

Authority: Item 6, Planning Committee
Report 12-004 (PED12029)
CM: March 20, 2012

Bill No. 081

CITY OF HAMILTON

BY- LAW NO. 12-081

**To Amend Zoning By-law No. 6593
Respecting Lands Located at 360 Beach Road (Hamilton)**

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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 6 of Report 12-004 of the Planning Committee, at its meeting held on the 28th day of March, 2012, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, upon approval of Official Plan Amendment No. 321.

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

1. That Sheet No. E-52 of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended as follows:

- (a) That Block 1 be rezoned from the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to the "H/S-1621" (Community Shopping and Commercial, Etc.) District, Modified; and,
- (b) That Block 2 be rezoned from the "H" (Community Shopping and Commercial, etc.) District to the "H/S-1621" (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 following special regulations shall apply to lands identified as Blocks "1", and "2":

(a) That notwithstanding Section 14 of Zoning By-law No. 6593, all permitted uses, including any additional uses permitted under this By-law, shall be contained within the building existing at the date of the passing of this By-law, being the 11th day of April, 2012, and that Sub-sections 14.(2), 14.(3), 14.(4), 14.(5), and 18A.(36) of Zoning By-law No. 6593 shall not apply to this building.

(b) That notwithstanding Sub-sections 14.(1), 14.(1)(xv), and 14.(6)(iv) of Zoning By-law No. 6593, the following additional uses shall be permitted:

- (i) Animal hospital, kennel, or any building or structure where animals are commercially kept or raised, but no outside cages or runs shall be permitted;
- (ii) Undertaker's establishment or funeral home; and,
- (iii) Craftsperson shop, defined for the purposes of this By-law as:

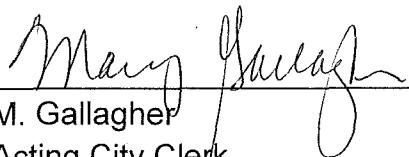
"an establishment used for the creation, finishing, refinishing, or similar production of custom or hand-made commodities, together with the retailing of such commodities."

- (c) That notwithstanding Sub-section 14.(1) of Zoning By-law No. 6593, the following uses shall be prohibited:
- (i) Automobile Service Station;
 - (ii) Public Garage;
 - (iii) Public Parking Lot;
 - (iv) Car Wash; and,
 - (v) Drive-thru associated with any permitted use.
- (d) That notwithstanding Sub-section 18A.(7) of Zoning By-law No. 6593, every parking space, other than a parallel parking space, shall have dimensions not less than 2.6 metres wide and 5.5 metres long.
- (e) That notwithstanding Sub-section 18A.(1) of Zoning By-law No. 6593, parking shall be provided at a rate of one parking space per 33 square metres of gross leasable floor area for any permitted use(s).
3. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1621.
4. That Sheet No. E-52 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1621.
5. 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 provisions, subject to the special requirements referred to in Section 2 of this By-law.
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 this 11th day of April, 2012.

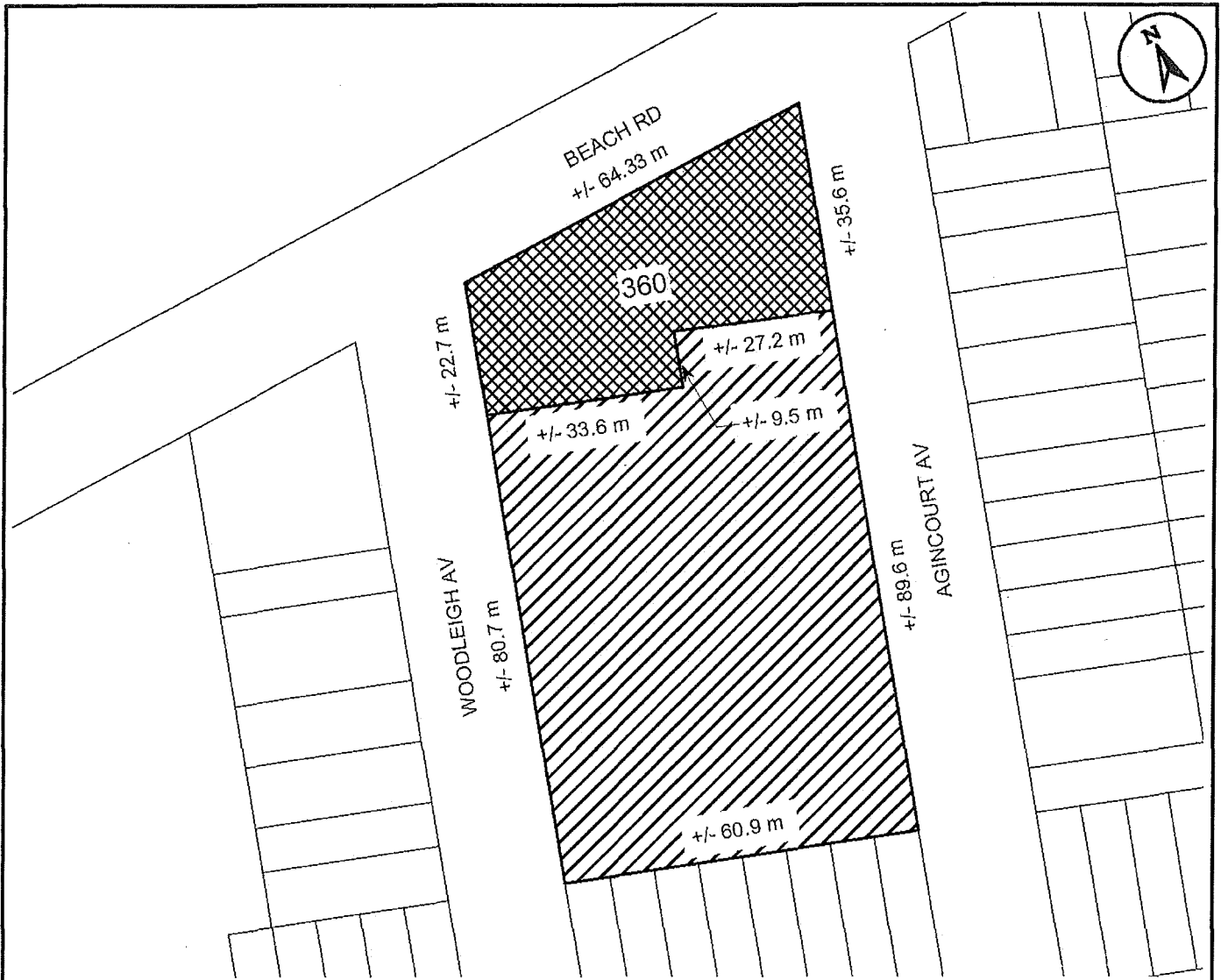


R. Bratina
Mayor



M. Gallagher
Acting City Clerk

ZAC-11-053/OPA-11-010



This is Schedule "A" to By-Law No. 12- 081

Passed the .11th... day of ..Apr.il....., 2012

R Bratina
 Mayor
Mary Gallagher
 Acting Clerk

Schedule "A"

Map Forming Part of
 By-Law No. 12- 081

to Amend By-law No. 6593

Subject Property

360 Beach Road, Hamilton



Block 1: Change in Zoning from the "D" (Urban Protected Residential - One and Two Single Family Dwellings) District to the "H/S-1621" (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-1621" (Community Shopping and Commercial, Etc.) District, Modified

Scale:
 N.T.S.

File Name/Number:
 ZAC-11-053/OPA-11-010

Date:
 March 20, 2012

Planner/Technician:
 GM/KA



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT