

Authority: Item 9, Planning Committee
Report: 11-011 (PED10135(b))
CM: June 15, 2011

Bill No. 159

CITY OF HAMILTON

BY-LAW NO. 11-159

To Amend Zoning By-law 6593 (Hamilton), Respecting Lands Located at 800 Upper Wentworth Street/362 Mohawk Street East (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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council or the City of Hamilton;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 Council of the City of Hamilton, in adopting Item 9 of Report 11-011 of the Planning Committee, at its meeting held on the 7th day of June, 2011, 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 City of Hamilton (the Official Plan of the former City of Hamilton) in accordance with the provisions of the Planning Act.

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

1. That Sheet No. W-14 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), as amended, is further amended as follows:
 - (a) That Block 1 be re-zoned from the "C" (Urban Protected Residential, etc.) District to the "C - 'H' /S-1643" (Urban Protected Residential, etc. - Holding) District, Modified, with a Holding Provision; and,
 - (b) That Block 2 be re-zoned from the "C" (Urban Protected Residential, etc.) District to the "C - 'H' /S-1643" (Urban Protected Residential, etc. - Holding) District, Modified, with a Holding Provision.
2. That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, be modified to include the following special requirements:

Blocks "1" and "2"

- (a) That notwithstanding Section 9(4)(iii) of Zoning By-law No. 6593, a rear yard depth of at least 1.3 metres shall be provided and maintained;
- (b) That notwithstanding Section 18A(30) of Zoning By-law No. 6593, a permanent durable and dustless surface that is graded, drained, and paved with concrete, asphalt, or permeable pavers, or a combination of concrete, asphalt, and permeable pavers, shall be provided and maintained for every parking area, maneuvering space, loading space, and access driveway; and,
- (c) That Section 4(3) of Zoning By-law No. 6593 shall not apply to the buildings existing on the date of the passing of this By-law, being the 15th day of June, 2011.

Block "1"

- (a) That notwithstanding Section 9(1) of Zoning By-law No. 6593, an aesthetician parlour, hairdressing establishment, and barber shop shall also be permitted only within the building existing on the date of the passing of the By-law, being the 15th day of June, 2011.

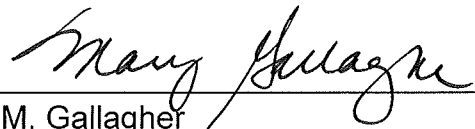
Block "2'

- (a) That notwithstanding Section 2(2)(iii) of Zoning By-law No. 6593, a home occupation shall not be permitted.
3. That the 'H' symbol applicable to lands referred to in Section 1 of this By-law shall be removed conditional upon receiving final approval of a Site Plan Control application, to the satisfaction of the Manager of Development Planning.
- The 'H' symbol shall be removed by amendment to this By-law and thereby give effect to the "C/S-1643" (Urban Protected Residential, etc.) District, Modified, once the above condition has been fulfilled.
4. That Zoning By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1643.
5. That Sheet W-14 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1643.
6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law, in accordance with the Planning Act.

PASSED this 15th day of June, 2011.

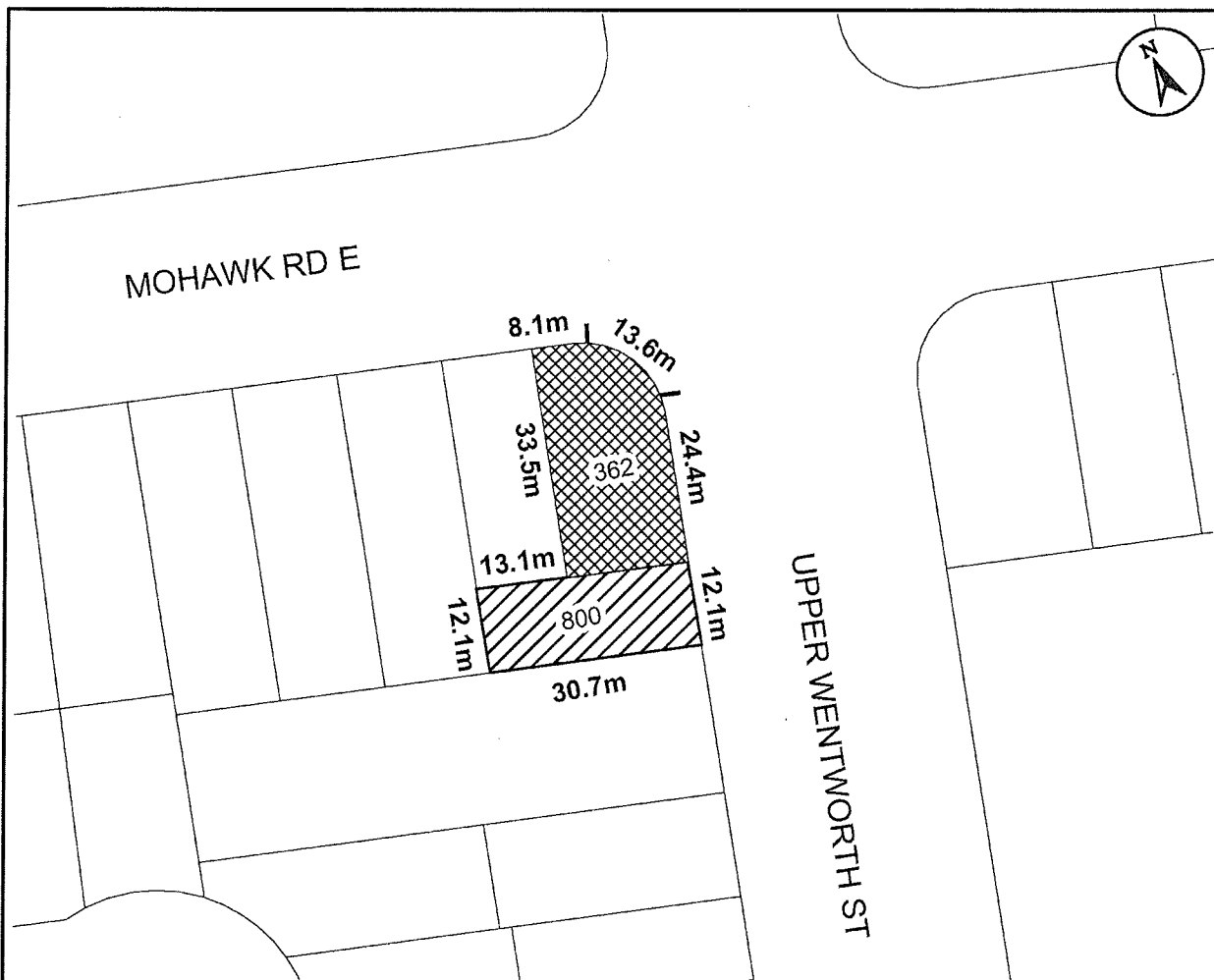


R. Bratina
Mayor



M. Gallagher
Acting City Clerk

ZAR-08-039



This is Schedule "A" to By-Law No. 11 - 159

Passed the 15 day of June, 2011

Mary Mulagren
Clerk


Robert M. ...
Mayor


Schedule "A"

Map Forming Part of
By-Law No. 11- 159
to Amend By-law No. 6593

Subject Property

800 Upper Wentworth Street
362 Mohawk Road East

 Block 1: Change in Zoning from the "C" (Urban Protected Residential, etc.) District, to the "C-'H/S-1643" (Urban Protected Residential, etc. - Holding) District, Modified

 Block 2: Change in Zoning from the "C" (Urban Protected Residential, etc.) District, to the "C-'H/S-1643" (Urban Protected Residential, etc. - Holding) District, Modified

Scale:
N.T.S.

File Name/Number:
ZAR-08-039

Date:
April 29, 2011

Planner/Technician:
TL/NB



Hamilton