

**Authority:** Item 19, Planning and Economic  
Development Committee  
Report 05017(PED05062)  
CM: August 10,2005

**Bill No. 252**

**CITY OF HAMILTON**

**BY-LAW NO. 05-252**

**To Amend Zoning By-law No. 6593**

**Respecting Lands Located at 50 East Avenue North and 20 Emerald Street South**

**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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 19 of Report 05-017 of the Planning and Economic Development Committee at its meeting held on the 10<sup>th</sup> day of August, 2005, 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:

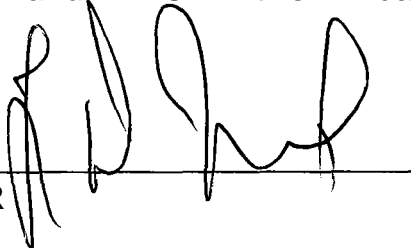
1. That Sheet No. E-13 of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended,

- (a) by modifying the “D” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to a Modified “D” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District for 50 East Avenue North, the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.
  - (b) by modifying the zoning from the “H” (Community Shopping and Commercial, Etc.) District to a Modified “H” (Community Shopping and Commercial, Etc.) District for 20 Emerald Street South, the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “B”.
2. That the “D” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593, applicable to the lands municipally known as 50 East Avenue North, be modified to include the following special requirements:
  - (a) Notwithstanding Section 9 (1) (iib) and (iic) of Zoning By-law No. 6593, a residential care facility, and retirement home shall not be permitted. All other uses permitted in Section 10 shall be permitted in accordance with Zoning By-law No. 6593.
3. That the “H” (Community Shopping and Commercial, Etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to the lands municipally known as 20 Emerald Street South, be modified to include the following special requirements:
  - (a) Notwithstanding Section 14D (iiib), (iiic), (iiid) and (iiie) of Zoning By-law No. 6593, a residential care facility, emergency shelter, retirement home or corrections residences shall not be permitted. All other uses permitted in Section 14 shall be permitted in accordance with Zoning By-law No. 6593.
4. 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 “D” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District provisions, subject to the special requirements referred to in Section 2.
5. 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 3.
6. By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedule S-1528 and Schedule S-1529.
7. Sheet Nos. E-13 of the District Maps is amended by marking the lands referred in Section 1 (a) of this by-law as S-1528 and Section 1 (b) as S-1529.

8. 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.

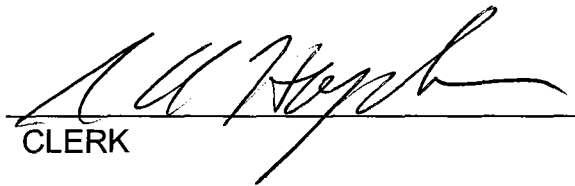
**PASSED and ENACTED** this 10<sup>th</sup> day of August, 2005.

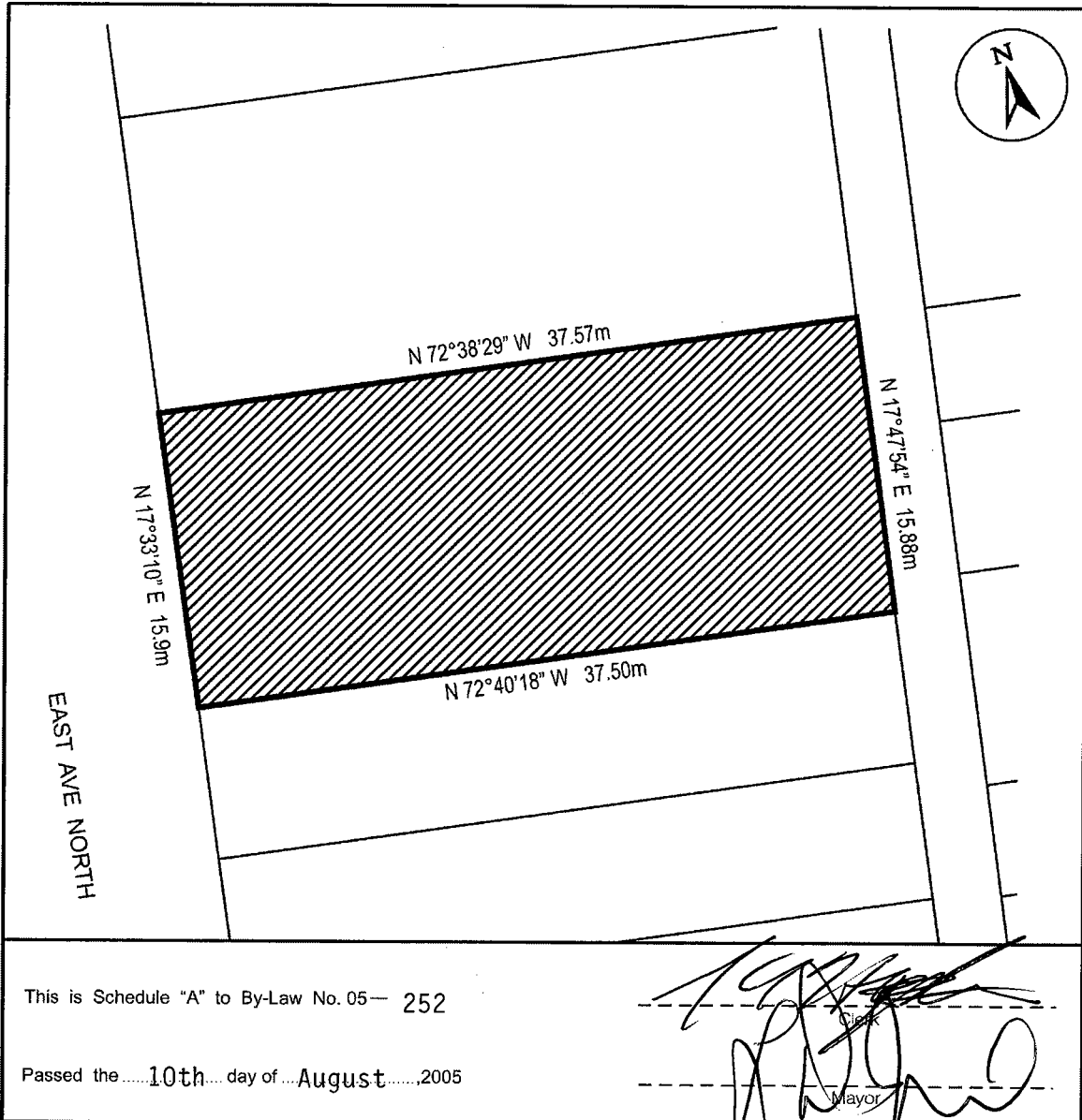
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MAYOR



CI-05-G


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CLERK







**Schedule "A"**

Map Forming Part of  
By-Law No. 05-252  
to Amend By-Law No. 6593

 Planning and Economic Development Department  
Hamilton

**Subject Property**  
50 East Avenue North

 Change in zoning from the "D" (Urban Protected Residential- One and Two Family Dwellings, Etc.) District to a Modified "D" (Urban Protected Residential- One and Two Family Dwellings, Etc.) District

	Scale: Not to Scale	File Name/Number: <i>CI-05-G</i>
	Date: May 2005	Planner/Technician: JM/MZ



This is Schedule "A" to By-Law No. 05- 252

Passed the 10th day of August ,2005


*[Signature]*  
Clerk  
*[Signature]*  
Mayor

## Schedule "B"

Map Forming Part of  
By-Law No. 05-252  
to Amend By-Law No. 6593

 Planning and Economic Development Department  
Hamilton

### Subject Property 20 Emerald Street South

 Change in zoning from the "H" (Community Shopping and Commercial, Etc.) District to a Modified "H" District (Community Shopping and Commercial, Etc.)



Scale:  
Not to Scale

Date:  
May 2005

File Name/Number:  
**CI-05-G**

Planner/Technician:  
JM/MZ