without the necessity of an Official Plan Amendment, so long as the Zoning By-law conforms with the general intent and purpose of the Plan.

In this case, the Locke Street commercial corridor is identified as a general swath of land that does not reflect the varying depths of lots fronting onto Locke Street South. Planning staff notes that the portion of the subject lands proposed to be rezoned to permit a commercial parking lot is located to the immediate north of lands currently zoned in a manner that would permit a commercial parking lot. In addition, the subject lands have been used for limited parking and loading.

Staff is satisfied that the portion of the subject lands proposed to be used for parking is consistent with the depths of the deeper rear yards of the lots to the immediate north and south along Locke Street South, respectively. While some of these lands are not zoned to permit commercial parking as-of-right, they have been historically used for parking for their respective commercial uses occupying the buildings fronting onto Locke Street.

The proposed parking lot will logically function as a continuation of the existing commercially zoned property fronting onto Locke Street South. Therefore, Planning staff is satisfied that the proposed rezoning, to allow for a consolidated parking lot at the rear of commercial uses along the Locke Street corridor, is appropriate.

**4. Traffic and Access:**

The portion of the subject lands proposed to be used as a commercial parking lot is currently used for parking for the existing commercial uses on site. Both ingress and egress to the parking lot is currently gained by the existing driveway on Locke Street South to the north of the existing building.

The lands proposed to be used as a commercial parking lot abut additional lands to the south owned by the applicant, which are also currently zoned for a commercial parking lot. In turn, the lands to the south are flanked by Blanshard Street, a 3.6m wide, public unassumed alley that runs from Locke Street South to Poulette Street. The owner is proposing that the lands subject to this application and the lands to the south be combined and used as one larger commercial parking lot, so that traffic may exit the lot along Blanshard Street.

While it is not signed as such, the narrow width of Blanshard Street means that it can currently function for traffic travelling in one direction at a time. Blanshard Street is intended to be improved to accommodate traffic generated by both the proposed commercial parking lot and the future residential development to the south.

Staff is satisfied that adequate space exists to create a laneway that can provide egress from the proposed commercial parking lot. At this stage, in which the City is simply considering a rezoning to determine the appropriate land use, discussions have taken place between City staff and the proponent wherein all parties acknowledge that:

- (a) The future access will be an improvement over the standards of the current lane; and,

- (b) Any future improvements must include an agreement between the City and owner(s) about the future construction, ownership, and maintenance of the access.

In this regard, Planning staff is satisfied that by affixing an 'H' Holding provision to the implementing Zoning By-law Amendment, and requiring future Site Plan approval, development will not occur until, amongst other requirements, such arrangements have been agreed to by the City and owners.

For the portion of the proposed commercial parking lot located on the lands to the south, a 'H' Holding provision has been affixed to ensure that an adequate means of ingress and egress has been arranged before the proposed use occurs, either by way of the improvement of Blanshard Street by agreements with other Locke Street properties, or a combination thereof.

5. **Implementing Zoning By-law:**

With the submission of the initial application, the Owner requested that the By-law be amended to allow the parking lot by allowing a commercial parking lot as an additional permitted use in the "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District (Block 1 on Appendix "A"). However, as the parking lot on the subject lands is to be operated in conjunction with the lands to the immediate south, and be subject to similar Holding provisions requiring the improvement of Blanshard Street, Planning staff is recommending that the implementing Zoning By-law place the lands in the same "G-3" (Public Parking Lots) District as the lands to the south.

Therefore, in addition to the 'H' Holding provisions noted above, the implementing Zoning By-law, attached as Appendix "C", rezones a portion of the subject lands to the "G-3" (Public Parking Lot) District, permitting only a parking lot. Additional provisions have been included to recognize the particular circumstances of the subject lands and their location relative to existing commercial uses, building locations, and the Locke Street corridor. In particular, regulations have been added to:

- Recognize the existing 4.0m entrance access from the Locke Street, whereas the By-law requires a minimum 5.5m;
- Recognize that the exiting access road passes by lands that are zoned for "residential" purposes; and,

- Recognize that no landscaping strip will be required adjacent to existing commercially zoned properties to the north and south along Locke Street South, and a 1.0m landscape strip will be required adjacent to residential uses internal to the neighbourhood (i.e. 357 Hunter Street West).

Planning staff is satisfied that these revisions are appropriate in this particular case, as they are simply recognizing the existing circumstances. An adequate landscaping area will be maintained adjoining the future 4-storey residential use to the rear, and will be complemented by a visual barrier. As the rear yards of the adjacent lots along Locke Street are typically used for parking or loading, a landscaping strip is not necessary to screen the lot from an adjacent sensitive land use.

While the existing access from Locke Street will continue to be used, the situation will ultimately be an improvement as a second means of egress will be created along Poulette Street.

In addition, a further regulation has been added to permit parking stall sizes of 2.6m x 5.5m, as prescribed in the new City of Hamilton Zoning By-law 05-200. As such, staff has no concerns about this special provision.

**6. Future Site Plan Application:**

As part of this application, the owner has provided a concept plan illustrating a proposed layout of the future parking lot (see Appendix “B”). At this point, it is important to note that the concept plan is simply provided for general illustrative purposes, and has not been subject to a detailed technical review. As commercial parking lots are subject to the Site Plan Control By-law, City staff will be conducting a detailed review prior to approval of a final site plan.

The final layout may change once a detailed site plan application is submitted and reviewed. For example, grading and drainage issues will be assessed and may result in the need for retaining walls, swales, or other features. A more detailed review of the means of screening the proposed lot from adjacent residential uses will be undertaken, which may result in landscaping or buffering measures not yet shown on the concept plan. Circulation and parking stall accessibility will also be assessed, which may result in the location and ultimate number of useable parking spaces.

**ALTERNATIVES FOR CONSIDERATION**

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

The subject lands are zoned “D” (Urban Protected Residential - One and Two Family Dwellings) District and “H” (Community Shopping and Commercial, Etc.) District in the City of Hamilton Zoning By-law. Should the proposed change in zoning be denied, the subject lands would continue to have a commercially used building along the frontage of Locke Street South with informal parking behind the building.

**ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:**

**Strategic Priority #1**

A Prosperous & Healthy Community

*WE enhance our image, economy, and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.*

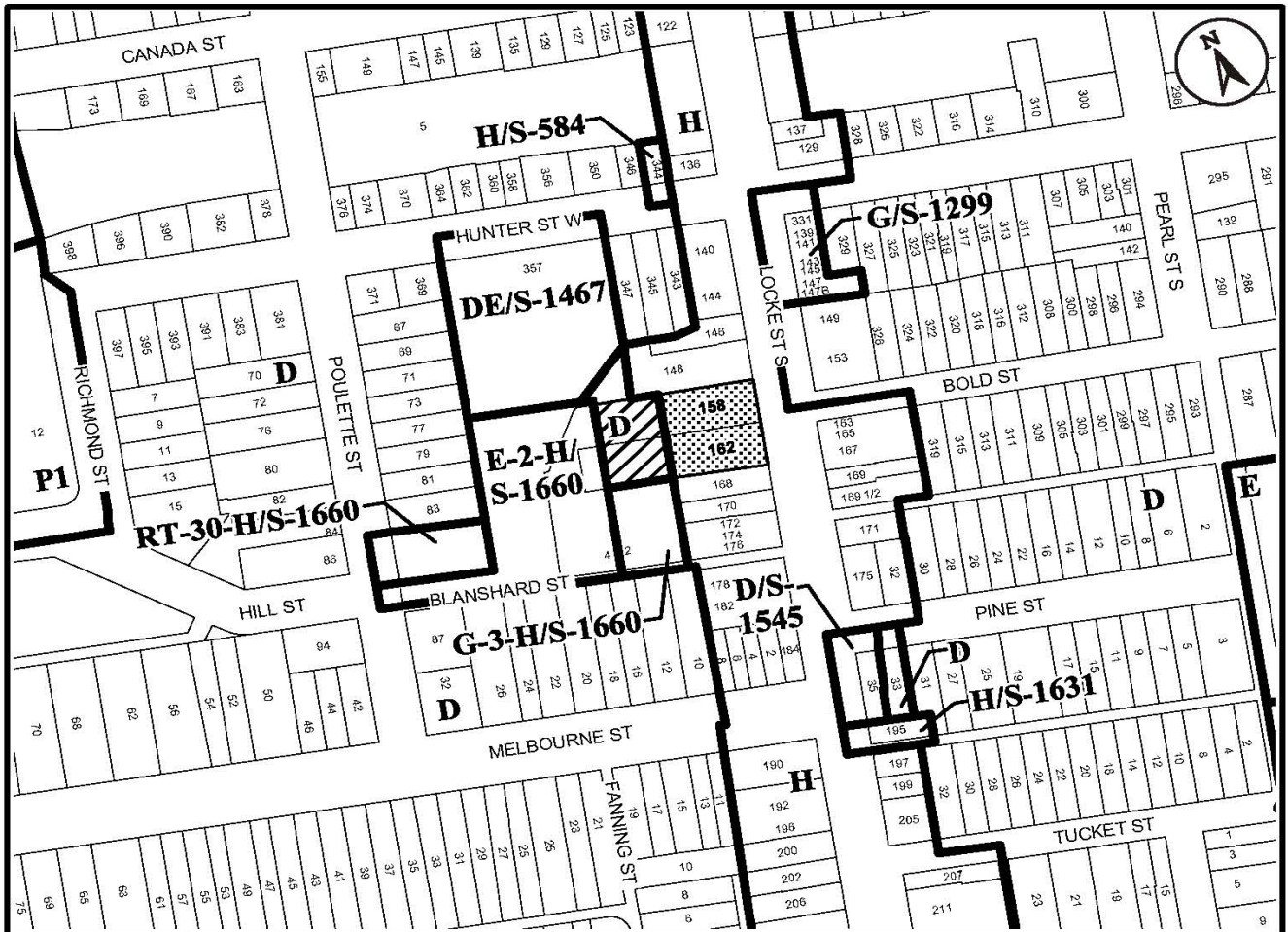
**Strategic Objective**

- 1.1 Continue to grow the non-residential tax base.
  
- 1.3 Promote economic opportunities with a focus on Hamilton's downtown core, all downtown areas and waterfronts.

**APPENDICES / SCHEDULES**

- Appendix “A”: Location Map
- Appendix “B”: Concept Plan
- Appendix “C”: Proposed Amendment to Zoning By-law 3692-92

:CB  
Attachs. (3)



● Site of the Application



Ward 1 Key Map

N.T.S.

## Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAR-12-061

Date:  
April 5, 2013

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
CB/AL

### Subject Property

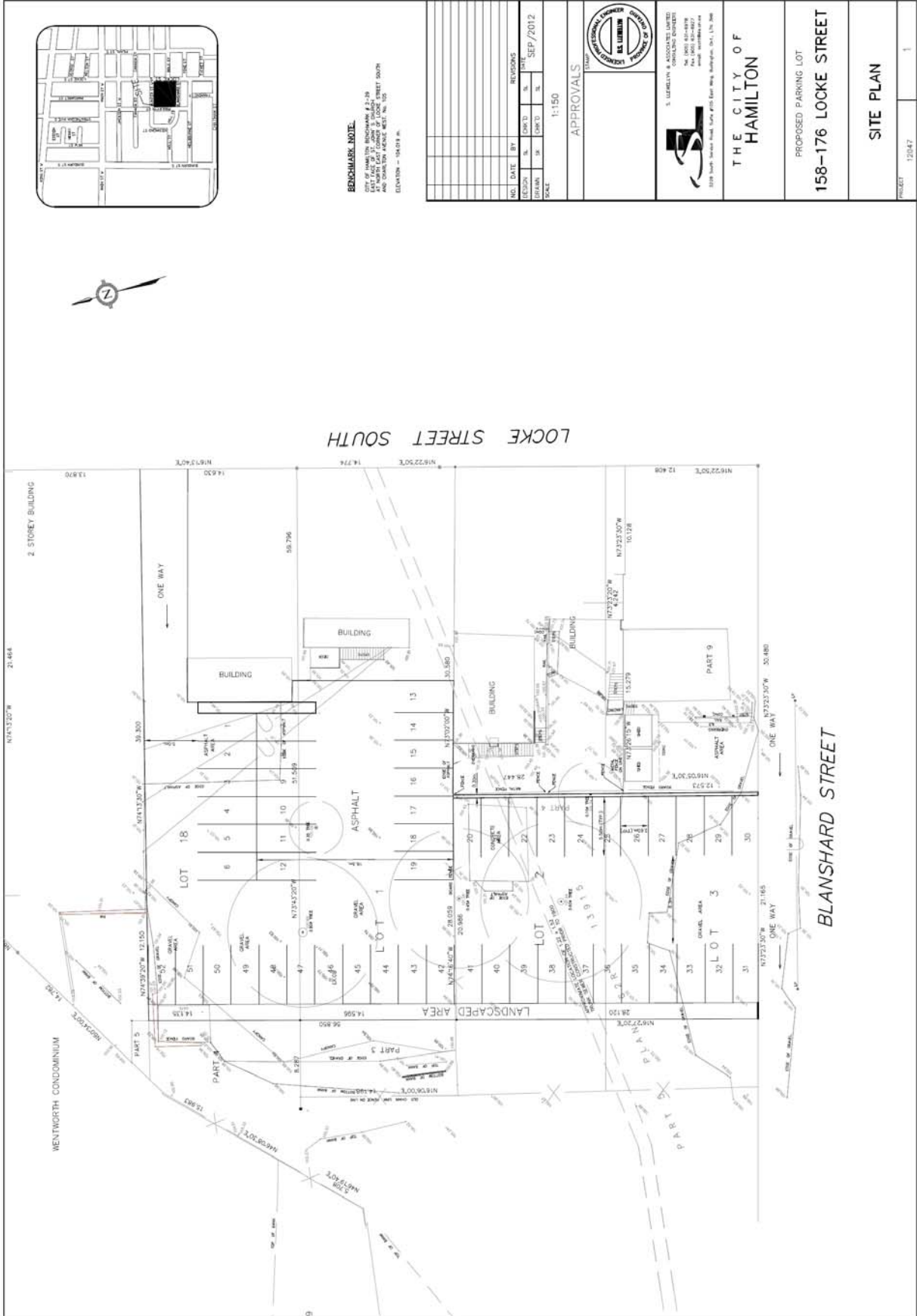
158 & 162 Locke Street South



**Block 1** - Change in Zoning from the "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to the "G-3-'H/S-1666" (Public Parking Lots-Holding) District, modified.



**Block 2** - Change in Zoning from the "H" (Community Shopping and Commercial) District to the "H/S-1666" (Community Shopping and Commercial) District, modified





**Authority:** Item  
Planning Committee  
Report: 13- [REDACTED] (PED13081)  
CM: [REDACTED]

**Bill No.** [REDACTED]

**CITY OF HAMILTON**

**BY-LAW NO.** [REDACTED]

**To Amend Zoning By-law No. 6593 (Hamilton)  
Respecting Lands Located at 158 and 162 Locke 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 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 City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25<sup>th</sup> day of July 1950, which By-law was approved by the Ontario Municipal Board by Order dated the 7<sup>th</sup> 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 13-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2013, 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 City of Hamilton;

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

1. That Sheet Nos. W13 and W14 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), are amended by changing the zoning as follows:
  - (a) That Block 1 be rezoned from the "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to the "G-3-'H'/S-1666" (Public Parking Lots - Holding) District, Modified; and,
  - (b) That Block 2 be rezoned from the "H" (Community Shopping and Commercial) District to the "H/S-1666" (Community Shopping and Commercial) District, Modified;

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

2. That the following special regulations shall apply to lands identified as Blocks "1" and "2":
  - (a) That notwithstanding Sub-section 18A.(1)(a) & (b) and 18(A).(9) of Zoning By-law No. 6593, the required parking spaces and manoeuvring space for those uses permitted within Block 2 may be provided on the portion of the lot within Block 1.
  - (b) That notwithstanding Sub-section 18A.(1)(d) of Zoning By-law No. 6593, no loading spaces shall be required for uses permitted within Block 2.
  - (c) That notwithstanding Sub-section 18A.(1)(f) of Zoning By-law No. 6593, a manoeuvring space, with a minimum width of 5.0m, shall be provided and maintained;
  - (d) That notwithstanding Sub-section 18A.(7) of Zoning By-law No. 6593, every parking space, other than a parallel parking space, shall have dimensions not less than 2.6m wide and 5.5m long, except that parking spaces within an attached garage shall have dimensions not less than 2.7m wide and 6.0m long.
  - (e) That notwithstanding Sub-section 18A.(11)(a) and (b) and Sub-section 18A.(12) of Zoning By-law No. 6593, the boundary of every parking area on a lot containing five or more parking spaces located on the surface adjoining a residential district shall not be less than 1.0m from the westerly boundary, and 0.0m on the northerly and southerly boundary.
  - (f) That notwithstanding Sub-section 18A.(24)(b)(i) of Zoning By-law No. 6593, a driveway area shall have a minimum width of 4.0 metres for one-way traffic;

- (g) That notwithstanding Sub-section 18A.(26) of Zoning By-law No. 6593, points of ingress and egress for a parking area shall be 0.0m from a residential district.
  - (h) That Sub-section 18(A)(36) shall not apply to a restaurant located on the subject lands within a multi-tenant building.
3. That the following special regulations shall apply exclusively to lands identified as Block 1:
- (a) That notwithstanding Sub-section 13C.(4) of Zoning By-law No. 6593, no distance separation shall be provided between the parking area and the adjoining residential districts on the northerly and southerly lot lines.
  - (b) That notwithstanding Sub-section 13C.(4)(ii) of Zoning By-law No. 6593, a landscaped area having a minimum width of 1.0m shall be provided and maintained along the lot line abutting the residential use to the west.
4. That the following special regulation shall apply exclusively to lands identified as Block 2:
- (a) That in addition to the uses permitted under Sub-section 14(1) of Zoning By-law No. 6593, for lands within Block 2, the uses, as detailed under Sub-section 13C.(1), shall also be permitted.
5. 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 "G-3" (Public Parking Lots) District and the "H" (Community Shopping and Commercial) District provisions, subject to the special requirements referred to in Sections 2, 3, and 4 of this By-law.
6. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1666.
7. That the 'H' symbol, applicable to the lands zoned "G-3-'H'/S-1666" (Public Parking Lots - Holding) District, Modified, will prohibit the use of the subject lands for a public parking lot until such a time as:
- (a) Access improvements have been undertaken to ensure adequate vehicular ingress and egress to the proposed commercial parking lot, to the satisfaction of the Director of Engineering Services, Public Works Department.

City Council may remove the 'H' symbol by enactment of an amending By-law once the above condition has been fulfilled.

8. That Sheet Nos. W-13 and W-14 of the District Maps are amended by marking the lands referred as Blocks 1 and 2 in Section 1 of this By-law as S-1666.
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], 2013.

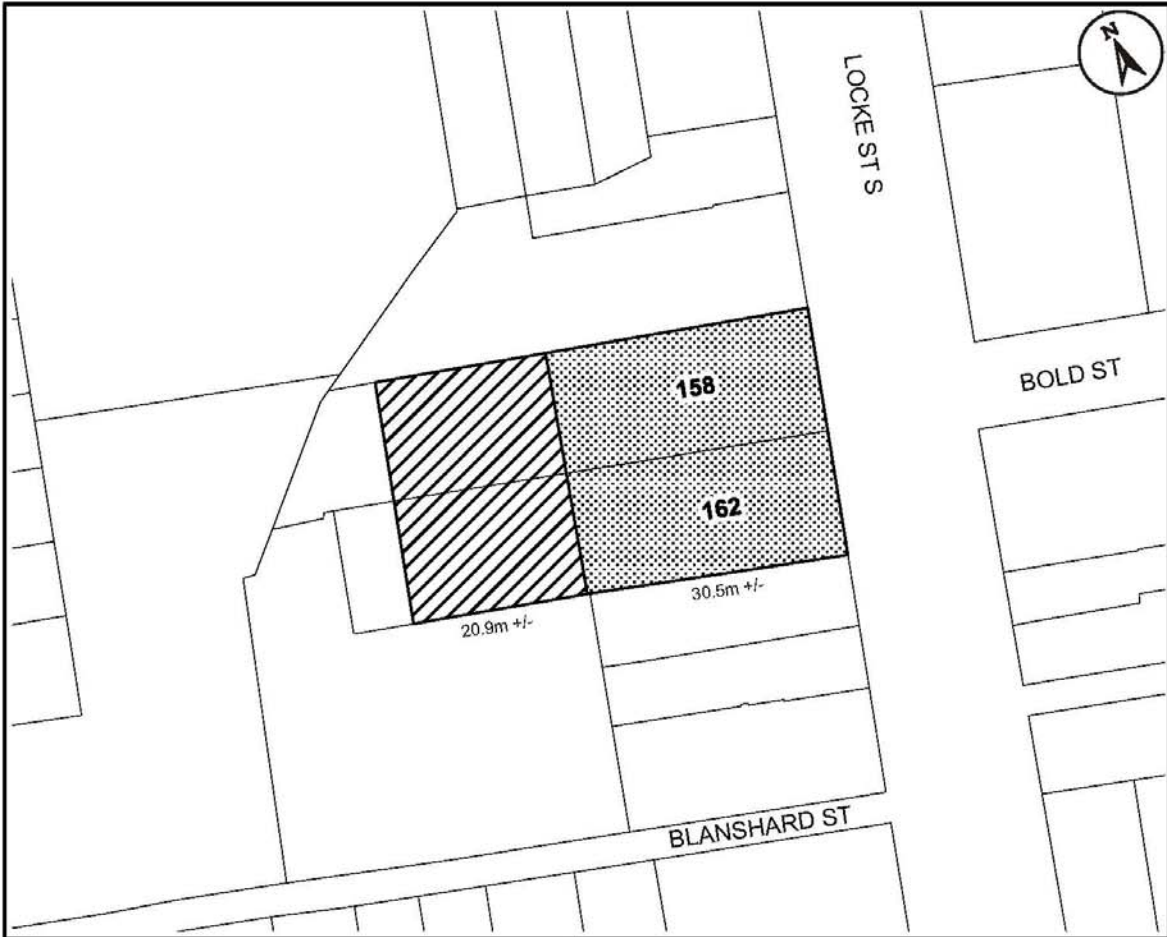
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R. Bratina  
Mayor

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R. Caterini  
Clerk

ZAR-12-061



<p>This is Schedule "A" to By-Law No. 13-</p> <p>Passed the ..... day of ....., 2013</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. 13-_____</p> <p style="margin: 0 0 0 0;">to Amend By-law No. 653</p>		<p><b>Subject Property</b> 158 &amp; 162 Locke Street South</p> <p> <b>Block 1</b> - Change in Zoning from the "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to the "G-3-H/S-1666" (Public Parking Lots-Holding) District, modified.</p> <p> <b>Block 2</b> - Change in Zoning from the "H" (Community Shopping and Commercial) District to the "H/S-1666" (Community Shopping and Commercial) District, modified</p>				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Scale: N.T.S.</td> <td style="padding: 2px;">File Name/Number: ZAR-12-061</td> </tr> <tr> <td style="padding: 2px;">Date: April 16, 2013</td> <td style="padding: 2px;">Planner/Technician: CB/AL</td> </tr> </table>	Scale: N.T.S.	File Name/Number: ZAR-12-061	Date: April 16, 2013	Planner/Technician: CB/AL	<p><b>Hamilton</b></p>	
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Date: April 16, 2013	Planner/Technician: CB/AL					
<p style="font-size: small; margin: 0;">PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>						