

Authority: Item 11, Economic Development
and Planning Committee
Report: 08-005 (PED08061)
CM: March 18, 2008

Bill No. 206

CITY OF HAMILTON

BY-LAW NO. 08-206

**To Amend Zoning By-law No. 6593 (Hamilton),
Respecting the Properties Located at 594 & 598 Barton Street East and 134 Birch
Avenue**

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 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 11 of Report 08-005 of the Economic Development and Planning Committee, at its meeting held on the 18th day of March, 2008, 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, approved by the Minister under the Planning Act on June 1, 1982;

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

1. That Sheet No. E-21 of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended:
 - (a) by changing the zoning from the "H" (Community Shopping and Commercial, etc.) District to the "H/S-1585" (Community Shopping and Commercial, etc.) District, Modified; the lands comprised of Block "1";

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- (b) by changing the zoning from the “D” (Urban Protected Residential – 1 & 2 Family Dwellings, etc.) District to the “D/S-1585” (Urban Protected Residential – 1 & 2 Family Dwellings, etc.) District, Modified; the lands comprised of Block “2”;

the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

- 2. That the “H” (Community Shopping and Commercial, etc.) District provisions, as contained in Section 14 of Zoning By-law No. 6593, applicable to Block “1”, be modified to include the following special requirements:

- (a) that Subsection 14(3)(iii)(c) of Zoning By-law No. 6593, shall not apply to the building existing on the date of the passing of this By-law, being the 10th day of September 10, 2008;
- (b) that notwithstanding Subsection 18A(1)(a) of Zoning By-law No. 6593, a minimum of eight required parking spaces shall be provided and maintained for a day nursery accommodating a maximum of 54 children;
- (c) that notwithstanding Subsection 18A(1) and Subsection 18A(9) of Zoning By-law No. 6593, a maximum of seven required parking spaces may be provided and maintained on Block “2”;
- (d) that notwithstanding Subsection 18A(7) of Zoning By-law No. 6593, every parking space shall have a minimum length of 5.5 metres; and,
- (e) that notwithstanding Subsections 18A(21)(a), (b), and (c) of Zoning By-law No. 6593, access to parking space(s) shall be permitted from the City assumed alleyway.

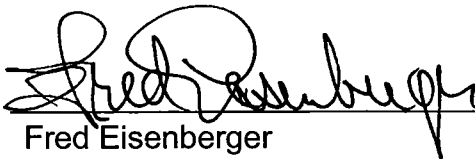
- 3. That the “D” (Urban Protected Residential – 1 & 2 Family Dwellings, etc.) District provisions, as contained in Section 10 of Zoning By-law No. 6593, applicable to Block “2”, be modified to include the following special requirements:


- (a) that notwithstanding Subsection 10(1) of Zoning By-law No. 6593, only parking used in conjunction with Block “1” shall be permitted;
- (b) that Subsection 18(A)(1)(f) of Zoning By-law No. 6593, shall not apply;
- (c) that notwithstanding Subsection 18A(7) of Zoning By-law No. 6593, every parking space shall be a minimum of 2.6 metres wide x 5.5 metres long;
- (d) that notwithstanding Subsection 18A(9) and Subsection 18A(10) of Zoning By-law No. 6593, manoeuvring space may be permitted within the City assumed alleyway;

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- (e) that notwithstanding Subsection 18A(11)(a) of Zoning By-law No. 6593, the boundary of the parking area shall be located not less than 1.4 metres from the adjoining residential district;
 - (f) that notwithstanding Subsection 18A(12)(a) and Subsection 13C(4)(ii) of Zoning By-law No. 6593, a planting strip having a minimum width of 1.4 metres shall be provided and maintained along the southerly side lot line;
 - (g) that notwithstanding Subsection 18A(14g) of Zoning By-law No. 6593, one parking space shall be permitted within the required front yard; and,
 - (h) that notwithstanding Subsections 18A(21)(a), (b), and (c) of Zoning By-law No. 6593, access to the parking spaces shall be permitted from the City assumed alleyway.
4. That 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, except in accordance with the "H" (Community Shopping and Commercial, etc.) District and "D" (Urban Protected Residential – 1 & 2 Family Dwellings, etc.) District provisions, subject to the special requirements in Section 2 and Section 3 of this By-law.
5. That Zoning By-law No. 6593 (City of Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1585.
6. 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.

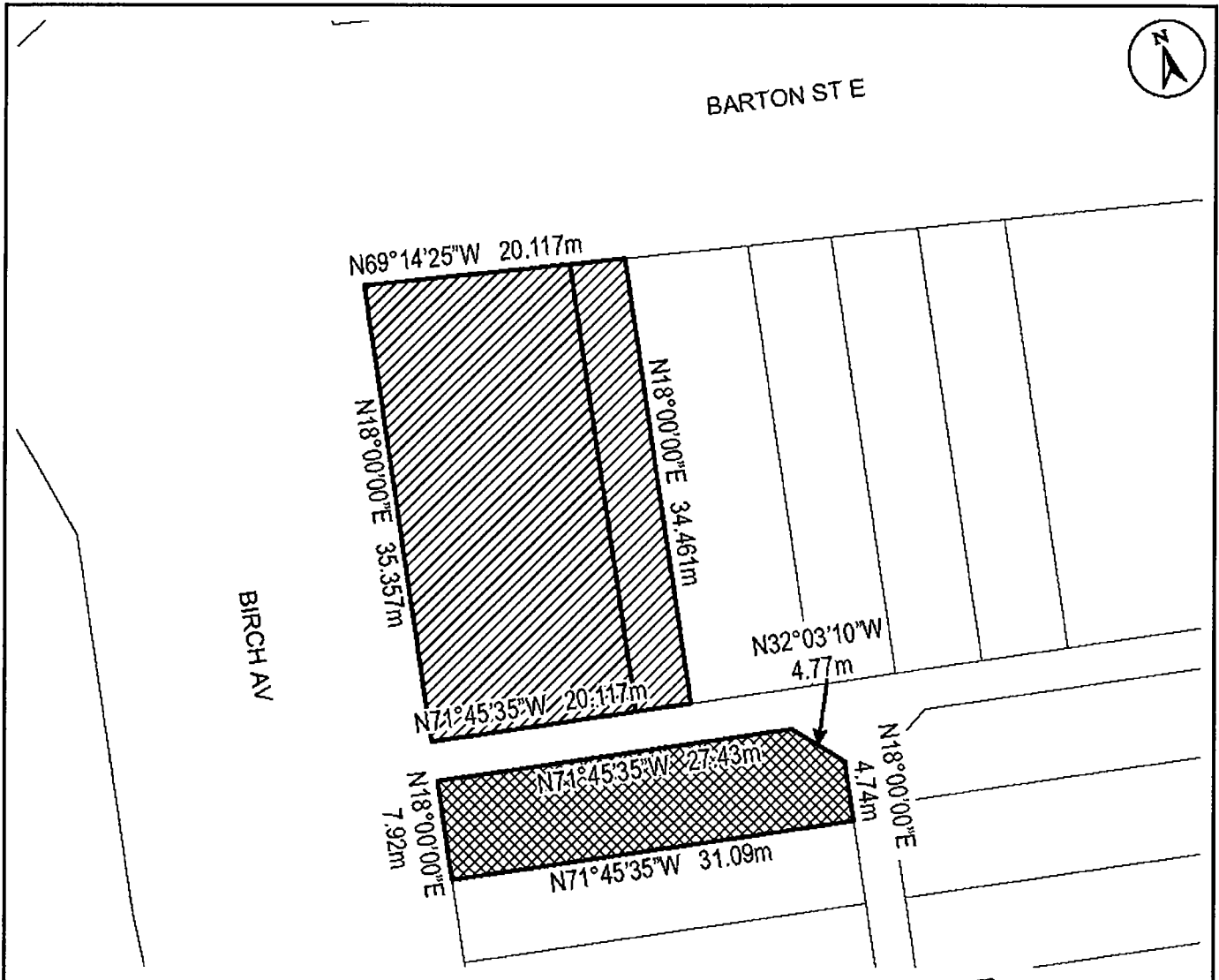
PASSED and ENACTED this 10th day of September, 2008.


Fred Eisenberger
Mayor


Kevin C. Christenson
Clerk

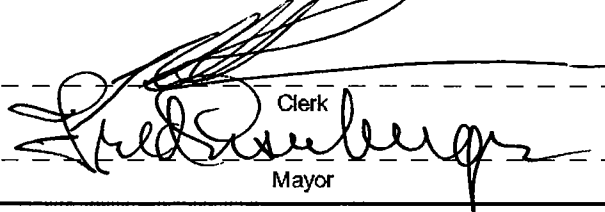
ZAR-07-073

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This is Schedule "A" to By-Law No. 08- 206

Passed the ...10th day of ...September..., 2008


 Clerk
 Mayor

Schedule "A"

Map Forming Part of
 By-Law No. 08- 206

to Amend By-law No. 6593

Subject Property



Block 1 - 594 and 598 Barton Street East

Change in Zoning from "H" (Community Shopping and Commercial, etc.) District to "H/S-1585" (Community Shopping and Commercial, etc.) District, modified.



Block 2 - 134 Birch Avenue

Change in Zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "D/S-1585" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified.

Scale: N.T.S.	File Name/Number: ZAR-07-073
Date: Oct. 30, 2007	Planner/Technician: JD/MC

