

Authority: Item 13, Economic Development
and Planning Committee
Report 10- 015 (PED10142)
CM: July 8, 2010

Bill No. 175

CITY OF HAMILTON

BY-LAW NO. 10-175

To Amend Zoning By-law No. 3581-86 (Dundas) Respecting Lands Located at 397 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 22nd 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 13 of Report 10-015 of the Economic Development and Planning Committee, at its meeting held on the 8th day of July, 2010, recommended that Zoning By-law No. 3581-86 (Dundas), be amended as hereinafter provided;

AND WHEREAS this by-law will be in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Dundas) upon the approval of Official Plan Amendment No. 20;

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

1. That Schedule "L" (Spencer Creek) is amended by deleting lands, the extent and boundaries of which are shown as "Block 5" on a plan hereto annexed as Schedule "A".
2. That Schedule "B" (Colborne), appended to and forming part of By-law No. 3581-86 (Dundas), is amended by adding lands and zoning them Holding - Medium to High Density Multiple Dwelling "H-RM3/S-120" Zone, the extent and boundaries of which are shown as Block "1" on a plan hereto annexed as Schedule "A".
3. That Schedule "B" (Colborne), appended to and forming part of By-law No. 3581-86 (Dundas), is amended by changing the zoning from the Public and Private Service "PPS" Zone and the Light Industrial "IL" Zone to a Holding - Medium to High Density Multiple Dwelling "H-RM3/S-120" Zone, on the lands the extent and boundaries of which are shown as Blocks "2" and "3", on a plan hereto annexed as Schedule "A".
4. That Section 32, "Exceptions", of Zoning By-law No. 3581-86 (Dundas), is hereby further amended by adding the following subsection:

Medium to High Density Multiple Dwelling Zone "H-RM3/S-120"

- (i) Notwithstanding the provisions of Section 14: **Medium to High Density Multiple Dwelling "RM3" ZONE**, the following special provisions shall apply on the lands zoned "H-RM3/S-120" on Schedule "B" (Colborne):

14.4 **Permitted Uses:**

Notwithstanding Section 14.1: **Permitted Uses**, only a Multiple Dwelling having a maximum 45 units within the building existing on the date of the passing of this by-law, being the 8th day of July, 2010, shall be permitted.

14.4.1 **Definitions:**

Notwithstanding Section 3.2.54: **Lot Line, Front**, and Section 3.2.55: **Lot Line, Rear**: King Street West shall be deemed the front lot line, and any lot line abutting the rail corridor, save and except for the 44.96m lot line to the west, shall be deemed a rear lot line.

Notwithstanding Section 3.2.97: **Visual Barrier**, a visual barrier shall include a continuous planting of suitable trees or shrubs, together with a reserved width of planting area appropriate for healthy plant growth.

14.4.2 Fences:

Notwithstanding Section 6.8: **Fences**, any fence, free standing walls or similar structures shall be a maximum of 1.9 metres in heights, save and except for a Crash Wall as required by the Canadian National Railway Company.

14.4.3 Access:

Notwithstanding Section 7.3.3: **Access**, any vehicular access shall be permitted within 2.0m of any zone boundary, and shall include a visual barrier of not less than 1.2 metres nor greater than 1.8 metres in height for any access proposed from Park Street West.

14.4.4 Loading Spaces

Notwithstanding Section 7.6: **Loading Spaces**, no loading space shall be required

14.4.5 Dimensions for the Design of Parking Areas:

Notwithstanding Section 7.14: **Dimensions for the Design of Parking Areas**, no Parking Space shall be less than 2.6 metres in width by 5.5 metres in length, save and except for a Barrier Free parking space which shall be a minimum of 4.4 metres in width by 5.5 metres in length.

14.4.6 Buffer Strip:

Notwithstanding Section 14.2.7: **Landscaping Requirements**, a buffer strip of not less than 3.0m in width, which shall permit the inclusion of a ground floor patio and shall also include a 0.9m high privacy fence, shall be provided and maintained along the east property line from the limit of King Street West for a distance of 16.8m, and a 1.83m high fence shall be provided and maintained along the remainder of the east property line extending to Park Street West.

A buffer strip of not less than 2.0m in width shall be provided and maintained along the north and east side of the proposed vehicular access from Park Street West, and

shall include a visual barrier, as defined above under Sub-section 14.4.1.

14.4.7 Built Heritage Structure and Features:

14.4.7.1 Building Facades and Features:

The entire south (front) façade, the east façade extending a minimum of 6.7 metres from the front façade, and the west façade extending a minimum of 18.7 metres from the front façade shall be retained in its appearance and condition as of the date of the passing of this by-law, being the 8th day of July, 2010, save and except for two ground floor patio access doors on the west façade and one ground floor patio access door on the east façade.

14.4.7.2 Building Height:

The height of the existing flat roof, to a depth of at least 18.7 metres measured from the front façade, shall be retained with the exception of the addition of any required mechanical equipment, elevator penthouse, or skylight windows, as of the date of the passing of this by-law, being the 8th day of July, 2010.

14.4.7.3 Windows:

With the exception of the transoms and the leaded windows over the two main entrances on the south elevation, the replacement of windows shall be permitted.

14.4.7.4 Front and Side Yards:

No buildings or structures shall be permitted in the front yard or side yards as of the date of the passing of this by-law, being the 8th day of July, 2010.

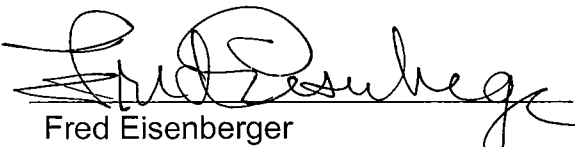
14.4.7.5 Ontario Heritage Act:

Notwithstanding the above, should the lands be designated under the Ontario Heritage Act, any alternative building design or building materials approved through the issuance of a Heritage Permit, shall be deemed to comply with Section 14.4 of this By-law.

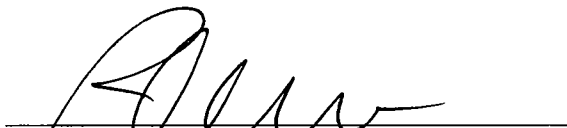
The 'H' symbol may be removed at such time as the following have been satisfied:

- 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 has submitted and received clearance of a Natural Heritage Assessment (Spring Inventory) regarding the proposed Storm Water Management Option, for the areas identified by and to the satisfaction of the Hamilton Conservation Authority.
5. That By-law No. 3581-86 (Dundas) is amended by adding this by-law to Section 32 as Schedule "S-120".
 6. That Schedule "B" (Colborne) of the Zoning Schedule Key Map is amended by marking the lands referred to in Sections 2 and 3 of this by-law as "H-RM3/S-120".
 7. 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.

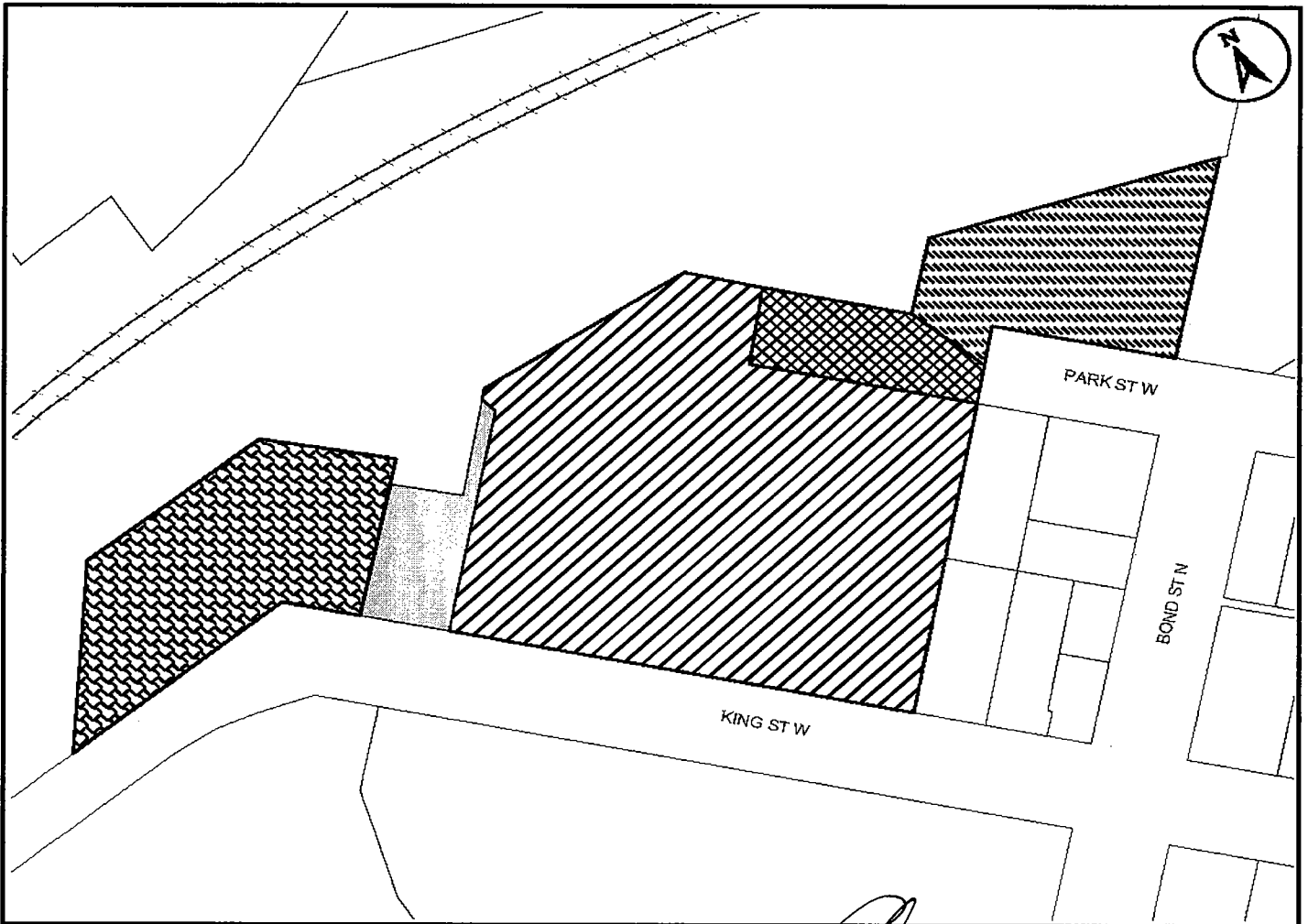
PASSED this 8th day of July, 2010.



Fred Eisenberger
Mayor








Rose Caterini
City Clerk



This is Schedule "A" to By-Law No. 10-175
 Passed the 8th..... day of ...July....., 2010

[Signature]
 Clerk
[Signature]
 Mayor

Schedule "A"
 Map Forming Part of
 By-Law No. 10-175
 to Amend By-law No. 3581-86

- Subject Property**
-  **Block 1** - Lands to be zoned Holding - Medium to High Density Residential Multiple Dwelling "H-RM3/S-120" Zone
 -  **Block 2** - Change in zoning from Public and Private Service "PPS" Zone to a Holding - Medium to High Density Residential Multiple Dwelling "H - RM3/S-120" Zone
 -  **Block 3** - Change in zoning from the Light Industrial "IL" Zone to a Holding - Medium to High Residential Density Multiple Dwelling "H-RM3/S-120" Zone
 -  **Block 4** - Refer to City of Hamilton By-Law No. 05-200
 -  **Block 5** - Lands to be deleted from Town of Dundas By-law No. 3581-86

Scale:
 N.T.S.
 Date:
 June 11, 2010

File Name/Number:
 ZAC-08-076
 Planner/Technician:
 AC/NB

