

**Authority:** Item 8, Economic Development  
and Planning Committee  
Report: 09-005 (PED09047)  
CM: February 25, 2009

**Bill No. 037**

**CITY OF HAMILTON**

**BY-LAW NO. 09-037**

**To Amend Zoning By-law No. 6593 (Hamilton)  
Respecting Lands Located at 50 Dartnall Road**

**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Plan of the former regional municipality, continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 8 of Report 09-005 of the Economic Development and Planning Committee at its meeting held on the 25<sup>th</sup> day of February, 2009, 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.

## By-law Respecting 50 Dartnall Road

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

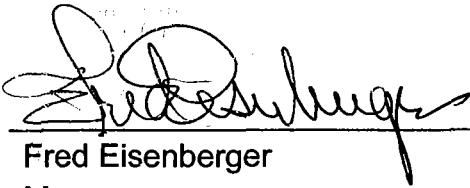
1. That Sheet No. E-59d of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing from the "M-13" (Prestige Industrial) District to the "M-13/S-1604" (Prestige Industrial) District, Modified, the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That the "M-13" (Prestige Industrial) District regulations, as contained in Section 17E of Zoning By-law No. 6593, are modified to include the following special requirements:
  - (a) That in addition to the uses permitted under Section 17E(1)(d) of Zoning By-law No. 6593, a Fabricated Metal Products Industry shall also be permitted.
  - (b) That notwithstanding Section 17E(2)(b)1(ii) and Section 2(3)(6)(a) of Zoning By-law No. 6593, the northerly side yard shall have a width of not less than 1.4 metres.
  - (c) That notwithstanding Section 17E(2)(b)1(iii) of Zoning By-law No. 6593, the rear yard shall have a depth of not less than 2.8 metres.
  - (d) That notwithstanding Section 17E(2)(e)1(i) of Zoning By-law No. 6593, a landscaped area abutting the proposed widened limits of the subject lands having a depth of not less than 3.0 metres shall be provided and maintained, except for the area used for access driveways.
  - (e) That notwithstanding Section 17E(2)(f)1 of Zoning By-law No. 6593, there shall be provided and maintained upon the same lot or tract of land upon which one or more buildings or structures are erected, altered, extended or enlarged, an asphalt, concrete or gravel surfaced parking area comprised of not less than one parking space for each 100 square metres of gross floor area of industrial use.
  - (f) That notwithstanding Section 17E(2)(h)2 of Zoning By-law No. 6593, every side yard or rear yard that is used for outside storage of any material or any equipment shall be screened by a visual barrier or chain link fence not less than 1.5 metres in height and not more than 3.0 metres in height.
  - (g) That notwithstanding Section 18A(30) of Zoning By-law No. 6593, the gravel parking area, manoeuvring space, loading space, and access driveway existing on the date of the passing of this By-law, being the 25<sup>th</sup> day of February, 2009, shall be permitted and maintained.

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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 "M-13" (Prestige Industrial) District provisions, subject to the special requirements referred to in Section 2.
4. That Sheet No. E59d of the District Maps is amended by marking the lands referred in Section 1 of this by-law as S-1604.
5. That Zoning By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1604.
6. 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 and ENACTED** this 25<sup>th</sup> day of February, 2009.



Fred Eisenberger  
Mayor

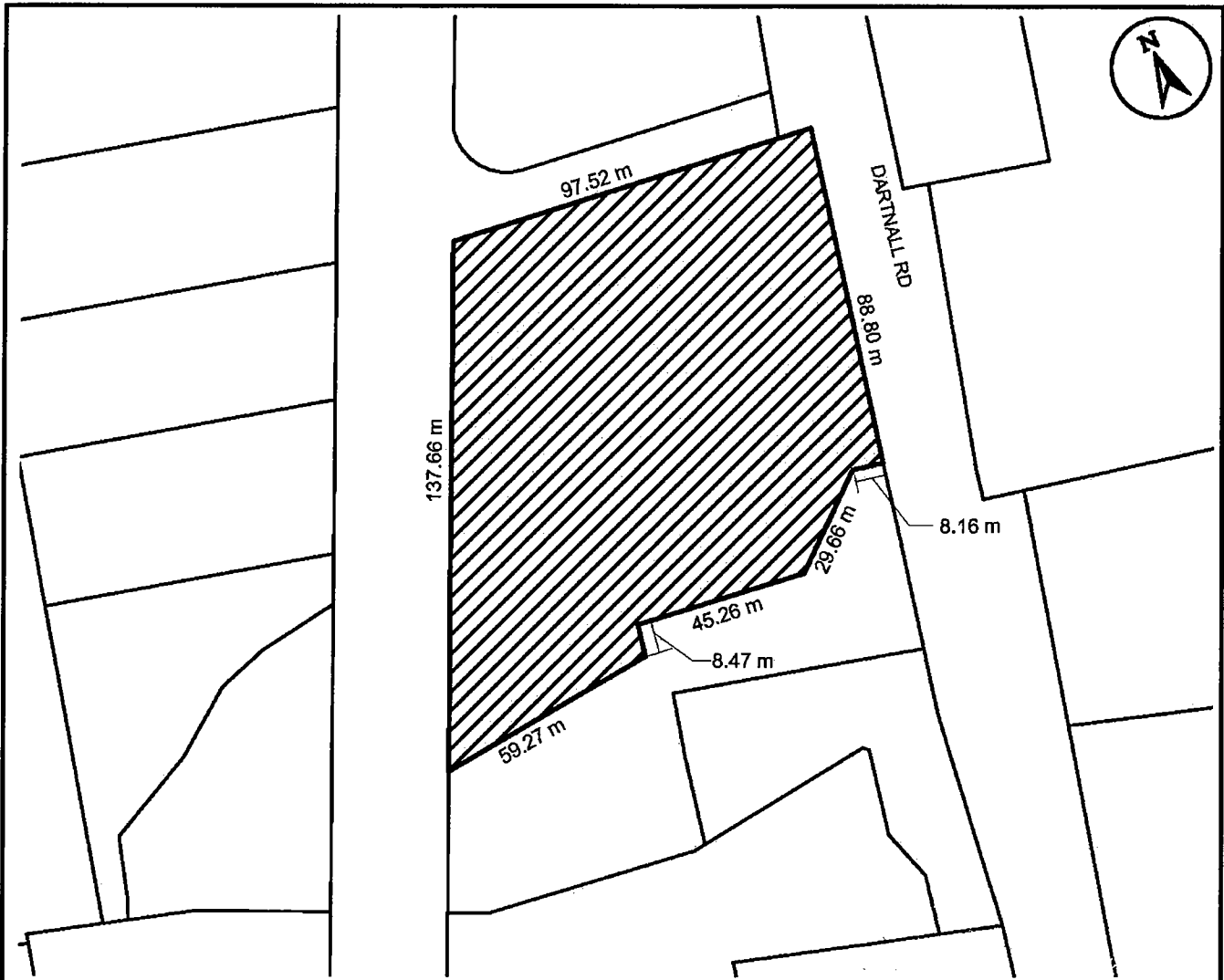


Kevin C. Christenson  
City Clerk

ZAR-08-050

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This is Schedule "A" to By-Law No. 09-037

Passed the 25th day of February, 2009

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

**Schedule "A"**

Map Forming Part of  
By-Law No. 09-37

to Amend By-law No. 6593

**Subject Property**

50 Dartnall Road



Change in Zoning from the "M-13" (Prestige Industrial) District to the "M-13/S-1604" (Prestige Industrial) District, Modified.

Scale:  
N.T.S.

File Name/Number:  
ZAR-08-050

Date:  
January 12, 2009

Planner/Technician:  
JD/AL



Hamilton