WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law 05-200;

AND WHEREAS it is desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

AND WHEREAS the first stage of the new Zoning By-law, being By-law 05-200, came into force on May 25, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 16 of Report 08-015 of the Economic Development and Planning Committee at its meeting held on the 7th day of August, 2008, recommended that Zoning By-law No. 05-200 be amended as hereinafter provided;

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

1. That Schedule “A” of By-law 05-200 be amended to include a modification to Map No. 951, as shown on Schedule “A” to this By-law.

2. That Schedule “C” of By-law 05-200 be amended by adding the additional special exceptions as follows:

   “15. Within the lands zoned Neighbourhood Institutional (11) Zone, identified on Map 951 of Schedule “A” and described as 153 George Street, the following special provisions shall apply:
(a) Notwithstanding Section 8.1-2, g) of this By-law, the minimum rear yard setback for all 3 storey (10.5m in height) structures shall be 4.5m; the minimum rear yard setback for all 2 storey structures shall be 3m; and, the minimum rear yard setback for all single storey structures shall be 1.2m

(b) Notwithstanding Section 8.1-2, i) of this By-law, the Maximum Capacity for a Residential Care Facility shall not exceed 24 residents.

(c) Notwithstanding Section 8.1-2, j) ii) of this By-law, the existing Residential Care Facility may be expanded to accommodate not more than 24 residents.

(d) Notwithstanding Section 8.1-2, k) and Section 5 of this By-law, a minimum of 2 parking spaces shall be provided.

(e) Notwithstanding Section 5.1 a) v) of this By-law, parking spaces and aisles shall not be located within 1.5m of a street line.

(f) Notwithstanding Section 5.2 a) of this By-law, no visual barrier shall be provided along the lot line of the parking area which abuts a Residential Zone.”

3. That the Clerk is authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

4. That this By-law No. 08-286 shall come into force and be deemed to come into force in accordance with Subsection 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Subsection.

PASSED and ENACTED this 10th day of December, 2008.

Fred Eisenberger
Mayor

Kevin C. Christenson
City Clerk
Schedule "A"

Map Forming Part of By-Law No. 08-286

to Amend By-law No.05-200 (Map 951)

Subject Property

153 George Street, Hamilton
Modify the existing Neighbourhood Institutional "II" Zone to permit an expansion in the existing residential care facility.