

Authority: Item 25, Economic Development
and Planning Committee
Report: 09-002 (PED09004)
CM: January 28, 2009

Bill No. 054

CITY OF HAMILTON

BY-LAW NO. 09-054

**To Amend Zoning By-law No. No. 90-145-Z (Flamborough),
Respecting Lands Located at 86 Dundas 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 area municipality known as "The Corporation of the Town of Flamborough" 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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. 90-145-Z (Flamborough) was enacted on the 5th day of November 1990, and approved by the Ontario Municipal Board on the 21st day of December, 1992;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 22 of Report 09-002 of the Economic Development and Planning Committee at its meeting held on the 28th day of January, 2009, recommended that Zoning By-law No. 90-145-Z (Flamborough), be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Flamborough), approved by the Minister under the Planning Act on September 27th, 1988, upon approval of Official Plan Amendment No. 114, proposed by the City of Hamilton, but not yet approved in accordance with the provisions of the Planning Act;

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

1. That Schedule No. "A-29", attached to and forming part of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended:
 - (a) by Changing the Zoning from the Prestige Industrial "M1-1" Zone to the Prestige Industrial "M1-13" Zone, the lands comprised in Block "1"; and,
 - (b) by Changing the Zoning from the General Industrial "M2-1" Zone to the Prestige Industrial "M1-13" Zone, the lands comprised in Block "2",

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

2. That Section 29 - Prestige Industrial "M1" Zone of Zoning By-law No. 90-145-Z, is hereby amended by adding the following subsection:

"29.3.13 "M1-13" (see Schedule A-29)

Permitted Uses:

- (a) Any use permitted in a Prestige Industrial "M1" Zone or Prestige Industrial "M1-1" Zone.
- (b) Retail Establishments with a maximum total combined Gross Floor Area of 2,500 square metres and a minimum unit size of 465 square metres.
- (c) Automotive Convenience Centre, which for the purposes of this By-law shall mean:

"a single building, containing more than one individual outlet, with a minimum Gross Floor Area of 465 square metres and a maximum Gross Floor Area of 1,050 square metres, and which contains a gas bar and/or car wash on the same lot, and which building is designed, developed and maintained by the Owner of the lot, and the use of which may include a combination of individual outlets which may include a maximum of 1 convenience retail outlet and a maximum of 2 restaurants (including standard, convenience and fast food), regardless of whether such outlets are separately leased and have customer access from inside or outside the automotive convenience centre."

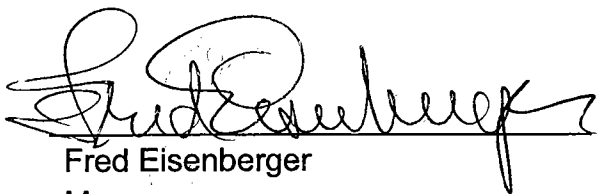
- (d) Car Wash as an accessory use to a gas bar, subject to Section 21.2

Zone Provisions:


- (a) That Subsection 29.3.1 shall apply, except as noted in Clauses (b), (c), (d), (e), (f), (g) and (h) of the Zone Provisions Subsection of this By-law below.

- (b) Front Yard (minimum):.....6.0 metres
 - (c) Height (maximum):.....11.0 metres
 - (d) A minimum interior Side Yard setback of 3.0 metres shall be provided and maintained, except that a minimum 15 metre setback is required to any Open Space or Conservation Management Zone within Zoning By-law No. 90-145-Z, or to any Open Space and Park Zone within Zoning By-law No. 05-200.
 - (e) For an Automobile Service Station, Gas Bar, Automotive Convenience Centre, and for any use proposed with a Drive-Through, a minimum setback of 45 metres from a Residential Zone.
 - (f) Notwithstanding the provisions of Section 5.21, PARKING REGULATIONS, which shall apply only to Motel, Hotel, Exhibition Conference Hall and Public Use; the minimum number of parking spaces to be provided and maintained for all other uses shall be five (5) spaces per 100 square metres of Gross Floor Area.
 - (g) The provisions of Section 5.13, LOADING REGULATIONS, shall apply to all uses, except that no loading space is required for a financial institution.
 - (h) A gateway feature consisting of landscaping and/or a decorative fence/structure shall be permitted within a planting strip and landscaped open space abutting Dundas Street East.
3. 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 Prestige Industrial "M1-13" Zone provisions, subject to the special requirements referred to in Section 2.
 4. 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.

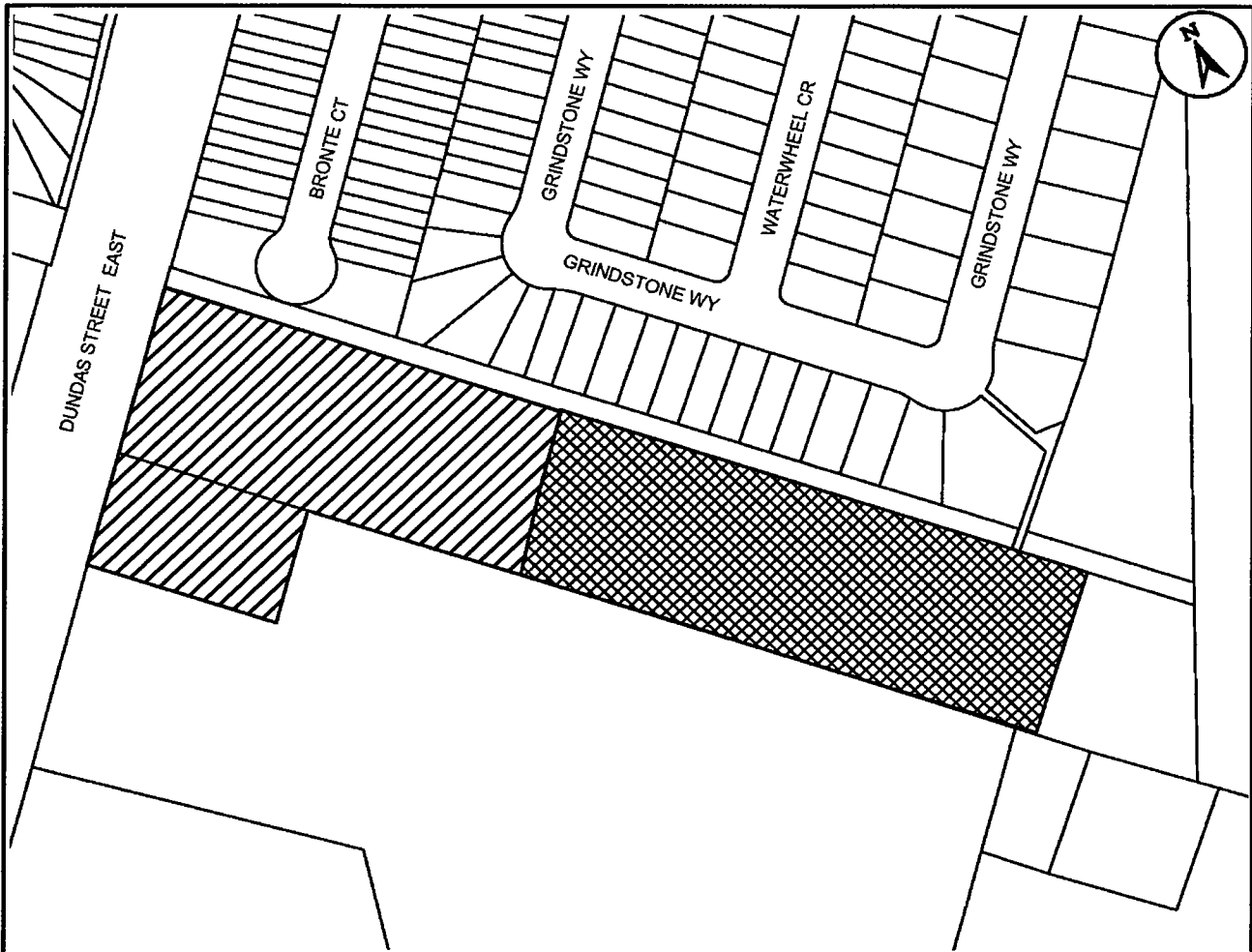
PASSED and ENACTED this 24th day of March, 2009



Fred Eisenberger
Mayor



Alexandra Rawlings
Acting City Clerk



This is Schedule "A" to By-Law No. 09054

Passed the 24th day of March, 2009

Alexander Rankin
Clerk
Bob Selinger
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 09-054

to Amend By-law No. 90-145-Z

Subject Property

86 Dundas Street East



BLOCK 1 - Change in Zoning from the Prestige Industrial "M1-1" Zone to the Prestige Industrial "M1-13" Zone.



BLOCK 2 - Change in Zoning from the General Industrial "M2-1" Zone to the Prestige Industrial "M1-13" Zone.

Scale:
N.T.S.

File Name/Number:
ZAC-07-088 / OPA-07-023

Date:
November 17, 2008

Planner/Technician:
GM / NH



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT