

Authority: Item 6, Planning and
Economic Development
Committee Report; 05-006
(PD 05054)
CM: March 9, 05

Bill No. 052

CITY OF HAMILTON

BY-LAW NO. 05-052

**To Amend Zoning Bylaw No. 3581-86 as amended by Bylaw No. 4436-98
Respecting Lands Located at 50 Hatt Street, Blocks 1 to 11, Registered
Plan No. 62M-963**

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 Town of Dundas" 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 Town of Dundas passed Zoning By-law No. 3581-86 (Dundas) on the 22nd day of May 1986, which by-law was approved by the Ontario Municipal Board by Order dated the 10th day of May 1988;

AND WHEREAS the Council of the City of Hamilton, in adopting Section 6 of Report 05-006 of the Planning and Economic Development Committee at its meeting held on the 9th day of March, 2005, recommended that Zoning By-law No. 3581-86 (Dundas), be amended as hereinafter provided;

AND WHEREAS this by-law will be in conformity with the Official Plan of the Town of Dundas, approved by the Minister under the Planning Act on June 21, 1999.

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

1. Schedule "A" of Zoning By-law No. 3581-86 (Dundas) is hereby amended by changing the zoning of the lands the extent and boundaries of which are shown as Block 2 on the map hereto annexed as Schedule "A" from the Holding Central Area Commercial "H-CAC/S-79" Zone to the Central Area Commercial "CAC/S-79" Zone.
2. Schedule "A" of Zoning By-law No. 3581-86 (Dundas) is hereby amended by changing the zoning of the lands the extent and boundaries of which are shown as Block 3 on the map hereto annexed as Schedule "A" from the Holding Central Area Commercial "H-CAC/S-80" Zone to the Medium To High Density Multiple Dwelling "RM3/S-80" Zone.
3. Schedule "A" of Zoning By-law No. 3581-86 (Dundas) is hereby amended by changing the zoning of the lands the extent and boundaries of which are shown as Blocks 4 and 6 on the map hereto annexed as Schedule "A" from the Holding, Medium To High Density Multiple Dwelling "H-RM3/S-81" Zone to the Medium To High Density Multiple Dwelling "RM3/S-81" Zone.
4. Schedule "A" of Zoning By-law No. 3581-86 (Dundas) is hereby amended by changing the zoning of the lands the extent and boundaries of which are shown as Block 11 on the map hereto annexed as Schedule "A" from the Holding, Park and Recreation "H-PR1/S-84" Zone to the Park and Recreation "PR1/S-84" Zone.
5. SECTION 32: "EXCEPTIONS" of Zoning By-law No. 3581-86 (Dundas), applicable to the lands the extent and boundaries of which are shown as Blocks 1 to 11 on the map hereto annexed as Schedule "A", is hereby amended by deleting "DEFINITION", "STREET ORIENTED COMMERCIAL FLOOR SPACE" and "DENSITY" from Exceptions S-78, S-79, S-80, S-81, S-82 and S-83 and replacing them as follows:

DEFINITION

Notwithstanding the definition of "height" of SECTION 3: DEFINITIONS, SUBSECTION 3.2: DEFINITIONS, Clause 3.2.26 ii) HEIGHT, with reference to a building, height shall mean the vertical distance from grade to the ceiling of the upper most floor and, in addition to the structures identified in Clause 3.2.26 ii), shall exclude a roof on the lands identified as CAWS-78, CAWS-79, RM3/S-80, H-RM3/S-81, RM3/S-81, RM4/S-82, RM4/S-83 and PR1/S-84 on Schedule A.

STREET ORIENTED COMMERCIAL FLOOR SPACE

A maximum of 1,400 square metres of street oriented commercial uses shall be permitted on the lands identified as "CAC/S-78" and "CAC/S-79" on Schedule A.

DENSITY

A maximum of 322 dwelling units shall be permitted on the lands identified as "RM3/S-80", "RM3/S-81", "H-RM3/S-81", "RM4/S-82" and "RM4/S-83" on Schedule A.

6. SECTION 32: "EXCEPTIONS" of Zoning By-law No. 3581-86 (Dundas), applicable to the lands the extent and boundaries of which are shown as Block 3 on the map hereto annexed as Schedule "A" is hereby amended by deleting Exception S-80 RETIREMENT HOME (H-CAC/S-80) and replacing it as follows:

APARTMENTS (RM3/S-80)

1. Notwithstanding the permitted uses and regulations of SECTION 14: MEDIUM TO HIGH DENSITY MULTIPLE DWELLING (RM3) ZONE, the following uses and regulations shall apply to the lands identified as RM3/S-80 on Schedule "A":
- (a) PERMITTED USES
 - (i) Apartment buildings.
 - (ii) Accessory uses to the uses identified above.
 - (b) REGULATIONS FOR ALL USES (i) to (ii) IDENTIFIED ABOVE
 - (i) Minimum Lot Area – 0.3 hectares.
 - (ii) Minimum Lot Frontage – 30 metres
 - (iii) Minimum Front Yard – 2 metres
 - (iv) Minimum Side Yard – 0.0 metres, except 1.4 metres where a side yards abuts a flankage street.
 - (v) Minimum Rear Yard – 7.5 metres
 - (vi) Maximum Lot Coverage – 64%
 - (vii) Maximum Building Height – 15 metres
 - (viii) Minimum Landscaped Area – 35%

(c) REGULATIONS FOR APARTMENT BUILDINGS

(i) Maximum Density – 215 dwelling units per hectare.

(ii) Minimum Parking and Loading Requirements

(a) All required parking for the permitted residential uses shall be provided below grade pursuant to SECTION 7.0: OFF-STREET PARKING AND LOADING of the Zoning by-law. Below grade, off site parking shall be permitted, provided the below grade parking is located on the adjacent lot.

(b) All required visitor parking shall be provided above grade pursuant to SECTION 7.0: OFF-STREET PARKING AND LOADING of the Zoning By-law.

(d) Notwithstanding the definition of LOT LINE, FRONT of Section 3, DEFINITIONS, the Front Lot Line shall be determined to be the lot line dividing the lot from Hatt Street.

(e) Where individual lots are developed contiguous to one another under a single and comprehensive site plan, all lots shall be deemed to be one lot for the purposes of applying zoning regulations.

7. SECTION 32: "EXCEPTIONS" of Zoning By-law No. 3581-86 (Dundas), applicable to the lands the extent and boundaries of which are shown as Blocks 4, 5 and 6 on the map hereto annexed as Schedule "A", is hereby amended by deleting the wording of Exception S-81 MIXED RESIDENTIAL/COMMERCIAL USE DEVELOPMENT (H-RM3/S-81) and replacing it as follows:

APARTMENTS/RETIREMENT HOME (RM3/S-81 and H-RM3/S-81)

(a) PERMITTED USES

- (i) Apartment buildings.
 - (ii) Retirement home, senior's residence or home for the aged.
 - (iii) Accessory uses to the uses identified above.
- (b) REGULATIONS FOR ALL USES (i) to (ii) IDENTIFIED ABOVE
- (i) Minimum Lot Area – 1,300 square metres
 - (ii) Minimum Lot Frontage – 30 metres
 - (iii) Minimum Front Yard – 2 metres
 - (iv) Minimum Side Yard – 0.0 metres
 - (v) Minimum Flankage Side Yard – where a lot has flankage on Hatt Street, Oglivie Street or Creekside Drive, the minimum front yard regulation shall apply to the flankage side yard.
 - (vi) Minimum Rear Yard – 7.5 metres.
 - (vii) Maximum Building Height – 17.5 metres
 - (viii) Minimum Landscaped Area – 35%
 - (ix) Maximum Lot Coverage - 64%
- (c) REGULATIONS FOR APARTMENT BUILDINGS
- (i) The regulations of the “RM3/S-80” Zone are applicable.
- (d) REGULATIONS FOR RETIREMENT HOMES
- (i) Minimum Distance Separation
A minimum radial separation distance to the lot line of any other lot occupied or as may be occupied by a retirement home shall not apply.
 - (ii) Off-Street Parking and Loading
Pursuant to SECTION 7: OFF-STREET PARKING AND LOADING of Zoning By-law No. 3581-86.
 - (iii) Outdoor Amenity Area

A minimum outdoor amenity area of 84 square metres shall be provided and maintained in the rear yard. Additional landscape area shall be provided to service the outdoor amenity needs of the residents on the lands identified as PR1/S-84 – Part 2 on the attached Schedule A.

(iv) Maximum Accommodation

The maximum number of residents shall not exceed 151 persons.

(e) Where individual lots are developed contiguous to one another under a single and comprehensive site plan, all lots shall be deemed to be one lot for the purposes of applying zoning regulations.

8. All other regulations of the Central Area Commercial “CAC” Zone, Medium To High Density Multiple Dwelling “RM3” Zone and the Park and Recreation Zone, as amended, and any other General Provision of Zoning By-law No. 3581-86 (Dundas), shall continue to apply.
9. 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.

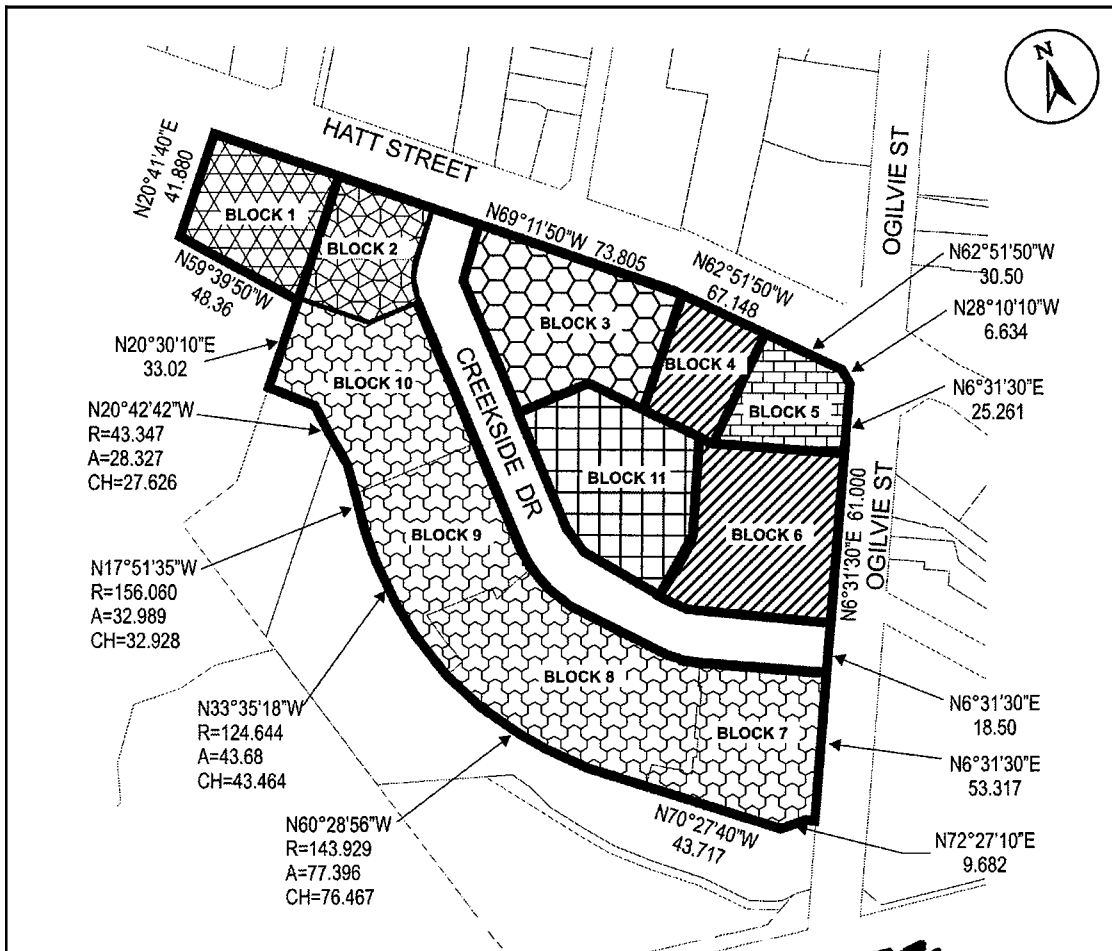
PASSED and ENACTED this 9th

day of March, 2005.

MAYOR

CLERK

ZAC-04-93



This is Schedule "A" to By-Law No.05-052

Passed the 9th day of March, 2005

[Handwritten Signature]
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 05-052
to Amend By-Law No. 3581-86



Scale:
Not to Scale

Date:
Februarv2005

File Name/Number:
ZAR-04-79

Planner/Technician:
PM/LC