

CITY OF HAMILTON

BY-LAW NO. 10-257

To Amend Zoning By-law 6593 (Hamilton), Respecting Lands Located at 366 Bay Street North (Hamilton)

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario 1999 Chap. 14, Schedule C did incorporate, as of January 1st, 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 City of Hamilton” and is the successor of 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council or the City of Hamilton;

AND WHEREAS Zoning By-law No. 6593 (Hamilton) was enacted on the 25th day of July 1950, which 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 Ontario Municipal Board (OMB) has issued an order that the Zoning By-law No. 6593 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 City of Hamilton) in accordance with the provisions of the Planning Act.

NOW THEREFORE the OMB orders as follows:

1. That Sheet No. W-2 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing from the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to the "DE/S-1634" (Low Density Multiple Dwelling, etc.) District, Modified, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That the "DE" (Low Density Multiple Dwelling, etc.) District regulations, as contained in Section 10A of Zoning By-law No. 6593, be modified to include the following special requirements:
 - (a) That notwithstanding Section 10A of Zoning By-law No. 6593, the minimum required landscaped area shall be 40% of the area of the lot, of which a maximum of 17% may be provided above grade.
 - (b) That notwithstanding Section 10A(2) of Zoning By-law No. 6593, the maximum height of the building shall be 11 metres.
 - (c) That notwithstanding Section 10A(3)(i) of Zoning By-law No. 6593, a front yard depth of at least 2.0 metres shall be provided and maintained;
 - (d) That notwithstanding Section 10A(3)(ii)(c) of Zoning By-law No. 6593, for a multiple dwelling, a minimum northerly side yard of at least 1.2 metres and a minimum southerly side yard width of at least 0.6 metres shall be provided and maintained;
 - (e) That notwithstanding Section 10A(4)(iii)(b) of Zoning By-law No. 6593, for a multiple dwelling consisting of more than four dwelling units and not more than six dwelling units, a width of at least 18 metres and an area of at least 618 square shall be provided and maintained;
 - (f) That notwithstanding Section 18(3)(vi)(d) of Zoning By-law No. 6593, a roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, may project into a required front yard to a distance of not more than 3.0 metres, and every such projecting porch shall be a distance of at least 0.1 metre from the front lot line and 0.12 metres from the side lot line;
 - (g) That notwithstanding Section 18A(1)(c) of Zoning By-law No. 6593, no loading space shall be required;

- (h) That notwithstanding Section 18A(7) of Zoning By-law No. 6593, required parking spaces shall have dimensions not less than 2.6m wide by 5.5m in length;
 - (i) That notwithstanding Section 18A(11) of Zoning By-law No. 6593, the boundary of the parking area shall be fixed not less than 1.1 metres from the northerly lot line, 0.46 metres from the easterly lot line, and 1.13 metres from the southerly lot line;
 - (j) That notwithstanding Section 18A(12) of Zoning By-law No. 6593, planting strips abutting residential uses are not required; and,
 - (k) That notwithstanding Section 18A(24)(b) of Zoning By-law No. 6593, an access driveway shall have a minimum width of 3.3 metres.
 - (l) That no window opening be permitted on the south facing wall of the building.
3. That Zoning By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1634.
 4. That Sheet W-2 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1634.
 5. That by-law 10-257 adopted by Council on October 13th, 2010 be dismissed, in accordance with the OMB order, and replaced by this by-law.

PASSED and ENACTED this 9th day of August, 2011.


ZAR-09-046



This is Schedule "A" to By-Law No. 10-257
 Passed by OMB order dated August 9th, 2011

OMB Decision August 9th, 2011
 OMB File PL101293

Schedule "A"
 Map Forming Part of
 By-Law No. 10-257
 to Amend By-law No. 6593

Subject Property
 366 Bay Street North, Hamilton
 Change in zoning from the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to the "DE/S-1634" (Low Density Multiple Dwellings) District, Modified.

Scale:
 N.T.S.

File Name/Number:
 ZAC-09-046

Date:
 Nov. 28, 2011

Planner/Technician:
 TL/NB



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT