

**Authority:** Item 11, Economic Development  
and Planning Committee  
Report 08- 016 (PED08195)  
CM: September 10, 2008

**Bill No. 208**

**CITY OF HAMILTON**

**BY-LAW NO. 08-208**

**To Amend Zoning By-law No. 6593**

**Respecting Lands Located at 386 Upper Gage Avenue and 63 East 39<sup>th</sup> Street**

**(Pioneer Petroleum)**

**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 municipality known as the "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Plan of the former regional municipality, continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 08-016 of the Economic Development and Planning Committee at its meeting held on the 10<sup>th</sup> day of September 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 Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

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

**Zoning By-law Respecting 386 Upper Gage Avenue and 63 East 39<sup>th</sup> Street**  
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1. That Sheet No. E-35 of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by:

- (a) changing Block "1" from the "C" (Urban Protected Residential, Etc.) District to the "H/S-1588" (Community Shopping and Commercial, Etc.) District, Modified;
- (b) changing Block "2" from the "H/S-234" and "H/S-534" (Community Shopping and Commercial, Etc.) District, Modified, to the "H/S-1588" (Community Shopping and Commercial, Etc.) District, Modified;
- (c) changing Block "3" from the "H/S-234" (Community Shopping and Commercial, Etc.) District, Modified, to the "H/S-1588" (Community Shopping and Commercial, Etc.) District, Modified;
- (d) changing Block "4" from the "G-3/S-234" (Public Parking Lots) District, Modified to "H/S-1588" (Community Shopping and Commercial, Etc.) District, Modified;

on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

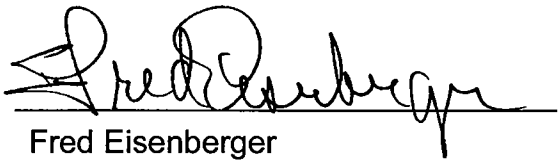
2. That the "H" (Community Shopping and Commercial, Etc.) District regulations, as contained in Section 14 of Zoning By-law No. 6593, applicable to Blocks "1", "2", "3" and "4", are modified to include the following special requirements:

- (a) Notwithstanding Subsection 14(1)(xviiia) of Zoning By-law 6593, a mechanical car wash within the same building as a service station or public garage, and utilizing not more than one bay or stall, shall be permitted.
- (b) Notwithstanding Section 14(9)(ii) of Zoning By-law 6593, the minimum average width of landscaping along Crockett Avenue shall be 1.8 metres, but not less than 1.0 metre in width.
- (c) Notwithstanding Subsections 18(3)(ivc)(c) and 18(3)(ive)(a) of Zoning By-law No. 6593, a visual barrier not less than 1.5 metres in height and not greater than 2.0 metres, shall be erected and maintained along the southerly lot line.
- (d) Notwithstanding Section 18(3)(a) and (4)(iv) of Zoning By-law 6593, one accessory structure (roofed over garbage enclosure) may be located in the front yard and within 3.0 metres from the nearest boundary of a residential district.
- (e) Notwithstanding Subsection 18A(f)(7) of Zoning By-law No. 6593, every required parking space, other than a parallel parking space, shall have dimensions not less than 2.6 metres wide and 5.5 metres long.

**Zoning By-law Respecting 386 Upper Gage Avenue and 63 East 39<sup>th</sup> Street**  
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3. 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 provisions, subject to the special requirements referred to in Section 2.
4. Sheet No. E-35 of the District Maps is amended by marking the lands referred in Section 1 (a) of this by-law as S-1588.
5. Zoning By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1588.
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 10<sup>th</sup> day of September, 2008.



Fred Eisenberger  
Mayor



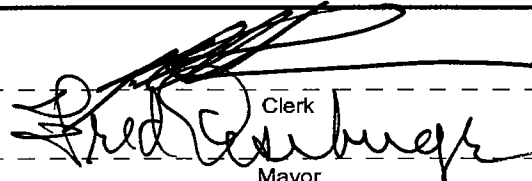
Kevin C. Christenson  
City Clerk

ZAC-07-079

**Zoning By-law Respecting 386 Upper Gage Avenue and 63 East 39<sup>th</sup> Street  
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This is Schedule "A" to By-Law No. 08- 208  
Passed the 10<sup>th</sup> day of September, 2008

  
 Clerk  
 Mayor

## Schedule "A"

Map Forming Part of  
By-Law No. 08- 208  
to Amend By-law No. 6593

**Subject Property**  
386 Upper Gage Avenue

-  **Block 1** - Change in Zoning from the "C" (Urban Protected Residential, Etc.) District to the "H/S-1588" (Community Shopping and Commercial Etc.), District Modified
-  **Block 2** - Change in Zoning from the "H/S-534" (Community Shopping and Commercial, Etc.) District, Modified and "H/S-234" (Community Shopping and Commercial, Etc.) District, Modified to the "H/S-1588" (Community Shopping and Commercial, Etc.) District, Modified
-  **Block 3** - Change in Zoning from the "H/S-234" (Community Shopping and Commercial, Etc.) District, Modified to the "H/S-1588" (Community Shopping and Commercial, Etc.) District, Modified
-  **Block 4** - Change in Zoning from the "G-3/S-234" (Public Parking Lots Etc.) District, Modified to the "H/S-1588" (Community Shopping and Commercial, Etc.) District, Modified

<b>Scale:</b> N.T.S.	<b>File Name/Number:</b> ZAC-07-79
<b>Date:</b> Nov. 15, 2007	<b>Planner/Technician:</b> JM/MC
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

