

Authority: Item 6, Planning Committee
Report: 12-012 (PED12140)
CM: August 16, 2012

Bill No. 206

CITY OF HAMILTON

BY-LAW NO. 12-206

**To Amend Zoning By-law No. 6593 (Hamilton)
Respecting 1426-1430 Main Street East and 6 Crosthwaite Avenue South, and
1429-1431 Main Street East and 17-21 Crosthwaite Avenue North**

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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 Corporation 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 6 of Report 12-012 of the Planning Committee, at its meeting held on the 16th day of August, 2012, 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 Nos. E54 and E74 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton) are amended by,
 - (a) changing the zoning from the "H" (Community Shopping and Commercial, etc.) District to the "H-'H'/S-1659" (Community Shopping and Commercial, etc. - Holding) District, with a Special Exception, on the lands identified as "Block 1;
 - (b) changing the zoning from the "H" (Community Shopping and Commercial, etc.) District to the "H/S-1659" (Community Shopping and Commercial, etc.) District, with a Special Exception, on the lands identified as "Block 2; and,
 - (c) changing the zoning from the "C" (Urban Protected Residential, etc.) District to the "G-3/S-1659" (Public Parking Lots) District, with a Special Exception, on the lands identified as "Block 3;

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


2. That the "H-H/S-1659" (Community Shopping and Commercial, etc. - Holding) District regulations, as contained in Section 14 of Zoning By-law No. 6593, applicable to Block 1, are modified to include the following special requirements:
 - (a) That notwithstanding the provisions of Section 14(1) "Requirements As To Use", the following uses shall be prohibited:
 - Any automobile service station or other public garage;
 - An outdoor patio;
 - A theatre with seating capacity for not more than 750 persons;
 - A restaurant or refreshment room, except for a take-out restaurant without any seating;
 - A medical office and/or clinic;
 - A frosted food locker; and,
 - A dry cleaning plant.
 - (b) That notwithstanding Section 14(1)(iiiia), a maximum of 50 dwelling units, with a maximum gross floor area of 50m² for each dwelling unit, shall be permitted in the same building as commercial uses, provided the commercial uses are restricted to the ground floor having a total maximum gross floor area of 290m², and the dwelling units are permitted above the ground floor (1st storey) except for access, accessory office, and utility areas.

- (c) That notwithstanding the provisions of Sections 14(2)(i) and (ii) "Height Requirements" of Zoning By-law No. 6593, the height of any building or structure shall not exceed 20.0 metres, or 6-storeys.
 - (d) That notwithstanding the provisions of Section 14(9)(i), a landscape area shall not be required along the side lot line abutting 1424 Main Street East; however, a visual barrier of a minimum height of 1.8m shall be provided and maintained.
 - (e) That the provisions of Section 14(9)(ii) of Zoning By-law No. 6593 shall not apply to lot lines abutting an alleyway.
 - (f) That notwithstanding the provisions of Section 14(9)(ii), a landscape area, having a minimum average width of 1.8 metres, but not less than 0.6 metres in width, shall be provided and maintained along the entire street line, except for points of ingress and egress.
 - (g) That notwithstanding the provisions of Sections 2(2)(J)(xb) and 2(2)(H)(Via), a hydro transformer and/or light standard shall be permitted within the required landscape strip and/or planting strip.
 - (h) That notwithstanding the provisions of Section 18A(1)(a) and (b), Tables 1 and 2, parking shall be provided at a minimum ratio of 0.3 spaces per residential unit, with one space being barrier free, and no visitor parking or parking for the proposed ground floor commercial uses shall be required.
 - (i) That notwithstanding the provisions of Section 18A(7), every required parking space, other than a parallel parking space, shall have dimensions of not less than 2.6 metres wide by 5.5 metres long, and 4.4m wide by 5.5 metres long for any barrier free space.
3. That the 'H' symbol applicable to the lands referred to in Section 1 (a) of this Bylaw shall be removed conditional upon:
- (a) That the owner has received final approval of the closure of the public unassumed alleyway located between 1426-1430 Main Street East and 6 Crosthwaite Avenue South, to the satisfaction of the Manager of Development Planning.
 - (b) That the owner merges in title the closed public unassumed alley with the lands known municipally as 1426-1430 Main Street East and 6 Crosthwaite Avenue South, to the satisfaction of the Manager of Development Planning.

- (c) That the owner has constructed the parking lot in an operational form, on the lands known municipally as 17-21 Crosthwaite Avenue North, to the satisfaction of the Manager of Development Planning.
4. That the "H-H/S-1659" (Community Shopping and Commercial, etc.) District regulations, as contained in Section 14 of Zoning By-law No. 6593, applicable to Block 2, are modified to include the following special requirements:
- (a) That notwithstanding the provisions of Section 14(1)(iii) the building existing at the date of passing of this By-law, being the 12th day of September, 2012, consisting of a 4-storey, mixed-use building with a fourth storey penthouse area of 66.3m²; a maximum gross floor area of 796m² for ground floor commercial; and a maximum gross floor area of 3,150m² for 46 residential units of a maximum floor area of 50m² per unit, located above the ground floor commercial, shall be permitted.
 - (b) That notwithstanding the provisions of Section 18A(1)(a),(b) and Table 1, parking shall be provided off-site on lands known municipally as 17-21 Crosthwaite Avenue North, at a ratio of 0.3 spaces per residential unit, which does not exceed 50m² in unit size, and that no visitor parking shall be required.
 - (c) That notwithstanding the provisions of Section 18A(1) (c), (d), (e), and Tables 3, 4, and 5, no loading spaces shall be required.
5. That the "G-3/S-1659" (Public Parking Lots) District regulations, as contained in Section 13c of Zoning By-law No. 6593, applicable to Block 3, are modified to include the following special requirements:
- (a) That notwithstanding the provisions of Section 13C(4)(i), a minimum 2.0 metre wide landscape area shall be provided and maintained along Crosthwaite Avenue North and the westerly 26.01m side lot line.
 - (b) That notwithstanding the provisions of Section 18A(1) and Table 1, the parking spaces provided shall be for the exclusive use of 1429-1431 Main Street East.
 - (c) That notwithstanding the provisions of Section 18A(1)(f) and Table 6, a minimum 1.5 metre manoeuvring space aisle width shall be provided and maintained along the 4.36 metre hypotenuse and 27.43 metre south lot line.
 - (d) That notwithstanding the provisions of Section 18A(7), every required parking space, other than a parallel parking space, shall have dimensions of not less than 2.6 metres wide by 5.5 metres long.

- (e) That notwithstanding the provisions of Section 18A(9), the required manoeuvring space for the 10 parking spaces adjacent to the 27.43 metre south lot line may be provided and maintained over the abutting public assumed alleyway.
 - (f) That notwithstanding the provisions of Section 18A(24)(b)(ii), vehicles occupying the 10 spaces adjoining the public assumed alleyway along the 4.36 metre hypotenuse and 27.43 metre south lot line may reverse onto the adjoining highway.
 - (g) That notwithstanding the provisions of Section 18A(26), the access driveway abutting the 26.01 metre westerly side lot line may be located 1.5 metres from the common boundary with the residential district.
6. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1659.
 7. That Sheets E54 and E74 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1659.
 8. That 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 "H" (Community Shopping and Commercial, etc.) District and the "G-3" (Public Parking Lots) District provisions, subject to the special requirements referred to in Sections 2, 3, 4, and 5 of this By-law.
 9. 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 12th day of September, 2012.



R. Bratina
Mayor



R. Caterini
City Clerk




ZAR-11-077
ZAC-11-078



This is Schedule "A" to By-Law No. 12- 206
 Passed the 12th... day of ...September, 2012

R. Bozina
 Mayor
[Signature]
 Clerk

Schedule "A"
 Map Forming Part of
 By-Law No. 12-206
 to Amend By-law No. 6593

- Subject Property**
 17, 19 & 21 Crosthwaite Avenue North, 6 Crosthwaite Avenue South, 1426, 1429, 1430 & 1431 Main Street East
-  **Block 1** - Change in Zoning from "H" (Community Shopping and Commercial, etc.) District to the "H-H/S-1659" (Community Shopping and Commercial, etc. - Holding) District modified.
 -  **Block 2** - Change in Zoning from "H" (Community Shopping and Commercial, etc.) District to the "H/S-1659" (Community Shopping and Commercial, etc.) District modified.
 -  **Block 3** - Change in Zoning from "C" (Urban Protected Residential, etc.) District to the "G-3/S-1659" (Public Parking Lots) District modified.

Scale: N.T.S.	File Name/Number: ZAR-11-077 & ZAC-11-078
Date: July 3, 2012	Planner/Technician: AC/AL
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

