

**Authority:** Item 14, Economic Development  
and Planning Committee  
Report: 09-007 (PED09087)  
CM: April 1, 2009

**Bill No. 063**

## **CITY OF HAMILTON**

### **BY-LAW NO. 09-063**

#### **To Amend Zoning By-law No. 3581-86 Respecting Lands Located at 16 Sydenham Street in the former Town of Dundas, now in the City of 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 area municipality known as the "The Corporation of the Town of Dundas" 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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** Zoning By-law No. 3581-86 (Dundas) was enacted on the 22<sup>nd</sup> day of May 1986, and approved by the Ontario Municipal Board on the 10<sup>th</sup> day of May, 1988;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 14 of Report 09-007 of the Economic Development and Planning Committee at its meeting held on the 1st day of April, 2009, recommended that Zoning By-law No. 3581-86, be amended as hereinafter provided;

**AND WHEREAS** this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Dundas), in accordance with the provisions of the Planning Act.

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

By-law Respecting 16 Sydenham Street in the former Town of Dundas (Page 2 of 4)

1. That Schedule "A", appended to and forming part of By-law No. 3581-86 (Dundas), as amended, is hereby further amended as follows:

- (a) by changing the zoning from the Low Density Residential Zone (R4) to the Low Density Residential Zone (R4/S-116) Modified;

on the lands the extent and boundaries of which are more particularly shown on Schedule "A" annexed hereto and forming part of this by-law.

2. That Section 32 - "EXCEPTIONS" of Zoning By-law No. 3581-86 (Dundas), as amended, is hereby further amended by adding the following subsections:

**R4/S-116**

That notwithstanding the provisions of Section 11: Low Density Residential Zone (R4), Sections 6.11.1 Landscaping Along Street Lines, 6.11.2 Buffer Strip and 7.12 Off-Street Parking Space Requirements, the following Special Provisions shall apply to the lands known municipally as 16 Sydenham Street, shown as R4/S-116 on Schedule "A".

1. PERMITTED USES:

A licensed restaurant and an accessory dwelling unit shall also be permitted only within the building existing on the date of the passing of this by-law, being the 1<sup>st</sup> day of April, 2009,

An outdoor patio having a maximum seating capacity of 30 persons shall also be permitted ancillary to a licensed restaurant.

2. REGULATIONS FOR A LICENSED RESTAURANT AND ONE ACCESSORY DWELLING UNIT

- 2.1 OFF-STREET PARKING

No off-street parking shall be required or provided and maintained on the subject lands for a licensed restaurant, or an accessory dwelling unit.

- 2.2 BUFFERING

Minimum: 2.0m wide shall be provided and maintained where abutting a residential zone.

2.3 LANDSCAPING ALONG STREET LINES

Minimum: 2.0m wide shall be provided and maintained.

3. REGULATIONS FOR OUTDOOR PATIO

3.1 LOCATION

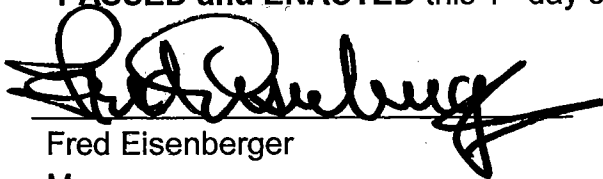
Shall be located only in the southerly side yard.

3.2 USE

That portion of a lot on which the outdoor patio is permitted shall not be used for commercial entertainment or commercial recreation including live or recorded music or dance facilities.

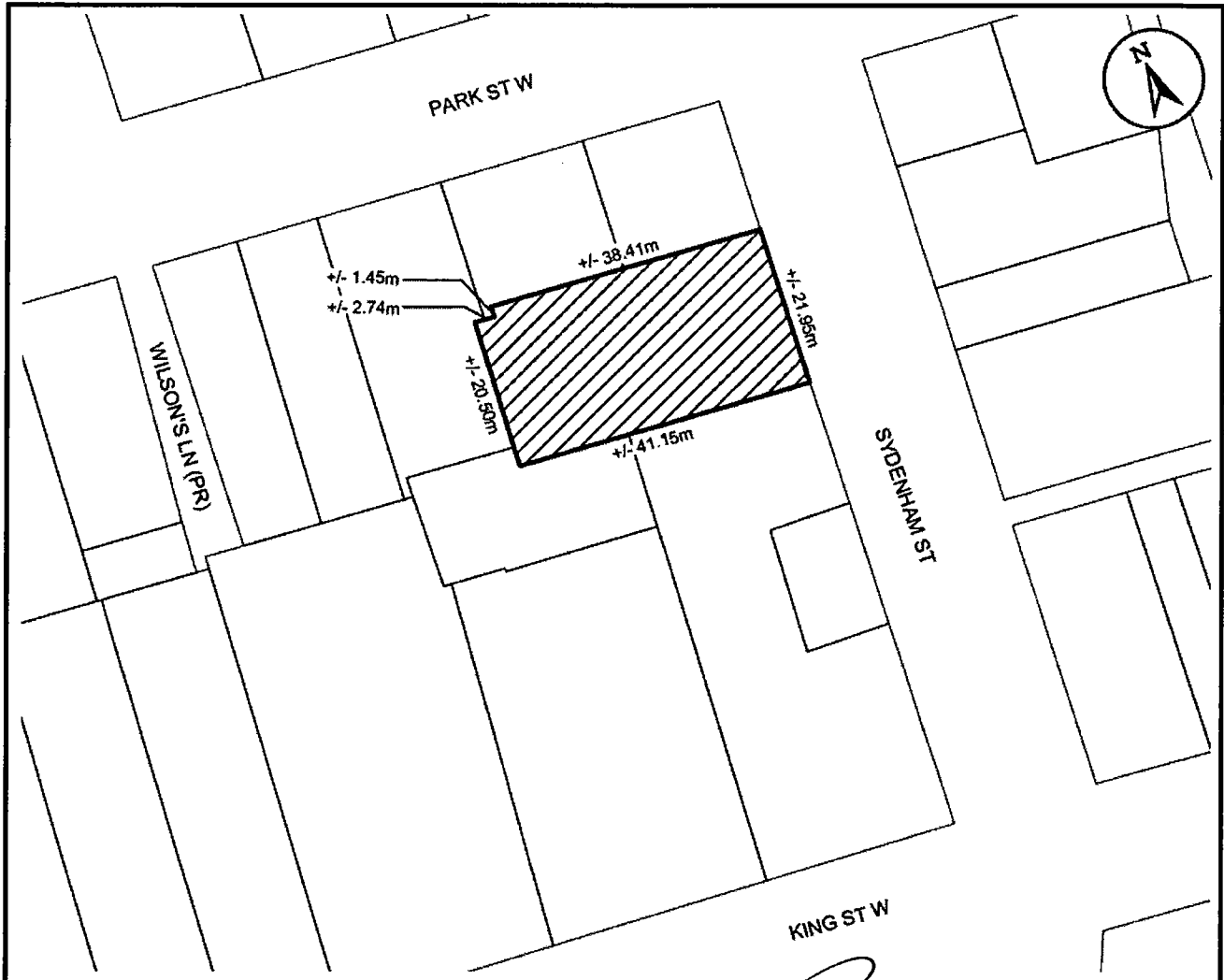
3. That By-law No. 3581-86 (Dundas) is amended by adding the by-law to Section 32 as Schedule S-116.
4. That Schedule "A" of the Zoning Schedule Key Map is amended by marking the lands referred to in Section 1 of this by-law as R4/S-116.
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED and ENACTED this 1<sup>st</sup> day of April, 2009,

  
Fred Eisenberger  
Mayor

  
Rose Caterini  
Acting City Clerk

ZAC-08-058




This is Schedule "A" to By-Law No. 09- 063  
 Passed the 1..... day of April....., 2009

*[Signature]*  
 Clerk  
*[Signature]*  
 Mayor

**Schedule "A"**  
 Map Forming Part of  
 By-Law No. 09-063  
 to Amend By-law No.3581-86

**Subject Property**  
 16 Sydenham Street

 Change in zoning from Low Density Residential (R4) Zone to Low Density Residential (R4/S-116) Zone

Scale:  
 N.T.S.  
 Date:  
 February 27, 2009

File Name/Number:  
 ZAC-08-058  
 Planner/Technician:  
 KM/AL

