

**Authority:** Item 6, Planning and  
Economic Development  
Committee  
Report: 06-006 (PED06116)  
CM: April 26, 2006

**Bill No. 111**

**CITY OF HAMILTON**

**BY-LAW NO. 06-111**

**To Amend Zoning By-law No. 6593  
Respecting Lands Located at 35 Pine Street**

**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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 06-006 of the Planning and Economic Development Committee at its meeting held on the 26<sup>th</sup> day of April, 2006, 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. Sheet No. W-13 of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended,

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- (a) by changing from the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District to the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified;

the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

- 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 identified in Section 1 of this by-law, be modified to the extent only of the following special requirements:


- (a) That notwithstanding Section 10 (1) of Zoning By-law No. 6593, a restaurant, excluding a restaurant with a license issued under the Liquor Licence Act, with a maximum capacity of 30 persons, shall be permitted within the building existing on the day of passing of this by-law, being the 26<sup>th</sup> day of April, 2006, and any expansions thereto.
- (b) That notwithstanding Section 10 (1) of Zoning By-law No. 6593, a business identification sign that is a wall sign of an occupancy or use, where the total aggregate area does not exceed 1.5 square meters, shall be permitted.
- (c) That notwithstanding Section 10 (1) of Zoning By-law No. 6593, a business identification sign that is a ground sign of an occupancy or use, where the total aggregate area per side does not exceed 0.6 square meters, shall be permitted.
- (d) That notwithstanding Section 10 (3) (i) of Zoning By-law No. 6593, for the building existing on the day of the passing of this by-law, being the 26<sup>th</sup> day of April, 2006, or expansions thereto, a minimum front yard of a depth of 1.8 metres shall be required.
- (e) That Section 10 (3) (ii) of Zoning By-law No. 6593 shall not apply for the building existing on the date of passing of this by-law, being the 26<sup>th</sup> day of April, 2006, or expansions thereto.
- (f) That notwithstanding Section 10 (3) (iii) of Zoning By-law No. 6593 for the building existing on the day of the passing of this by-law being, the 26<sup>th</sup> day of April, 2006, or expansions thereto, a minimum rear yard of a depth of 6.7 metres shall be required.
- (g) That notwithstanding the parking regulations of Section 18A of Zoning By-law No. 6593, a minimum of 2 parking spaces shall be provided for the restaurant use in clause (a) above.

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- (h) That Section 18A (1) (f) of Zoning By-law No. 6593, shall not apply to the restaurant use in clause (a) above
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 "D" District provisions, subject to the special requirements referred to in Section 2.
  4. By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedule S-1545.
  5. Sheet No. W-13 of the District Maps is amended by marking the lands referred in Section 1(a) of this by-law as S-1545.
  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.

**PASSED and ENACTED** this 26<sup>th</sup> day of April, 2006.

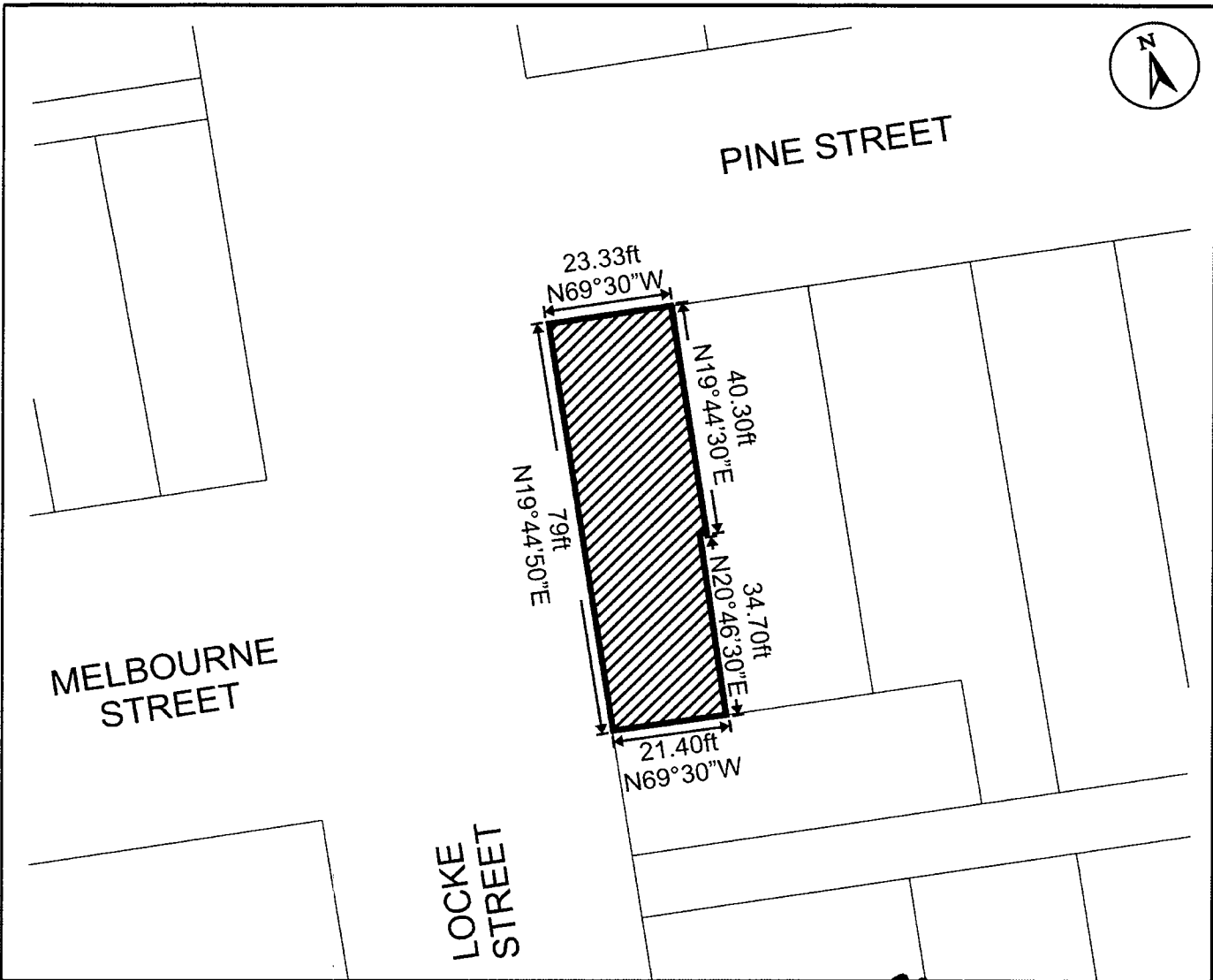
MAYOR



CLERK



ZAR-05-104



This is Schedule "A" to By-Law No. 06-111

Passed the 26th day of April, 2006

*[Signature]*  
Clerk

*[Signature]*  
Mayor

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

# Schedule "A"

Map Forming Part of  
By-law No. 06-111

to Amend By-law No. 6593

## Subject Property

35 Pine Street (Hamilton)



Change in Zoning from the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to the "D/S-1545" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified.

Scale:  
**Not to Scale**

File Name/Number:  
**ZAC-05-104**



Date:

Planner/Technician: