

Authority: Item 6, Economic Development and
Planning Committee
Report 10-010 (PED10094)
CM: May 12, 2010

Bill No. 097

CITY OF HAMILTON

BY-LAW NO. 10-097

**To Amend Zoning By-law No. 6593 (Hamilton), as amended,
Respecting Lands located at 1146 and 1150 West 5th Street, (Hamilton)**

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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 Zoning By-law No. 6593 (Hamilton) was enacted 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 10-10 of the Economic Development and Planning Committee, at its meeting held on the 12th day of May, 2010, 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, in accordance with the provisions of the Planning Act;

By-law respecting 1146 and 1150 West 5th Street, (Hamilton) (Page 2 of 4)

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

1. That Map No. W-9D of the District Map, appended to and forming part of Zoning By-law No. 6593 (Hamilton), as amended, is hereby amended by changing the zoning from the "AA" (Agricultural) District, to the following:
 - (a) the "C" (Urban Protected Residential, etc.) District, for the lands comprised in Block "1";
 - (b) the "C/S-1630" (Urban Protected Residential, etc.) District Modified, for the lands comprised in Block "2"; and,
 - (c) the "R-4(H)" (Small Lot Single Family Detached Holding) District, for the lands comprised in Block "3";

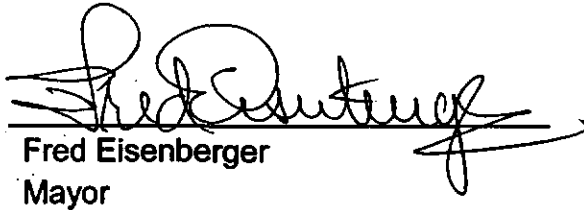
the extent and boundaries of which are more particularly shown on Schedule "A" annexed hereto and forming part of this By-law.

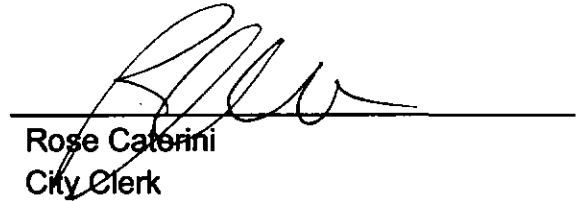
2. That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, be modified to include the following special requirement for the lands comprised in Block "2":
 - a) That notwithstanding Section 9(3)(iii) of Zoning By-law No. 6593, a *minimum rear yard setback of 7m* shall be provided and maintained.
3. That the 'H' Holding provision for the lands comprised in Block "3" shall only be removed conditional upon:
 - a) The owner conducting an archaeological assessment of the entire development property and mitigating, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found, to the satisfaction of the Ministry of Culture, and the Director of Planning.
 - b) That the owner receives approval of a Draft Plan of Subdivision, to the satisfaction of the Director of Planning.
4. That By-law No. 6593 (City of Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1630.

By-law respecting 1146 and 1150 West 5th Street, (Hamilton) (Page 3 of 4)

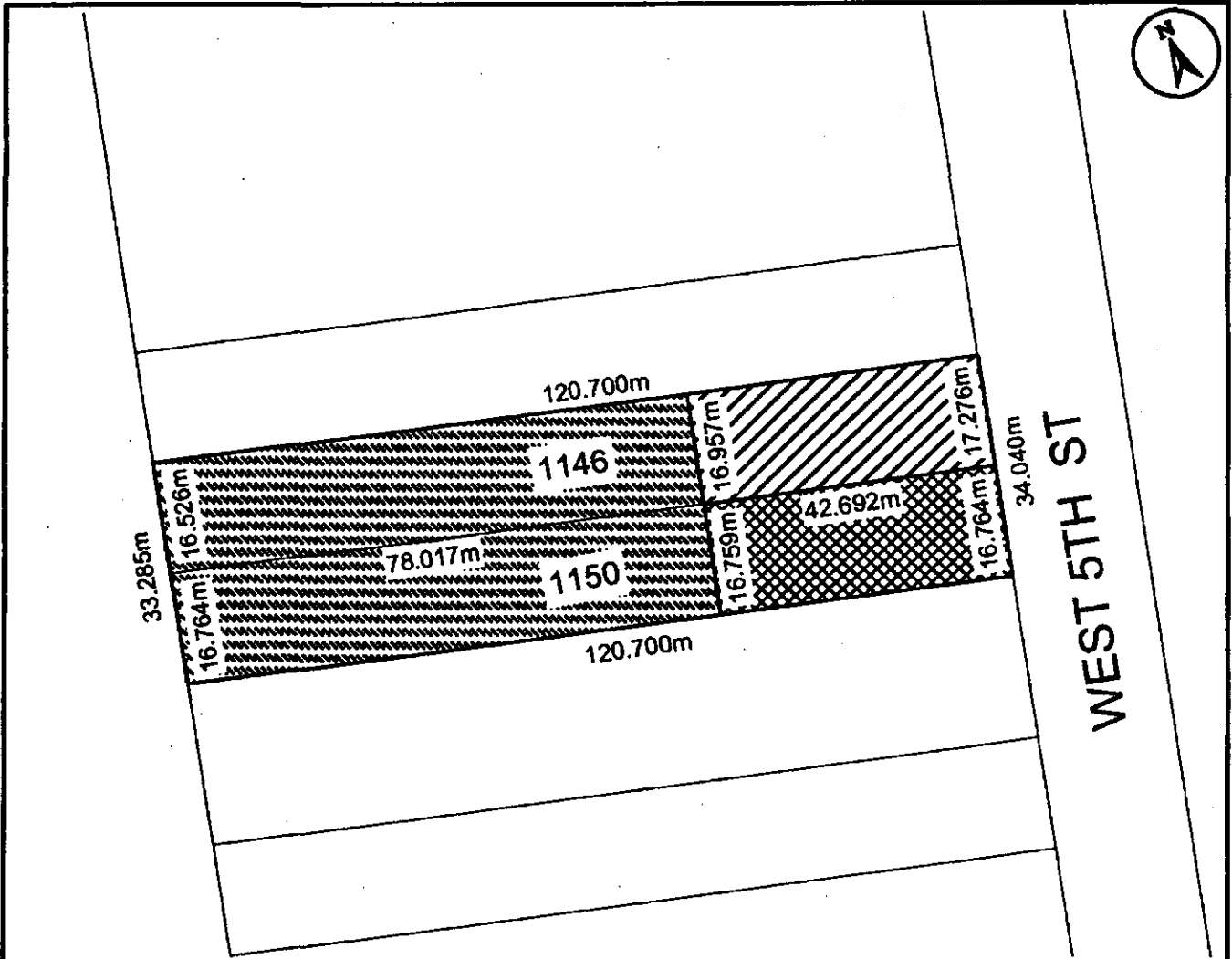
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED this 12th day of May, 2010.


Fred Eisenberger
Mayor


Rose Caterini
City Clerk

ZAR-09-056



This is Schedule "A" to By-Law No. 10-⁰⁹⁷
 Passed the 12th day of May, 2010

[Signature]
 Clerk
[Signature]
 Mayor




Schedule "A"

Map Forming Part of
 By-Law No. 10-⁰⁹⁷

to Amend By-law No. 6593

Subject Property

1146 and 1150 West 5th Street, Hamilton

-  Block 1 - Change in zoning from "AA" (Agricultural) District to the "C" (Urban Protected Residential) District
-  Block 2 - Change in zoning from "AA" (Agricultural) District to the "C/S-1630" (Urban Protected Residential) District Modified
-  Block 3 - Change in zoning from "AA" (Agricultural) District to the "R-4(H)" (Small Lot Single Family Detached Holding) District

Scale:
N.T.S.

File Name/Number:
ZAC-09-056

Date:
April 8, 2010

Planner/Technician:
DB/AL



Hamilton