CITY OF HAMILTON

BY-LAW NO. 08-173
To Amend Zoning By-law No. 05-200
Respecting Lands Located at 460 Wentworth Street North
(Robert Land Community Centre)

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law 05-200;

AND WHEREAS it is desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

AND WHEREAS the first stage of the new Zoning By-law, being By-law 05-200, came into force on May 25, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 14 of Report 08014 of the Economic Development and Planning Committee at its meeting held on the 10th day of July, 2008, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

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

1. That Schedule “A” of By-law No. 05-200 be amended to include additional zone boundaries to Map Nos. 871 and 913, as shown on Schedule “A” to this By-law;

2. That Schedule “C” of By-law No. 05-200 is amended by adding an additional special exception as follows:

"12. Within the lands zoned Major Institutional (I3) Zone, identified on Maps 871 and 913 of Schedule “A” and described as 460 Wentworth Street North, the following special provisions shall apply:
By-law Respecting Lands Located at 460 Wentworth Street North
(Robert Land Community Centre) (Page 2 of 5)

a) Notwithstanding Section 5 of this By-law, a minimum of 30 parking spaces shall be provided for the Community Centre on site and a street or laneway shall also be considered a right-of-way.

b) For the purposes of this By-law, a driveway shall be permitted to lead directly from a private right-of-way.

c) Notwithstanding Section 8.3.1 the following uses shall not be permitted:

   Hospital
   Lodging House
   Long Term Care Facility
   Medical Clinic
   Medical Office
   Multiple Dwelling
   Place of Worship
   Residential Care Facility
   Retirement Home

d) In addition to Section 8.3.1 of this By-law, the following uses shall be permitted:

   Bicycle Repair Shop
   Second Hand Goods Exchange and Sales
   Museum
   Retail
   Outdoor Farm Market

e) Notwithstanding Section 8.3.2.1, the following regulations shall apply:

   i) Location and Size of Bicycle Repair Shop, Second Hand Goods Exchange and Sales, Museum and Retail:

      a) Shall only be located within the building existing on the date of the passing of this By-law, being the 10th day of July 2008;
b) Shall be limited to a maximum GFA of 85 square metres for each use; and,
c) Shall be operated as a non-for-profit establishment.

ii) Open Air Market
a) Shall only be permitted in the parking area adjacent to Wentworth Street North and shall not occupy more than 9 parking spaces.

f) Notwithstanding Section 8.3.2.3 of this By-law, the following regulations shall apply:

a) Minimum Lot Area for Unit: i) 150 square metres for each dwelling unit; and,

b) Minimum Front Yard: i) 3.0 metres."

3. That Schedule “D” of By-law No. 05-200 is amended by adding additional Holding provisions as follows:

“3. Notwithstanding Section 8.3 and Special Exception No. 12 of this By-law, within the lands zoned Major Institutional (13) Zone, on Schedule 871 and 913 of Schedule “A”, known as 460 Wentworth Street South (Hamilton), street townhouse units shall not be permitted until such time as a signed Record of Site Condition is submitted with the corresponding administration fee, to the satisfaction of the Director of Planning, including an acknowledgement from the Ministry of Environment.

Notwithstanding Section 8.3 and Special Exception No. 12 of this By-law, within the lands zoned Major Institutional (13) Zone, Schedule 871 and 913 of Schedule “A”, known as 460 Wentworth Street South (Hamilton), street townhouse units shall not be permitted until such time as an acoustical report is prepared by a qualified Professional Engineer containing the recommended control measures, to the satisfaction of the Director of Planning.”
4. The Clerk is 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 10\textsuperscript{th} day of July, 2008.

Lloyd Ferguson
Acting Mayor

Kevin C. Christenson
City Clerk

ZAC-07-100
Subject Property

Schedule "A"

Map Forming Part of By-Law No. 08-173

to Amend By-law No. 05-200 Maps No. 871 and 913

File Name/Number: ZAC-07-100

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT