

Authority: Item 7, Planning Committee
Report 17-012 (PED17120)
CM: July 14, 2017
Ward: 4

Bill No. 155

CITY OF HAMILTON

BY-LAW NO. 17-155

To Amend Zoning By-law No. 6593 Respecting Lands Located at 52- 64 Ottawa 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”;

WHEREAS, the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as the “The Corporation of the City of Hamilton” and is the successor of the former regional municipality, “the Regional Municipality of Hamilton-Wentworth”;

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Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

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);

WHEREAS, the Council of the City of Hamilton, in adopting Item 7 of Report 17-012 of the Planning Committee, at its meeting held on the 14th day of July, 2017, which recommended that Zoning By-law 6593 (Hamilton), be amended as hereinafter provided; and

WHEREAS, this By-law will be in conformity with the Urban Hamilton Official Plan;

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

1. That Sheet No. E-54 of the District maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton) is amended by changing from the “H” (Community Shopping and Commercial, etc.) District to the “H/S-1747-‘H” (Community Shopping and Commercial, etc.- Holding) District, Modified the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.
2. That the “H” (Community Shopping and Commercial, etc.) District provisions as, contained in Section 14 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements:

- (i) That in addition to Section 14(1), the following additional use shall be permitted:
 - a. Multiple Dwelling for a maximum of 50 dwelling units.
- (ii) That in addition to Section 14(1)(via), a day nursery is permitted to a maximum of 31 children.
- (iii) That notwithstanding Section 14(2)(i), the maximum building height shall be 20 metres or six storeys in height.
- (iv) That notwithstanding Section 14(3)(ii)(a), a side yard of not less than 1.4 metres on the northerly side lot line.
- (v) That notwithstanding Section 18A(1)(a), the minimum number of required parking spaces shall be as follows:
 - i. 0 parking spaces for a community centre;
 - ii. 0 parking spaces for a multiple dwelling; and,
 - iii. 2 parking spaces for a day nursery.
- (vi) That notwithstanding Section 18A(1)(b), 0.16 parking spaces per dwelling unit shall be provided.
- (vii) Section 18A(1)(c), (d) and (e) shall not apply.
- (viii) That notwithstanding Section 18A(1)(f), the minimum required manoeuvring space shall be 3.0 metres.
- (ix) That notwithstanding Section 18A(7), the minimum parking space shall be not less than 2.7 metres by 5.7 metres.
- (x) That notwithstanding Section 18A(24)(b)(i), a parking area where there are more than five parking spaces shall have a mutual access driveway having a width of at least 3 metres.

3. That the amending By-law apply the Holding provisions of Section 36(1) of the Planning Act R.S.O. 1990 to the proposed YWCA facility with a multiple dwelling:
The Holding provision “H/S-1747-’H” (Community Shopping and Commercial, Etc.) District, Holding, Modified, conditional upon:

- i) The Owner entering into a Conditional Building Permit Agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of Environment and Climate Change (MOECC). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice

of acknowledgement of the RSC by the MOECC and the submission of the City of Hamilton's current RSC administration fee;

- ii) The Owner submitting a Noise Assessment to address the mitigation of road noise for an arterial road and truck route to the satisfaction of the Manager of Development Planning, Heritage and Design.

City Council may remove the 'H' symbol and thereby give effect to the "H/S-1747-'H'" (Community Shopping and Commercial, Etc.) District, Modified, as amended by the special requirements of Section 2 as stipulated in this By-law by enactment of an amending By-law once the above conditions have been fulfilled.

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 "H" (Community Shopping and Commercial, etc.) District provisions, subject to the special requirements referred to in Sections 2 and 3.
5. That By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 14 as Schedule S-1747.
6. That Sheet No. E-54 of the District Maps is amended by marking the lands referred to in Section 14 of this by-law as S-1747.
7. That the Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this 14th day of July, 2017.

F. Eisenberger
Mayor

R. Caterini
City Clerk

ZAR-15-062

To Amend Zoning By-law No. 6593
 Respecting Lands Located at 52- 64 Ottawa Street North



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

<h2 style="margin: 0;">Schedule "A"</h2> <h3 style="margin: 0;">Map Forming Part of By-law No. 17-_____</h3> <h3 style="margin: 0;">to Amend By-law No. 6593</h3>	Subject Property 52 - 64 Ottawa Street North Proposed change in zoning from "H" (Community Shopping and Commercial, etc.) District to the "H/S-1747-'H" (Community Shopping and Commercial, etc. - Holding District, Modified.
---	---

Scale: N.T.S.	File Name/Number: ZAR-15-062	
Date: May 24, 2017	Planner/Technician: CT/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		