

**Authority** Item 7, Economic Development  
and Planning Committee  
Report: 10- 011 (PED10110)  
CM: May 26, 2010

**Bill No. 124**

**CITY OF HAMILTON**

**BY-LAW NO. 10-124**

**To Amend Zoning By-law No. 3581-86 Respecting Lands Located at 104 King Street West in the former Town of Dundas, now in the City of Hamilton**

**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 "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 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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** Zoning By-law No. 3581-86 (Dundas) was enacted on the 22<sup>nd</sup> day of May 1986, and approved by the Ontario Municipal Board on the 10<sup>th</sup> day of May, 1988;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 7 of Report 10-011 of the Economic Development and Planning Committee, at its meeting held on the 26<sup>th</sup> day of May, 2010, recommended that Zoning By-law No. 3581-86, 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. That Schedule "A", appended to and forming part of By-law No. 3581-86 (Dundas), as amended, is hereby further amended by changing the zoning from the Public and Private Service (P.P.S.) Zone to the Central Area Commercial (C.A.C./S-119) Modified, on the lands the extent and boundaries of which are more particularly shown on Schedule "A" attached hereto and forming part of this by-law.

2. That Section 32 - "EXCEPTIONS" of Zoning By-law No. 3581-86 (Dundas), as amended, is hereby further amended by adding the following subsection:

**C.A.C./S-119** That notwithstanding the provisions of Section 18: Central Area Commercial, Section 6.11.2: Buffer Strip, Section 7: Off-Street Parking and Loading, and Section 3.2.56: Front Lot Line, the following Special Provisions shall apply to the lands known municipally as 104 King Street West, shown as C.A.C./S-119 on Schedule "A".

1. PERMITTED USES:

Only the following uses shall be permitted and only within the building existing on the date of the passing of this by-law, being the 26<sup>th</sup> day of May, 2010:

Courier Service Industry;	(SIC 4842)
Food Stores	(SIC 601)
Liquor, Wine and Beer Stores	(SIC 602)
Shoe, Apparel, Fabric and Yarn Industries, Retail;	(SIC 61)
General Merchandise Stores;	(SIC 641)
Book and Stationery Stores;	(SIC 651)
Florist Shops	(SIC 6521)
Jewellery Stores and Watch and Jewellery	(SIC 656)
Repair Shops;	
Toy, Hobby, Novelty, and Souvenir Stores;	(SIC 658)
Other Retail Stores excluding:	(659)
1. Monument and Tombstone Dealers; and,	
2. Mobile Home Dealers	
Deposit Accepting Intermediary Industries;	(SIC 70)
Consumer and Business Financing Intermediary	(SIC 71)
Industries;	
Investment Intermediary Industries;	(SIC 72)
Insurance Industries;	(SIC 73)
Other Financial Intermediary Industries;	(SIC 74)
Insurance and Real Estate Agent Industries;	(SIC 76)
Accounting and Bookkeeping Services;	(SIC 773)
Advertising Services;	(SIC 774)
Architectural Engineering and Other Scientific	(SIC 775)
and Technical Services;	
Offices of Lawyers and Notaries;	(SIC 776)
Management Consulting Services;	(SIC 777)
Other Business Services;	(SIC 779)
Restaurants, Licenced;	(SIC 9211)
Restaurants, Unlicenced (Excluding Drive-Ins);	(SIC 9212)
Other Sports and Recreation Clubs, limited	(SIC 9659)
to Health Clubs (excluding health spas and	
reducing salons);	
Dance Halls, Studios and Schools;	(SIC 9693)
Barber and Beauty Shops;	(SIC 971)
Business Associations;	(SIC 982)
Professional Membership Associations;	(SIC 983)
Labour Organizations;	(SIC 984)
Political Organizations;	(SIC 985)
Civic and Fraternal Organizations;	(SIC 986)

Photographers; (SIC 993)  
Travel Services; (SIC 996)  
Other Services (excluding Humane Societies,  
Taxidermy, and Trade Fairs); (SIC 9999)  
Accessory Buildings, Structures and Uses.

## 2. REGULATIONS FOR PERMITTED USES

### 2.1 Off-Street Parking and Loading

A minimum of five (5) Parking Spaces and one (1) Loading Space shall be provided and maintained on the subject lands.

#### 2.1.1 Location

Parking and Loading Spaces shall be provided and maintained only in the easterly side yard and shall be permitted to be 0.0m from a public thoroughfare.

#### 2.1.2 Dimensions for the Design of Parking Areas

Each required parking space shall be not less than 2.6 metres in width and 5.5 metres in length.

#### 2.1.3 Manoeuvring Space

Maneuvering space for off-street parking and loading spaces may be provided off-site.

### 2.2 Front Lot Line

The front lot line shall be the property line which abuts King Street West.

### 2.6 Built Heritage Structure and Features

#### 2.6.1 Building Envelope

The external appearance of the east, west, north, and south building facades, including building materials, stone sills and lintels, brickwork, existing door and window openings, and the height and form of all roofs, dormers, and roofing materials shall be retained in their appearance and condition as of the date of the passing of this by-law, being the 26<sup>th</sup> day of May, 2010.

#### 2.6.2 Windows and Doors

Notwithstanding the provisions of 2.6.1, the installation of new windows and doors into existing and unaltered window and door openings shall be permitted if required by the Ontario Building Code.

### 2.6.3 Mechanical Equipment

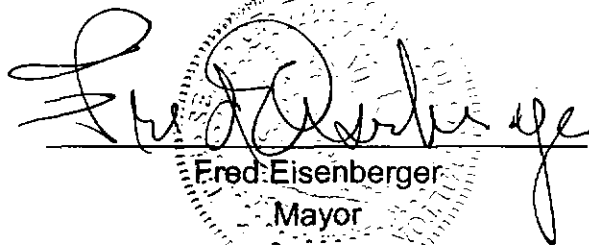
Notwithstanding the provisions of 2.6.1, the installation of required mechanical equipment in the flat roof area at the rear of the existing heritage structure shall be permitted if required by the Ontario Building Code.

### 2.6.4 Ontario Heritage Act

Notwithstanding the above, should the lands be designated under the Ontario Heritage Act, any alternative building design or building materials approved through the issuance of a Heritage Permit shall be deemed to comply with Section 2.6.

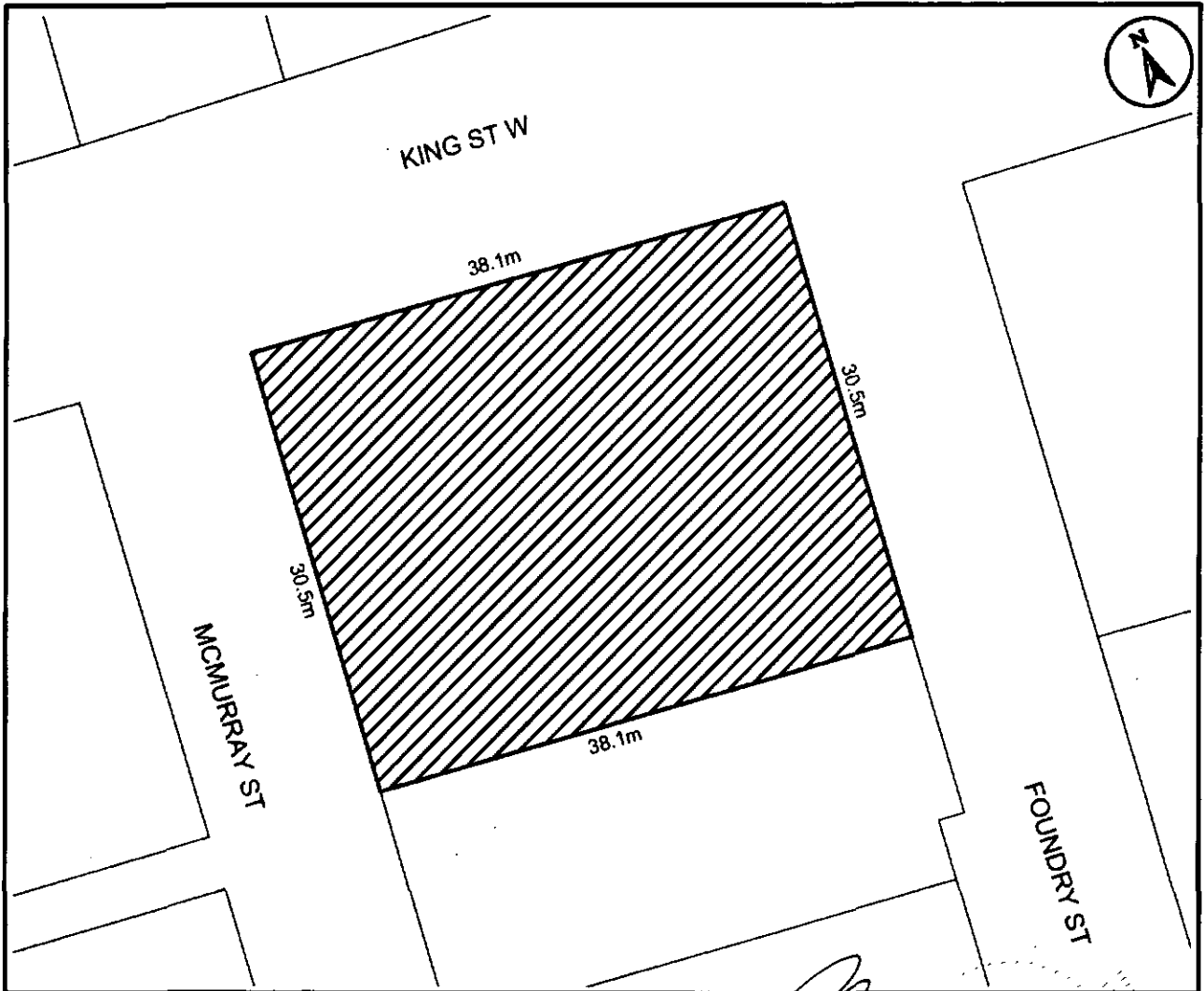
3. That By-law No. 3581-86 (Dundas) is amended by adding this by-law to Section 32 as Schedule S-119.
4. That Schedule "A" of the Zoning Schedule Key Map is amended by marking the lands referred to in Section 1 of this by-law as C.A.C./S-119.
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

**PASSED** this 26<sup>th</sup> day of May, 2010,

  
Fred Eisenberger  
Mayor

  
Rose Caterini  
Clerk

ZAC-10-004




This is Schedule "A" to By-Law No. 10-124  
 Passed the 26th day of May, 2010

*[Signature]*  
 Clerk  
*[Signature]*  
 Mayor

**Schedule "A"**  
 Map Forming Part of  
 By-Law No. 10-124  
 to Amend By-law No. 3581-86

**Subject Property**  
 104 King Street West

 Change in Zoning from the Public and Private Service "PPS" Zone to the Central Area Commercial "C.A.C./S-119" Zone Modified.

Scale: N.T.S.	File Name/Number: ZAC-10-004
Date: April 12, 2010	Planner/Technician: KM/AL
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

