

Authority: Item 25, Planning and Economic
Development Committee
Report: 06-005 (PED06096)
CM: April 12, 2006

Bill No. 079

CITY OF HAMILTON

BY-LAW NO. 06-079

**To Amend Zoning By-law No. 6593 (Hamilton),
respecting lands located at 1725 Upper James Street**

WHEREAS the City of Hamilton Act, 1999, Statues of Ontario, 1999 Chap.14, Sch. 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 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 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.

AND WHEREAS the Council of the City of Hamilton, in adopting Item 25 of Report 06-005 of the Planning and Economic Development Committee at its meeting held on the 12th day of April, 2006, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

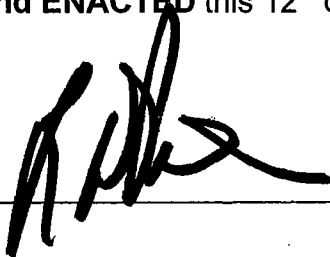
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Sheet No. E-9e of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), as amended, is hereby amended by changing the zoning from the "B" (Suburban, Agriculture and Residential, etc.) District to the "HH/S-1546" (Restricted Community Shopping and Commercial) District, Modified, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements.
 - (a) That notwithstanding Subsection 14A (1) (b) and 14A (1) (ca) of Zoning By-law 6593, a restaurant and hotel shall not be permitted.
 - (b) That notwithstanding Section 18A (16) of Zoning By-law 6593, a minimum of 1 loading space shall be provided and maintained for an office.
 - (c) That notwithstanding Section 18A (2) of Zoning By-law 6593, a minimum of 1 parking space per 43 square metres of floor area shall be provided and maintained for an office.
 - (d) That notwithstanding Subsections 14A (7) and 18A (12) of Zoning By-law 6593, a minimum 12 metre wide landscape planting strip incorporating a berm shall be provided and maintained along the entire easterly lot line, and a 1.8 metre to 2.0 metre high visual barrier shall be provided and maintained along the entire easterly lot line.
3. No building or structure shall be erected, altered or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "HH" District provisions, subject to the special requirements referred to in Section 2.
4. By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedule S-1546
5. Sheet No. E-9e of the District Maps is amended by marking the lands referred in Section 1 of this by-law as S-1546.
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.

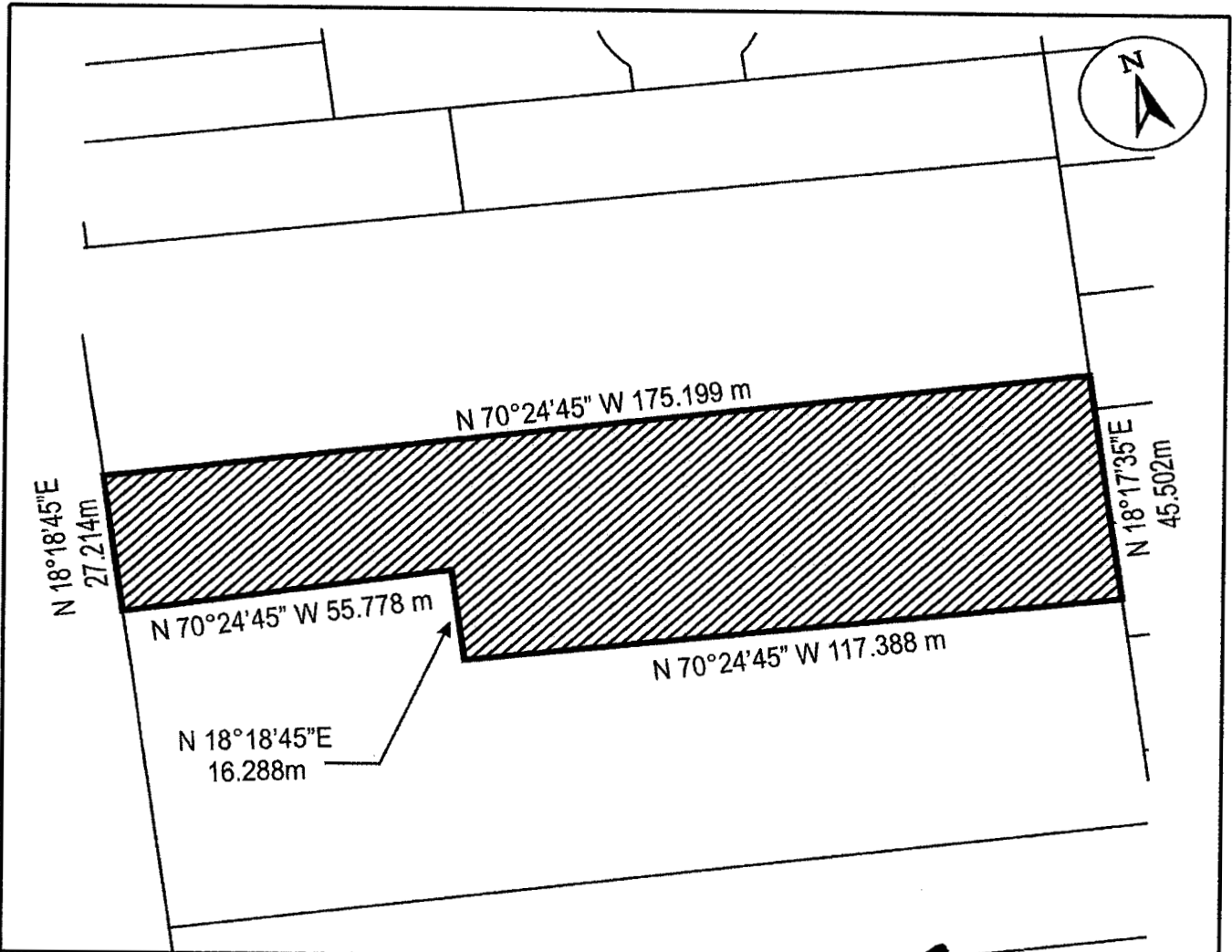
PASSED and ENACTED this 12th day of April, 2006.

MAYOR



CLERK





This is Schedule "A" to By-Law No. 06— 079

Passed the12..... day ofApril....., 2006


[Signature]
Clerk
[Signature]
Mayor


Schedule "A"

Map Forming Part of
By-Law No. 06-079
to Amend By-Law No. 6593



Subject Property 1725 Upper James Street

 Change in Zoning from "B" (Suburban Agriculture and Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, Modified

	Scale: Not to Scale	File Name/Number: ZAC-05-105
	Date: October 2005	Planner/Technician: OQ/MZ

T&C File Name: