

**Authority:** Item 12, Planning and Economic  
Development Committee  
Report: 06-009(PED06162)  
CM: June 14, 2006

**Bill No. 162**

**CITY OF HAMILTON**

**BY-LAW NO. 06-162**

**To Amend Zoning By-law No. 6593 (Hamilton), Respecting the Property Located at  
1686 Main Street West**

**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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25<sup>th</sup> day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7<sup>th</sup> day of December 1951, (File No. P.F.C. 3821);

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 12 of Report 06-009 of the Planning and Economic Development Committee at its meeting held on the 14<sup>th</sup> day of June, 2006, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

**AND WHEREAS** this by-law will be in conformity with the Official Plan of the City Hamilton , upon approval of Official Plan Amendment No; 206

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

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1. That Sheet Nos. W-46 and W-50 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), are amended,
  - (a) by changing from the "B/S-395" (Suburban Agriculture and Residential, etc.) District, Modified to the "E/S-1553" (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, for the lands composed of Block "1"; and,
  - (b) by changing from the "B/S-395" (Suburban Agriculture and Residential, etc.) District, Modified to the "A" (Conservation, Open Space, Park and Recreation) District, for the lands composed of Block "2";

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593, applicable to the lands composed of Block "1", are modified to include the following special provisions:
  - a) That notwithstanding Section 11(1), only the following uses shall be permitted:
    - Multiple Dwelling;
    - Retail Store;
    - Bakery;
    - Personal Service Shop;
    - Photography or artist studio;
    - Restaurant without any dancing or other entertainment except music, excluding a drive through;
    - Outdoor patio;
    - Business and Professional Offices;
    - Commercial or private school;
    - A collecting or distributing station for a laundry or dry cleaning establishment;
    - A wall sign or window sign in accordance with Section 15B(5) of Zoning By-law No. 6593; and,
    - Accessory uses.
  - b) For the purpose of the By-law, gross leasable floor area shall mean the total sum of the floor areas of all floors of a building for which tenants pay rent and have exclusive occupancy, measured from the centreline of partition walls and the exterior face of exterior walls, and includes all such floor area on a main floor, mezzanine, upper storeys and basements, but shall not include any floor area used in common by the tenants of the building such as a hallway, lobby, elevator shaft, stairwell, mechanical or electrical or utility room, and any motor vehicle parking areas provided within the building.

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- c) That all non-residential uses shall be contained jointly with commercial uses and shall only be located on the ground floor of a building containing Multiple Dwelling units.
- d) That notwithstanding Section 11C(2)(ii), a maximum building height of nine (9) storeys and 30.0 metres is permitted.
- e) That notwithstanding Section 11C(3)(i)(b), a minimum front yard depth of 2.9 meters shall be provided and maintained.
- f) That notwithstanding Section 11C(3)(ii)(b), a minimum easterly side yard width of 11.0 metres shall be provided and maintained.
- g) That notwithstanding Section 11C(3)(iii)(b), a minimum rear yard depth of 11.0 metres shall be provided and maintained.
- h) That notwithstanding Section 11C(5), a maximum total gross floor area of 21,500 square metres shall be permitted for all uses; a maximum total gross leasable floor area of 895 square metres shall be permitted for all non-residential uses, and a maximum of 107 dwelling units shall be permitted.
- i) That notwithstanding Sections 18A(1)(c), (d), and (e), and Section 18A(17)(b), a minimum of 1 loading space with dimensions of 3.7 metres by 9.0 metres by 4.3 metres, shall be provided and maintained for all uses.
- j) That notwithstanding Sections 18A(1)(a) and (b), and 18A(17)(a), a minimum of 0.8 parking spaces shall be provided for each dwelling unit.
- k) That notwithstanding Section 18A(7), only 5 parking spaces located within a below grade structure shall have dimensions of not less than 3.0 metres wide and 4.6 metres long, and all remaining parking spaces located within a below-grade structure shall have dimensions of not less than 3.0 metres wide and 5.5 metres long.
- l) That Sections 18A (11) and (12) shall not apply.
- m) That Sections 18(A) (25) and (26) shall not apply.
- n) That notwithstanding Section 18(11)(b)(1), an outdoor patio shall be permitted in the front yard.
- o) That notwithstanding Section 18(3)(vi)(e), a terrace, uncovered porch, and platform which does not extend more than 1.0 metre above the floor level of the first storey, may project into a required front yard, and no setback shall be required from the nearest street line.

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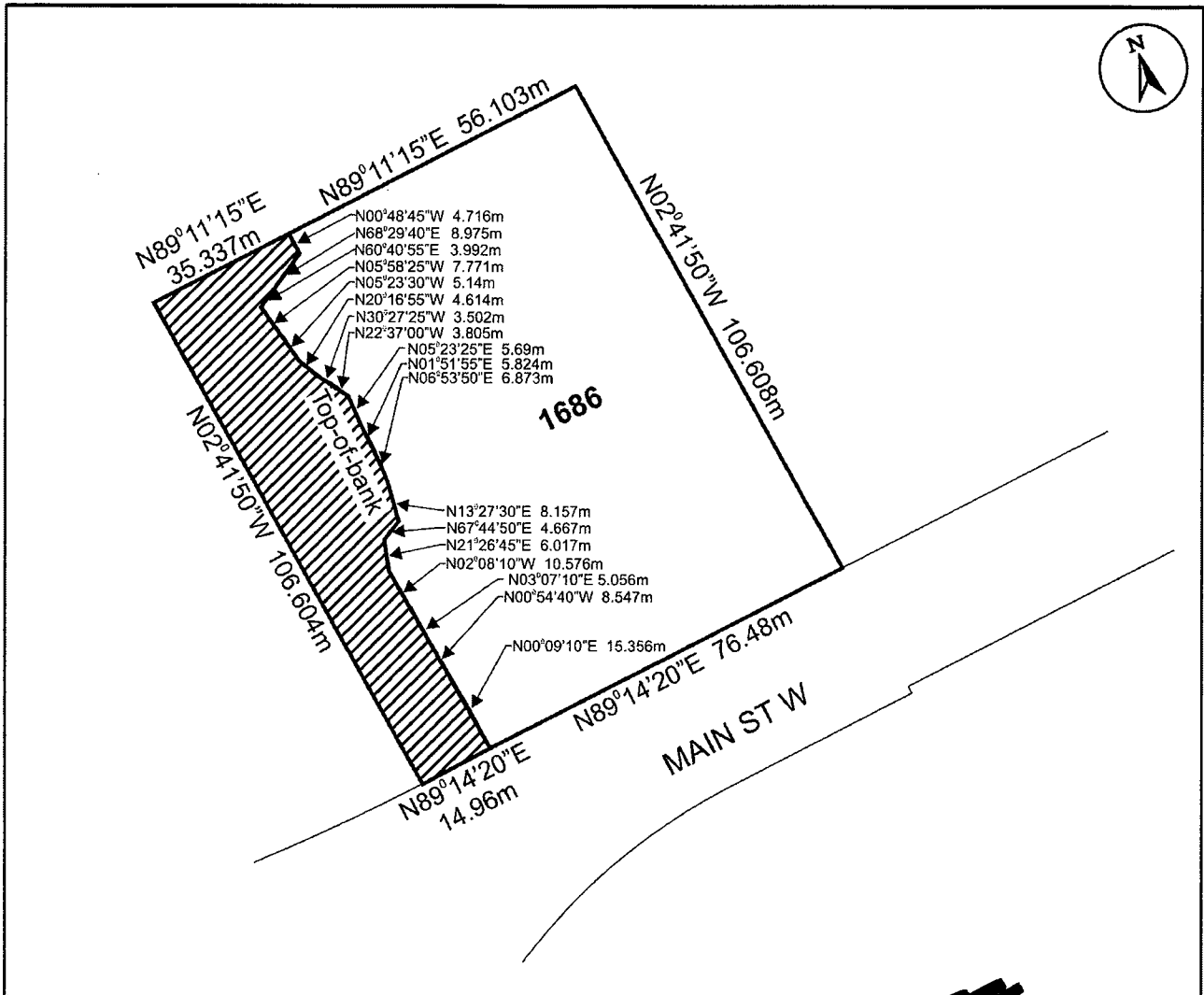
- p) That a minimum setback of 8.4 metres shall be provided and maintained from the top-of-bank.
  - q) That notwithstanding Section 18(4)(iv), the accessory structure existing on the date of the passing of this By-law, being the 14th day of June, 2006, shall be permitted.
  - r) That no residential use or accessory use thereto shall be located,
    - i) except functionally completely separate from any commercial use; and
    - ii) except in such a manner as will completely segregate from any commercial use pedestrian movement to and from any residential use.
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 "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, provisions, subject to the special requirements referred to in Section 2 of this by-law, for the lands comprised of Block"1".
4. Zoning By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedule S-1553.
5. Sheet Nos. W-46 and W-50 of the District Maps are amended by marking the lands referred to in Section 1(a) of this by-law as S-1553.
6. 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 14th day of June, 2006.

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MAYOR

\_\_\_\_\_  
CLERK

ZAC-05-29



This is Schedule "A" to By-Law No. 06— 162

Passed the 14th day of JUNE, 2006

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Clerk

\_\_\_\_\_  
Mayor

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

# Schedule "A"

Map Forming Part of  
By-law No. 06-162

to Amend By-law No. 6593

## Subject Property

1686 Main Street West (Hamilton)



**Block 1** - Change in zoning from "B/S-395" (Suburban Agriculture and Residential, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified



**Block 2** - Change in zoning from "B/S-395" (Suburban Agriculture and Residential, etc.) District to "A" (Conservation, Open Space, Park and Recreation) District

Scale: <b>Not to Scale</b>	File Name/Number: <b>ZAC-05-29/OPA-06-02</b>	
Date: <b>April 28, 2006</b>	Planner/Technician: <b>SM/NB</b>	