

**Authority:** Item 3, Planning Committee  
Report 13-002 (PED13021)  
CM: February 5, 2013

**Bill No. 039**

**CITY OF HAMILTON**

**BY-LAW NO. 13-039**

**To Amend Zoning By-law No. 6593 (Hamilton)  
Respecting Lands located at 489 Concession Street in the City of Hamilton**

**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Plan of the former regional municipality, continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 3 of Report 13-002 of the Planning Committee, at its meeting held on the 13th day of February, 2013, 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-15 of the District maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), are amended:


by changing from the "H/S-726" (Community Shopping and Commercial, Etc.) District, Modified, to the "H/S-1663" (Community Shopping and Commercial, Etc.) District, Modified, the lands comprised of Block 1, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

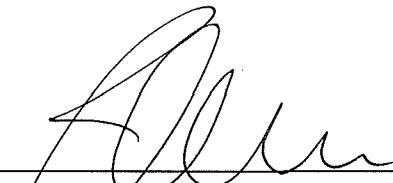
2. That the "H" (Community Shopping, and Commercial Etc.) District, regulations, as contained in Section 14 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following Special Provisions:

- a) That notwithstanding Sub-section 1 of Section 14 of Zoning By-law No. 6593, two dwelling units shall be permitted within the northerly building, and two dwelling units and a commercial unit shall be permitted within the southerly building existing on the date of the passing of this By-law being the 13<sup>th</sup> day of February, 2013.
- b) That notwithstanding Sub-section 1(a) of Section 18A of Zoning By-law No. 6593, not less than 3 on-site parking spaces shall be provided and maintained for 2 duplex buildings (4 Dwelling Units total).
- c) That notwithstanding Sub-section 1(f) of Section 18A of Zoning By-law No. 6593, a minimum 5.1m manoeuvring space shall be provided and maintained for a 90 degree parking space.
- d) That notwithstanding Sub-section 7 of Section 18A of Zoning By-law No. 6593, a parking space shall have dimensions not less than 2.7m wide and 5.5m long.
- e) That notwithstanding Sub-section 3(ii)(a) of Section 14 of Zoning By-law No. 6593, a minimum easterly side yard setback of 0m and a minimum westerly side yard setback of 0.4m shall be permitted for the building existing on the date of the passing of this By-law being the 13<sup>th</sup> day of February, 2013.
- f) That notwithstanding Sub-section 3(iii)(a) of Section 14 of Zoning By-law No. 6593, a minimum rear yard setback of 0m shall be permitted for the building existing on the date of the passing of this By-law being the 13<sup>th</sup> day of February, 2013.
- g) That notwithstanding Sub-section 4 of Section 14 of Zoning By-law No. 6593, a minimum lot width of 10.1m shall be provided and maintained.

- h) That notwithstanding Sub-section 3(a) of Section 4 of Zoning By-law No. 6593, a second principal building existing on the date of the passing of this By-law being the 13<sup>th</sup> day of February, 2013, shall be permitted.
3. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19 B as Schedule S-1663.
  4. That Sheet No. E-15 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1663.
  5. 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 referred to in Section 2.
  6. That Zoning By-law No. 81-21 be deleted in its entirety.
  7. 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 13<sup>th</sup> day of February, 2013.

  
\_\_\_\_\_  
R. Bratina  
Mayor

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

ZAR-12-032



This is Schedule "A" to By-Law No. 13-039

Passed the 13..... day of ...February..., 2013

*R. Bratina*  
Mayor

*[Signature]*  
Clerk

## Schedule "A"

Map Forming Part of  
By-Law No. 13- 039

to Amend By-law No. 6593

### Subject Property

489 Concession Street



Change in Zoning from the Community Shopping and Commercial, Etc. "H/S-726" District Modified to the Community Shopping and Commercial, Etc. "H/S-1663" District Modified

Scale:  
N.T.S.

File Name/Number:  
ZAR-12-032

Date:  
Dec. 14, 2012

Planner/Technician:  
DB/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT