

Authority: Item 2, Planning Committee
Report: 11-008 (PED09232(a))
CM: April 27, 2011

Bill No. 116

CITY OF HAMILTON

BY-LAW NO. 11-116

To Amend Zoning By-law 6593 (Hamilton), respecting lands located at 830-836, and 840 Upper James Street (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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council or the City of Hamilton;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 2 of Report 11-008 of Planning Committee, at its meeting held on the 27th day of April, 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:

By-law respecting lands 830-836, and 840 Upper James Street (Hamilton)

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1. That Sheet No. W-9 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 "H" (Community Shopping and Commercial, etc.) District to the "H/S-542a" (Community Shopping and Commercial, etc.) District, Modified;
 - (b) That Block 2 be re-zoned from the "H/S-542" (Community Shopping and Commercial, etc.) District, Modified, to the "H/S-542a" (Community Shopping and Commercial, etc.) District, Modified;
 - (c) That Block 3 be re-zoned from the "HH/S-509a" (Restricted Community Shopping and Commercial) District, Modified, to the "HH/S509b" (Restricted Community Shopping and Commercial) District, Modified; and,
 - (d) That Block 4 be re-zoned from the "HH" (Restricted Community Shopping and Commercial) District to the "HH-'H'/S-509b" (Restricted Community Shopping and Commercial-Holding) District, Modified;

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

2. That the "H" (Community Shopping and Commercial, etc.) District regulations, as contained in Section 14 of Zoning By-law No. 6593, as amended by By-law No. 77-240, is further modified to include the following special requirements:
 - (i) Notwithstanding Section 18A(7) of Zoning By-law No. 6593, that every required parking space, other than a parallel parking space, shall have dimensions not less than 2.6 metres wide and 5.5 metres long.
 - (ii) Notwithstanding Section 14(1) of Zoning By-law No. 6593, drive-thru facilities are prohibited.
3. 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, Modified, provisions, subject to the special requirements referred to in Section 2.

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4. That the “HH” (Restricted Community Shopping and Commercial) District regulations, as contained in Section 14A of Zoning By-law 6593, as amended by By-law No. 81-329, be further modified to include the following special requirements:
 - (i) Notwithstanding Section 1 of By-law 81-329, restaurants shall also be permitted.
 - (ii) Notwithstanding Section 18A(7) of Zoning By-law No. 6593, every required parking space, other than a parallel parking space, shall have dimensions not less than 2.6 metres wide and 5.5 metres long.
 - (iii) Notwithstanding Section 14(1) of Zoning By-law No. 6593, drive-thru facilities are prohibited.
5. 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 “HH/S-509” (Restricted Commercial Shopping and Commercial) District, Modified, provisions, subject to the special requirements referred to in Section 4.
6. That the ‘H’ symbol applicable to the lands referred to in Section 1(d) of this By-law shall be removed conditional upon:
 - (a) The owner/applicant submitting 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 Director of Planning, including an acknowledgement of receipt of the RSC by the MOE, and submission of the City of Hamilton’s current RSC administrative fee.

City Council may remove the ‘H’ symbol and thereby give effect to the “HH/S-509b” (Restricted Commercial Shopping and Commercial) District, Modified, by enactment of an amending By-law once the above condition has been fulfilled.

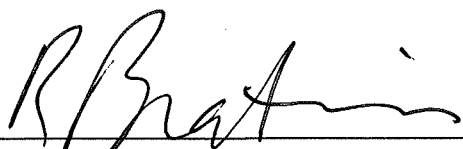
The requirement for the removal of the ‘H’ Holding symbol shall not apply to the development of a Commercial Parking Lot on the subject lands.
7. That Zoning By-law No. 6593 is amended by adding this By-law to Section 19B as Schedules S-542a and S-509b.
8. That Sheet W-9b of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-542a and S-509b.

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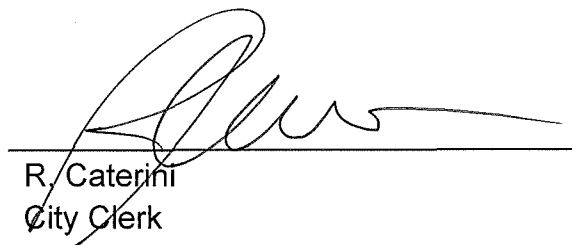
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9. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law, in accordance with the Planning Act.

PASSED this 27th day of April, 2011.

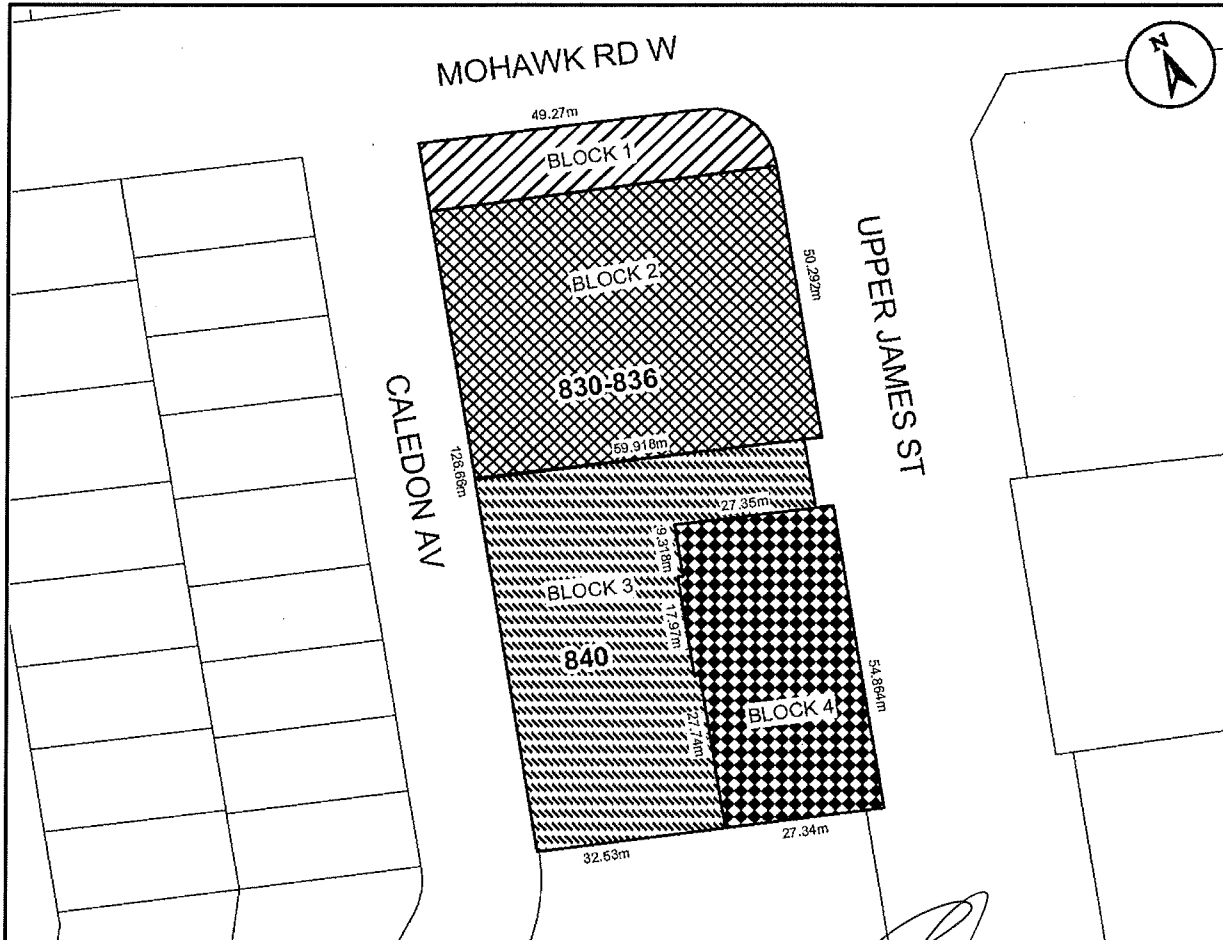


R. Bratina
Mayor



R. Caterini
City Clerk

ZAR-08-066



This is Schedule "A" to By-Law No. 11-116

Passed the 27th day of April, 2011





[Signature]
Clerk

[Signature]
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 11- 116
to Amend By-law No. 6593

Subject Property
830-836 & 840 Upper James Street

-  Block 1 - Change in Zoning from the "H" (Community Shopping and Commercial, etc.) District, Modified to the "H/S-542a" (Community Shopping and Commercial, etc.) District, Modified.
-  Block 2 - Change in Zoning from the "H/S-542" (Community Shopping and Commercial, etc.) District, Modified to the "H/S-542a" (Community Shopping and Commercial, etc.) District, Modified.
-  Block 3 - Change in Zoning from the "HH/S-509a" (Restricted Community Shopping and Commercial) District to the "HH/S-509b" (Restricted Community Shopping and Commercial) District, Modified.
-  Block 4 - Change in Zoning from the "HH" (Restricted Community Shopping and Commercial-Holding) District to the "HH/S-509b" (Restricted Community Shopping and Commercial-Holding) District, Modified.

Scale: N.T.S.	File Name/Number: ZAR-08-066
Date: March 15, 2011	Planner/Technician: TL / AL

