

Authority: Item 17, Planning and Economic
Development Committee
Report 05-008 (PD05068)
CM: April 13, 2005

Bill No. 082

CITY OF HAMILTON

BY-LAW NO. 05-082

**To Amend Zoning By-law No. 6593
Respecting Lands Located at 902 Main Street East**

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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 17 of Report 05-008 of the Planning and Economic Development Committee at its meeting held on the 13th day of April, 2005, 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. The "H" (Community Shopping and Commercial, Etc.) District provisions, as contained in Section 14 of Zoning By-law No. 6593, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" are amended to the extent only of the special requirements that:

- (a) Notwithstanding Subsection 14.(1) of Zoning By-law No. 6593, the following use shall also be permitted:
- 1) a coin-operated car wash having not more than 6 bays or stalls.
- (b) Notwithstanding Subsection 18.(3)(ivc)(a) of Zoning By-law No. 6593, a minimum setback of 4.5 metres shall be provided and maintained from the nearest boundary of a residential district;
- (c) Notwithstanding Subsection 18.(3)(ive)(c) of Zoning By-law No. 6593, a minimum setback of 4.7 metres shall be provided and maintained from the westerly side lot line;
- (d) Notwithstanding Subsection 18.(3)(ivc)(b) of Zoning By-law No. 6593, a timber retaining wall is permitted to be located within the required 3.0 metre wide planting strip along the rear lot line adjoining a residential district;
- (e) Subsection 18.(3)(ivc)(c) of Zoning By-law No. 6593 shall not apply to a coin-operated car wash; and,
- (f) A minimum 1.5 metre wide planting strip be provided and maintained along the easterly side lot line.
2. 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 1.
3. By-law No. 6593 (Hamilton) is amended by adding this by-law to section 19B as Schedule S-1519.
4. Sheet No. E-34 of the District Maps is amended by marking the lands referred in Section 1 of this by-law as S-1519.
5. The City 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.

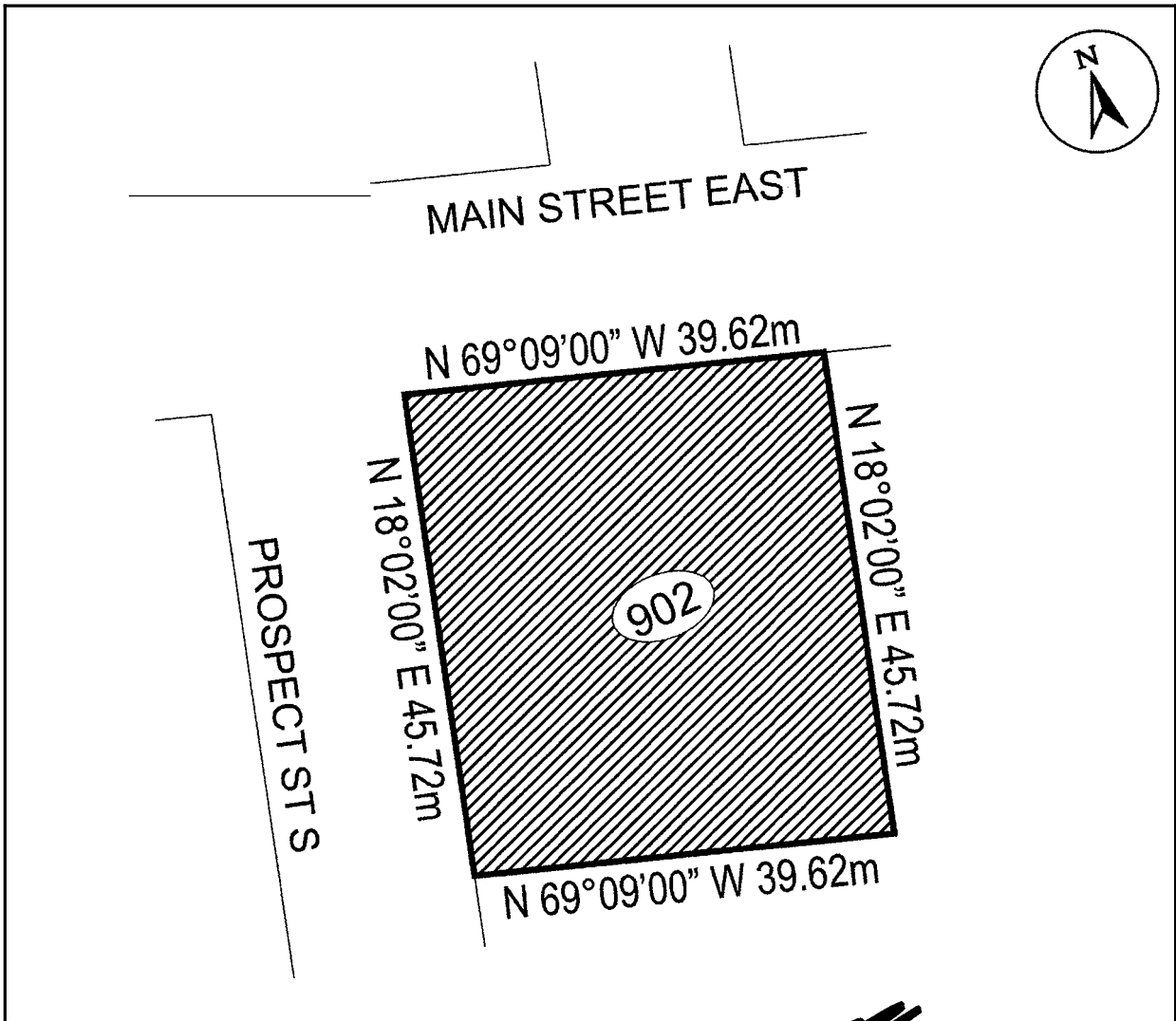
PASSED and ENACTED this

day of _____, 2005.

MAYOR

CLERK

ZAR-04-90



This is Schedule "A" to By-Law No. 05-082

Passed the 13th day of April, 2005


~~_____~~
 Clerk

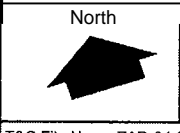
 Mayor

Schedule "A"

Map Forming Part of
 By-Law No. 05-082
 to Amend By-Law No. 6593

Subject Property
 902 Main Street East (Hamilton)

 Modification to the "H"
 (Community Shopping and Commercial,
 etc.) District provisions



Scale:
 Not to Scale

Date:
 February 2005

File Name/Number:
ZAR-04-90

Planner/Technician:
 GM/LM