

Authority: Item 12, Economic Development
and Planning Committee
Report 09-005 (PED09050)
CM: March 11, 2009

Bill No. 045

CITY OF HAMILTON

BY-LAW NO. 09-045

To Amend Zoning By-law No. 6593 (Hamilton), respecting lands located at Springvalley Crescent (Lots 3-9 inclusive and Block 27, Plan 62M-1102) and the rear portion of 850 West 5th Street (Hamilton)

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario 1999 Chap. 14, Schedule 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council or the City of Hamilton;

AND WHEREAS Zoning By-law No. 6593 (Hamilton) was enacted on the 25th day of July 1950, which 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 12 of Report 09-006 of the Economic Development and Planning Committee, at its meeting held on the 11th day of March 2009, 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) in accordance with the provisions of the Planning Act.

By-law respecting lands located at Springvalley Crescent (Lots 3-9 inclusive and Block 27, Plan 62M-1102) and the rear portion of 850 West 5th Street, Hamilton

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

1. That Sheet No. W-9b of the District Maps appended to and forming part of By-law No. 6593 (Hamilton), as amended, is further amended:
 - (a) by changing the zoning from the "C" (Urban Protected Residential, etc.) District to the "D/S-1598" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified, the lands comprised in Block 1;
 - (b) by changing the zoning from the "AA" (Agricultural) District to the "D/S-1598" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified, the lands comprised in Block 2;
 - (c) by changing the zoning from the "C" (Urban Protected Residential, etc.) District to the "D"-H/S-1598 (Urban Protected Residential - One and Two Family Dwellings, etc. - Holding) District, Modified, the lands comprised in Blocks 3 and 5;
 - (d) by changing the zoning from the "AA" (Agricultural) District to the "D"-H/S-1598 (Urban Protected Residential - One and Two Family Dwellings, etc. - Holding) District, Modified, the lands comprised in Block 4;
 - (e) by changing the zoning from the "C/S - 1367" (Urban Protected Residential, etc. - Modified) District to the "D"-H/S-1598 (Urban Protected Residential - One and Two Family Dwellings, etc. - Holding) District, Modified, the lands comprised in Block 6;

the extent and boundaries of which are shown on Schedule "A" annexed hereto and forming part of this by-law;

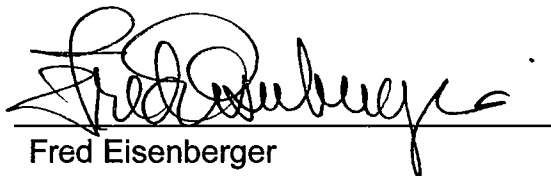
2. That the "D" (Urban Protected Residential, One and Two Family Dwellings, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to Blocks 1, 2, 3, 4, 5 and 6 of this By-law, are modified to include the following special requirements:
 - (a) That notwithstanding Section 10(4)(ii) of Zoning By-law No. 6593, for a two family dwelling, a lot width of at least 16.0 metres, and a lot area of at least 470 square metres, shall be provided and maintained.
 - (b) That notwithstanding Section 18(14)(i) of Zoning By-law No. 6593, for a two family dwelling, not less than 30% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials.

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- (c) That notwithstanding Section 18A(14a) of Zoning By-law No. 6593, no part of a required parking space for a two family dwelling in a residential district shall be located in a required front yard, and not less than 30% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials.
3. That the 'H' symbol applicable to Blocks 3, 4, 5 and 6, referred to in Section 1 of this By-law, shall be removed conditional upon,
- The lands being assembled with the rear portion of lands municipally known as 854 West 5th Street and 862 West 5th Street to ensure orderly development, to the satisfaction of the Director of Planning.
- City Council may remove the 'H' symbol, and thereby give effect to the "D/S-1598" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, by enactment of an amending By-law once the above condition has been satisfied.
4. That Zoning By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1598.
5. That Sheet W-9b of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1598.
6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this 11th day of March, 2009.



Fred Eisenberger
Mayor

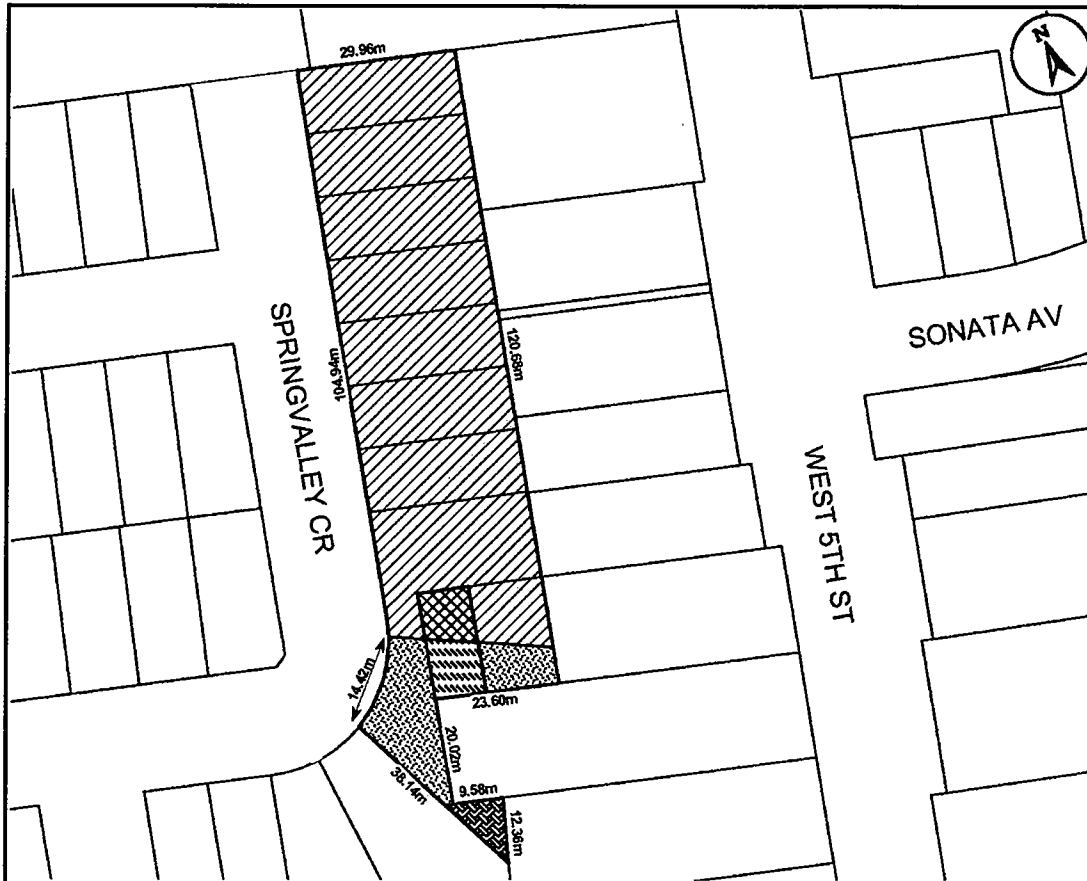


Kevin C. Christenson
City Clerk

ZAC-08-061

By-law respecting lands located at Springvalley Crescent (Lots 3-9 inclusive and Block 27, Plan 62M-1102) and the rear portion of 850 West 5th Street, Hamilton






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This is Schedule "A" to By-Law No. 09- 045
 Passed the ..1.. day of ...Mar.ch....., 2009

[Signature]
 Clerk
 Mayor

Schedule "A"
 Map Forming Part of
 By-Law No. 09-045
 to Amend By-law No. 6593

- Subject Property**
-  **Block 1** - Change in Zoning from the "C" (Urban Protected Residential, etc.) District to the "D/S-1598" (Urban Protected Residential - One and Two Family Dwellings, etc) District, Modified.
 -  **Block 2** - Change in Zoning from the "AA" (Agricultural) District to the "D/S-1598" (Urban Protected Residential - One and Two Family Dwellings, etc) District, Modified.
 -  **Block 3,5** - Change in Zoning from "C" (Urban Protected Residential, etc.) District to the "D/S-1598"-H' (Urban Protected Residential - One and Two Family Dwellings etc - Holding) District, Modified.
 -  **Block 4** - Change in Zoning from the "AA" (Agricultural) District to the "D/S-1598" - H' (Urban Protected Residential - One and Two Family Dwellings, etc. - Holding) District, Modified.
 -  **Block 6** - Change in Zoning from the "C/S-1367" (Urban Protected Residential, etc.) District to the "D/S-1598"-H' (Urban Protected Residential - One & Two Family Dwellings, etc. - Holding) District, Modified.

Scale: N.T.S.	File Name/Number: ZAC-08-061	
Date: January 23, 2009	Planner/Technician: TL / NH	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		