

**Authority:** Item 7, Economic Development  
and Planning Committee  
Report: 07-009 (PED07100a)  
CM: May 16, 2007

**Bill No.149**

**CITY OF HAMILTON**

**BY-LAW NO. 07-149**

**To Amend Zoning By-law No. 6593 (Hamilton) as amended by By-law No. 02-225,  
and to Repeal By-law No. 07-096, Respecting the Property Located at 1394 Upper  
Gage Avenue**

**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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25<sup>th</sup> day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7<sup>th</sup> day of December 1951, (File No. P.F.C. 3821);

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 7 of Report 07-009 of the Economic Development and Planning Committee at its meeting held on May 16, 2007, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

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

1. That Sheet No. E-38C of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended,
  - (a) by changing from the "H/S-751c" (Community Shopping and Commercial, etc.) District, Modified to the "H/S-751d" (Community Shopping and Commercial, etc.) District, Modified;

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 6593, as amended by By-law Nos. 81-190, 81-244, 82-19, and 02-225, be further modified as follows:
  - a) That notwithstanding Section 2(c) of By-law No. 02-225, a restaurant with take-out and delivery service with a maximum capacity of 30 seats, shall be permitted.
  - b) That notwithstanding Section 18A(36)(1)(b) of Zoning By-law 6593, a distance of at least 3.2 metres shall be provided between a residential district, and the parking and manoeuvring area for a restaurant.
  - c) That notwithstanding Section 18A(36)(2) of Zoning By-law 6593, a distance of at least 4.6 metres shall be provided between a residential district, and an ingress/egress driveway for a restaurant.
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/S-751d" (Community Shopping and Commercial, etc.) District, Modified.
4. Zoning By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedule S-751d.
5. Sheet Nos. E-38C of the District Maps are amended by marking the lands referred to in Section 1(a) of this by-law as S-751d.
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.
7. That By-law No. 07-096 is hereby repealed in its entirety.

**PASSED and ENACTED** this 16<sup>th</sup> day of May, 2007.

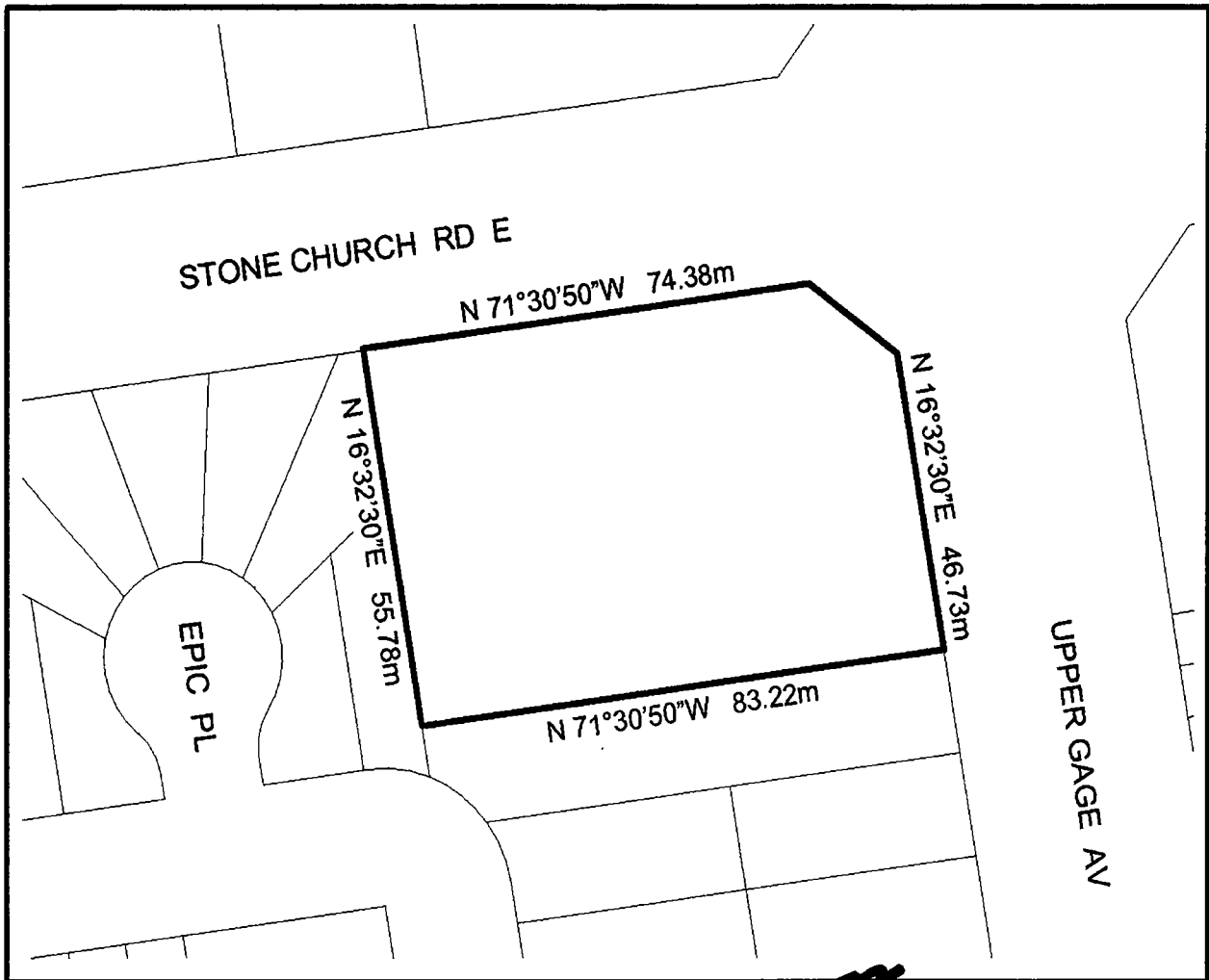


Fred Eisenberger  
Mayor



Kevin C. Christenson  
City Clerk

ZAR-06-100



This is Schedule "A" to By-Law No. 07-149

Passed the ...16th day of ...May....., 2007

~~\_\_\_\_\_~~  
 Clerk  
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 Mayor

# Schedule "A"

Map Forming Part  
 of  
 By-law No. 07- 149

**Subject Property**



1394 Upper Gage Avenue

Change in zoning from the "H/S-751c" (Community Shopping and Commercial, etc.) District, Modified to the "H/S-751d" (Community Shopping and Commercial, etc.) District, Modified

Scale:  
N.T.S.

File Name/Number:  
ZAR-06-100

Date:  
Dec. 14, 2006

Planner/Technician:  
SM/MC



Hamilton