

Authority: Item 14, Planning and Economic
Development Committee
Report 04-021 (PD04272)
CM: November 24, 2004

Bill No. 090

CITY OF HAMILTON

BY-LAW NO. 05-090

To Amend:

Zoning By-law No. 3581-86 (Dundas),

Respecting:

LANDS LOCATED AT 346 Park Street West

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. 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 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 Zoning By-law No. 3581-86 (Dundas) was enacted on the 22nd day of May 1986, and approved by the Ontario Municipal Board on the 10th day of May, 1988;

AND WHEREAS the Council of the City of Hamilton, in adopting Section 14 of Report 04-021 of the Planning and Economic Development Committee at its meeting held on the 24th day of November, 2004, recommended that Zoning By-law No. 3581-86 (Dundas), be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Dundas), in accordance with the provisions of the Planning Act.

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

1. Schedule "B" (Colborne) of Zoning By-law No. 3581-86 (Dundas), as amended, is hereby amended by changing the zoning of the lands that are known municipally as 346 Park Street West from the Public Utilities "U" Zone to the Holding Medium Density Multiple Dwelling "H-RM2/S-105" Zone, the lands the extent and boundaries of which are shown on Schedule "A" which forms part of this By-law.
2. SECTION 32: EXCEPTIONS of Zoning By-law No. 3581-86 (Dundas), is hereby further amended by adding the following new subsection:

MEDIUM DENSITY MULTIPLE DWELLING H-RM2/S-105

- (i) Notwithstanding the provisions of SUBSECTION 13.1: PERMITTED USES of SECTION 13: MEDIUM DENSITY MULTIPLE DWELLING ZONE (RM2), the following additional uses shall be permitted only within the building existing on the date of the passing of this By-law on the lands shown as "RM2/S-105" on Schedule "B":
 - (a) Trade Contracting Industries and Service Industries Incidental to Construction;
 - (b) Postal Service Industries;
 - (c) Furniture Refinishing and Repair Shops;
 - (d) Appliance, Television, Radio and Stereo Shops;
 - (e) Medical and other Health Laboratories;
 - (f) Motion Picture, Audio and Video Production and Distribution;
 - (g) Laundries and Cleaners (excluding Self-service Laundries and/or Dry Cleaners);
 - (h) Accessory Uses (to a maximum of 25% of the gross floor area of the principle use); and
 - (i) Conversions to separate dwelling units.

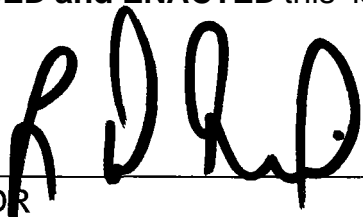
- (ii) Notwithstanding the provisions of Section 13.3 REGULATIONS FOR CONVERSIONS UP TO A MAXIMUM OF FOUR (4) SEPARATE DWELLING UNITS, of SECTION 13: MEDIUM DENSITY MULTIPLE DWELLING ZONE (RM2) the following provisions shall apply to the use permitted in Section 2(i)(i):
- (a) Subsection 13.3.1.1, 13.3.1.3, 13.3.5, and 13.3.6;
 - (b) Only the floor area of the building as existing prior to November 10, 2004, shall be used in calculating the minimum floor area requirement for each dwelling unit to be converted.
- (iii) Notwithstanding the provisions of subclauses 7.1.1, 7.2, 7.3.2 (i), (ii) (a) and (b), 7.3.4, 7.4.1, 7.6.3, 7.4.4, 7.10 and 7.12.3 of SECTION 7:- OFF-STREET PARKING AND LOADING, the following special requirements shall apply only to the building existing on the date of the passing of this By-law and only for the additional permitted uses on the lands shown as "RM2/S-105" on Schedule "B":
- (a) Minimum number of parking spaces - 8 (except as provided in 2. (ii) (a)).
 - (b) That clauses 7.1.1, 7.2, 7.3.2 (i), (ii) (a) and (b), 7.3.4, 7.4.1, 7.4.4 and 7.6.3 shall not apply.
 - (c) That the following vehicles shall be permitted to park on the subject property:
 - 1. A vehicle which is up to a maximum of 8 metres in length;
 - 2. A vehicle which is equipped with dual rear wheels or tandem axles.
- (iv) Notwithstanding the provisions in subclauses 6.11.1 LANDSCAPING ALONG STREET LINES, and 6.11.2.2 WIDTH OF BUFFER STRIP of Subsection 6.11: LANDSCAPE REQUIREMENTS, the following special requirement shall apply only to the building existing on the date of the passing of this By-law on the lands shown as "RM2/S-105":

WIDTH OF BUFFER STRIP

A 1.8 metre high solid privacy fence for the purposes of providing a visual screen shall be provided and maintained along the southerly property line, and a minimum 1 metre wide buffer strip including a 1.8 metre high solid privacy fence and planting material for the purposes of providing a visual screen shall be provided and maintained along the westerly property line.

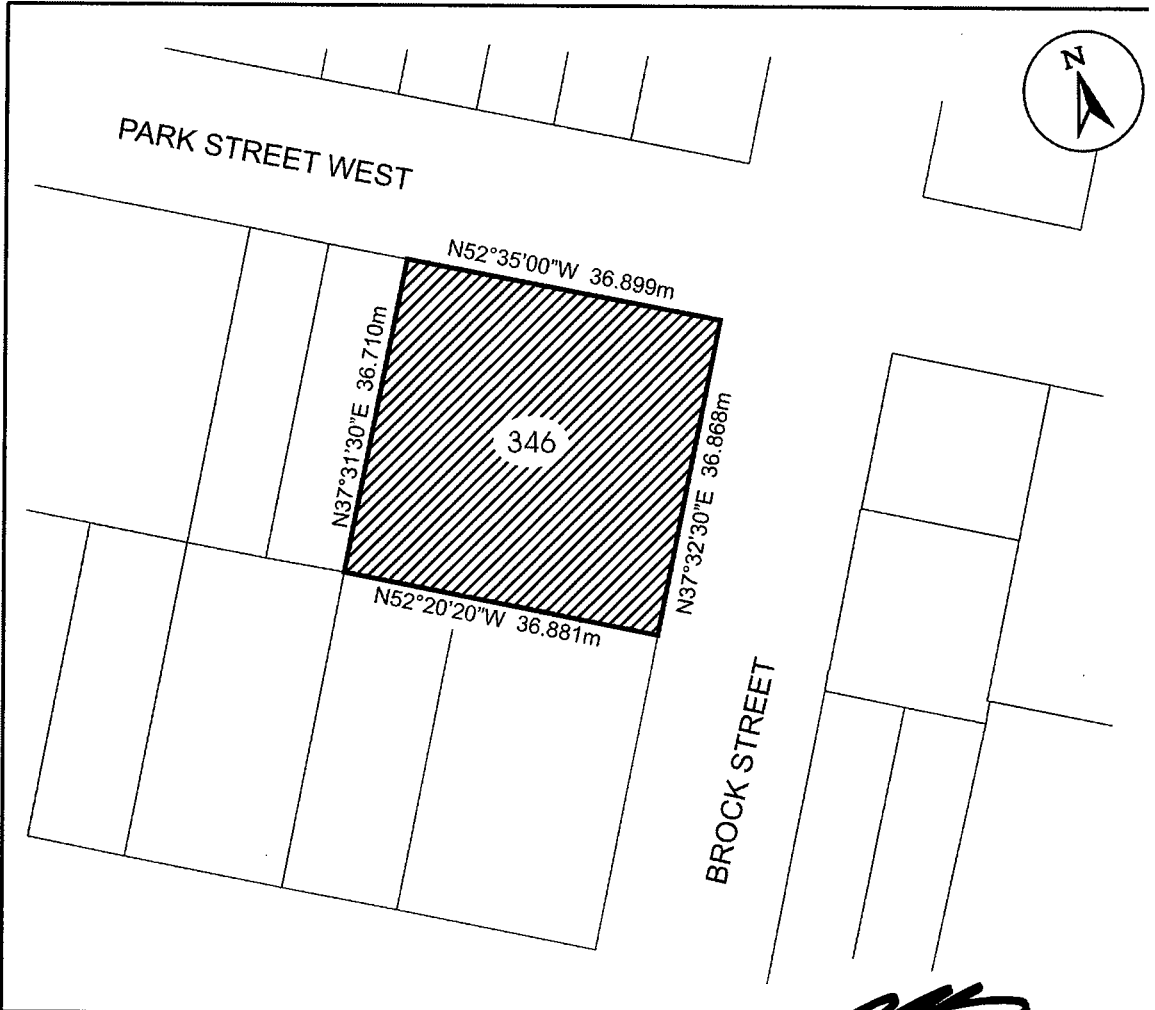
- (v) All other regulations of Section 13: Medium Density Multiple Residential (RM2) Zone; Section 6: General Regulations; and Section 7: Off-Street Parking and Loading of Zoning By-law 3581-86 (Dundas) shall continue to apply.
 - (vi) On those lands zoned "H-RM2/S-105" by this by-law, the Holding "H" Symbol may be removed by City Council and thereby give effect to the "RM2/S-105" Zone provisions by enactment of an amending By-law upon:
 - (a) the owner completing and submitting a noise study to the satisfaction of the Director of Development and Real Estate, and CN Rail,; and,
 - (b) the owner submitting a signed copy of a Record of Site Condition to the satisfaction of the Director of Development and Real Estate, including the acknowledgement of receipt of that Record of Site Condition by the Ministry of the Environment.
 - (vii) While zoned "H-RM2/S-105", no residential use shall be permitted on the subject lands. All other provisions of the "H-RM2/S-105" Zone shall apply.
3. 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 13th day of April, 2005.


MAYOR


CLERK

ZAC-04-52



This is Schedule "A" to By-Law No 05-090

Passed the 13th day of April, 2005

[Signature]
 Clerk
 Mayor

Schedule "A"

Map Forming Part of
 By-Law No. 05-090
 to Amend By-Law No 3581-86



Subject Property 346 Park Street West(Dundas)



Change from the Public Utilities "U" Zone to the Holding - Medium Density Multiple Dwelling "H-RM2/S-105" Zone.

North



Scale:
 Not to Scale

Date:
 April 2005

FileName/Number:
ZAC-04-52

Planner/Technician:
 OQ/CL