

Authority: Item 18, Economic Development
and Planning Committee
Report: 07-005 (PED07100)
CM: March 28, 2007

Bill No. 096

CITY OF HAMILTON

BY-LAW NO. 07-096

**To Amend Zoning By-law No. 6593 (Hamilton), as amended by By-law No. 02-225,
Respecting the Property Located at 1394 Upper Gage Avenue**

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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 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 07-005 of the Economic Development and Planning Committee at its meeting held on the 28th day of March, 2007, 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 in accordance with the provisions of the Planning Act.

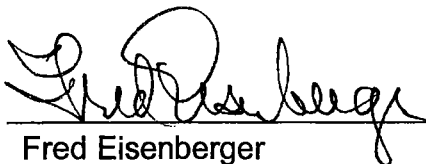
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Sheet No. E-38C of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by, changing from the "H/S-751c" (Community Shopping and Commercial, etc.) District, Modified to the "H/S-751d" (Community Shopping and Commercial, etc.) District, Modified, the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

By-law Respecting 1394 Upper Gage Avenue (Page 2 of 3)

2. That the "H" (Community Shopping and Commercial, etc.) District regulations, as contained in Section 14 of Zoning By-law 6593, as amended by By-law No. 02-225, be further modified to provide for the following additional special requirements:
 - a) That notwithstanding Section 2(c) of By-law No. 02-225, restaurants having a maximum capacity of 30 seats per restaurant shall be permitted, except drive-thru facilities shall be prohibited.
 - b) That notwithstanding Section 18A(36)(1)(b) of Zoning By-law 6593, a distance of at least 3.2 metres shall be provided between a residential district, and the parking and manoeuvring area for a restaurant.
 - c) That notwithstanding Section 18A(36)(2) of Zoning By-law 6593, a distance of at least 4.6 metres shall be provided between a residential district, and an ingress/egress driveway for a restaurant.
3. 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 provisions, subject to the special requirements in Section 2.
4. Zoning By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedule S-751d.
5. Sheet Nos. E-38C of the District Maps is amended by marking the lands referred to in Section 1 of this by-law as S-751d.
6. 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 28th day of March, 2007.

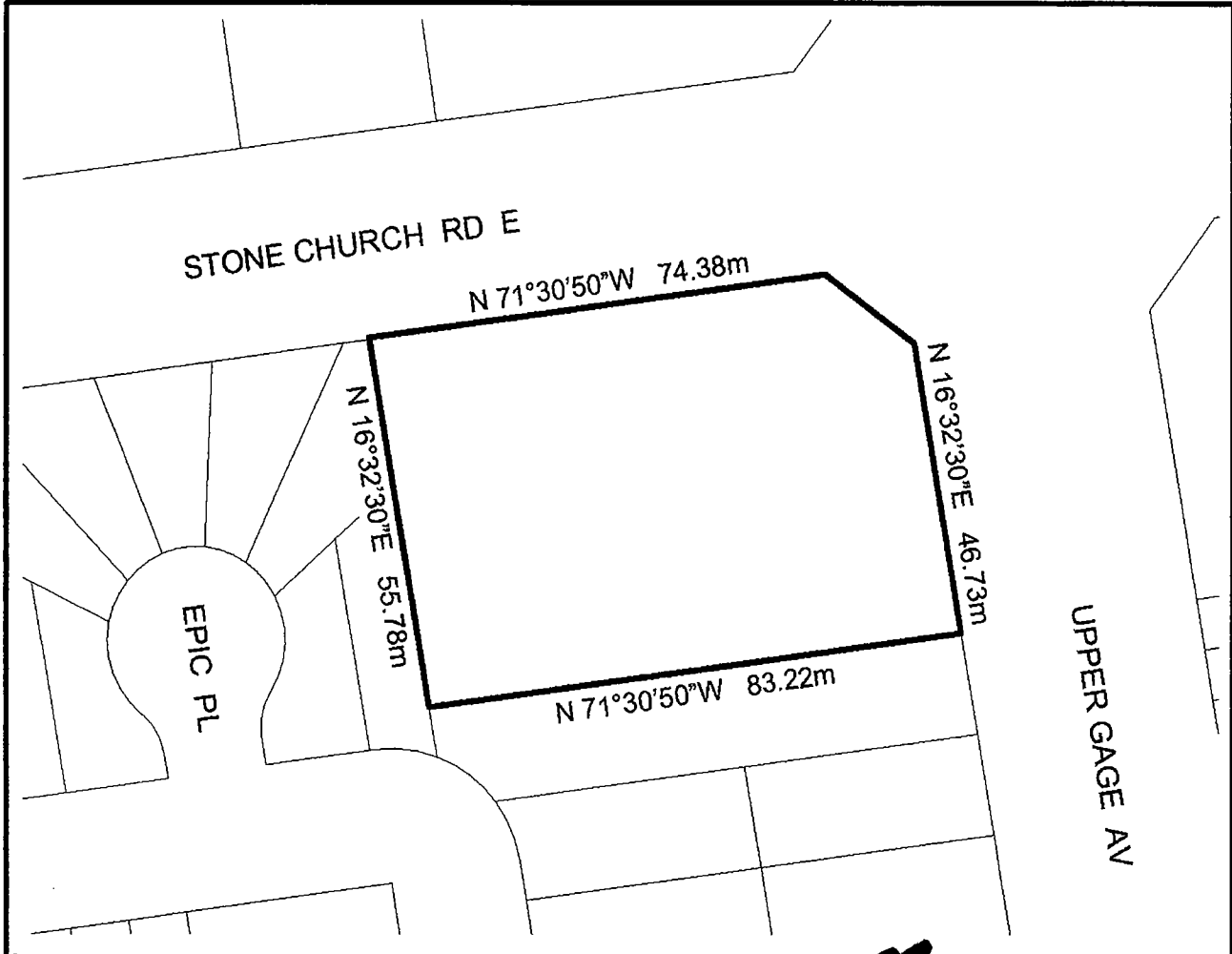


Fred Eisenberger
Mayor



Kevin C. Christenson
City Clerk

ZAR-06-100



This is Schedule "A" to By-Law No. 07- 096

Passed the 28th day of March, 2007

[Signature]
 Clerk
[Signature]
 Mayor

Schedule "A"


Map Forming Part of By-Law No. 07- 096

to Amend By-law No. 6593

Subject Property

1394 Upper Gage Avenue

Change in zoning from the "H/S-751c" (Community Shopping and Commercial, etc.) District, Modified to the "H/S-751d" (Community Shopping and Commercial, etc.) District, Modified

Scale: N.T.S.	File Name/Number: ZAR-06-100	 Hamilton
Date: Feb. 22, 2007	Planner/Technician: SM/MC	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		