

Authority: Item13, Name of Committee
Report 04-005 (PD04066)
CM: March 10, 04

Bill No. 084

CITY OF HAMILTON

BY-LAW NO. 04-084

**To Amend Zoning By-law No. 6593
Respecting Lands Located at 5 Hunt Street**

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 municipality known as the "The Corporation of the City of Hamilton" 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law 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 Section 13 of Report - 04-005 of the Planning and Economic Development Committee at its meeting held on the 2nd day of March, 2004, 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 Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

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

1. Sheet No. W-22 of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended,

By-law Respecting 5 Hunt Street

- (a) by changing from “D” (Urban Protected Residential – One and Two Family Dwellings) District, to “H” – ‘H’ (Community Shopping and Commercial, etc. - Holding) District (Block “1”); and,
- (b) by changing from “H” (Community Shopping and Commercial, etc.) District, to “H” – ‘H’ (Community Shopping and Commercial, etc. – Holding) District (Block “2”);

the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” .

2. The “H” (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to Block “1”, be modified to the extent only of the following special requirements:

- (a) that notwithstanding Subsection 18 (3) (ivc) (c) of Zoning By-law No. 6593, a visual barrier of not less than 2.0 metres in height and not greater than 3.0 metres in height shall be erected and maintained within the required planting strip adjacent to the westerly limits of Block “1”, except that the visual barrier shall not be less than 1.2 metres in height and not more than 2.0 metres in height within a distance of 3.0 metres from the northerly limits of Block “1”;
- (b) That notwithstanding Subsection 18 (3) (ivc) (c) of Zoning By-law No. 6593, a visual barrier of not less than 1.2 metres in height and not greater than 2.0 metres in height shall be erected and maintained within the required planting strip adjacent to the northerly limits of Block “1”; and,
- (c) That no vehicular access to, or egress from, Hunt Street shall be permitted;

3. The “H” (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to Block “2”, be modified to the extent only of the following special requirements:

- (a) That notwithstanding Subsection 14 (9) (ii) of Zoning By-law No. 6593, a landscaped area, having a minimum width of 0.8 metres, shall be provided and maintained adjacent to King Street West except for the area used for access driveway;
- (b) That notwithstanding Subsection 18 (3) (ivc) (a) of Zoning By-law No. 6593, a minimum building setback of 5.0 metres shall be provided and maintained from the northerly limits of Block “2”; and,
- (c) That notwithstanding Subsection 18 (3) (ivc) (c) of Zoning By-law No. 6593, a visual barrier of not less than 2.0 metres in height and not greater than 3.0 metres in height shall **be** erected and maintained along the

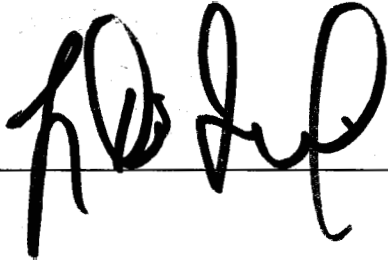
By-law Respecting 5 Hunt Street

northerly limits of Block "2" for that portion of the lot line abutting a residential district or use;

4. The "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to the extent only of the following special requirements:
 - (a) That notwithstanding Subsection 14 (1) (xvii) of Zoning By-law No. 6593, the following uses shall be prohibited:
 - (aa) a manual car wash;
 - (bb) a mechanical car wash;
 - (cc) a coin operated car wash; and,
 - (dd) a high-speed car wash;
 - (b) That notwithstanding Subsection 18A (1) (d) and Table 4 of Subsection 18A, one loading space of at least 9.0m x 3.5m x 4.3m shall be provided and maintained,
5. That Zoning By-law No. 02-201 be repealed in its entirety.
6. (a) The 'H' symbol applicable to the lands referred to in section 1 shall be removed conditional upon,
 - 1) final approval of Site Plan Control Application DA-02-215, which will be amended to include the proposed redevelopment of 5 Hunt Street, to the satisfaction of the Director of Development and Real Estate, Planning and Development Department.
- (b) The 'H' symbol shall be removed by amendment to this by-law and the development of the lands referred to in section 1 may at such time proceed in accordance with the "H" District provisions.
7. 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" District provisions, subject to the special requirements referred to in sections 2, 3 and 4.
8. By-law No. 6593 (Hamilton) is amended by adding this by-law to section 19B as Schedule S-1501.
9. Sheet No. W-22 of the District Maps is amended by marking the lands referred in Section 1 of this by-law as S-1501.
10. The City 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 and ENACTED this 14th day of April , 2004.

MAYOR

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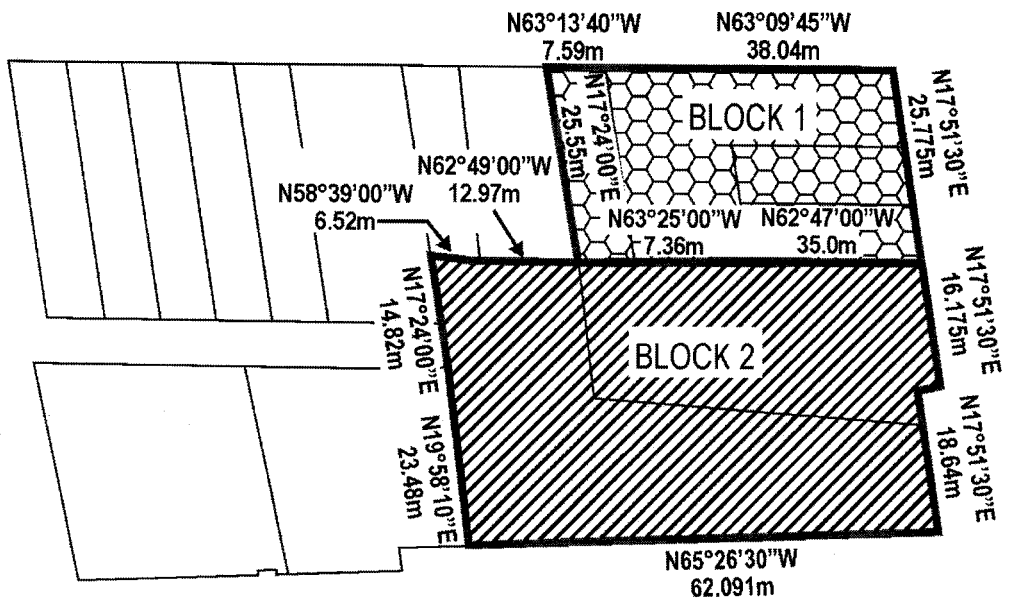
CLERK

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ZAR-03-91/OPA-03-25



HUNT ST.

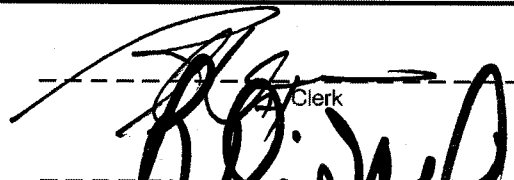
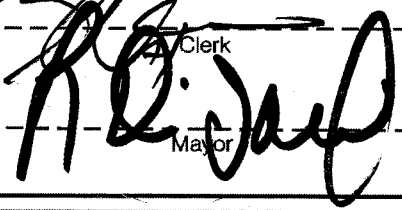


DUNDURN STREET

KING STREET W.

This is Schedule "A" to By-Law No 04-084

Passed the 14th day of April, 2004


 Clerk

 Mayor

Schedule "A"

Map Forming Part of
 By-Law No. 04-084
 to Amend By-Law No. 6593



Hamilton

Planning and Development Department

Legend

Subject Property

5 Hunt Street, 648 King Street West and 17 - 21 Dundurn Street North



Block "1" - Change in Zoning from "D" (Urban Protected Residential - One and Two Family Dwellings) District to "H" - "H" (Community Shopping and Commercial, etc - Holding) District, Modified



Block "2" - Change in Zoning from "H" (Community Shopping and Commercial, etc) District, to "H" - "H" (Community Shopping and Commercial etc - Holding) District, Modified

North



Scale

NOT TO SCALE

Date

March 24, 2004

Reference File No.

ZAR-03-91

Drawn By

CL