

Authority: Item 12, Planning Committee
Report: 17-013 (PED17146)
CM: August 18, 2017
Ward: 2

Bill No. 188

CITY OF HAMILTON

BY-LAW NO. 17-188

To Amend Zoning By-law No. 6593, as Amended, Respecting Lands Located at 162 Hess Street North

WHEREAS, the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap.14, Schedule C. did incorporate, as of January 1st, 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 Corporation of the City of Hamilton", and is the successor of 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 17-013 of the Planning Committee, at its meeting held on the 18th day of August, 2017, 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 final approval of Official Plan Amendment No. 236.

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

1. That Sheet No. W3 of the District maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton) is amended by modifying the "D" (Urban Protected – One and Two Family Dwelling, etc.) District to the "D/S-1748" (Urban Protected Residential – One and Two Family Dwelling,

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 following special provisions shall apply:
 - a) That in addition to Section 10 of Zoning By-law No. 6593, a converted dwelling having a maximum of five (5) dwelling units shall be permitted within the building existing on the date of the passing of this By-law.
 - b) For the purposes of this By-law the converted dwelling shall not be considered a multiple dwelling.
 - c) Notwithstanding Section 18 (3) (vi) (cc) and 18 (3) (vi) (d) the existing encroachment of any balcony or roofed-over unclosed porch into the front yard existing on the date of the passing of this By-law, shall be permitted.
 - d) Notwithstanding Section 18A (1) (a) a minimum of one (1) parking space per dwelling unit shall be provided.
 - e) Notwithstanding Section 18A (1) (b) no visitor parking spaces shall be provided.
 - f) Notwithstanding Section 18A (1) (f) no on-site manoeuvring shall be provided.
 - g) Notwithstanding Section 18A (7) every required parking space, other than a parallel parking space shall have dimensions not less than 2.6 metres in width and 5.5 metres in length.
 - h) Notwithstanding Section 18A (9) the required manoeuvring space shall be provided and maintained off-site by way of an easement.
 - i) Notwithstanding Section 18A (10) sufficient space additional to required parking space not be provided and maintained on the same lot on which the parking space is located, in such a manner as to enable each and every parking space to be unobstructed and freely and readily accessible, without moving any vehicles on the lot or encroaching on any designated parking.
 - j) Notwithstanding Section 18A (30) a permanent durable and dustless surface that is graded, drained, and paved with concrete, asphalt, or brick, or a combination of concrete, asphalt, or brick shall be provided and maintained for every parking area, manoeuvring space, and access driveway.
- 3) 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 "D" District provisions, subject to the special requirements in Section 2 of this By-law.

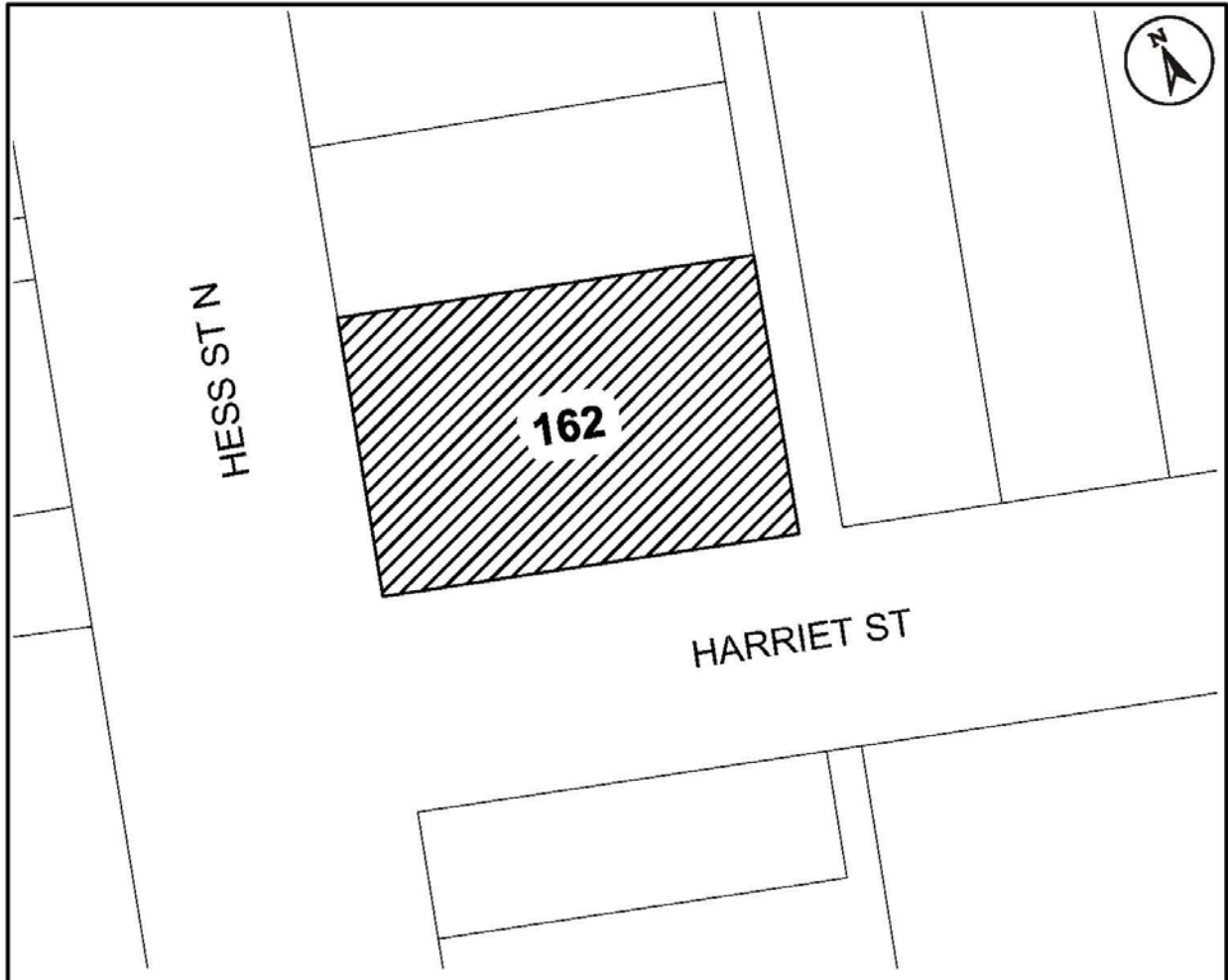
- 4) That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1748.
- 5) That Sheet No. W3 of the District maps is amended by making the lands referred to in Section 1 of this By-law as Schedule S-1748.
- 6) That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this 18th day of August, 2017.

J. Farr
Deputy Mayor

R. Caterini
City Clerk

ZAR-15-22 & OPA-15-11




This is Schedule "A" to By-law No. 17-
 Passed the day of, 2017

 Mayor

 Clerk

Schedule "A"
 Map Forming Part of
 By-law No. 17-_____
 to Amend By-law No. 6593

Subject Property
 162 Hess Street North, Hamilton

 Modification in zoning from the "D" (Urban Protected Residential- One and Two Family Dwelling, etc.) District to the "D/S-1748" (Urban Protected Residential - One and Two Family Dwelling, etc.) District Modified.

Scale:
 N.T.S.
 Date:
 June 15, 2017

File Name/Number:
 ZAR-15-022 & OPA-15-011
 Planner/Technician:
 DB/VS



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT