

Authority: Item 2, Planning Committee
Report 18-006 (PED18079)
CM: April 25, 2018
Ward: 7

Bill No. 106

**CITY OF HAMILTON
BY-LAW NO. 18-106**

**To Amend Zoning By-law No. 6593
Respecting Lands Located at 500 Upper Wellington Street (Hamilton)**

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 Corporation of the City of Hamilton", and is the successor of the former regional municipality, namely, "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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 2 of Report 18- 006 of the Planning Committee, at its meeting held on the 25th day of April, 2018, 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. That Sheet No. E7 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton) is amended, by changing the zoning from the "C" (Urban Protected Residential, etc.) District to the "H/S-1759" (Community Shopping and Commercial, etc.) District, Modified (Block 1), and from the "H" (Community Shopping and Commercial, etc.) District to the "H/S-1759" (Community Shopping and Commercial, etc.) District, Modified (Block 2) on the lands 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 are contained in Section 14 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements:
 - (a) That notwithstanding Subsection 14(9), where any parking space or manoeuvring space is adjacent to a side or rear lot line, a landscaped area having a minimum average width of 0.75 metres, but not less than 0.50 metres, shall be provided and maintained along the entire lot line abutting a residential district.
 - (b) That in addition to Subsection 18(3)(vi)(d), a roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, shall be distant at least 0.3 metres from the front lot line, and the enclosure of such a porch to the following extent shall not be deemed enclosure for the purpose of this Section.
 - (c) That notwithstanding Subsection 18A(1)(d) and Table 4(3), a commercial use having greater than 900 to 1,850 square metres shall have a minimum one loading space with minimum dimensions of 9.0 metres long, 3.7 metres wide, and 3.0 metres high.
 - (d) That notwithstanding Subsection 18A(11)(a), the boundary for a parking area shall be not less than 0.5 metres from the adjoining residential district boundary.
 - (e) That notwithstanding Subsection 18A(7), every required parking spaces, other than a parallel parking space, shall have dimensions not less than 3.0 metres wide and 5.8 metres long.
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 “H” District provisions, subject to the special requirements in Section 2 of this By-law.
4. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1759.
5. That Sheet No. E7 of the District maps be amended by making the lands referred to in Section 1 of this By-law as Schedule S-1759.

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 25th day of April, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

ZAC-17-061




This is Schedule "A" to By-law No. 18-
 Passed the day of, 2018


 Mayor

 Clerk

Schedule "A"
 Map Forming Part of
 By-law No. 18-_____
 to Amend By-law No. 6593

Subject Property
 500 Upper Wellington Street

 **Block 1** - Change in Zoning from the "C" (Urban Protected Residential, Etc.) District to the "H/S-1759" (Community Shopping and Commercial, etc.) District, Modified

 **Block 2** - Change in Zoning from the "H" (Community Shopping and Commercial, Etc) District to the "H/S-1759" (Community Shopping and Commercial, Etc.) District, Modified

Scale:
 N.T.S.

Date:
 Feb. 26, 2018

File Name/Number:
 ZAC-17-061

Planner/Technician:
 MS/AL

