

Authority: Item 27, Planning and
Economic Development
Committee
Report: 05-017 (PED05071)
CM: August 10, 2005

Bill No. 235

CITY OF HAMILTON

BY-LAW NO. 05-235

To Amend Zoning By-law No. 6593 Respecting Lands Located at 488 Upper Wellington Street

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 Corporation of the City of Hamilton" 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 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 27 of Report 05-017 of the Planning and Economic Development Committee at its meeting held on the 10th day of August, 2005, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton, as amended by Official Plan Amendment No.202 to the former Official Plan of the City of Hamilton, proposed by the City of Hamilton, but not yet approved in accordance with the provisions of the Planning Act.

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

1. Sheet No. E-7 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended,

- (a) by changing Block "1" from the "C" (Urban Protected Residential, etc.) District to the "H" (Community Shopping and Commercial, etc.) District, Modified,

the lands, the extent and boundaries of which are shown on the map hereto annexed as Schedule "A".

2. The "H" (Community Shopping and Commercial, etc.) District provisions, applicable to the lands shown as Blocks "1" and "2", the extent and boundaries of which are shown on the map hereto annexed as Schedule "A" are modified as set out below such that the lands shall be developed only by way of one of three distinct options and not a hybrid of the three.

OPTION NO. 1

3. That notwithstanding the "H" (Community Shopping and Commercial, etc.) District provisions as contained in Section 14 of Zoning By-law No. 6593, applicable to the lands shown as Blocks "1" and "2" on a plan hereto annexed as Schedule "A", only the following special requirements shall apply:

(a) The following uses shall be permitted:

- Restaurants;
- Commercial Schools;
- Business or professional offices;
- Banks;
- Personal Service Establishments;
- Photographer's or Artist's Studios; and,
- Retail Stores.

(b) In addition to Section 3(a) above, Dwelling Units shall be permitted only within the second storey of a building.

(c) Drive through facilities and outdoor patios shall not be permitted.

(d) The following definition shall apply:

- (i) "Personal Service Establishment" shall mean the provision of services involving the health, beauty or grooming of a person or the maintenance or cleaning of apparel.

(e) A minimum lot area of 3,600 square metres shall be required.

- (f) A maximum gross floor area of 1,800 square meters shall be permitted.
- (g) No building or structure shall exceed 2.0 storeys or 11 metres in height.
- (h) A yard having a minimum depth of 3 metres shall be provided and maintained along the northerly lot line.
- (i) A planting strip of not less than 3 metres in width and a visual barrier not less than 1.2 metres and not more than 2.0 metres in height, shall be provided and maintained along every lot line adjoining a residential district or use.
- (j) All outside parking spaces shall be separated from the street by a building or structure, or by a planting strip having a minimum depth of 3 metres, except for any areas used for vehicular access.
- (k) Sections 3, 18 and 18A of Zoning By-law No. 6593 shall apply.

OPTION NO. 2

4. That notwithstanding the "H" (Community Shopping and Commercial, etc.) District provisions as contained in Section 14 of Zoning By-law No. 6593, applicable to the lands shown as Blocks "1" and "2" on a plan hereto annexed as Schedule "A", only the following special requirements shall apply:
- (a) Only one of the following uses shall be permitted:
 - Townhouse dwellings, or
 - Multiple dwellings.
 - (b) A minimum lot area of 3,600 square metres shall be required.
 - (c) A maximum of 12 townhouse dwelling units shall be permitted or a maximum of 18 multiple dwelling units shall be permitted.
 - (d) No building or structure shall exceed 2.0 storeys or 11 metres in height.
 - (e) All outside parking spaces shall be separated from the street by a building or structure, or by a planting strip having a minimum depth of 3 metres in the case of multiple dwellings or 6 metres in the case of townhouse dwellings, except for any areas used for vehicular access.

- (f) A yard having a minimum depth of 3 metres in the case of multiple dwellings or 6 metres in the case of townhouse dwellings shall be provided and maintained along the northerly lot line.
- (g) The provisions of Section 10C(3)(ii)(b) of Zoning By-law No. 6593 shall apply to multiple dwellings, except where a side lot line is a street line.
- (h) The provisions of Sections 10C(3)(iii)(b) and 10C(6) of Zoning By-law No. 6593 shall apply to multiple dwellings.
- (i) The provisions of Sections 10D(4)(b), 10(D)(5), 10(D)(8) to 10(D)(17) inclusive of Zoning By-law No. 6593 shall apply to townhouse dwellings.
- (j) Sections 3, 18 and 18A of Zoning By-law No. 6593 shall apply.

OPTION NO. 3

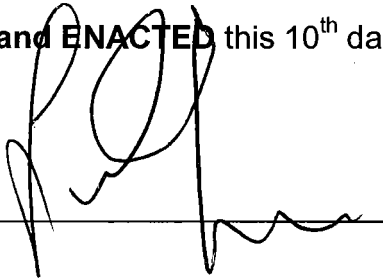
- 5. That notwithstanding the “H” (Community Shopping and Commercial, etc.) District provisions as contained in Section 14 of Zoning By-law No. 6593, applicable to the lands shown as Blocks “1” and “2” on a plan hereto annexed as Schedule “A”, only the following special requirements shall apply:
 - (a) Only the following uses shall be permitted within the building existing on the day of the passing of this by-law:
 - Restaurants;
 - Commercial Schools;
 - Business or professional offices;
 - Banks;
 - Personal Service Establishments;
 - Photographer’s or Artist’s Studios; and,
 - Retail Stores.
 - (b) Drive-through facilities and outdoor patios shall not be permitted.
 - (c) The building existing on the day of the passing of this by-law shall be deemed to comply with the provisions of this by-law.
 - (d) Sections 3, 18 and 18A of Zoning By-law No. 6593 shall apply.
- 6. Where the land is developed in accordance with Option No. 1, 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 referred to in Section 3.

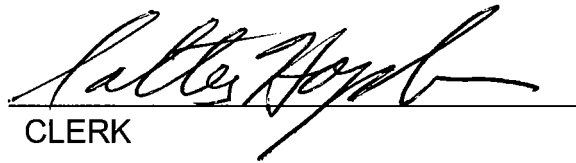
7. Where the land is developed in accordance with Option No. 2, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "H" District provisions, subject to the special requirements referred to in Section 4.
8. Where the land is developed in accordance with Option No. 3, 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 referred to in Section 5.
9. By-law No. 6593 is amended by adding this by-law to Section 19B as Schedule S-1532.
10. Sheet No. E-7 of the District Maps is amended by marking the lands referred to in Section 2 of this by-law as S-1532.
11. 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 10th day of August, 2005.

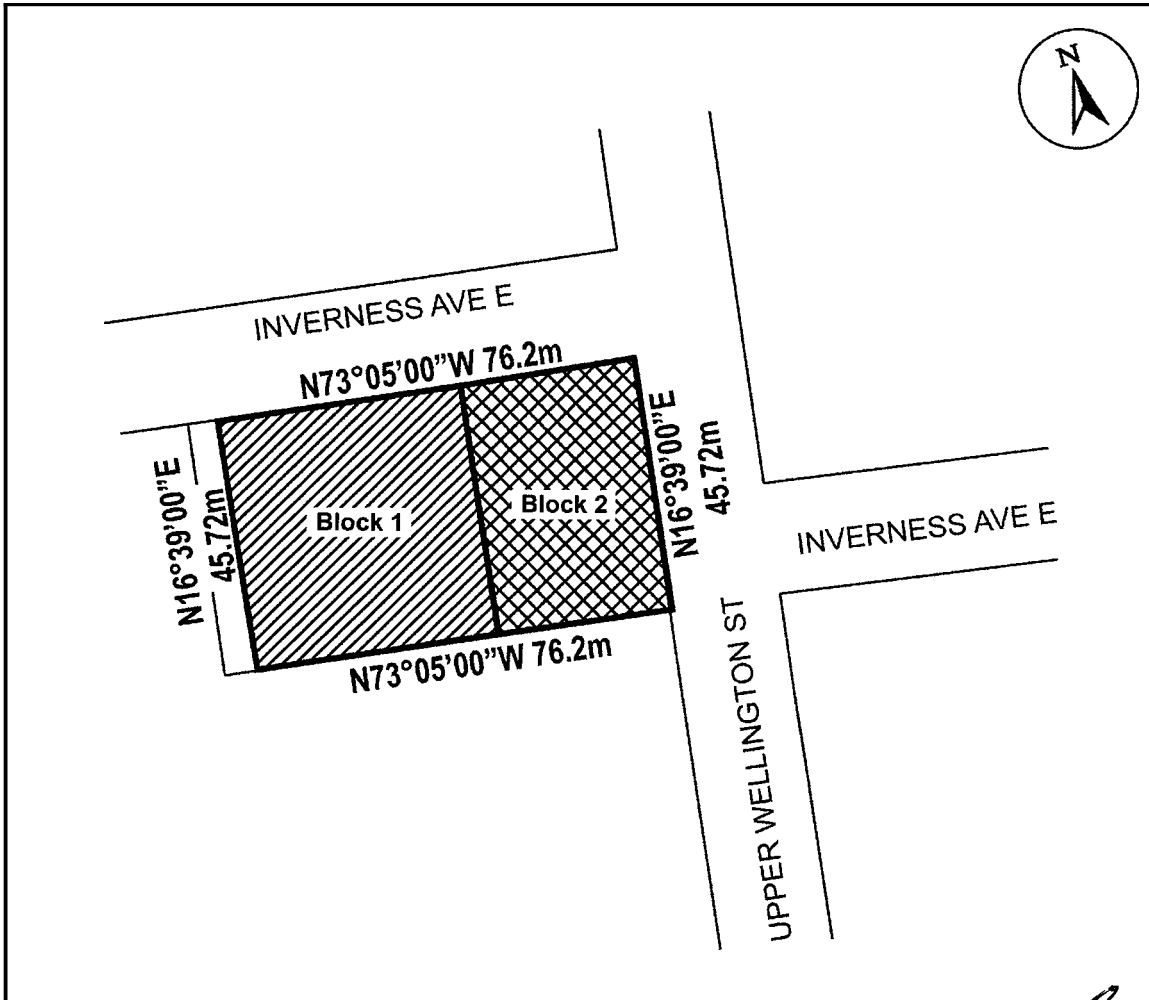
MAYOR



CLERK



OPA-04-08 and CI-04-B



This is Schedule "A" to By-Law No. 05- 235

Passed the 10th day of August, 2005

[Signature]
Clerk
[Signature]
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 05-235
to Amend By-Law No. 6593


Subject Property 488 Upper Wellington



Block 1 - Change in zoning from "C" (Urban Protected Residential, etc) District to "H" (Community Shopping and Commercial, etc) District, Modified



Block 2 - Modification to the "H" (Community Shopping and Commercial, etc) District

 Planning and Economic Development Department
Hamilton



Scale:
Not to Scale

Date:
July 2005

File Name/Number:
CI-04-B

Planner/Technician:
DS/MZ