

Authority: Item 10, Planning Committee
Report 14-014 (PED14186)
CM: September 24, 2014

Bill No. 267

CITY OF HAMILTON

BY-LAW No. 14-267

**To Amend Zoning By-law No. 05-200,
Respecting Lands Located at 55 Queenston Road (Hamilton)**

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

AND WHEREAS Zoning By-law No. 05-200 was enacted on the 25th day of May, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 10 of Report 14-014 of the Planning Committee, at its meeting held on the 24th day of September, 2014, recommended that Zoning By-law No. 05-200 be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Urban Hamilton Official Plan, approved by the Minister under the Planning Act on March 16, 2011;

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

1. That Map No. 1091 of Schedule "A" – Zoning Maps, to Zoning By-law No. 05-200 be amended by incorporating additional Downtown Mixed Use (D3, 461, H54) Zone, boundaries for the applicable lands, described as 55 Queenston Road, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A";
2. 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.
3. That this By-law No. 14-267 shall come into force and be deemed to come into force in accordance with Subsection 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said subsection.

4. That Schedule "C" of By-law 05-200 is amended by adding an additional exception as follows:

"461. Within the lands zoned Downtown Mixed Use (D3) Zone, identified on Map 1091 of Schedule "A" – Zoning Maps to Zoning By-law 05-200, and described as 55 Queenston Road, the following special provisions shall apply:

- a) Notwithstanding Section 3: Definitions of this By-law, as it relates to the Lot Line - Front Lot Line, the Queenston Road frontage shall be deemed the front lot line.
- b) Notwithstanding Section 6.3 of this By-law, the following special regulations shall apply:

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Downtown D3 Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations.

- i) Permitted
Uses

- Commercial Entertainment
- Commercial Recreation
- Commercial School
- Craftsperson Shop
- Day Nursery
- Educational Establishment
- Financial Establishment
- Hotel
- Laboratory
- Long Term Care Facility
- Medical Clinic
- Multiple Dwelling
- Office
- Personal Services
- Place of Worship
- Private Club or Lodge
- Restaurant
- Retail
- Retirement Home
- Social Services Establishment
- Studio
- Tradesperson's Shop
- Transportation Depot

- ii) Prohibited Uses Notwithstanding i) above, the following uses are prohibited, even as an accessory use:

Conference or Convention Centre
Drive-Through Facility
Dry Cleaning Plant

c) REGULATIONS

- i) Building Setback from a Street Line
1. Minimum 0.0 metres for storeys 1-3;
 2. Notwithstanding 1. above, a minimum 1.5 metres for storeys 1-3 along the westerly side lot line and southerly rear lot line.
 3. Maximum 3.5 metres for storeys 1-3; and,
 4. In addition to 1.-3. above, minimum 2.0 metres, for storeys 4-6.
 5. In addition to 1.-4. above, minimum 5.0 metres for storeys 7-8.
- ii) Building Height
1. Minimum 7.5 metres;
 2. In addition to 1. above, minimum 8.5 metres façade height, for any portion of a building along a street line; and,
 3. Maximum 30 metres.
- iii) Built Form for New Development
1. The minimum width of the ground floor façade shall be equal to 75% or more of the

- measurement of the front lot line;
2. The ground floor storey shall be 4.5 metres in height;
 3. All principal entrances shall be accessible from the building façade with direct access from the public sidewalk; and,
 4. No parking, driveways, or aisles shall be located between a building façade and a public street.
- iv) Restriction of Uses within a Building
1. A multiple dwelling shall only be permitted above the ground floor, except for access, accessory office and utility areas, for any building fronting on Queenston Road.
 2. Notwithstanding 1. above, a Multiple Dwelling shall be permitted within any portion of building facing a lot line other than the front lot line.
- v) Parking
1. In accordance with the requirements of Section 5.6 a) of this By-law; and,
 2. In addition to Section v) 1. above, 1 parking space shall be required for each 30 square metres of gross floor area of commercial uses not listed in Section 5.6 a).

3. In addition to 1. – 3. above, 0.1 long term, secure bicycle parking spaces shall be provided per residential unit.

v) Planting Strip

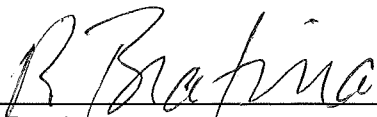
Minimum 2.0 metre wide Planting Strip shall be provided and maintained between parking spaces, aisles or driveways and a street, except for points of ingress and egress.

5. That Schedule "D" – Holding Provisions of By-law 05-200 be amended by adding the following Holding Provisions:

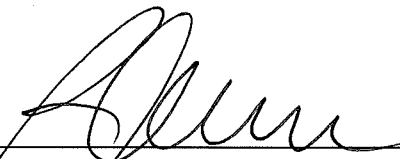
"54. That notwithstanding Section 6.3 and Schedule "C" – Special Exceptions, of this By-law, on those lands zoned Downtown Mixed Use (D3, 461) Zone, on Map 1091 of Schedule "A" – Zoning Maps, described as 55 Queenston Road, no development shall be permitted until such time as:

- (i) The owner/applicant submits a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE). The 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."

PASSED this 24th day of September, 2014.

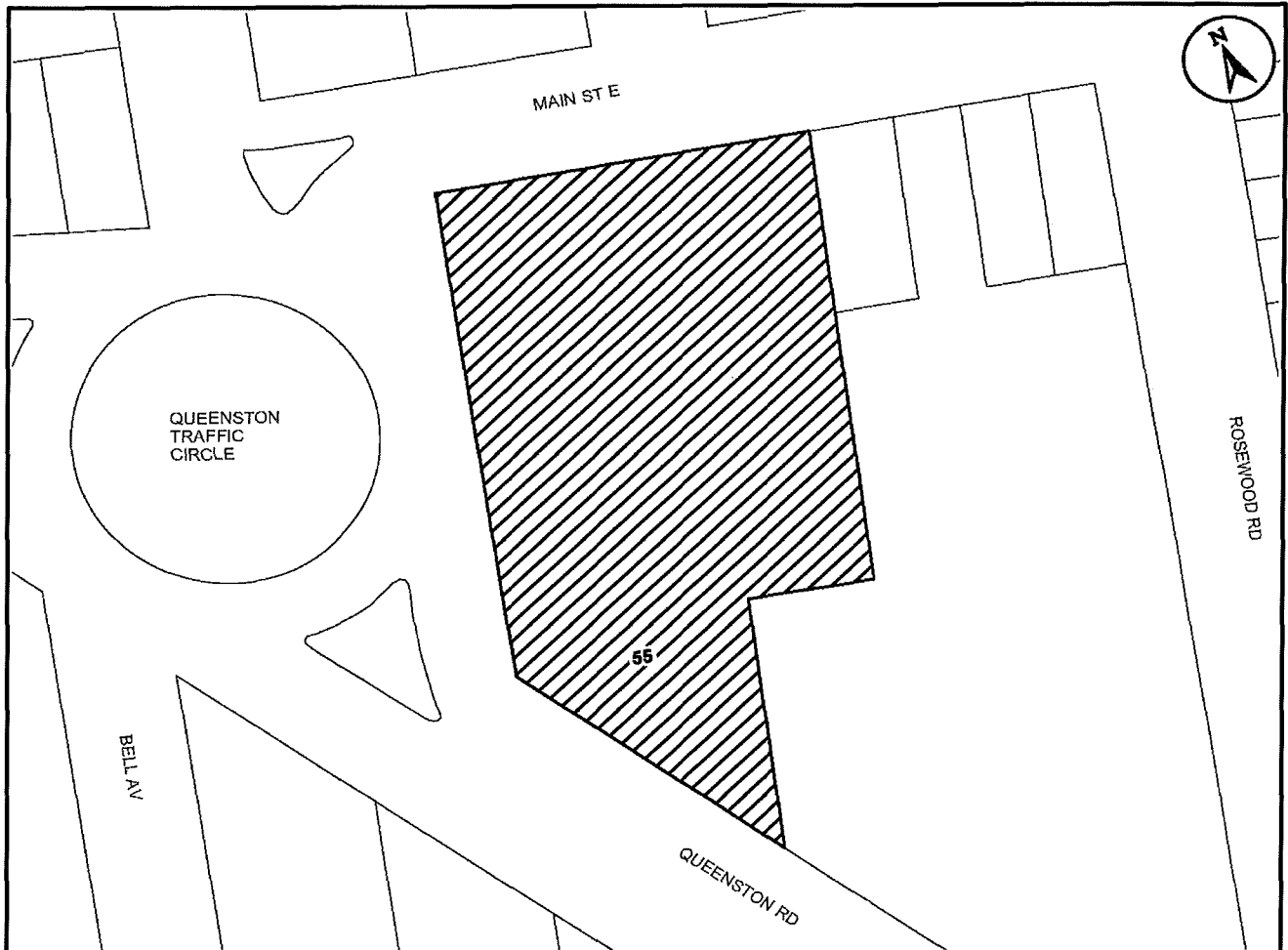


R. Bratina
Mayor




R. Caterini
City Clerk

(CI-13-F)



<p>This is Schedule "A" to By-law No. 14: 267 Passed the ..24.th.. day of September....., 2014</p>	<p><i>R. Baptina</i> Mayor <i>[Signature]</i> Clerk</p>
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<p>Schedule "A"</p> <p>Map Forming Part of By-law No. 14-267</p> <p>to Amend By-law No. 05-200 Map 1091</p>	<p>Subject Property</p> <p> 55 Queenston Road</p>
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<p>Scale: N.T.S.</p>	<p>File Name/Number: CI-13-F</p>	 Hamilton
<p>Date: May 23, 2014</p>	<p>Planner/Technician: SM/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		