

**Authority:** Item 6  
Planning Committee  
Report 11-019 (PED11185)  
CM: November 16, 2011

**Bill No. 270**

**CITY OF HAMILTON**

**BY-LAW NO. 11-270**

**To Amend Zoning By-law No. 6593 (Hamilton), as Amended,  
Respecting Lands Located at 649 Upper James Street (Hamilton)**

**WHEREAS** the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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** Zoning By-law No. 6593 (Hamilton) was enacted 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 11-019 of the Planning Committee, at its meeting held on the 16th day of November, 2011, 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 City of Hamilton, (the Official Plan of the former City of Hamilton).

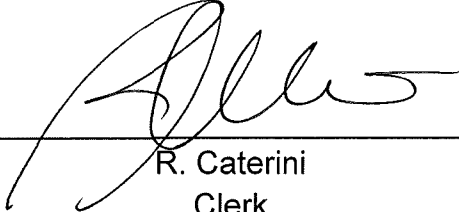
**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Map E7 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), as amended, is hereby further amended as follows:
  - (a) By changing the zoning from the "H/S-1409a" (Community Shopping and Commercial, etc.) District, Modified, to the "H/S-1409b" (Community Shopping and Commercial, etc.) District, Modified, for the lands comprised of the subject lands.
2. That the "H" (Community Shopping and Commercial, etc.) District regulations, as contained in Section 14 of Zoning By-law No. 6593, and the modifications contained in the "H/S-1409" and "H/S-1409a" Districts be further modified to include the following special requirements:
  - (a) That notwithstanding the provisions Section 4(a) of By-law 98-263, the prohibition of a restaurant use is repealed such that all uses permitted in Section 14(1) shall be permitted on the subject lands.
  - (b) That notwithstanding the provisions of Section 14(1), a restaurant use shall have a maximum floor area of 93 sq.m. and a maximum of 9 seats.
  - (c) That notwithstanding Section 14.(3)(i), a front yard of a depth of at least 2.8 metres shall be provided and maintained.
  - (d) That notwithstanding Sections 14.(9)(i) and 18(12), the following provisions shall apply:
    - i) That no planting strip is required along the northerly lot line; and,
    - ii) That a minimum 3.0 metre wide landscaped area shall be provided and maintained along the entire easterly lot line.
  - (e) That notwithstanding Section 14.(9)(ii), the following provisions shall apply:
    - i) That a minimum 1.5 metre wide landscaped area shall be provided and maintained along the Fennell Avenue lot line, including the area at the hypotenuse of the daylight triangle extending to the south side of the Upper James Street access driveway; and,

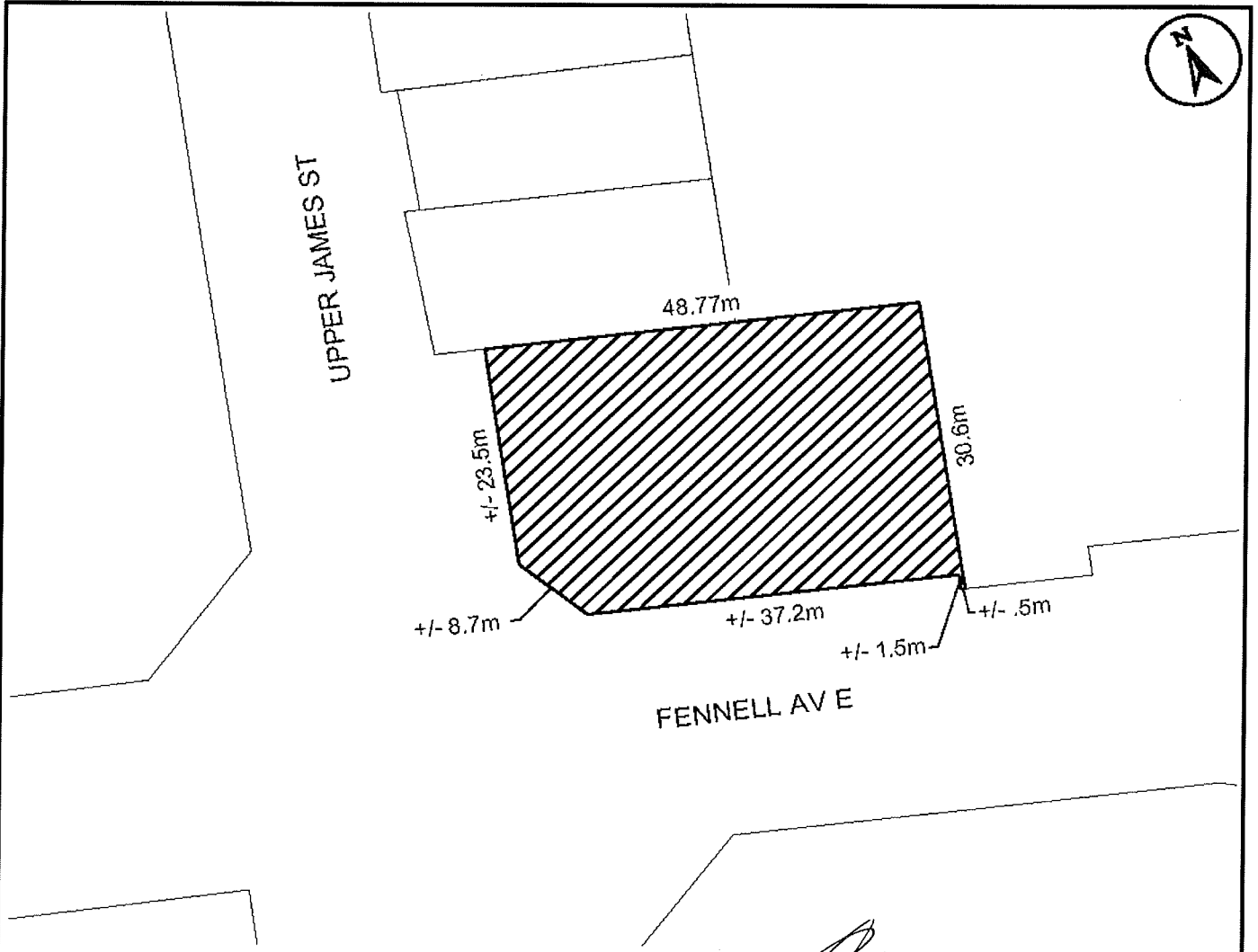
- ii) That a minimum 2.8 metre wide landscaped area shall be provided and maintained along the westerly lot line north of the Upper James Street access driveway.
- (f) That notwithstanding Sections 18A.(11) and (36), the following provisions shall apply:
  - i) That the parking and/or manoeuvring area used in conjunction with a restaurant may be located a minimum of 0.0 metres from the northerly side lot line and 3.0 metres from the easterly rear lot line; and,
  - ii) That the points of ingress and egress (access driveways) may be located a minimum of 3.0 metres from a residential district boundary.
- 3. That By-law No. 6593 (City of Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1409b.
- 4. That 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" District provisions, subject to the special requirements in Section 2 of this By-law.
- 5. 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** this 16th day of November, 2011.

  
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R. Bratina  
Mayor

  
\_\_\_\_\_  
R. Caterini  
Clerk

ZAR-11-041



This is Schedule "A" to By-Law No. 11- 270  
 Passed the 16th day of November, 2011

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

**Schedule "A"**

Map Forming Part of  
 By-Law No. 11- 270

to Amend By-law No. 6593

**Subject Property**

649 Upper James Street



Change in Zoning from the "H/S-1409a" (Community Shopping and Commercial, etc.) District, Modified to the "H/S-1409b" (Community Shopping and Commercial, etc.) District, Modified

Scale: N.T.S.	File Name/Number: ZAR-11-041
Date: Septemebr 6, 2011	Planner/Technician: CB/NB
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

