

Authority: Item 17, Planning and Economic
Development Committee
Report 06-008 (PED06143)
CM: May 24, 2006

Bill No. 139

CITY OF HAMILTON

BY-LAW NO. 06-139

**To Amend Zoning By-law No. 6593
Respecting a Portion of the Property Located at 1301 & 1315 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 Section 17 of Report 06-008 of the Planning and Economic Development Committee at its meeting held on the 24th day of May, 2006, 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 Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

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

1. That Sheet No. E-9c of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing the zoning from the "JJ" (Restricted Light Industrial) District, Modified to the "DE-3" – 'H' (Multiple Dwellings - Holding) District, Modified the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That the 'H' symbol applicable to the lands referred to in Section 1 shall be removed conditional upon,
 - (i) A Record of Site Condition (RSC) which has been acknowledged by the Ministry of Environment to the satisfaction of the City of Hamilton, Director of Development and Real Estate; and,
 - (ii) A noise assessment prepared by a qualified professional in accordance with the Ministry of Environment Guidelines to the satisfaction of the City of Hamilton, Director of Development and Real Estate.

City Council may remove the 'H' symbol and, thereby give effect to the "DE-3" (Multiple Dwellings) District, Modified as amended by the special requirements of Section 3 as stipulated in this By-law, by enactment of an amending By-law once the above conditions have been fulfilled.

3. That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special provisions:
 - (i) That notwithstanding Section 10C(3)(ii)(b), a Southerly Side Yard having a minimum width of 7.5 metres shall be provided and maintained.
 - (ii) That notwithstanding Section 10C(3)(iii)(b), a Rear Yard having a minimum depth of 7.6 metres shall be provided and maintained.
 - (iii) That notwithstanding Section 18(8)1, a minimum distance separation of 3.0 metres between buildings shall be provided and maintained.
 - (iv) That notwithstanding Section 18A(i)(b), visitor parking shall be provided and maintained at the ratio of 0.23 parking spaces per dwelling unit.
 - (v) That notwithstanding Section 18A(i)(c), no loading spaces shall be required.
4. 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 "DE-3" (Multiple Dwellings) District, Modified provisions, subject to the special requirements referred to in Section 3 of this By-law.
5. That By-law No. 6593 (City of Hamilton) is amended my adding this By-law to Section 19B as Schedule S-1551.

6. The City 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 24th day of May, 2006.

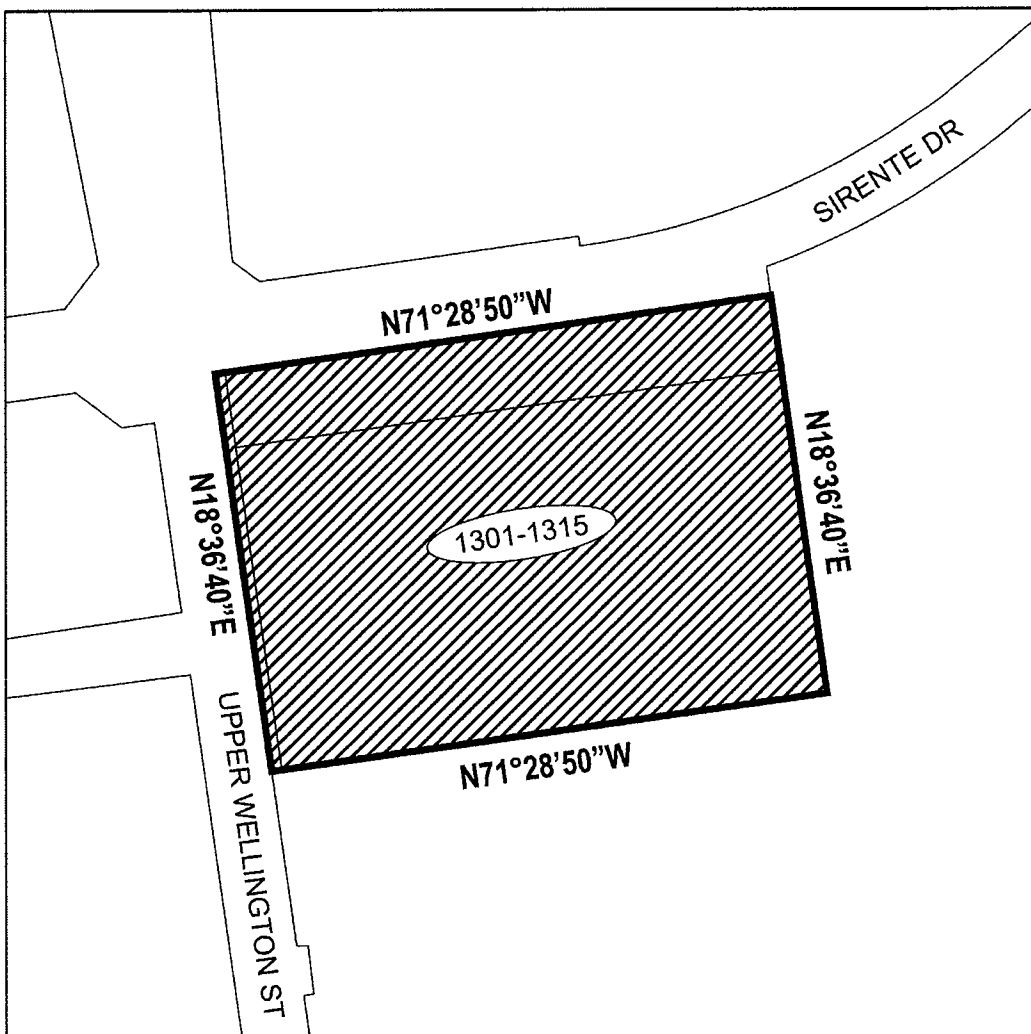


MAYOR



CLERK

ZAC-06-01



This is Schedule "A" to By-Law No. 06 — 139

Passed the 24th day of May, 2006

[Signature]
Clerk

[Signature]
Mayor

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Schedule "A"

Map Forming Part of
By-law No. 06-139

to Amend By-law No. 6593

Subject Property

1301-1315 Upper Wellington Street



Change in Zoning from "JJ" (Restricted Light Industrial) District, Modified to "DE-3" - 'H' (Multiple Dwellings-Holding) District, Modified

Scale:
Not to Scale

File Name/Number:
ZAC-06-01



Date:
April 2006

Planner/Technician:
SD/LM

Hamilton