

Authority: Item 10, Economic Development
and Planning Committee
Report: 08-017 (PED08207)
CM: September 24, 2008

Bill No. 157

CITY OF HAMILTON

BY-LAW NO. 09-157

To Amend Zoning By-law No. 6593 (Hamilton) Respecting the Property Located at 547-549 Main Street East

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 area municipality known as "The Corporation of the Township of Glanbrook" 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 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 10 of Report 08-017 of the Economic Development and Planning Committee at its meeting held on the 24th day of September, 2008, 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-22 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended,

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- (a) by changing from the "H" (Community Shopping and Commercial, etc.) District to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, the lands composed of Blocks "1" and "2", the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", and;
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 comprised of "Block 1", be modified to include the following special provisions:
 - (a) That notwithstanding Subsections 3(i)(a), 3(ii)(a), 4(ii) and 6 of Section 11 of Zoning By-law No. 6593, for the multiple dwelling existing at the time of passage of this by-law:
 - (i) The minimum Front Yard shall be 3.5 metres, and steps may project an additional 0.8 metres into the required front yard.
 - (ii) The minimum westerly Side Yard shall be 0.3 metres, and eaves may project into the required side yards up to 0.0 metres from a lot line.
 - (iii) The easterly side yards between the main wall face and the lot line and between the existing addition and the lot line, shall be maintained, and no further encroachments are permitted.
 - (iv) The minimum Lot Width shall be 10 metres.
 - (v) A minimum of 8% of the lot area shall be provided as landscaped area.
 - (b) That notwithstanding Subsections 18A(1)(a) and (b), Part (c) of Table 1 and Part (3) of Table 2, of Section 18A of Zoning By-law No. 6593 (Parking and Loading Requirements):
 - (i) The minimum required parking shall be 1 space per dwelling unit.
 - (ii) No visitor parking shall be required.
 - (c) That notwithstanding Section 18(4)(iv), (Accessory Building Requirements) of Zoning By-law No. 6593:
 - i) The existing accessory building may be set back not less than 0.25 metres from a lot line, and eaves on the existing accessory building may project up to 0.0 metres from a lot line.
 - ii) The maximum rear yard coverage for the existing accessory building shall be 43 percent.

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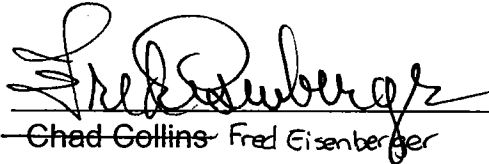
3. That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593, applicable to the lands comprised of "Block 2", be modified to include the following special provisions for the multiple dwelling existing at the time of passage of this by-law:
 - (a) That notwithstanding Subsections 3(a) and 3(b) of Section 6 of Zoning By-law No. 6593:
 - i) Where a side yard of 0.0 metres is required for the existing building, eaves, gutters and footings may encroach onto an abutting lot in the same district, a distance of not greater than 0.4 metres.
 - ii) Notwithstanding Section (i) above, encroachments of eaves, gutters or footings shall only be permitted in accordance with an encroachment agreement between the owners of the abutting land and a maintenance easement entered into between the parties, properly registered on the title of each of the abutting lots.
 - (b) That notwithstanding Subsection 3(ii)(b) of Section 11 of Zoning By-law No. 6593, the minimum Westerly and Northerly Side Yards shall be 0.0 metres.
 - (c) That notwithstanding Subsections 18A(1)(a), (b) and (c), Part (g) of Table 1, Part (3) of Table 2 and Part (1) of Table 3, of Section 18A of Zoning By-law No. 6593 (Parking and Loading Requirements):
 - (iii) The minimum required parking shall be 1 space per dwelling unit.
 - (iv) No visitor parking shall be required.
 - (v) No loading space shall be required.
4. That no building or structure shall be erected, altered, extended or enlarge, 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 Sections 2 and 3.
5. That Zoning By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedule S-1594.
6. That Sheet No. E-22 of the District Maps is amended by marking the lands referred to in Section 1 of this by-law as S-1594.

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7. That 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 July, 2009.

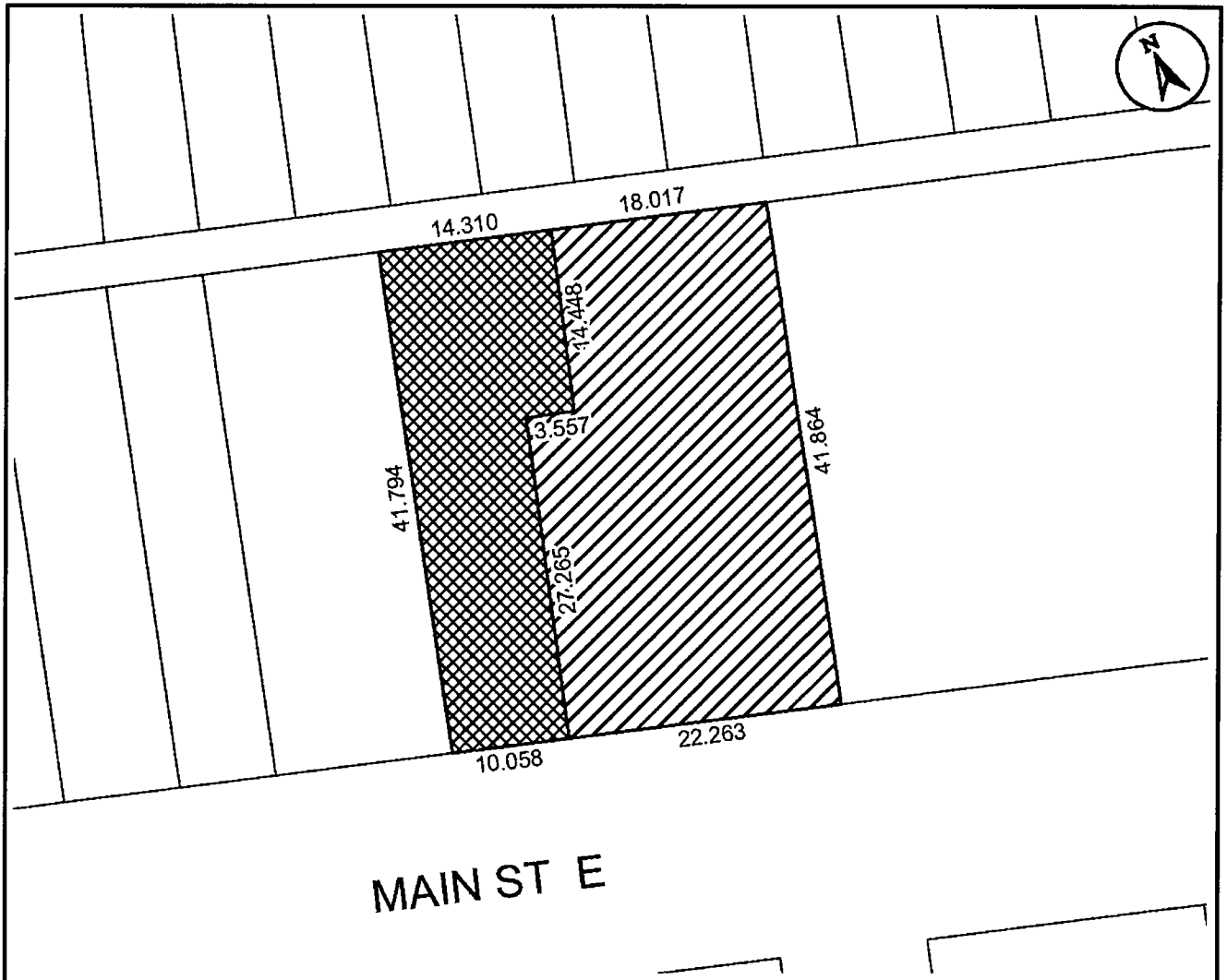


~~Chad Collins~~ Fred Eisenberger
~~Acting Mayor~~



Kevin C. Christenson
City Clerk

ZAC-08-025



MAIN ST E

This is Schedule "A" to By-Law No. 09-157
 Passed the 9th day of July, 2009

[Signature]
 Clerk
 Mayor


Schedule "A"


Map Forming Part of
 By-Law No. 09- 157

to Amend By-law No. 6593

Subject Property

547-549 Main Street East

 Block 1 - Change in Zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified.

 Block 2 - Change in Zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified.

Scale: N.T.S.	File Name/Number: ZAC-08-025
Date: Aug 12, 2008	Planner/Technician: MP/DG

