

**Authority:** Item 5  
Planning Committee  
Report: 14-002 (PED14027)  
CM: February 12, 2014

**Bill No. 029**

**CITY OF HAMILTON**

**BY-LAW NO. 14-029**

**To Amend Zoning By-law No. 3581-86 (Dundas)  
Respecting Lands Located at 336 and 338 King Street West**

**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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 10th day of May, 1988;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 5 of Report 14-002 of the Planning Committee, at its meeting held on the 12th day of February, 2014, recommended that Zoning By-law No. 3581-86 (Dundas), be amended as hereinafter provided;

**AND WHEREAS** in accordance with the Planning Act, R.S.O., 1990, Section 39, Council may pass By-laws authorizing the temporary use of land, buildings, or structures for any purposes that is otherwise prohibited by the Zoning By-law;

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan of the 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 Schedule "L" (Spencer Creek), appended to and forming part of Zoning By-law No. 3581-86 (Dundas) is amended by changing the zoning from the Single Detached Residential "R2" Zone and the Single Detached Residential "R2/S-3"

Zone, Modified, with a Special Exception to the Holding- Medium to High Density Multiple Dwelling "H-RM3/S-127" Zone, Modified, on the lands the extent and boundaries of which are shown on Schedule "A" which forms part of this By-law.

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

"H-RM3/S-127"

That notwithstanding the provisions of Section 14: Medium to High Density Multiple Dwelling Zone, the following Special Provisions shall apply to lands known municipally as 336 and 338 King Street East, shown as "RM3/S-127" on Schedule "A".

- (i) Notwithstanding Section 14.1 Permitted Uses, the following special regulation shall apply:

14.1.1 A MIXED-USE 4 STOREY APARTMENT BUILDING with two commercial units, located on the ground floor having a combined maximum floor area of 199 square metres along the King Street lot line. The commercial uses shall be limited to uses listed under Retail Trade Industries excluding any automotive and motor vehicle uses, restaurant use.

14.1.2 Uses listed under Health and Social Service Industries shall be prohibited, including medical clinics and day nurseries.

- (ii) Notwithstanding Section 14.2 Regulations for Apartment Buildings, the following special regulations shall apply:

14.2 REGULATIONS FOR APARTMENT BUILDINGS

14.2.1 AREA REQUIREMENTS

14.2.1.1 LOT AREA  
Minimum 740 square metres

14.2.1.2 LOT FRONTAGE  
Minimum 20 metres

14.2.2 YARD REQUIREMENTS

14.2.2.1 FRONT YARD  
Minimum 1.5 metres

14.2.2.2 SIDE YARD (easterly)  
Minimum 2.0 metres

14.2.2.2 SIDE YARD (westerly)  
Minimum 1.2 metres

14.2.2.3 REAR YARD  
Minimum 3.5 metres

14.2.4 DENSITY  
Maximum 175 dwelling units per hectare

14.2.7 LANDSCAPING REQUIREMENTS

14.2.7.1 LANDSCAPED AREA  
Minimum 15 percent of the site area shall be landscaped.

14.2.7.2 BUFFER STRIP (westerly)  
Minimum 1.2 metres

BUFFER STRIP (rear yard)  
Minimum 0 metre

(iv) Notwithstanding Section 6.11 Landscape Requirements, the following special regulations shall apply:

6.11 LANDSCAPE REQUIREMENTS

6.11.1 LANDSCAPING ALONG STREET LINES  
Minimum 2.0 metres along Brock Street  
1.5 metres along King Street West

6.11.3 LANDSCAPING IN RESIDENTIAL FRONT YARDS  
Minimum 20 percent

(e) Notwithstanding Section 7.12 Off-Street Parking and Section 7.13 Off-Street Loading Space, the following shall apply:

7.12 OFF-STREET PARKING SPACE REQUIREMENTS

7.12.1 RESIDENTIAL/COMMERCIAL USES

A total of 20 spaces shall be provided for an apartment building with two commercial units and thirteen residential units.

7.13 OFF-STREET LOADING REQUIREMENTS

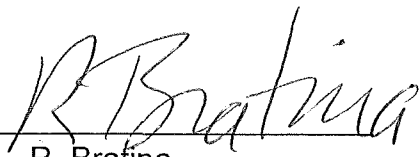
0 (zero) loading spaces shall be provided instead of the required 1.


7.14 DIMENSIONS FOR THE DESIGN OF PARKING AREAS

The minimum dimensions for the provision of required parking spaces shall be 2.6 metres wide and 5.5 metres in length.

3. That the 'H' symbol may be removed at such time as the following has been satisfied:
  - a) The owner/applicant submits a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE). This RSC must be to the satisfaction of the City of Hamilton, including an acknowledgement of receipt of the RSC by the MOE, and submission of the City of Hamilton's current RSC administration fee.
  - b) The owner/applicant shall investigate noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment's recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner/applicant and shall be submitted to the satisfaction of the Director of Planning.
  - c) The owner/applicant shall investigate anticipated residential water usage and fire flow through the submission of a Watermain Hydraulic Analysis Report to the satisfaction of the Senior Director of Growth Management.
4. That By-law No. 3581-86 of the Town of Dundas Zoning By-law is amended by adding this By-law to Section 32 as Schedule "S-127".
5. That Schedule "L" (Spencer Creek) of the Zoning Schedule Key Map is amended by marking the lands referred to in Section 2 of this By-law as "RM3/S-127".
6. 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 February, 2014

  
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R. Bratina  
Mayor

  
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R. Caterini  
City Clerk




This is Schedule "A" to By-law No. 14- 029  
 Passed the 12th day of February, 2014

*R. Bratina*  
 Mayor  
*[Signature]*  
 Clerk

**Schedule "A"**  
 Map Forming Part of  
 By-law No. 14- 029  
 to Amend By-law No. 3581-86

**Subject Property**  
 336 & 338 King Street West

 Change in Zoning from the Single Detached Residential "R2" Zone and the Single Detached Residential "R2/S-3" Zone, Modified, with a Special Exception, to the Holding-Medium to High Density Multiple Dwelling "H-RM3/S-127" Zone, Modified, with a Special Exception

Scale: N.T.S.	File Name/Number: ZAC-12-043
Date: February 18, 2014	Planner/Technician: KM/NB
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

