

**Authority:** Item 11, Planning Committee  
Report 11-011 (PED11088)  
CM: June 15, 2011

**Bill No. 158**

## **CITY OF HAMILTON**

### **BY-LAW NO. 11-158**

#### **To Amend Zoning By-law No. 6593 (Hamilton) Respecting Lands located at 480 Stone Church Road East, 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Plan of the former regional municipality, continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 11 of Report 11-011 of the Planning Committee, at its meeting held on the 7th day of June 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 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:

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1. That Sheet No. E-27C of the District maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by changing the zoning from the "E-2/S-573" (Multiple Dwellings) District, Modified, to the "E-2/S-573a-'H'" (Multiple Dwellings - 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 "E-2" (Multiple Dwellings) District regulations, as contained in Section 11 B of Zoning By-law No. 6593, are modified to include the following special requirements:
  - (a) Notwithstanding Section 11 B (1) (ix) of Zoning By-law No. 6593, a Medical Office, Business Office, Professional Office, and Retail Use, except for a business that buys precious metals or sells or lends money, shall also be permitted in the building existing at the date of passage of this by-law, being the 15<sup>th</sup> day of June, 2011.
  - (b) Notwithstanding Section 11 B (1) (ix) of Zoning By-law No. 6593, a Medical Office for an individual who practices any of the health disciplines regulated under a Provincial Act, such as, but not limited to, a physician, dentist, optometrist, physiotherapist, chiropractor, or psychologist, shall be restricted to 1 practitioner and a maximum gross floor area of 190.0 square metres.
  - (c) Notwithstanding Section 11 B (5) of Zoning By-law No. 6593, the commercial uses shall be restricted to the ground floor and comprise a maximum gross floor area of 280.0 square metres.
  - (d) Notwithstanding Section 11 B (5) of Zoning By-law No. 6593, a total of 64 residential units shall be permitted.
  - (e) Notwithstanding Section 11 B (5) of Zoning By-law No. 6593, a residential unit provided on the ground floor shall be restricted to a maximum gross floor area of 111.0 square metres.
  - (f) Notwithstanding Section 18 A (1) (c) of Zoning By-law No. 6593, a minimum of 74 parking spaces shall be provided and maintained, of which 64 parking spaces shall be exclusively used for the residential units, and shall be fully and completely separated from the remaining 10 parking spaces that may be used for visitor parking or the commercial uses permitted on the subject property.

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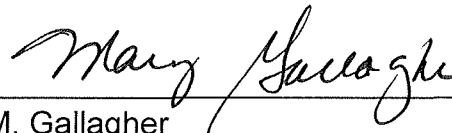
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- (g) Notwithstanding Section 18 A (7) of Zoning By-law No. 6593, the minimum dimensions of a parking space, other than a parallel parking space, shall be 2.6 metres in width by 5.5 metres in length.
- (h) Notwithstanding Section 18 A (8) of Zoning By-law No. 6593, the minimum dimensions of a parallel parking space shall be 2.4 metres in width and 6.7 metres in length.
3. That the amending Zoning By-law apply the Holding provisions of Section 36 (1) of the Planning Act, R.S.O., 1990 to the subject lands identified in Section 1 of this by-law by introducing the Holding symbol 'H' as a suffix to the proposed Site-Specific (Multiple Dwellings) District.
- The Holding provision "E-2/S-573a-'H'" will prohibit the use of the subject lands for a medical office, business office, or professional office, until such time that the owner has applied for and received final approval for a Site Plan Amendment application, to the satisfaction of the Manager of Development Planning.
- City Council may remove the 'H' symbol, and thereby give effect to the "E-2/S-573a" (Multiple Dwellings) District, by enactment of an amending By-law once the above condition has been fulfilled.
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 "E-2" (Multiple Dwellings) District provisions, subject to the special requirements referred to in Section 2 of this by-law.
5. That By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19 B as Schedule S-573a.
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** this 15<sup>th</sup> day of June, 2011.



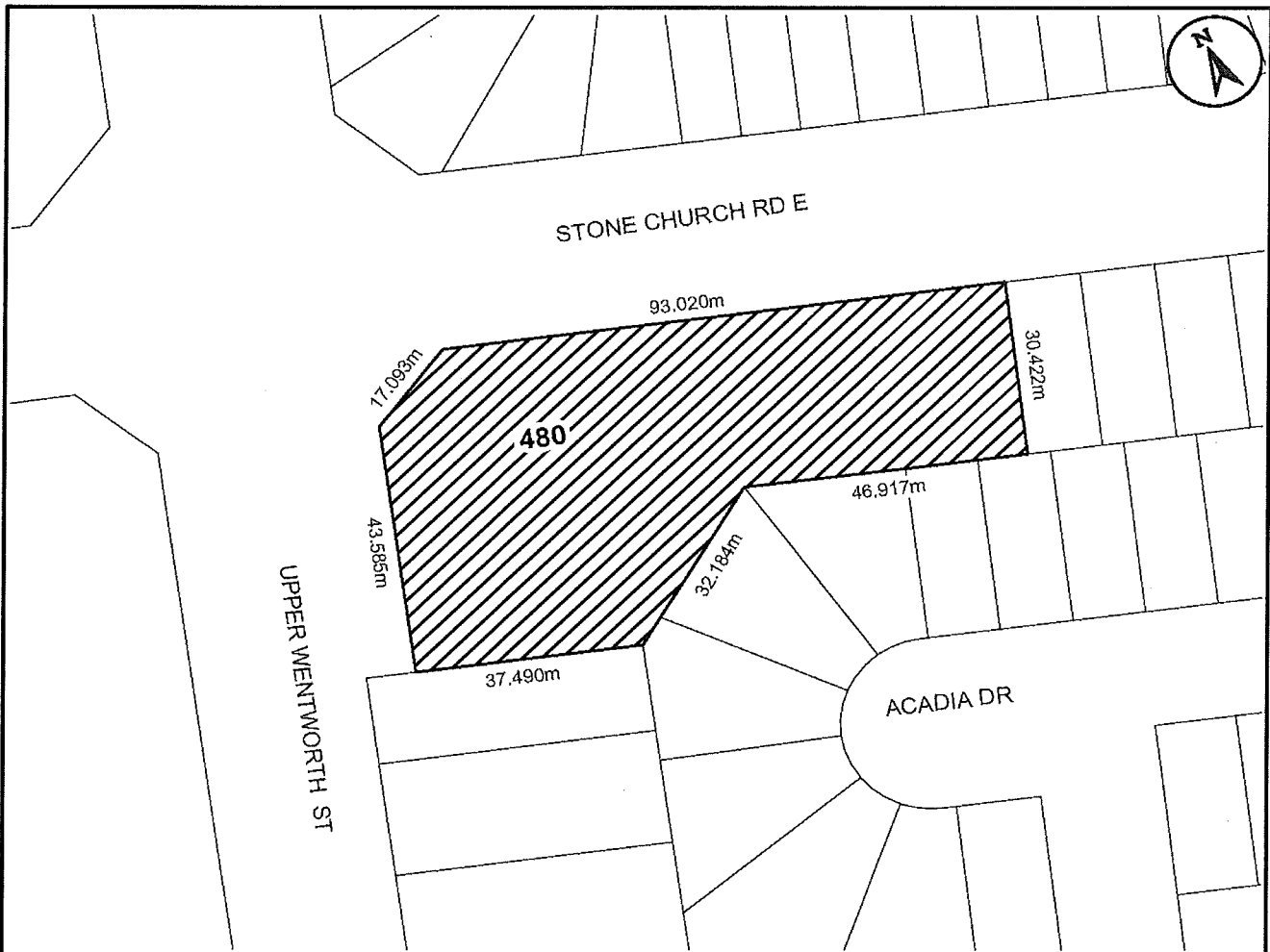
R. Bratina  
Mayor



M. Gallagher  
Acting City Clerk

ZAC-11-010

To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands located at  
480 Stone Church Road East, in the City of Hamilton



This is Schedule "A" to By-Law No. 11-158

Passed the 15 day of June, 2011

*Mary Gallagher*  
Clerk  
*R. Bratton*  
Mayor


**Schedule "A"**

Map Forming Part of  
By-Law No. 11-158

to Amend By-law No. 6593

**Subject Property**

480 Stone Church Road East, Hamilton

 Change in Zoning from the "E-2/S-573" (Multiple Dwellings) District, Modified to the "E-2/S-573a-'H'" (Multiple Dwellings-Holding) District, Modified

Scale:  
N.T.S.

File Name/Number:  
ZAC-11-010

Date:  
May 10, 2011

Planner/Technician:  
DM/AL



**Hamilton**