

Authority: Item 13, Planning and
Economic Development
Committee
Report 04-014 (PD04190)
CM: August 12, 2004

Bill No. 198

CITY OF HAMILTON

BY-LAW NO. 04-198

**To Amend Zoning By-law No. 6593
Respecting Lands Located at 1171 Dunsmure Road**

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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 04-14 of the Planning and Economic Development Committee at its meeting held on the 11th day of August, 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.

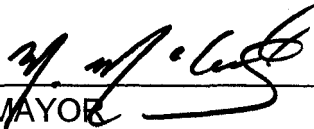
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Sheet No. E-84 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton) is amended,

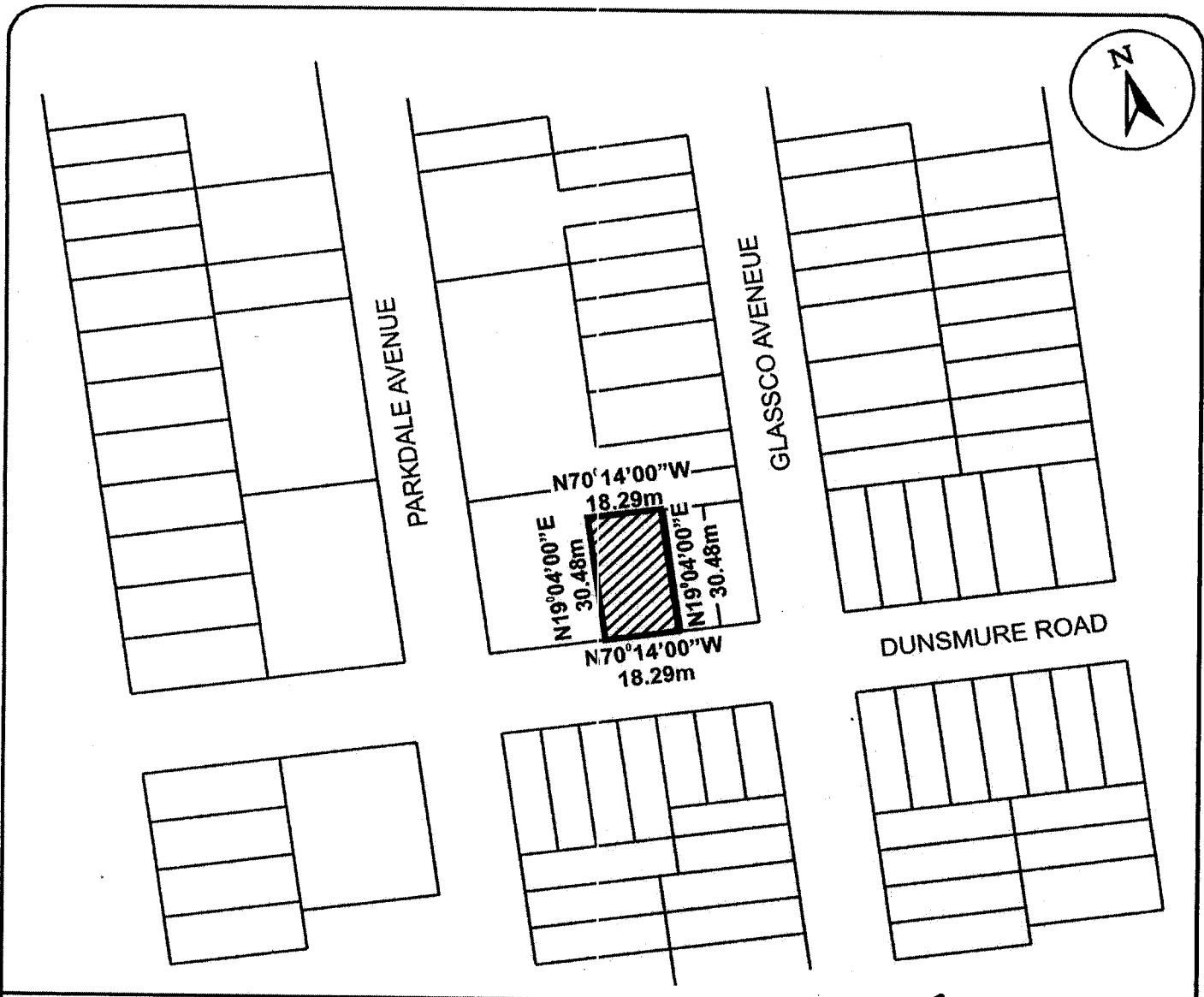
- (a) by changing from "C" (Urban Protected Residential, etc.) District to "H"(Community Shopping and Commercial, etc.) District, the lands, the extent and boundaries of which are shown on a plan annexed as Schedule "A".
2. The "H" (Community Shopping and Residential, etc.) District provisions, as contained in Section 14 of Zoning By-law No. 6593, applicable to the land the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are further amended to the extent only of the following special requirements,
 - (a) That notwithstanding Section 18(3)(ivc)(b) of Zoning By-law 6593, for the first 21 metres of the rear (east) lot line from Dunsmure Road, a planting strip at least 2.0 metres wide shall be provided and maintained;
 - (b) That notwithstanding Section 18(3)(ivc)(c) of Zoning By-law 6593, a visual barrier shall not be required for only that portion of the rear (east) lot line adjacent to the existing garage to the east of the subject lands; and,
 - (c) In addition to the requirements of Section 14(9)(ii) of Zoning By-law 6593, a decorative fence may be permitted not less than 1.0 metres from the south lot line within the required landscaped area along the Dunsmure Road street line.
 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 referred to in Section 2.
 4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1506.
 5. Sheet No. E-84 of the District Maps is amended by marking the lands referred to in Section 1 of this by-law as S-1506.
 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 12th

day of August ,2004.


MAYOR


CLERK



This is Schedule "A" to By-Law No. 04— 198

Passed the 12th day of August, 2004

[Signature]
Clerk

[Signature]
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 04-198
to Amend By-Law No. 6593



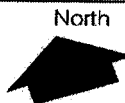
Hamilton

Planning and Development Department

Legend



Subject Property
1171 Dunsmure Road
Change in Zoning from "C"(Urban Protected Residential, etc.) District to "H"(Community Shopping and Commercial, etc.) District, Modified



North

Scale
NOT TO SCALE

Date
July 09, 2004

Reference File No.
ZAC-04-20

Drawn By
NB