

Authority: Item 8, Economic Development
and Planning Committee
Report: 08-020 (PED08239)
CM: October 29, 2008

Bill No. 251

CITY OF HAMILTON

BY-LAW NO. 08-251

**To Amend Zoning By-law No. 6593 (Hamilton)
Respecting Lands Located at 1440 Main Street East**

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Plan of the former regional municipality, continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 8 of Report 08-020 of the Economic Development and Planning Committee at its meeting held on the 29th day of October, 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 1440 Main Street East

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1. That Sheet No. E-64 of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended:

- (a) by changing from the "G-3" (Public Parking Lot) District to the "H/S-1591" (Community Shopping and Commercial, etc.) District, Modified, the lands comprised of Block "1"; and,
- (b) by changing from the "H" (Community Shopping and Commercial, etc.) District to the "H/S-1591" (Community Shopping and Commercial, etc.) District, Modified, the lands comprised of Block "2";

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" and "2", are modified to include the following special requirements:

- (a) Notwithstanding Subsection 14(9)(i) and 18A(12)(a) of Zoning By-law 6593, a planting strip of not less than 1.4 metres in width shall be provided and maintained along the westerly side lot line adjoining a residential district or use, except where a building, structure or accessory building is located.
- (b) Notwithstanding Subsection 2(2)(H)(via) of Zoning By-law No. 6593, a visual barrier may be located within the required planting strip along the westerly side lot line and southerly rear lot line.
- (c) Notwithstanding Subsection 18A(1)(a) Table 1 (4)(a) of Zoning By-law No. 6593, a minimum of 1 parking space per 24.0 square metres of floor area shall be provided and maintained for a medical office.
- (d) Notwithstanding Subsection 18A(11)(a) of Zoning By-law No. 6593, the boundary of every parking area on the surface of a lot adjoining a residential district shall be fixed not less than 1.4 metres from the adjoining residential district boundary.

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.

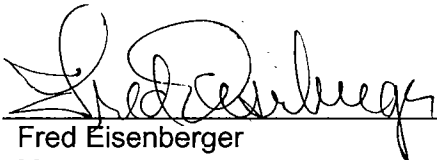
4. Sheet No. E-64 of the District Maps is amended by marking the lands referred in Section 1 of this by-law as S-1591.

Zoning By-law Respecting 1440 Main Street East


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5. That Zoning By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1591.
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 29th day of October, 2008.



Fred Eisenberger
Mayor



Kevin C. Christenson
City Clerk

ZAC-08-027

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This is Schedule "A" to By-Law No. 08- 251

Passed the29.th day of ...October....., 2008

[Signature]
 Clerk
[Signature]
 Mayor

Schedule "A"

Map Forming Part of
 By-Law No. 08- 251

to Amend By-law No.6593

Subject Property

1440 Main Street East



Block 1 - Change in Zoning from the "G-3" (Public Parking Lots) District to the "H/S-1591" (Community Shopping and Commercial, etc.) District, Modified



Block 2 - Change in Zoning from the "H" (Community Shopping and Commercial, etc.) District to the "H/S-1591" (Community Shopping and Commercial, etc.) District, Modified

Scale: N.T.S.	File Name/Number: ZAC-08-027
Date: September 23/08	Planner/Technician: JD/LMM

