

Authority Item 10
Planning Committee
Report: 13-012 (PED13135)
CM: August 16, 2013

Bill No. 207

CITY OF HAMILTON

BY-LAW NO. 13-207

To Amend Zoning By-law No. 3581-86, Respecting Lands Located at 65 Hatt 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 22nd day of May 1986, and approved by the Ontario Municipal Board on the 10th day of May, 1988;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 10 of Report 13-012 of the Planning Committee, at its meeting held on the 16th day of August, 2013, 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:

1. That Schedule "A", appended to and forming part of By-law No. 3581-86 (Dundas), as amended, is hereby further amended by changing the zoning from the Central Area Commercial (C.A.C.) Zone to the Central Area Commercial - Holding (H-C.A.C./S-125) Zone, 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 Sub-section:

CAC/S-XXX

That notwithstanding the provisions of Section 18 Central Area Commercial Zone (C.A.C.) and the provisions of Section 7 Off-Street Parking and Loading, the following Special Provisions shall apply to the lands known municipally as 65 Hatt Street, shown as H-C.A.C./S-125 on Schedule "A".

1. PERMITTED USES:

The following additional use shall be permitted, and only within the building existing on the date of the passing of this By-law, being the 16th day of August, 2013:

Craft Brewery (SIC 1131)

For the purposes of this By-law, a Craft Brewery shall be defined as: a facility at which malt beverages fermented on the premises are packaged and sold for distribution, retail, or wholesale. The facility may include retail sales, tours, and a hospitality and tasting area, but shall not include a restaurant, tavern, bar, night club, or take-out food service.

2. YARD REQUIREMENTS

The building existing at the date of passing of this By-law, being the 16th day of August, 2013, shall be deemed to comply with the provisions of the Zoning By-law.

3. GROSS FLOOR AREA

The maximum gross floor area devoted to the retail and tasting component of the Craft Brewery shall not exceed 450 sq. m.

4. OFF-STREET PARKING AND LOADING:

No off-street parking or loading is required for the use identified in Clause 1 above.

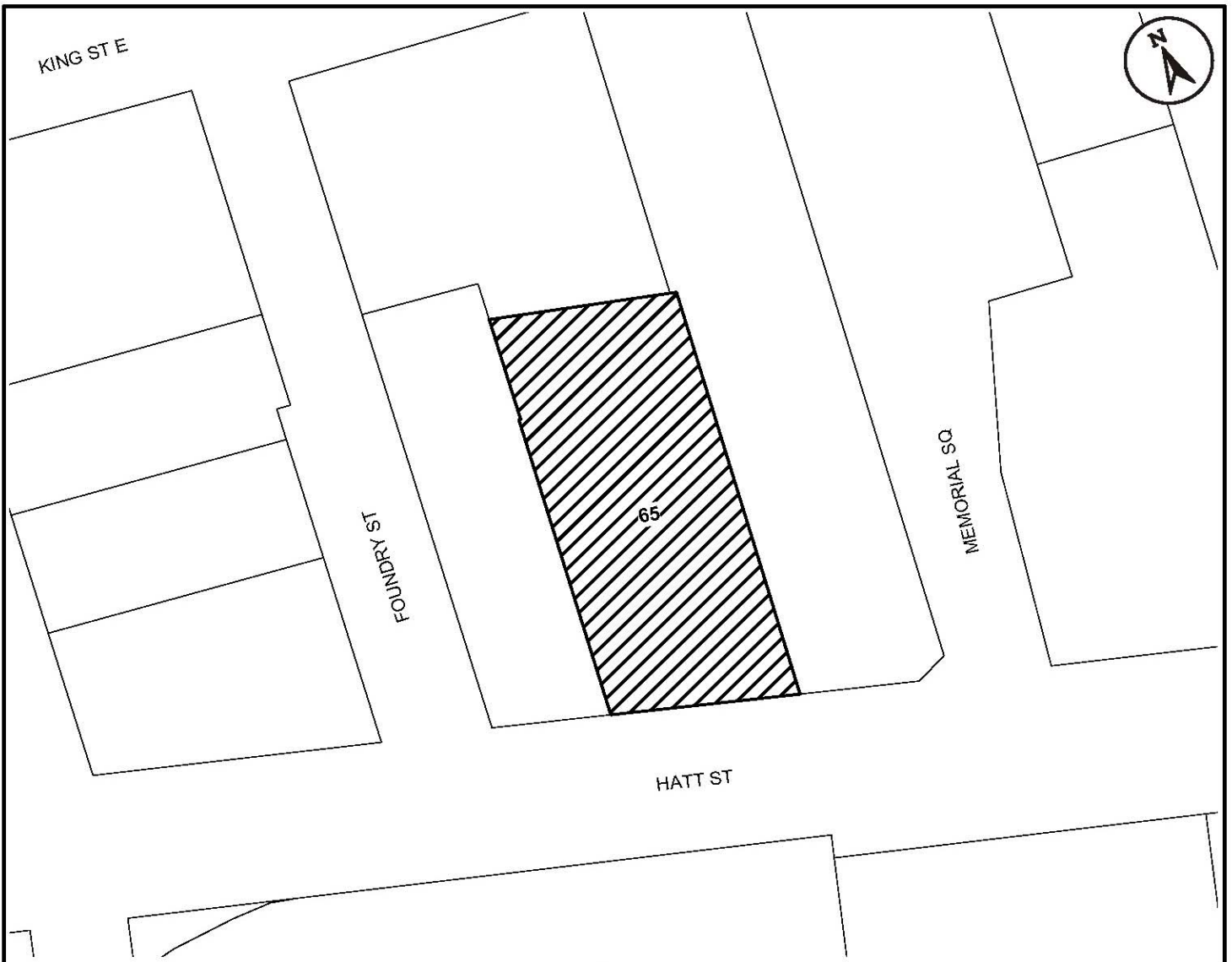
3. That the 'H' symbol may be removed at such time as the following has been satisfied:
 - (i) That the applicant/owner applies for and is issued an Environmental Compliance Approval (ECA) - Air from the Ministry of Environment (MOE) to address and mitigate any potential odour and noise emissions from the proposed Craft Brewery, to the satisfaction of the City of Hamilton, Director of Planning.
4. That By-law No. 3581-86 (Dundas) is amended by adding the By-law to Section 32 as Schedule S-125.
5. 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 H-C.A.C./S-125.
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 16th day of August, 2013,

R. Bratina
Mayor

R. Caterini
Clerk

ZAR-12-054



This is Schedule "A" to By-law No. 13-

Passed the day of, 2013

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-law No. 13-_____

to Amend By-law No. 3581-86

Subject Property

65 Hatt Street



Change in Zoning from the Central Area Commercial (C.A.C.) Zone to the Central Area Commercial - Holding (H-C.A.C./S-125) Zone, Modified

Scale:
N.T.S.

File Name/Number:
ZAR-12-054

Date:
June 13, 2013

Planner/Technician:
KM/DB



Hamilton

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

1. That Schedule "A", appended to and forming part of By-law No. 3581-86 (Dundas), as amended, is hereby further amended by changing the zoning from the Central Area Commercial (C.A.C.) Zone to the Central Area Commercial - Holding (H-C.A.C./S-125) Zone, 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 Sub-section:

CAC/S-XXX

That notwithstanding the provisions of Section 18 Central Area Commercial Zone (C.A.C.) and the provisions of Section 7 Off-Street Parking and Loading, the following Special Provisions shall apply to the lands known municipally as 65 Hatt Street, shown as H-C.A.C./S-125 on Schedule "A".

1. PERMITTED USES:

The following additional use shall be permitted, and only within the building existing on the date of the passing of this By-law, being the 16th day of August, 2013:

Craft Brewery (SIC 1131)

For the purposes of this By-law, a Craft Brewery shall be defined as: a facility at which malt beverages fermented on the premises are packaged and sold for distribution, retail, or wholesale. The facility may include retail sales, tours, and a hospitality and tasting area, but shall not include a restaurant, tavern, bar, night club, or take-out food service.

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3. That the 'H' symbol may be removed at such time as the following has been satisfied:
- (i) That the applicant/owner applies for and is issued an Environmental Compliance Approval (ECA) - Air from the Ministry of Environment (MOE) to address and mitigate any potential odour and noise emissions from the proposed Craft Brewery, to the satisfaction of the City of Hamilton, Director of Planning.
4. That By-law No. 3581-86 (Dundas) is amended by adding the By-law to Section 32 as Schedule S-125.
5. 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 H-C.A.C./S-125.
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 16th day of August, 2013,



R. Bratina
Mayor



R. Caterini
Clerk

ZAR-12-054




This is Schedule "A" to By-law No. 13-207
 Passed the ..16.th... day of ..August....., 2013

R. Bratina
 Mayor

[Signature]
 Clerk

Schedule "A"
 Map Forming Part of
 By-law No. 13- 207
 to Amend By-law No. 3581-86

Subject Property
 65 Hatt Street

 Change in Zoning from the Central Area Commercial (C.A.C.) Zone to the Central Area Commercial - Holding (H-C.A.C./S-125) Zone, Modified

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PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT