

Authority: Item 13, Planning and Economic
Development Committee
Report: 06 -010 (PED06183)
CM: June 28, 2006

Bill No. 194

CITY OF HAMILTON

BY-LAW NO. 06-194

**To Amend Zoning By-law No. 6593 (Hamilton), as
amended by Zoning By-law 96-152, and to repeal Zoning
By-law 01-307, respecting lands located at
728 Sanatorium Road**

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 of 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 13 of Report 06-010 of the Planning and Economic Development Committee at its meeting held on the 28th day of June, 2006 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 W-36 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), as amended, is hereby amended by changing from the "AA" (Agricultural) District, Modified to the "AA"-H' (Agricultural - Holding) District, Modified, the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That the "AA" (Agricultural) District regulations, as contained in Section 7A of Zoning By-law No. 6593, as amended by By-law No. 96-152, applicable to the lands in Section 1 of this By-law, be modified to include the following special requirements:
 - (a) That notwithstanding Section 4(a) of Zoning By-law No. 96-152, two Student Residences for not more than 600 students attending Columbia International College shall be permitted;
 - (b) For the purposes of this By-law, a "Student Residence" means a building used for the purposes of accommodating students in dwelling units or other separate quarters provided that such building may include common areas such as cooking and dining facilities and administration offices.
 - (c) That notwithstanding Section 18A (1) of Zoning By-law 6593, not less than 93 parking spaces shall be provided and maintained for all student residences.
 - (d) That notwithstanding Section 7(3)(i) of Zoning By-law 6593, a front yard of a depth of at least 9.0 metres shall be provided and maintained.
 - (e) That notwithstanding Subsection 7(3)(ii) of Zoning By-law 6593, a side yard along a side lot line not abutting a street shall have a width of at least 34 metres for any building or structure erected after the date of the passing of this by-law, being the 28th day of June, 2006.
 - (f) That notwithstanding Section 4(b)(i) and (ii) of Zoning By-law No.96-152, the height of a building or structure erected after the date of the passing of this by-law, being the 28th day of June , 2006 shall not exceed 4 storeys and 16 metres.
 - (g) That notwithstanding Section 18A(11) (a) of Zoning By-law 6593, the boundary of every parking area and loading space on the surface of a lot adjoining a residential district constructed after the date of the passing of this by-law, being the 28th day of June, 2006, shall be not less than 14 metres from the adjoining residential district boundary.
3.
 - (a) The 'H' symbol referred to in Section 1 of this By-law shall be removed at such time as a Servicing Study for capacity of the existing sanitary sewers has been submitted and approved to the satisfaction of the City's Manager of Development Engineering.
 - (b) The 'H' symbol shall be removed by amendment to this By-law and the development of the lands referred to in Section 1 of this By-law may at such time proceed in accordance with the "AA" District provisions, subject to the special requirements referred to in Section 2 of this By-law.

4. That no building or structure shall be erected, altered or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "AA" District provisions, subject to the special requirements referred to in Section 2 of this By-law.
5. By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedule S-1363e.
6. Sheet No. W-36 of the District Maps is amended by marking the lands referred to in Section 1 of this by-law as S-1363e.
7. In all other respects, By-law No. 96-152 is hereby confirmed, unchanged.
8. By-law 01-307 is hereby repealed in its entirety.
9. 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 28th day of June, 2006.

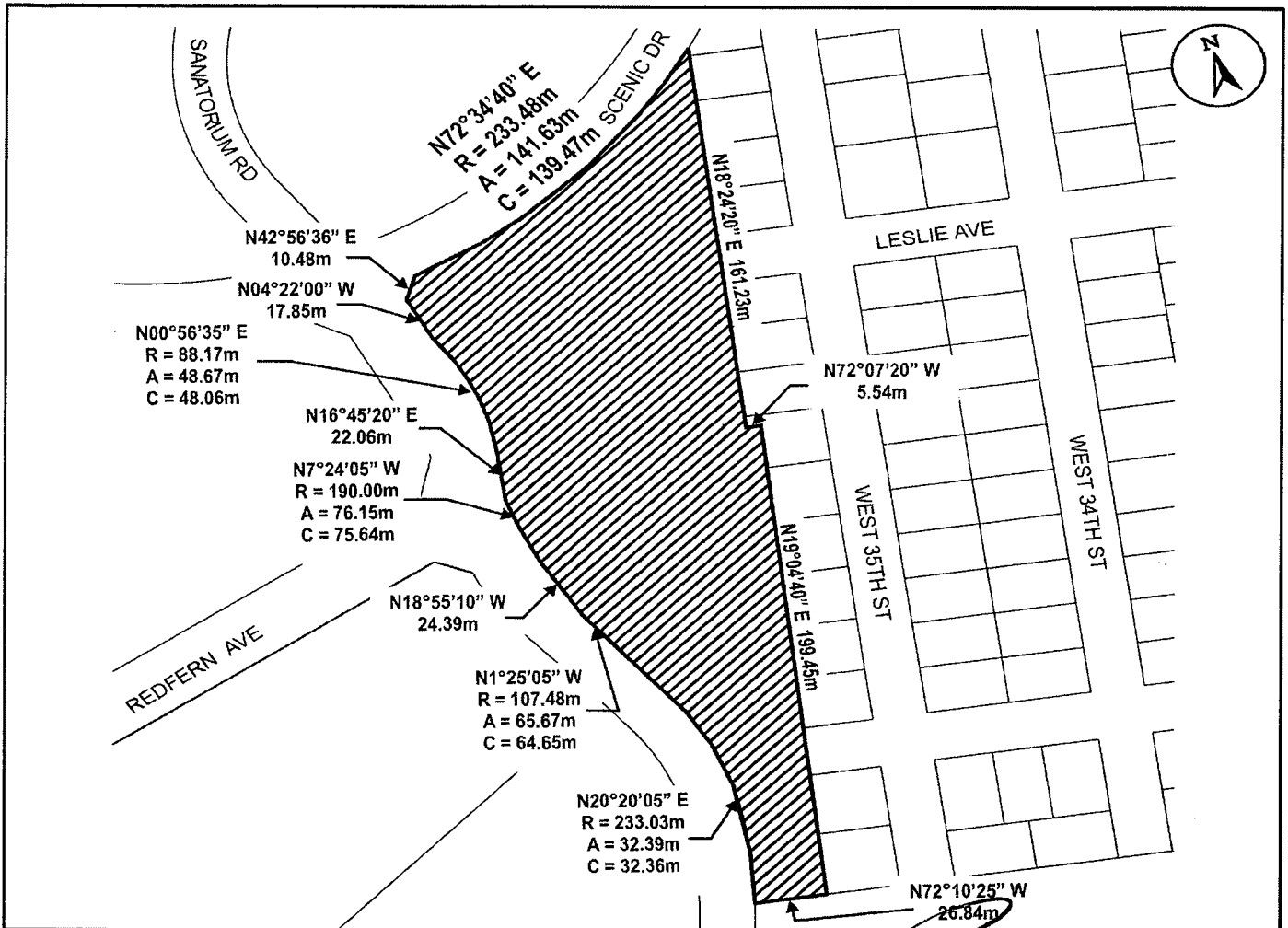
MAYOR



CLERK



ZAC-06-10



This is Schedule "A" to By-Law No. 06—194

Passed the 28 day of June, 2006

[Signature]
Mayor

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Schedule "A"

Map Forming Part of
By-law No. 06-194

to Amend By-law No. 6593

Subject Property

728 Sanatorium Road (Hamilton)



Change in Zoning from the "AA" (Agricultural) District, Modified to the "AA"-H' (Agricultural-Holding) District, Modified.

Scale:
Not to Scale

ZAC-06-10

Date:
March 2006

Planner/Technician:
EJ/MB

