

**Authority:** Item 18, Economic Development  
and Planning Committee  
Report: 07-013 (PED07170)  
CM: July 11, 2007

**Bill No. 211**

**CITY OF HAMILTON**

**BY-LAW NO. 07-211**

**To Amend Zoning By-law No. 6593 (Hamilton),  
Respecting 865 Mohawk Road East**

**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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 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 18 of Report 07-013 of the Economic Development and Planning Committee at its meeting held on the 11<sup>th</sup> day of July, 2007, 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-49 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended,

## By-law Respecting 865 Mohawk Road East (Page 2 of 4)

- (a) by changing the zoning from the “C” (Urban Protected Residential, Etc.) District to the “H-‘H’/S-1579” (Community Shopping and Commercial, Etc. - Holding) District, Modified,

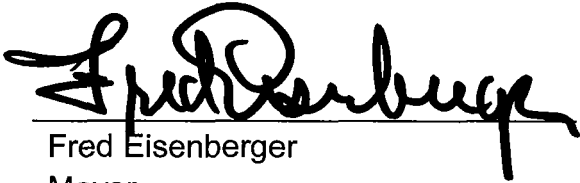
on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That the “H” (Community Shopping and Commercial, Etc.) District provisions, as contained in Section 14 of Zoning By-law No. 6593, be modified to include the following special requirements:
  - (a) That notwithstanding Subsection 14(1) of Zoning By-law No. 6593, a maximum of 14 dwelling units in the same building with commercial uses located on the ground floor shall be permitted.
  - (b) That notwithstanding Subsection 14(2), of Zoning By-law No. 6593, no building or structure shall exceed three storeys or 13.0 metres in height.
  - (c) That notwithstanding Subsection 14(3)(i) of Zoning By-law No. 6593, no front yard is required.
  - (d) That notwithstanding Subsection 14(3)(ii) of Zoning By-law No. 6593, a minimum setback of 9.0m shall be required from a residential district.
  - (e) That notwithstanding Subsection 18A(7) of Zoning By-law No. 6593, every required parking space, other than a parallel parking space, shall have dimensions not less than 2.6 metres wide and 5.5 metres long.
  - (f) That notwithstanding Subsection 18A(1) of Zoning By-law No. 6593, no loading space shall be required for a use permitted under Subsection 2(a) of this By-law.
  - (g) That Subsection 18A(11)(b) of Zoning By-law No. 6593 shall not apply.
  - (h) That notwithstanding Subsection 18A(26) of Zoning By-law No. 6593, an access driveway shall be located not less than 1.5 metres from the common boundary with a residential district.
3. That the ‘H’ symbol, may be removed by a further amendment to this By-law, at such time as the owner submits a signed Record of Site Condition (RSC) to the satisfaction of the Director of Planning, including an acknowledgement of receipt of the RSC by the Ministry of the Environment. The owner must also submit an acoustical report prepared by a qualified Professional Engineer to the satisfaction of the Director of Planning that shall investigate the noise levels on the site and determine the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment’s recommended sound level limits.

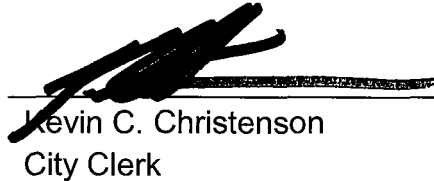
**By-law Respecting 865 Mohawk Road East (Page 3 of 4)**

4. Zoning By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1579.
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/S-1579" (Community Shopping and Commercial, Etc.) District, provisions, subject to the special requirements referred to in Sections 2 and 3.
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 11<sup>th</sup> day of July, 2007.

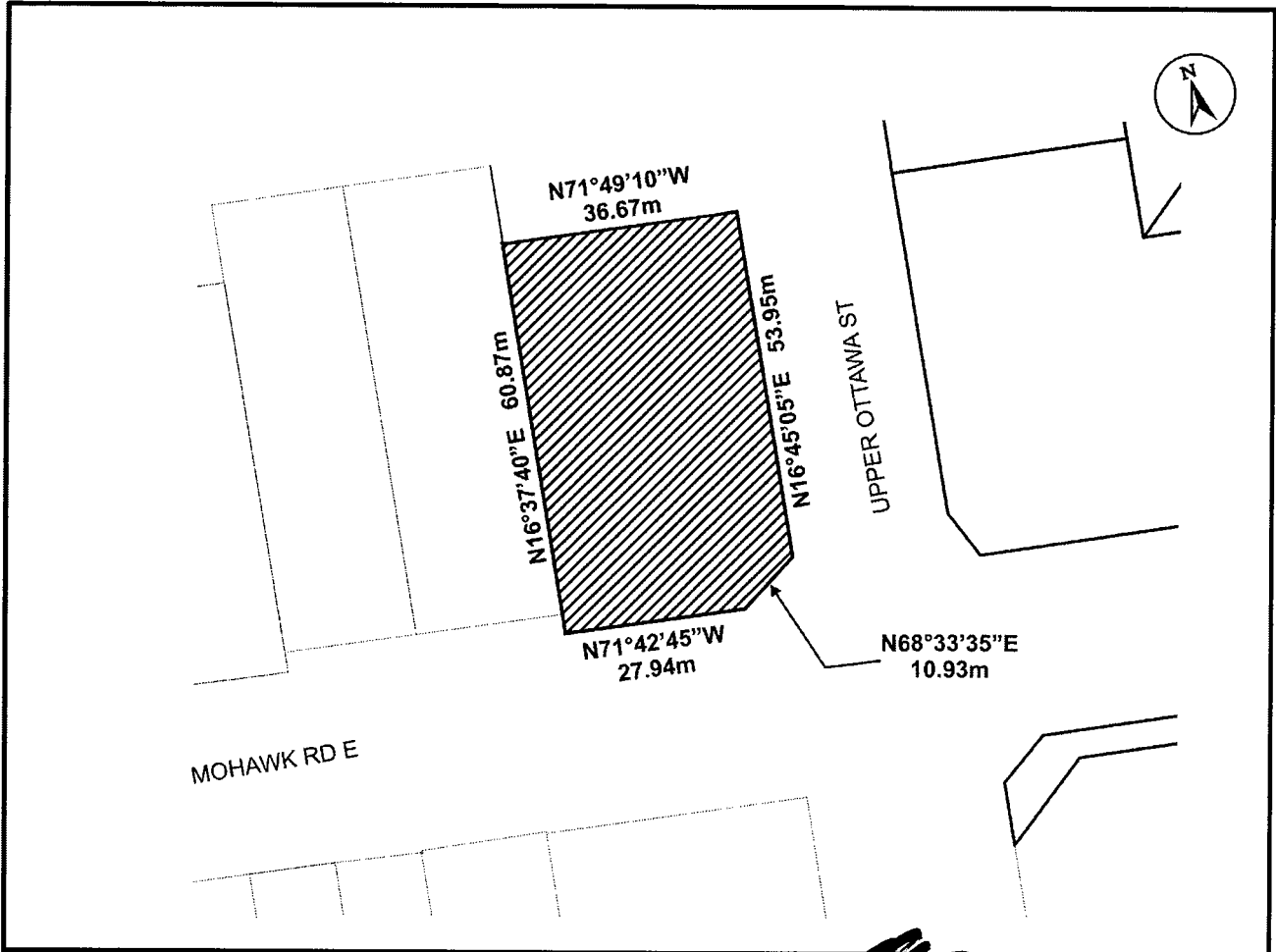


Fred Eisenberger  
Mayor



Kevin C. Christenson  
City Clerk

ZAC-06-37



This is Schedule "A" to By-Law No. 07- 211


Passed the ...11.th day of ...July....., 2007


*[Signature]*  
 Clerk  
 Mayor

**Schedule "A"**

Map Forming Part of  
 By-Law No. 07- 211

to Amend By-law No. 6593

 **Subject Property**  
 865 Mohawk Road East (Hamilton)  
 Change in Zoning from the "C" (Urban Protected Residential, Etc.) District to the "H-'H'/S-1579" (Community Shopping and Commercial, Etc. - Holding) District, Modified..

Scale: N.T.S.	File Name/Number: ZAC-06-37	 Hamilton
Date: May 17, 2007	Planner/Technician: GM/MB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		