

Authority: Item 5, Planning Committee
Report 13-004 (PED13039)
CM: March 19, 2013

Bill No. 078

CITY OF HAMILTON

BY- LAW NO. 13-

**To Amend Zoning By-law No. 6593
Respecting Lands Located at 14 Kenilworth Avenue South (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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 5 of Report 13-004 of the Planning Committee, at its meeting held on the 19th day of March, 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 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-76 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 "C/S-1622" (Urban Protected Residential, 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 "C" (Urban Protected Residential, Etc.) District provisions, as contained in Section 9 of Zoning By-law No. 6593, are modified to include the following special requirements:
 - (a) That notwithstanding Sub-section 9.(1) of Zoning By-law No. 6593, a parking lot shall be also permitted only in conjunction with uses at 1390-1394 Main Street East, subject to all Zoning Provisions of the "G-3" (Public Parking Lots) District contained within Section 13C of Zoning By-law No. 6593 except as noted below;
 - (b) That notwithstanding Sub-section 13C.(4)(ii) and 18A.(12)(a) of Zoning By-law No. 6593, an area landscaped with a planting strip of not less than 1.0m in width shall be provided and maintained along the southerly side lot line, except that no landscaped planting strip shall be required within 5.0m of the front lot line;
 - (c) 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;
 - (d) That notwithstanding Sub-section 18A.(1)(f) of Zoning By-law No. 6593, a minimum manoeuvring space of 5.69m shall be provided and maintained;
 - (e) That notwithstanding Sub-section 18A.(11)(a) of Zoning By-law No. 6593, the boundary of the parking area shall be not less than 1.0m from the adjoining southerly residential district boundary, except 0.0m from the adjoining southerly residential district boundary within 5.0m of the front property line;
 - (f) That Sub-section 18A.(11)(b) and 18A.(26) shall not apply to the parking area along the southerly residential district boundary; and,

- (g) That notwithstanding Sub-section 18A.(12)(c) of Zoning By-law No. 6593, no visual barrier is required along the southerly side lot line within 3.0m of the front lot line.
3. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1622.
 4. That Sheet No. E-76 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1622.
 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 "C" (Urban Protected Residential, 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 27th day of March, 2013.

R. Bratina
Mayor

R. Caterini
City Clerk

ZAR-12-039



This is Schedule "A" to By-Law No. 13- Passed the day of, 2013	_____ Mayor _____ Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <h3 style="margin: 0;">Map Forming Part of By-Law No. 13-_____</h3> <h3 style="margin: 0;">to Amend By-law No. 6593</h3>	<p>Subject Property 14 Kenilworth Avenue South</p> <p> Change in Zoning from the "C" (Urban Protected Residential, Etc.) District to the "C/S-1622" (Urban Protected Residential, Etc.) District, Modified</p>
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Scale: N.T.S.	File Name/Number: ZAR-12-039	 Hamilton
Date: January 10, 2013	Planner/Technician: GM/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		