

Authority: Item 4, Planning Committee
Report: 16- 016 (PED16191)
CM: September 28, 2016

Bill No. 267

CITY OF HAMILTON

BY-LAW NO. 16-267

To Amend Zoning By-law No. 6593 Respecting Lands Located at 280 Barton Street West

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Schedule 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 “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Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 4 of Report 16-016 of the Planning Committee, at its meeting held on the 12th day of October, 2016, which recommended that Zoning By-law 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, upon final approval of Official Plan Amendment No. 235.

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

1. That Sheet No.W-11 of the District maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton) is amended by changing from the “L-mr-1” (Planned Development) District and the “RT-20/S-1478” (Townhouse-Maisonette) District, Modified (Block “2”) to the “G/S-1735” (Neighbourhood Shopping Centre) District,

Modified on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That the following special provisions shall apply to lands identified as Block "1":
 - (a) That in addition to Section 13(1) of Zoning By-law No. 6593, the following additional use shall be permitted:
 - i) A commercial school
 - (b) That notwithstanding Section 13(1) of Zoning By-law No. 6593, the following uses shall be prohibited:
 - i) Parking spaces, with the exception of required parking for any permitted commercial uses, a public parking lot or a storage garage where all gasoline storage is in underground tanks;
 - ii) A frosted food locker plant;
 - iii) A theatre and,
 - iv) A drive-thru restaurant.
 - (c) That notwithstanding Section 13(1)(vii) of Zoning By-law No. 6593, the following modified uses shall be permitted:
 - i) A restaurant or refreshment room without any dancing or other musical entertainment.
 - (d) That notwithstanding Section 13(3)(i) of Zoning By-law No. 6593, the minimum front yard shall not be less than 0.85m.
 - (e) That notwithstanding Section 13(3)(ii), of Zoning By-law No. 6593, the minimum westerly side yard shall be not be less than 3.0 m.
 - (f) That notwithstanding Section 13(3)(iii)(c), no building or structure shall be located less than 7.0 m from the northerly limits of the "G" District boundary which is also deemed the top of bank .
 - (g) That notwithstanding Section 18A(7), of Zoning By-law No. 6593, every required parking space other than a parallel parking space shall have dimensions of not less than 2.6 m by 5.5 m.
 - (h) That notwithstanding Section 13(2), of Zoning By-law No. 6593, the minimum height of the ground floor façade for a commercial building shall be 3.5 m.
 - (i) An entrance door for the public to access the commercial units shall be provided along Barton Street West for each commercial unit.

3. That 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 "G" (Neighbourhood Commercial Centre) District provisions, subject to the special requirements referred to in Section 2 and 3.
4. That By-law No. 6593 is amended by adding this by-law to Section 19B as Schedule S-1735.
5. That Sheet No. W-11 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1735.
6. That the Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this 12th day of October, 2016.

F. Eisenberger
Mayor

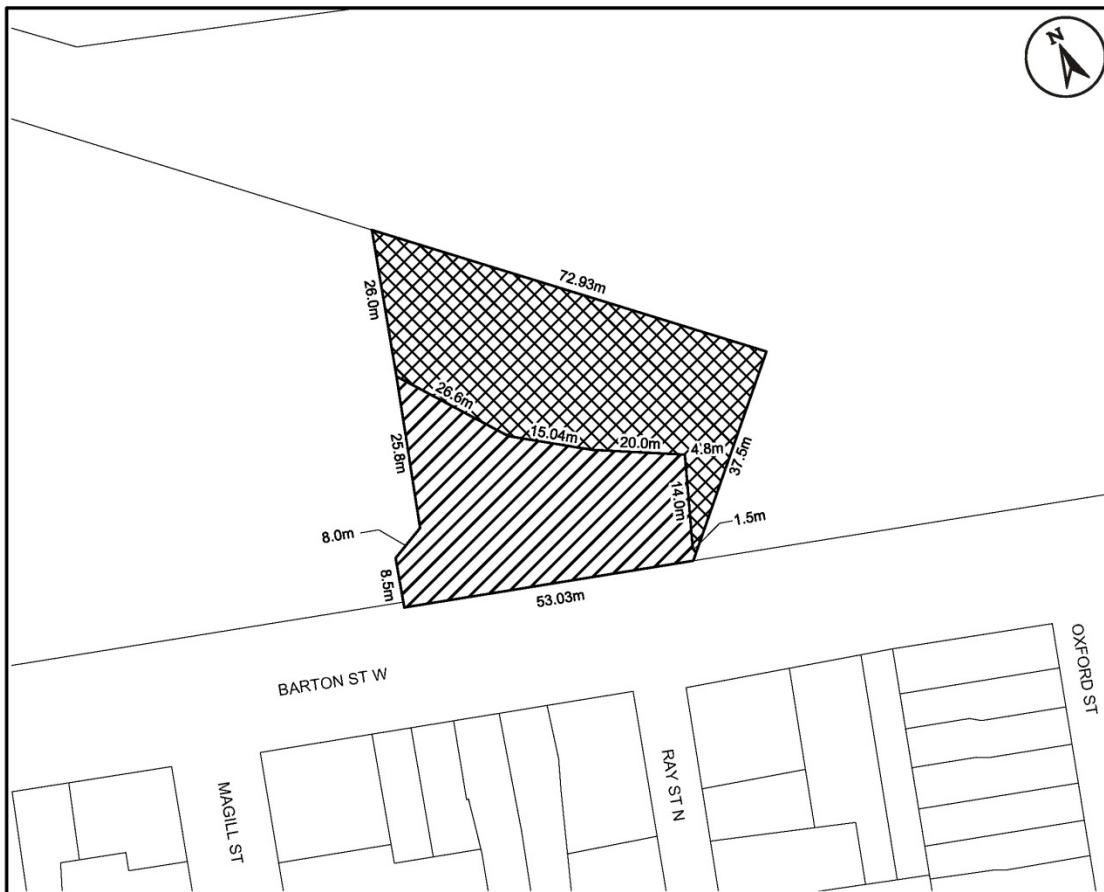
R. Caterini
City Clerk

ZAC-16-015




OPA-16-06

To Amend Zoning By-law No. 6593
Respecting Lands Located at 280 Barton Street West

(Page 4 of 4)



<p>This is Schedule "A" to By-law No. 16-</p> <p>Passed the day of, 2016</p>	<p>-----</p> <p>Mayor</p>
	<p>-----</p> <p>Clerk</p>

<p>Schedule "A"</p> <p>Map Forming Part of</p> <p>By-law No. 16-_____</p> <p>to Amend By-law No. 6593</p>		<p>Subject Property</p> <p>280 Barton Street West</p> <p> Block 1 - Change from "L-mr-1" (Planned Development) District to the "G/S-1735" (Neighbourhood Shopping Centre) District</p> <p> Block 2 - Refer to By-law 05-200</p>
<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-16-015/OPA-16-06</p>	
<p>Date: Sept. 12, 2016</p>	<p>Planner/Technician: CT/VS</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		