

Authority: Item 4, Planning Committee
Report: 16-008 (PED16101)
CM: May 11, 2016

Bill No. 130

CITY OF HAMILTON

BY-LAW NO. 16-130

To Amend Zoning By-law No. 6593 (Hamilton) Respecting the Lands Located at 701 Upper James 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 4 of Report 16-008 of the Planning Committee at its meeting held on the 11th day of May, 2016, which recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan.

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

1. The Sheet No. W-17c of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), as amended, is further amended by changing from "C" (Urban Protected Residential, Etc.) District to the "C/S-1733-'H'" (Urban Protected Residential, Etc.) District, Holding, 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, be modified to include the following special requirements:
 - a. That, in addition to Sub-section 9(1) of Zoning By-law No. 6593, a Personal Service Use providing such personal services as, but not limited to, wellness consultations, massage therapy, chiropractic, personal yoga instruction and accessory retail, shall also be permitted on the ground floor of the existing building;
 - b. That, notwithstanding Sub-section 9(3) of Zoning By-law No. 6593, a minimum southerly side yard width of 0.95 is required;
 - c. That, notwithstanding Sub-section 18A(7) of Zoning By-law No. 6593, one parking space may have dimensions of not less than 2.6 metres in width and 5.5 metres in length;
 - d. That, notwithstanding Sub-section 18A(14g) of Zoning By-law No. 6593, a maximum of 3 parking spaces shall be permitted within the front yard;
 - e. That, notwithstanding Subsections 18A(21) and 18A(24) of Zoning By-law No. 6593, a driveway with a minimum width of 2.8 metres shall be permitted within the abutting road allowance to provide a means of access and egress to the subject lands.
 - f. That, in addition to Clause (iv) of Subsection 18(4) of Zoning By-law No. 6593, an accessory structure in the rear yard may be permitted not less than 0.4 metres from the rear lot line.
3. That the 'H' Holding symbol, applicable to the lands zoned "C/S-1733-'H'" (Urban Protected Residential, Etc.) District, Holding, Modified, may be removed by further amendment to this By-law at such time as the owner / applicant applies for an receives final approval of a Site Plan Control application for work required to be undertaken within the front yard and road allowance, to the satisfaction of the Director of Planning and Chief Planner.
4. 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.
5. That Sheet No. W-17c of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as "C/S-1733-'H'".
6. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1733.

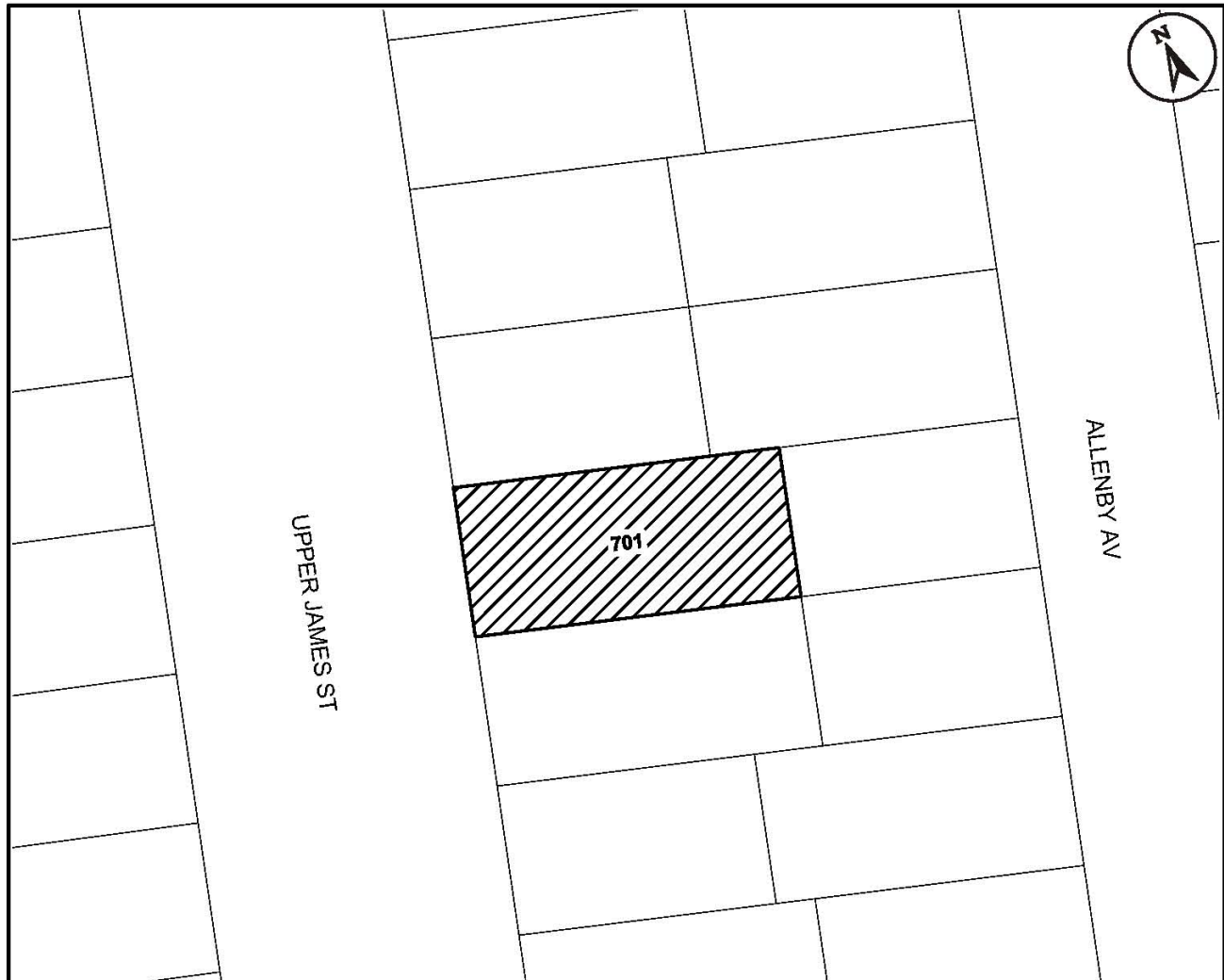
7. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the *Planning Act*.

PASSED this 11th day of May, 2016.

F. Eisenberger
Mayor

R. Caterini
City Clerk

ZAC-15-044



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

701 Upper James Street



Change in zoning from the "C" (Urban Protected Residential, etc.) District to the "C/S-1773-'H'" (Urban Protected Residential, etc.) District, Holding, Modified

Scale:
N.T.S.

File Name/Number:
ZAC-15-044

Date:
March 3, 2016

Planner/Technician:
GT/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT