

Authority: Item 8, Economic Development
and Planning Committee
Report: 08-009 (PED08111)
CM: May 28, 2008

Bill No. 127

CITY OF HAMILTON

BY-LAW NO. 08-127

**To Amend Zoning By-law No. 3581-86 (Dundas),
Respecting Lands Located at 346 Park Street West**

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 area municipality known as the "The Corporation of the Town of Dundas" 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 Zoning By-law No. 3581-86 (Dundas) was enacted on the 22nd day of May, 1986, and approved by the Ontario Municipal Board on the 10th day of May, 1988;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 8 of Report 08-009 of the Economic Development and Planning Committee at its meeting held on the 28th day of May, 2008, recommended that Zoning By-law No. 3581-86 (Dundas), be amended as hereinafter provided;

AND WHEREAS in accordance with the Planning Act, R.S.O., 1990, Section 39, Council may pass By-laws authorizing the temporary use of land, buildings or structures for any purposes that is otherwise prohibited by the Zoning By-law;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Dundas) in accordance with the provisions of the Planning Act;

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

By-law respecting 346 Park Street West, Dundas

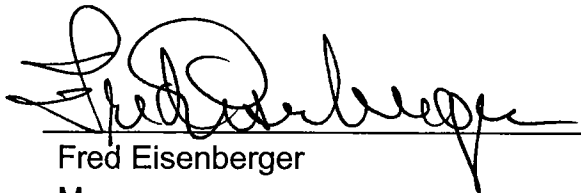
(Page 2 of 3)

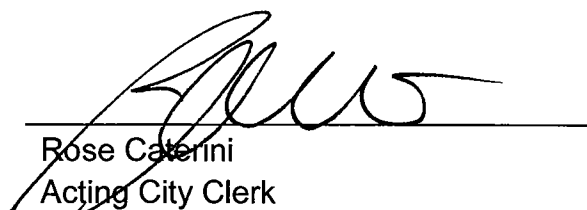
1. That Schedule "B" (Colborne) of Zoning By-law No. 3581-86 (Dundas), as amended by By-law No. 05-090, is hereby further amended by adding the Holding Medium Density Multiple Dwelling "H-RM2/S-105a" Zone, Modified, to the lands the extent and boundaries of which are shown on Schedule "A" which forms part of this By-law.
2. That Section 32: "EXCEPTIONS" of Zoning By-law No. 3581-86 (Dundas), as amended by By-law No. 05-090, is hereby further amended by adding the following as "S-105a":

"S-105a"

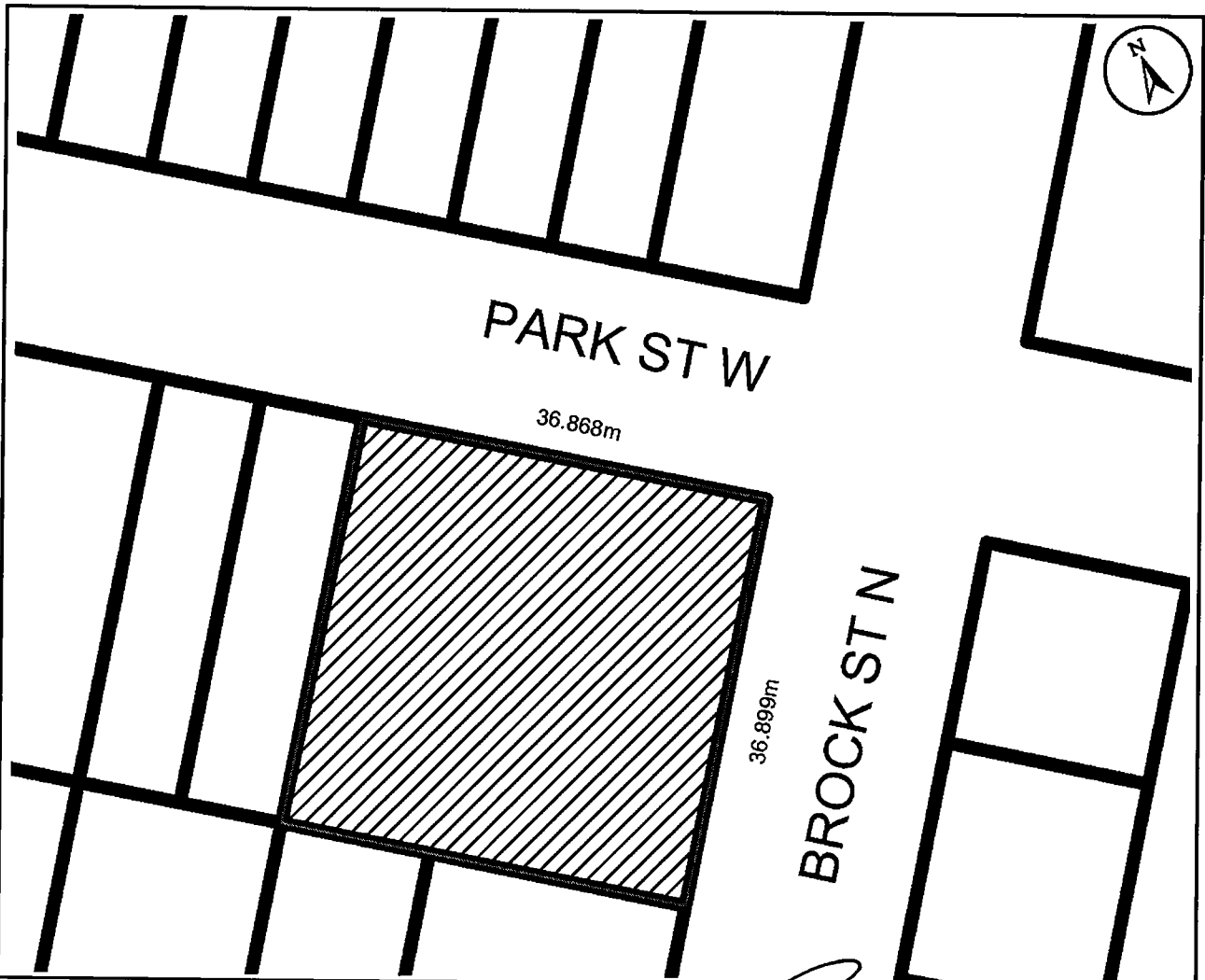
- (i) As permitted under the temporary use provisions of Section 39 of the Planning Act (R.S.O. 1990) for a maximum two year period commencing on the day of the passing of this amending By-law, being the 28th day of May, 2008 and expiring on the 28th day of May, 2010, on the land shown as "H-RM2/S-105a" on Schedule "B" attached hereto, shall,
 - (a) Notwithstanding the provisions of SUBSECTION 13.1: PERMITTED USES of SECTION 13: MEDIUM DENSITY MULTIPLE DWELLING ZONE (RM2) and Section (i) of By-law No. 05-090, firefighting services use shall be permitted temporarily and only within the building existing on the date of the passing of this By-law.
 - (b) Notwithstanding the provisions of Zoning By-law No. 3581-86 (Dundas), as amended, no provisions shall apply to this temporary use as identified in (i)(a).
3. 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 28th day of May, 2008


Fred Eisenberger
Mayor


Rose Caterini
Acting City Clerk

ZAR-08-019



This is Schedule "A" to By-Law No. 08- 127

Passed the 28th day of May, 2008

[Signature]
 Clerk
[Signature]
 Mayor

Schedule "A"

Map Forming Part of
 By-Law No. 08- 127

to Amend By-law No.3581-86

Subject Property

346 Park Street West, Dundas



Temporary Use By-law to permit Firefighting Services within the existing building for a maximum period of 2 years.

Scale:
 N.T.S.

File Name/Number:
 ZAR-08-019

Date:
 March 13, 2008

Planner/Technician:
 TH/NB



Hamilton