

Authority: Item 7, Planning Committee
Report 19-011 (PED19132)
CM: July 12, 2019
Ward: 13

Bill No. 174

CITY OF HAMILTON

BY-LAW NO. 19-174

To Amend Town of Dundas Zoning By-law No. 3581-86 Respecting Lands Located at 574 Northcliffe Avenue, Dundas

WHEREAS the *City of Hamilton Act, 1999*, S. O. 1999 Chap. 14, Sch. C did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as “The Corporation of the City of Hamilton” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton –Wentworth”;

WHEREAS; the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

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 7 of Report 19-011 of the Planning Committee, at its meeting held on the 12th day of July, 2019, recommended that Zoning By-law No. 3581-86 (Dundas) be amended as hereinafter provided; and,

WHEREAS this By-law is in conformity with the Dundas Official Plan.

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

1. That Schedule "F-1" (Guelph) of Zoning By-law No. 3581-86 (Dundas), as amended by By-law No. 4066-93, is hereby further amended by adding the Public and Private Service "H-PPS/S-56a" Zone, Modified, to 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), as amended by By-law No. 4066-93, is hereby further amended by adding the following exception:

“S-56a”

- i) As permitted under the temporary use provisions of Section 39 of the Planning Act (R.S.O. 1990) for a maximum three year period commencing on the day of the passing of this amending By-law, being the 12th day of July, 2019 and expiring on the 12th day of July, 2022, on the land shown as "H-PPS/S-056a" on Schedule "F-1" attached hereto, the following use shall be permitted:
- a) Within the existing building municipally known as 574 Northcliffe Avenue (Building 'B'), a dormitory having a maximum capacity of 138 occupants shall be permitted temporarily and only within the building existing on the date of passing of this By-law.
 - b) A Holding Symbol (H) pursuant to Section 36 of the *Planning Act*, R.S.O. 1990, c.P 13 and Subsection 4.9 of By-law No. 3581-86 is applied to the PPS Zone category as it applies to 574 Northcliffe Avenue (Building 'B'). The permitted use in clause a) shall be limited to a maximum capacity of 96 occupants for such time as the Holding Symbol (H) is applicable to 574 Northcliffe Avenue (Building 'B').
 - c) Condition for Holding Provision Removal
 - i) The applicant / proponent shall demonstrate and have attained all of the necessary approvals to provide adequate services to increase the capacity beyond 96 students to accommodate a dormitory having a maximum capacity of 138 occupants to the satisfaction of the Niagara Escarpment Commission, Director, Development Planning and Ministry of Environment, Conservation and Parks.
 - d) Notwithstanding Clause 7.3.1 – ACCESS of SECTION 7 – OFF STREET PARKING AND LOADING an existing driveway located on lands zoned PPS/S-56 and U/S-57 shall be permitted to be used for access to 574 Northcliffe Avenue (Building 'B').

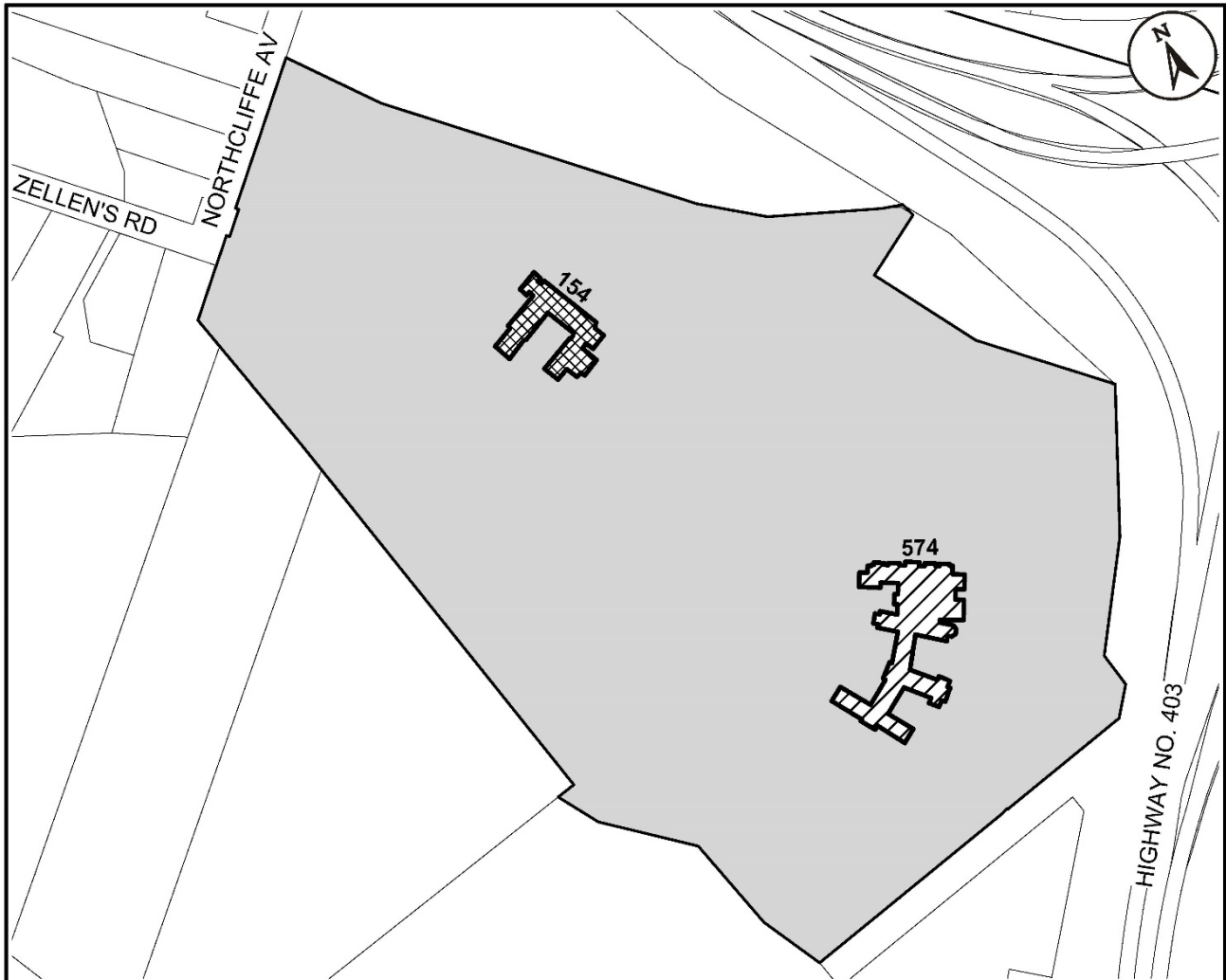
3. This by-law shall expire and cease to be of any force or effect on July 12, 2022.

4. 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 July, 2019.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk






This is Schedule "A" to By-law No. 19-
 Passed the day of, 2019

 Mayor

 Clerk

Schedule "A"
 Map Forming Part of
 By-law No. 19-_____
 to Amend By-law No. 3581-86

Subject Property

-  Building "A" - 154 Northcliffe Avenue
-  Building "B" - 574 Northcliffe Avenue
 (Subject to the "Temporary Use By-law")
- Change in Zoning from the Public and Private Service "PPS/S-56" Zone, Modified to the Public and Private Service "H-PPS/S-56a" Zone, Modified
-  Other Lands Owned by the Applicant

Scale: N.T.S.	File Name/Number: ZAR-19-013	 Hamilton
Date: May 17, 2019	Planner/Technician: RF/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		