

Bill No. 129

CITY OF HAMILTON

BY-LAW NO. 16-129

**To Amend Zoning By-law No. 6593 Respecting Lands located at 312 and 314
Catharine Street North (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Plan of the former regional municipality, continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 12 of Report 15-012 of the Planning Committee, at its meeting held on the 14th day of August 2015, which recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this by-law will be in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the *Planning Act* on June 1, 1982 upon approval of Official Plan Amendment No. 234.

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

1. That Sheet No. E-3 of the District maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended:
 - (a) by changing from the "D" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District to the "D/S-1723" (Urban Protected Residential – One and Two Family Dwellings, Etc.), District; Modified; the extent and boundaries of which are shown on a plan hereto annexed as

Schedule "A".

2. That, the "D" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, regulations, as contained in Section 10 of Zoning By-law No. 6593, be modified to include the following special provisions:
 - (a) That in addition to the uses permitted in Subsection 10(1) of Zoning By-law No. 6593, a Commercial and Wholesale Bakery, Take-out Restaurant and Catering Service shall be permitted only within the buildings at 312 and 314 Catharine Street North (Hamilton), that are existing at the date of the passing of this by-law, being the 11th day of May, 2016; and,
 - (b) That notwithstanding Subsection 10(3)(i) of Zoning By-law No. 6593, a front yard of a depth of at least 1.5 metres shall be provided and maintained.
 - (c) That notwithstanding Subsection 10(3)(ii) of Zoning By-law No. 6593, no side yard shall be required.
 - (d) That notwithstanding Subsection 10(3)(iii) of Zoning By-law No. 6593, a rear yard of a depth of at least 2.4 metres shall be provided and maintained.
 - (e) That notwithstanding Subsection 10(4) of Zoning By-law No. 6593, a lot width of at least 13.8 metres and a lot area of at least 517 square metres shall be provided and maintained.
 - (f) That notwithstanding Subsection 18A(1) of Zoning By-law No. 6593, no parking shall be required for a maximum of two dwelling units.
 - (g) That notwithstanding Subsection 18(3) of Zoning By-law No. 6593, existing porches (covered and uncovered), awnings, stairs, canopies, fire escapes or open stairways, bays, balconies and dormers, vestibules, and alcoves, are permitted to encroach into a required front or side yard to the limits of the front and side lot lines.
3. 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 "D/S-1723" (Urban Protected Residential – One and Two Family Dwellings, Etc.), District, Modified, provisions, subject to the special requirements referred to in Section 2.
5. Sheet No. E-3 of the District Maps is amended by marking the lands referred to in Section 1 of this by-law as S-1723.
6. That Zoning By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1723.

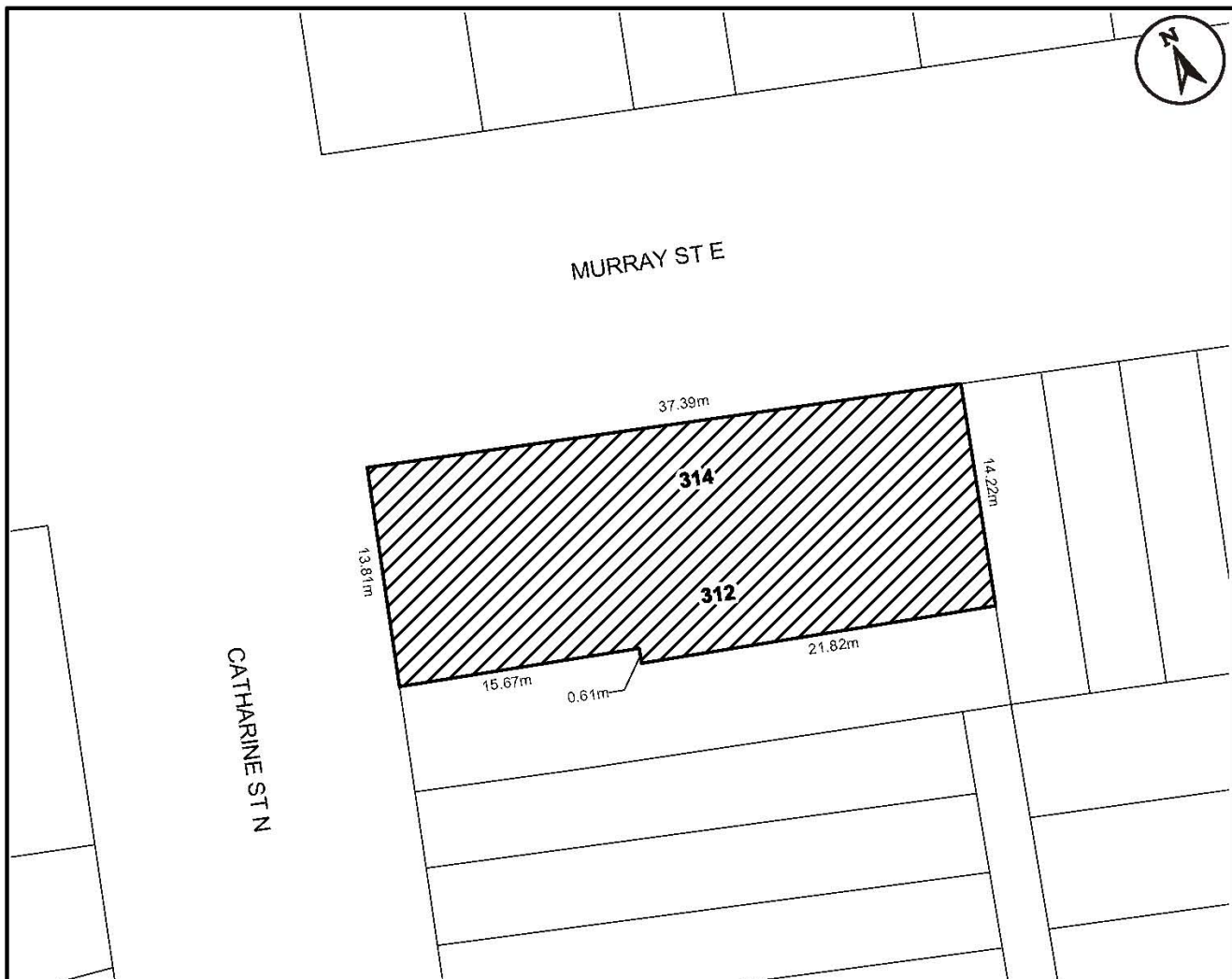
7. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this 11th day of May, 2016.

F. Eisenberger
Mayor

R. Caterini
City Clerk

ZAR-14-032/OPA-14-015



This is Schedule "A" to By-law No. 16-

Passed the day of, 2016

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-law No. 16-_____

to Amend By-law No. 6593

Subject Property

312 & 314 Catherine Street North



Change in Zoning from the "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to the "D/S-1723" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, Modified

Scale:
N.T.S.

File Name/Number:
ZAR-14-032/OPA-14-015

Date:
April 28, 2016

Planner/Technician:
GM/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT