

**Authority:** Item 16, Planning and  
Development Committee  
Report; 05-016 (PED05055)  
CM:July 13, 2005

**Bill No. 209**

**CITY OF HAMILTON**

**BY-LAW NO. 05-209**

**To Amend Zoning By-law No. 6593  
Respecting the Ainslie Wood Westdale Area**

**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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 Item 16 of Report 05-016 of the Planning and Economic Development Committee at its meeting held on the 13<sup>th</sup> day of July , 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 City of Hamilton, as amended by Official Plan Amendment No. 201 proposed by the City of Hamilton as By-law No. 05-208, 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 Nos. W-22, W-41, and W-46 of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), are amended,
  - (a) by changing Block I from "J" (Light and Limited Heavy Industrial, Etc.) District, to "DE-3" (Multiple Dwellings) District, Modified;
  - (b) by changing Block "2" from "M-14" (Prestige Industrial) District, Modified, "J" (Light and Limited Heavy Industrial, Etc) District, "JJ" (Restricted Light Industrial) District, Modified to "J" (Light and Limited Heavy Industrial, Etc.) District, Modified;
  - (c) by changing Block "3" from "J" (Light and Limited Heavy Industrial, Etc.) District, to "H" (Community Shopping and Commercial, Etc.) District, Modified; and
  - (d) by changing Block "4" from "J" (Light and Limited Heavy Industrial) District to, "J" (Light and Limited Heavy Industrial, Etc.) District, Modified;

the extent and boundaries of which are shown on maps hereto annexed as Schedules "A" and "A1".

2. That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-law No. 6593, applicable to Block "1" (Schedules "A" and "A1"), be modified to the extent only of the following special requirements:
  - (a) That Sections 1. (i), (ii) and 4. (ii) of Section 10C of Zoning By-law No. 6593 be deleted in their entirety;
  - (b) That notwithstanding Section 10C (1) of Zoning By-law No. 6593, any use permitted in a "RT-20" District shall be permitted;
  - (c) That notwithstanding Section 10C (1) of Zoning By-law No. 6593, a school of learning except a commercial school or sanatorium school, and not including a dormitory, shall be permitted;
  - (d) That notwithstanding Section 10C (2) of Zoning By-law No. 6593, no building or structure shall exceed five storeys or 18.5 metres (60.69ft) in height;

3. That for the purposes of Zoning By-law No. 05-209 the following definitions shall apply:
  - (a) Major Recreational Equipment – Shall mean either a portable structure designed and built to be carried by a motor vehicle, or a unit designed and built to be transported on its own wheels, for purposes of providing temporary living accommodation or recreational enjoyment for travel, and shall include, for example, motor homes, travel trailers, tent trailers, boats, boat trailers, motorized snow vehicles or other like or similar equipment, excluding bicycles.
  - (b) Manufacturing – Shall mean the production, compounding, processing, packaging, crating, bottling, packing and assembling of raw or semi-processed or fully-processed goods and materials.
  - (c) Repair Service - Shall mean the provision of maintenance or repair services for goods or equipment, excluding motor vehicles and major recreational equipment.
  - (d) Warehouse - Shall mean a building, or part thereof, which is used for the storage or wholesaling of goods or materials.
  - (e) Wholesaling – Shall mean the sale and distribution of goods and materials for resale purposes only.
  
4. That notwithstanding the “J” (Light and Limited Industrial, etc.) District regulations as contained in Section 16 of Zoning By-law No. 6593, applicable to Block “2” (Schedules “A” and “A1”), be modified to the extent that only the following permitted and prohibited uses, and regulations shall apply:
  - (a) Subject to the provisions of Sections 3, 18, 18A and 19, in a “J” District, 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, for other than one or more of the following uses, and uses accessory thereto:
    - (i) Computer, Electronic or Data Processing Business
    - (ii) Laboratory
    - (iii) Manufacturing
    - (iv) Printing Establishment
    - (v) Repair Service
    - (vi) Research and Development Establishment
    - (vii) Sale, Rental or Service of Business Machines and Office Supplies
    - (viii) Scientific, Technological or Communications Establishment

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- (ix) Security or Janitorial Service
  - (x) Warehouse
  - (xi) Wholesaling
- (b) Notwithstanding Section 4. (a) above, no person shall erect, nor use any land, building or structure, whole or in part, for any of the following purposes, even as an accessory use:
- (i) Beverage distillation
  - (ii) Manufacturing of asbestos, phosphate or sulphur products
  - (iii) Manufacturing of asbestos, phosphate or sulphur
  - (iv) Primary or accessory production of chemicals, synthetic rubber, plastic, asphalt or cement not including mixing blending, treatment or similar processes
  - (v) Processing, milling or packaging animal feed
  - (vi) Processing or refining of petroleum or coal
  - (vii) Salvage, recycling or scrap yard
  - (viii) Smelting, refining, rolling, forging, extruding or stamping of metal not including fineblanking
  - (ix) Slaughtering, eviscerating, rendering or cleaning meat, poultry or fish or by-products
  - (x) Tanning or chemical processing of pelts or leather
  - (xi) Vulcanizing of rubber or rubber products
- c) The following regulations shall apply:
- i) Minimum Lot Width 10.0 metres
  - ii) Minimum Front Yard 6.0 metres
  - iii) Minimum Side Yard 3.0 metres adjacent to a Residential or Institutional Zone(s)
  - iv) Minimum Rear Yard 7.5 metres
  - v) Maximum Building Height 5 Storeys (18.5 metres)
  - vi) Planting Strip A planting strip of not less than 1.5 metres in width shall be provided and maintained along every side lot line and rear lot line adjoining a residential district or use, except for the area used for access driveways

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| vii) Visual Barrier  | A visual barrier shall be provided and maintained along the boundary of the lot abutting a residential district or use having a minimum height of 1.2m and a maximum height of 2.0 metres. |
| viii) Maximum floor area devoted to retail where permitted as an accessory use | Not more than 25 percent of the amount of gross floor area used for a permitted main use shall be used for accessory retail purposes.  |
| ix) Outdoor Storage  | No outdoor storage of goods, materials or equipment shall be permitted   |

5. That the "H" (Community Shopping and Commercial, Etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to Block "3" (Schedules "A" and "A1"), are modified to the extent only of the following special requirements:
  - (a) That Sections 1. (i), (ii), (iv), (v), (vi), (vii), and 2. (ii) and (3) (ii)(b), (3) (iii)(a) of Section 14 of Zoning By-law No. 6593 be deleted in their entirety;
  - (b) That Section 1. (xviii) shall be modified as follows: Either a manual car wash or a mechanical car wash , utilizing not more than one bay or stall, shall be permitted
  - (c) That notwithstanding Section 14 (1) of Zoning By-law No. 6593, an existing auto body and fender repair shop or other public garage, shall be permitted.
6. That the "J" (Light and Limited Industrial, Etc.) District regulations as contained in Section 16 of Zoning By-law No. 6593, applicable to Block "4" (Schedules "A" and "A1"), be modified to the extent that only the following shall apply:
  - (a) That notwithstanding Section 16 of Zoning By-law No. 6593, only those uses, buildings and structures existing on the date of the passing of this by-law being July 13, 2005, , shall be permitted.
7. That Zoning By-law No. 6593 (Hamilton) is amended by adding this by-law to section 19B as Schedule S-1522.

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8. That Sheet Nos. W-22, W-41, W-46 of the District Maps are amended by marking the lands referred in Section 1 of this by-law as S-1522.
9. That 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 13<sup>th</sup> day of July, 2005.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CLERK

CI-05-H



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This is Schedule "A" to By-Law No. 05-209

Passed the 13th day of July, 2005


*[Handwritten Signature]*  
 Clerk  
 Mayor

**Schedule "A"**

Map Forming Part of  
 By-Law No. 05-209  
 to Amend By-Law No. 6593

- Subject Property**
-  Block 1: Change in zoning from "J" (Light and Limited Heavy Industrial, Etc.) District to "DE-3" (Multiple Dwellings), District, Modified.
  -  Block 2: Change from "M-14" (Prestige Industrial) District Modified, "J" (Light and Limited Heavy Industrial, Etc.) District, "JJ" (Restricted Light Industrial) District, Modified to "J" (Light and Limited Heavy Industrial, Etc.) District, Modified.
  -  Block 3: Change from "J" (Light and Limited Heavy Industrial, Etc.) District to "H" (Community Shopping and Commercial, etc.) District, Modified.
  -  Block 4: Change from "J" (Light and Limited Heavy Industrial, Etc.) District to, "J" (Light and Limited Heavy Industrial, Etc.) District, Modified.



North 	Scale: <b>Not to Scale</b>	File Name/Number: ainsliewood
	Date: May 2005	Planner/Technician: AM/LC

&C File Name: ainsliewood\_schedule\_a.cdr



This is Schedule "A" to By-Law No. 05-209





Passed the 13<sup>th</sup> day of July, 2005

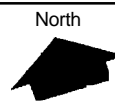
*[Signature]*  
Clerk  
*[Signature]*  
Mayor

## Schedule "A1"

Map Forming Part of  
By-Law No. 05-209  
to Amend By-Law No. 6593

### Subject Property

-  Block 1: Change in zoning from "J" (Light and Limited Heavy Industrial) District to "DE-3" (Multiple Dwellings) District, Modified.
-  Block 2: Change from "J" (Light and Limited Heavy Industrial) District to "H" (Community Shopping and Commercial, etc.) District, Modified.
-  Block 3: Change from "M-14" (Prestige Industrial) District Modified, to "J" (Light and Limited Heavy Industrial) District, "JJ" (Restricted Light Industrial) District, Modified to "J" (Light and Limited Heavy Industrial) District, Modified.
-  Block 4: Change from "J" (Light and Limited Heavy Industrial) District to "J" (Light and Limited Heavy Industrial) District, Modified.



Scale:  
Not to Scale

Date:  
April 2005

File Name/Number:  
**AinslieWood/Westdale**  
Planner/Technician:  
AM/LC