

Authority: Item 18, Planning and Economic
Development Committee
Report;06 -016 (PED06362)
CM: September 27, 2006

Bill No. 308

CITY OF HAMILTON

BY-LAW NO. 06-308

**To Amend Zoning By-law No. 6593 (Hamilton),
respecting lands located at 237 Barton Street East**

WHEREAS the City of Hamilton Act, 1999, Statues of Ontario, 1999 Chap.14, Sch. 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 18 of Report 06-016 of the Planning and Economic Development Committee at its meeting held on the 27th day of September, 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 Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, as amended by Official Plan Amendment No. 208 proposed by the City of Hamilton as By-Law No. 307 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. That Sheet No. E-12 of the District Maps, appended to and forming part of By-law No.

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6593 (Hamilton), as amended, is hereby amended by:

- a) changing **Block “1”** from the “K” (Heavy Industry, etc.) District to the “H”-‘H’ (Community Shopping and Commercial, etc. - Holding) District, Modified;
- b) changing **Block “2”** from the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District to the “H”-‘H’ (Community Shopping and Commercial, etc. - Holding) District, Modified;
- c) changing **Block “3”** from the “H” (Community Shopping and Commercial, etc.) District to the “H” (Community Shopping and Commercial, etc.) District, Modified;
- d) changing **Block “4”** from the “H” (Community Shopping and Commercial, etc.) District to the “H”-‘H’ (Community Shopping and Commercial, etc. - Holding) District, Modified;

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, applicable to Blocks “1”, “2”, “3” and “4” as detailed in Section 1 of this By-law, be modified to include the following special requirements.
 - (a) That notwithstanding Subsections 11(1) (vi) and 14 (3) (iii) (c) of Zoning By-law 6593, a minimum rear yard of 0.0m shall be provided and maintained.
 - (b) That notwithstanding Subsections 11(1) (vi) and 14 (3) (i) of Zoning By-law 6593, a minimum front yard of 0.0m shall be provided and maintained.
 - (c) That notwithstanding Subsection 11(1) (vi) and 14 (3) (ii)(a) of Zoning By-law 6593, a minimum easterly side yard of 0.0m shall be provided and maintained.
 - (d) That notwithstanding Subsection 11(1) (vi) and 14 (3) (ii)(a) of Zoning By-law 6593, a minimum westerly side yard of 3.0m shall be provided and maintained.
 - (e) That notwithstanding Subsections 14 (2) (i) and (ii) of Zoning By-law 6593, the height of a building or structure shall not exceed eight storeys or 26.0 metres in height.
3. The ‘H’ symbol applicable to Block “1”, “2” and “4” referred to in Section 1 of this By-law shall be removed conditional upon
 - (a) The owner submitting a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of Environment (MOE). This RSC must be to the

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satisfaction of the City of Hamilton's Manager of Development Planning, including an acknowledgement of receipt of the RSC by the MOE.

The 'H' symbol shall be removed by amendment to this By-law and the development of the lands referred to as Block "1", "2" and "4" in Section 1 of this By-law may at such time proceed in accordance with the "H" District provisions, subject to the special requirements referred to in Section 2 of this By-law.

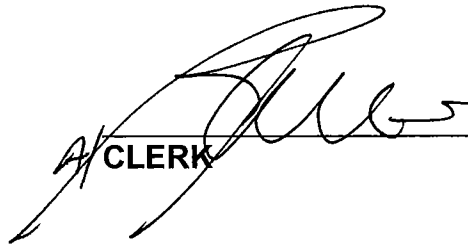
4. No building or structure shall be erected, altered or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "H" District provisions, subject to the special requirements referred to in Sections 2 and 3.
5. By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedule S-1563.
6. Sheet No. E-12 of the District Maps is amended by marking the lands referred in Section 1 of this by-law as S-1563.
7. 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 11th day of October, 2006.

MAYOR



CLERK





This is Schedule "A" to By-Law No. 06-308

Passed the 11th day of October, 2006

[Signature]
Clerk

[Signature]
Mayor

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Schedule "A"

Map Forming Part of
By-law No. 06-308

to Amend By-law No. 6593

Subject Property 237 Barton Street East



Block 1 - Change in Zoning from the "K" (Heavy Industry, etc.) District to the "H"-H' (Community, Shopping and Commercial, etc. Holding) District, Modified



Block 2 - Change in Zoning from the "D" (Urban Protected Residential - One and Two Family Dwelling, etc.) District to the "H"-H' (Community, Shopping and Commercial, etc. Holding) District, Modified



Block 4 - Change in Zoning from the "H" (Community, Shopping and Commercial, etc.) District to the "H" (Community, Shopping and Commercial, etc. Holding) District, Modified



Block 3 - Change in Zoning from the "H" (Community, Shopping and Commercial, etc.) District to the "H"-H' (Community, Shopping and Commercial, etc. Holding) District, Modified

Scale: Not to Scale	File Name/Number: ZAC-06-18 / OPA-06-04
Date: March 23, 2006	Planner/Technician: EJ/LMM

