

Authority: Item 9, Planning and Economic
Development Committee
Report: 06-006 (PED06119)
CM: April 26, 2006

Bill No. 106

CITY OF HAMILTON

BY-LAW NO. 06-106

To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands Known as 1885-1893 Upper James Street

WHEREAS the City of Hamilton Act, 1999, Statutes 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 Township of Glanbrook" 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

AND WHEREAS the Council of the City of Hamilton in adopting Item 9 of Report 06-006 of the Planning and Economic Development Committee at its meeting held on the 26th day of April, 2006, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS this by-law will be in conformity with the Official Plan of the City of Hamilton (formerly the Township of Glanbrook Official Plan), upon approval of Official Plan Amendment No 53; .

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

1. Schedule "E", appended to and forming part of By-law No. 464 (Glanbrook) is amended by changing from the Airport-Related Commercial "C5-090" Zone to the Airport-Related Commercial "C5-211" Zone, the lands known as 1885-1893 Upper James Street, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Section 44, "Exceptions to the Provisions of this By-law", of Zoning By-law No. 464, be amended by adding a new special provision, "C5-211", to include the following:

"C5-211

- (a) In addition to the uses permitted in Section 27.1 **PERMITTED USES of SECTION 27: AIRPORT-RELATED COMMERCIAL "C5" ZONE**, those lands zoned Airport-Related Commercial "C5-211" may also be used for Motor Vehicle Dealerships and Motor Vehicle Repair Shops. Motor Vehicle Auto Body Repair and Painting and outdoor speakers are prohibited.
- (b) Notwithstanding the regulations of paragraphs (i)(iv), (k)(i) and (ii) of Subsection 27.2 **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 27.1 of SECTION 27: AIRPORT-RELATED COMMERCIAL "C5" ZONE**, for those lands zoned "C5-211", the following provision shall apply:
- (i) No parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle within 12 metres of any rear lot line, or within 3 metres of any street line, or within 1.5 metres of any Zone where the adjoining land is used for residential purposes.
- (ii) A landscaped area in the form of a continuous planting strip and having a minimum width of 1.5 metres, and a solid wooden privacy fence having a minimum height of 1.8 metres, shall be provided and thereafter maintained adjacent to every portion of any side lot line that abuts a Zone where the adjoining land is used for residential purposes.
- (iii) A landscaped area in the form of a continuous planting strip having a minimum width of 12 metres, and a solid wooden privacy fence having a minimum height of 1.8 metres, shall be provided and thereafter maintained adjacent to every portion of any rear lot line that abuts a Residential Zone where the adjoining land is used for residential purposes.
- (c) Notwithstanding the regulations of Section 7.42, ADEQUATE SERVICES, of Zoning By-law No. 464, as amended by By-law No. 03-038, for those lands zoned "C5-211", development may proceed on private services to the satisfaction of the General Manager of the Planning and Economic Development Department and/or his/her designate until such time full municipal services are available.

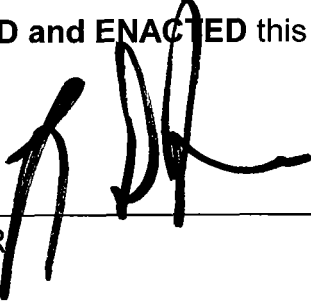
By-law Respecting 1885-1893 Upper James Street

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3. 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 26th day of April, 2006.

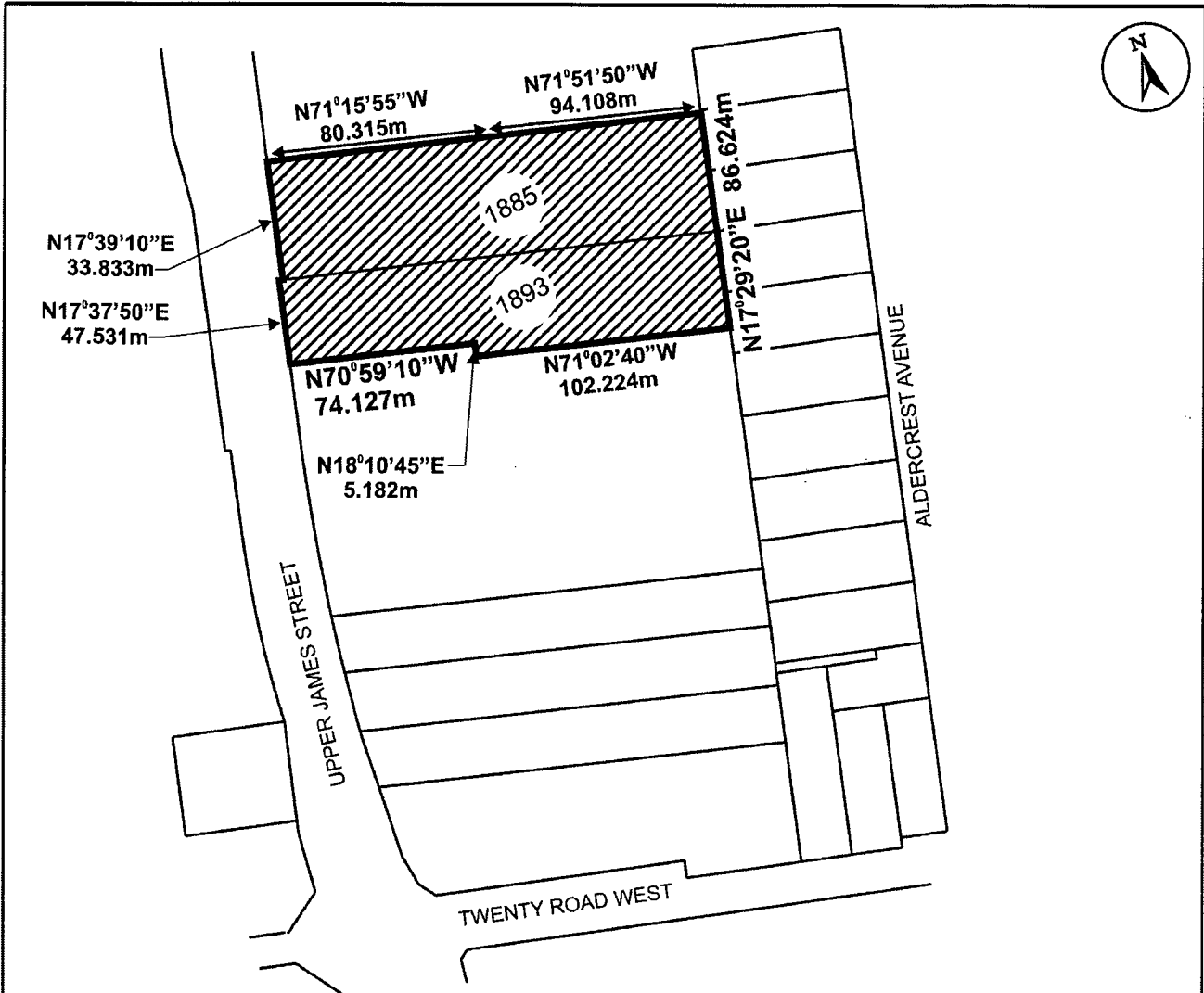
MAYOR

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CLERK

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ZAC-05-121



This is Schedule "A" to By-Law No. 06-106

Passed the 26th day of April, 2006

[Signature]
Clerk

[Signature]
Mayor

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Schedule "A"

Map Forming Part of
By-law No. 06-106

to Amend By-law No. 464

Subject Property

1885 and 1893 Upper James Street



Change from the Airport Related Commercial "C5-090" Zone to the Airport Related Commercial "C5-211" Zone

Scale: Not to Scale	File Name/Number: ZAC-06-89	
Date: February 16, 2006	Planner/Technician: PM/NB	