

**Authority:** Item 17, Planning and Economic  
Development Committee  
Report: 06 013 (PED06189)  
CM: July 12, 2006

**Bill No. 211**

## **CITY OF HAMILTON**

### **BY-LAW NO. 06-211**

#### **To Amend Zoning By-law No. 6593 Respecting Lands Located at 281 Herkimer 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 Item 17 of Report 06-013 of the Planning and Economic Development Committee at its meeting held on the 12<sup>th</sup> day of July , 2006, 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, as amended by Official Plan Amendment No. 207 to the former Official Plan of the City of Hamilton, proposed by the City of Hamilton, but not yet approved in accordance with the provisions of the Planning Act.

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

1. Sheet No. W-14 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended,

**By-law Respecting Lands Located at 281 Herkimer Street (Page 2 of 4)**

- (a) by changing from the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to the "H" (Community Shopping and Commercial, etc.) District, Modified,

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

2. That notwithstanding the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to the lands identified in Section 1 of this by-law, the following special requirements shall apply:

- (a) That notwithstanding Section 14(1) of Zoning By-law No. 6593, only the following uses or any combination thereof shall be permitted, and only within the building existing on the date of the passing of this by-law being the 12<sup>th</sup> day of July, 2006:

- Business or professional offices;
- Daycare;
- Art Gallery;
- One dwelling unit;
- One wall sign of an area of not more than 0.4 square metres, non-illuminated or illuminated by non-flashing, indirect or interior means only.
- Personal Services;
- Photographer's or Artist's Studios; and,
- Retail Stores.

- (b) That drive-through facilities shall not be permitted.

- (c) That the following definition shall apply:

- (i) "Personal Services" shall mean the provision of services involving the health, beauty or grooming of a person or the maintenance or cleaning of apparel, but shall not include a Dry Cleaning Plant or a Body Rub Parlour.

- (d) That notwithstanding any provision of Zoning By-Law No. 6593, the rear yard and any side yard abutting a street shall be maintained as a landscaped area, except for the required parking area and maneuvering area for one dwelling unit or one space for any non-residential use.

- (e) That notwithstanding Section 18A of Zoning By-law No. 6593, no parking spaces or loading spaces shall be required for any permitted non-residential use.

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3. By-law No. 6593 is amended by adding this by-law to Section 19B as Schedule S-1554.
4. Sheet No. W-14 of the District Maps is amended by marking the lands referred to in Section 1 of this by-law as S-1554.
5. 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 and ENACTED** this 12<sup>th</sup> day of July , 2006.



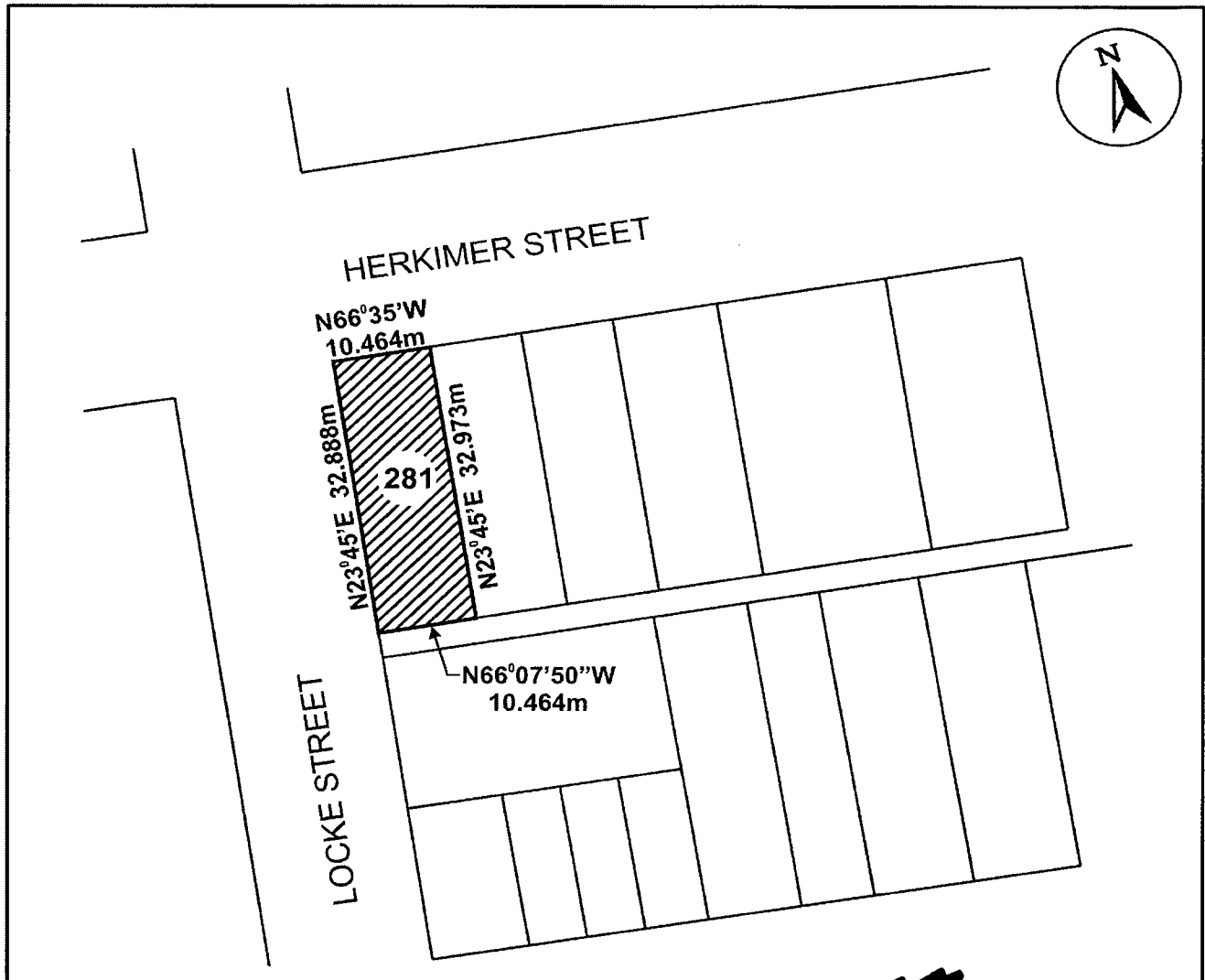
MAYOR



CLERK

CI-05-M

By-law Respecting Lands Located at 281 Herkimer Street (Page 4 of 4)



This is Schedule "A" to By-Law No. 06— 211

Passed the...12th..... day of.....July, 2006

*[Handwritten Signature]*  
 Clerk  
 \_\_\_\_\_  
 Mayor  
 \_\_\_\_\_

# Schedule "A"

Map Forming Part of  
 By-Law No. 06- 211  
 to Amend By-Law No. 65-93



## Subject Property



### 281 Herkimer Street (Hamilton)

Change in zoning from "D" (Urban Protected Residential, One and Two Family Dwelling, etc.) District to "H" (Community Shopping and Commercial, etc.) District, Modified.



Scale:  
 Not to Scale

Date:  
 February 7, 2006

File Name/Number:  
**CI-05-M**

Planner/Technician:  
 DS/NB

T&C File Name: