

Authority: Item 13, Planning Committee
Report 12-018 (PED12207)
CM: November 28, 2012

Bill No. 265

CITY OF HAMILTON

BY- LAW NO. 12-

**To Amend Zoning By-law No. 6593
Respecting Lands Located at 788 Upper Ottawa 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 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 13 of Report 12-018 of the Planning Committee, at its meeting held on the 28th day of November 2012, 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 on June 1, 1982.

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

1. That Sheet No. E-49 of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended as follows:
 - (a) By changing the zoning from the “C” (Urban Protected Residential, Etc.) District to the “H/S-1655” (Community Shopping and Commercial, Etc.) District, 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 to include the following special requirements:
 - (a) That notwithstanding Sub-section 14.(1) of Zoning By-law No. 6593, commercial uses shall only be permitted on the ground floor of a mixed-use building. Residential units, to a minimum of 4 dwelling units and a maximum of 8 dwelling units, shall be required above any use permitted on the ground floor;
 - (b) That notwithstanding Sub-section 14.(2) of Zoning By-law No. 6593, no building or structure shall exceed 3-storeys or 13.0m in height;
 - (c) That notwithstanding Sub-section 14.(3)(i) of Zoning By-law No. 6593, no front yard is required;
 - (d) That notwithstanding Sub-section 14.(3)(ii) of Zoning By-law No. 6593, a minimum setback of 9.0m shall be required from a residential district;
 - (e) That notwithstanding Sub-section 18A.(7) of Zoning By-law No. 6593, every required parking space, other than a parallel parking space, shall have dimensions not less than 2.6m wide and 5.5m long;
 - (f) That notwithstanding Sub-section 18A.(1) of Zoning By-law No. 6593, no loading space shall be required; and,
 - (g) That notwithstanding Sub-section 18A.(26) of Zoning By-law No. 6593, an access driveway shall be located not less than 1.5m from the common boundary with a residential district.
3. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1655.

4. That Sheet No. E-49 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1655.
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 "H" (Community Shopping and Commercial, Etc.) District provisions, subject to the special requirements referred to in Section 2 of this By-law.
6. 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 28th day of November, 2012.

R. Bratina
Mayor

R. Caterini
City Clerk

ZAC-12-011



This is Schedule "A" to By-Law No. 12- Passed the day of, 2012	_____ Mayor _____ Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <h3 style="margin: 0;">Map Forming Part of By-Law No. 12-_____</h3> <h4 style="margin: 0;">to Amend By-law No. 6593</h4>	Subject Property 788 Upper Ottawa Street, Hamilton Change in Zoning from the "C" (Urban Protected Residential, Etc.) District to the "H/S-1655" (Community Shopping and Commercial, Etc.) District, Modified.
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Scale: N.T.S.	File Name/Number: ZAC-12-011	
Date: Sept. 11, 2012	Planner/Technician: GM/KA	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		