

Authority: Item 4, Planning Committee
Report 18-005 (PED18072)
CM: April 11, 2018
Ward: 6

Bill No. 096

CITY OF HAMILTON

BY-LAW NO. 18-

To Amend Zoning By-law No. 6593, Respecting Lands Located at 1011 Fennell Avenue East, Hamilton

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Schedule 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Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 5 of Report 18-005 of the Planning Committee, at its meeting held on the 11th day of April 2018, 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. That Sheet No. E47 of the District Maps appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by changing the zoning from the “C” (Urban Protected Residential, Etc.) District to the “C-S/1757” (Urban Protected Residential, Etc.) District, Modified; the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.
2. That the “C” (Urban Protected Residential, Etc.) District provisions, as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be further modified to include the following special requirements:

- a) In addition to Section 9 (1), the following uses shall be permitted:
 - (i) A business or professional person's office;
 - (ii) A photographer's or artist studio, but not including a motion picture studio; and,
 - (iii) Personal service uses.
 - b) That the commercial uses in Section 2a) of this By-law shall only be permitted in the first storey of the dwelling existing on the date of the passing of the By-law that being April 11, 2018 and the total gross floor of the commercial use shall not exceed 96 square metres.
 - c) The gross floor area (GFA) of the basement or cellar and accessory structure shall only be used for storage purposes.
 - d) That notwithstanding Section 18(3)(vi)(b)(c)(e) the yard encroachments of the dwelling and accessory structure existing on the date of the passing of this By-law shall be deemed to comply.
 - e) That notwithstanding Section 18(4)(iii) and (iv), the existing accessory structure shall be deemed to comply in terms of location and height.
 - f) That notwithstanding Section 18A(1)(a) and Table 1, four parking spaces shall be provided.
 - g) That notwithstanding Section 18A(1)(f), (9), (21), (22) and Table 6, manoeuvring spaces shall not be required.
 - h) That notwithstanding Section 18A(26), the existing access driveway shall be permitted 0.0 metres from the rear property line.
3. 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 "C-S/1757" (Urban Protected Residential) District provisions, subject to the special requirements referred to in Section 2.
 4. That Sheet No. E47 of the District Maps is amended by marking the lands referred to in Section 1 of the By-law as "C-S/1757".

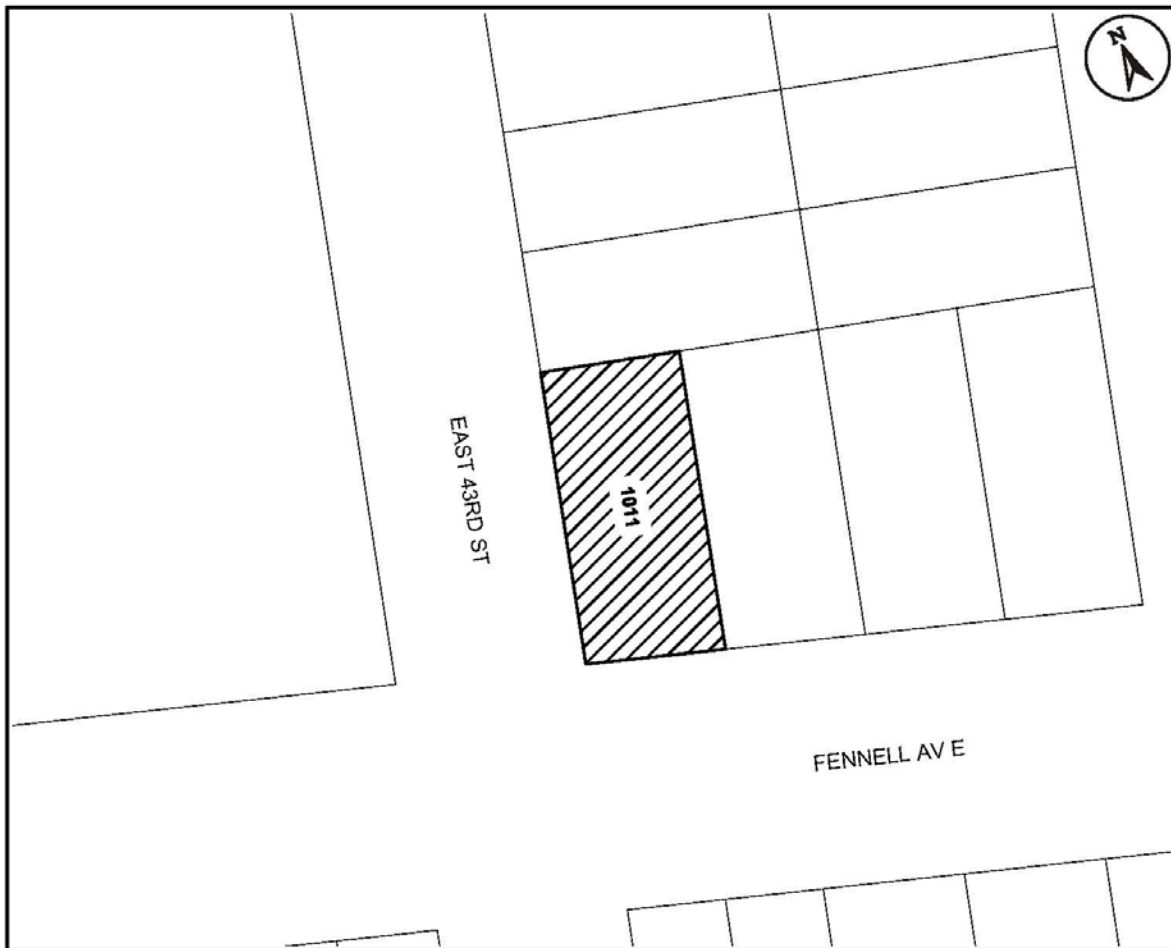
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the Planning Act.

PASSED this 11th day of April, 2018

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

ZAC-16-063



This is Schedule "A" to By-law No. 18- Passed the day of, 2018	----- Mayor ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <h3 style="margin: 0;">Map Forming Part of By-law No. 18-_____</h3> <h3 style="margin: 0;">to Amend By-law No. 6593</h3>	Subject Property 1011 Fennell Avenue East Change in zoning from the "C" (Urban Protected Residential, Etc.) District to the "C-S/1757" (Urban Protected Residential, Etc.) District, Modified
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Scale: N.T.S.	File Name/Number: ZAC-16-063	 Hamilton
Date: February 20, 2018	Planner/Technician: MF/V5	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		