

Authority: Item 20, Economic Development
and Planning Committee
Report: 10-020 (PED10225)
CM: October 13, 2010

Bill No. 258

CITY OF HAMILTON

BY-LAW NO. 10-258

**To Amend Zoning By-law No. 05-200 Respecting Lands Located at
1 Lyndale Drive, Dundas**

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, Statutes of Ontario, 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 No. 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 Zoning By-law, being By-law No. 05-200, came into force on May 25, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 20 of Report 10-020 of the Economic Development and Planning Committee, at its meeting held on the 13th day of October, 2010, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the Town of Dundas, in accordance with the provisions of the Planning Act.

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

1. That Map Nos. 901 and 943 of Schedule "A" to Zoning By-law No. 05-200, are amended by:
 - (a) Rezoning from the Neighbourhood Institutional (I1) Zone to the Neighbourhood Institutional (I1, 32, H41) Holding Zone, Modified, on the

By-law Respecting 1 Lyndale Drive, Dundas

Page 2 of 4

lands comprised of Block 1, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A"; and,

- (b) Rezoning from the Neighbourhood Institutional (I1) Zone to the Neighbourhood Institutional (I1, 33) Zone, Modified, on the lands comprised of Block 2, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Schedule "C": Special Exemptions of Zoning By-law No. 05-200, as amended, is hereby further amended by adding the following Subsections:

32. Notwithstanding Sections 4.6 d), 5.1 a) i) to v), 5.6 c) i), and 8.1.3.1 d), h), i), j) of this By-law, within the lands zoned Neighbourhood Institutional (I1, 32) Zone, Modified, identified on Maps 901 and 943, the following special provisions shall only apply to a residential care facility:

a. Subsection 8.1.3.1 j) i) shall not apply to a residential care facility on the lands subject to this special provision.

b. Maximum number of residents in a residential care facility: 36 residents

c. Maximum building height: 11.5 metres

d. Minimum front yard setback: 3.0 metres

e. Minimum yard for a porch or deck adjacent to southerly lot line: 0.6 metres

f. Minimum Number of Parking Spaces: 10 spaces

g. Parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from the street shall not be located within 2.0 metres from a street line, and subject to a 2.0 metre wide planting strip being provided and permanently maintained between the streetline and the said parking spaces or aisle.

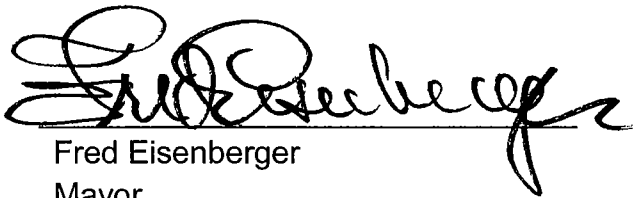
33. Notwithstanding Section 5.6 c) ii) of this By-law, within the lands zoned Neighbourhood Institutional (I1, 33) Zone, Modified, identified on Maps 901 and 943, the minimum required parking spaces for the existing place of worship shall be 67. Where an addition, alteration, or expansion of an existing building is proposed, the additional parking requirements of Subsection 5.6 c) shall only apply to the increased gross floor area of the building.

By-law Respecting 1 Lyndale Drive, Dundas

Page 3 of 4

3. That Schedule "D" of By-law 05-200 is amended by adding an additional Holding Provision as follows:
 41. That notwithstanding Section 8.1 of this By-law, on those lands zoned Neighbourhood Institutional (I1, 32, H41) Zone, on Maps 901 and 943 of Schedule "A, no development shall be permitted until such time as:
 - (i) an Archaeological Assessment has been completed, to the satisfaction of the Director of Planning and the Ministry of Culture.
4. 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 13th day of October, 2010

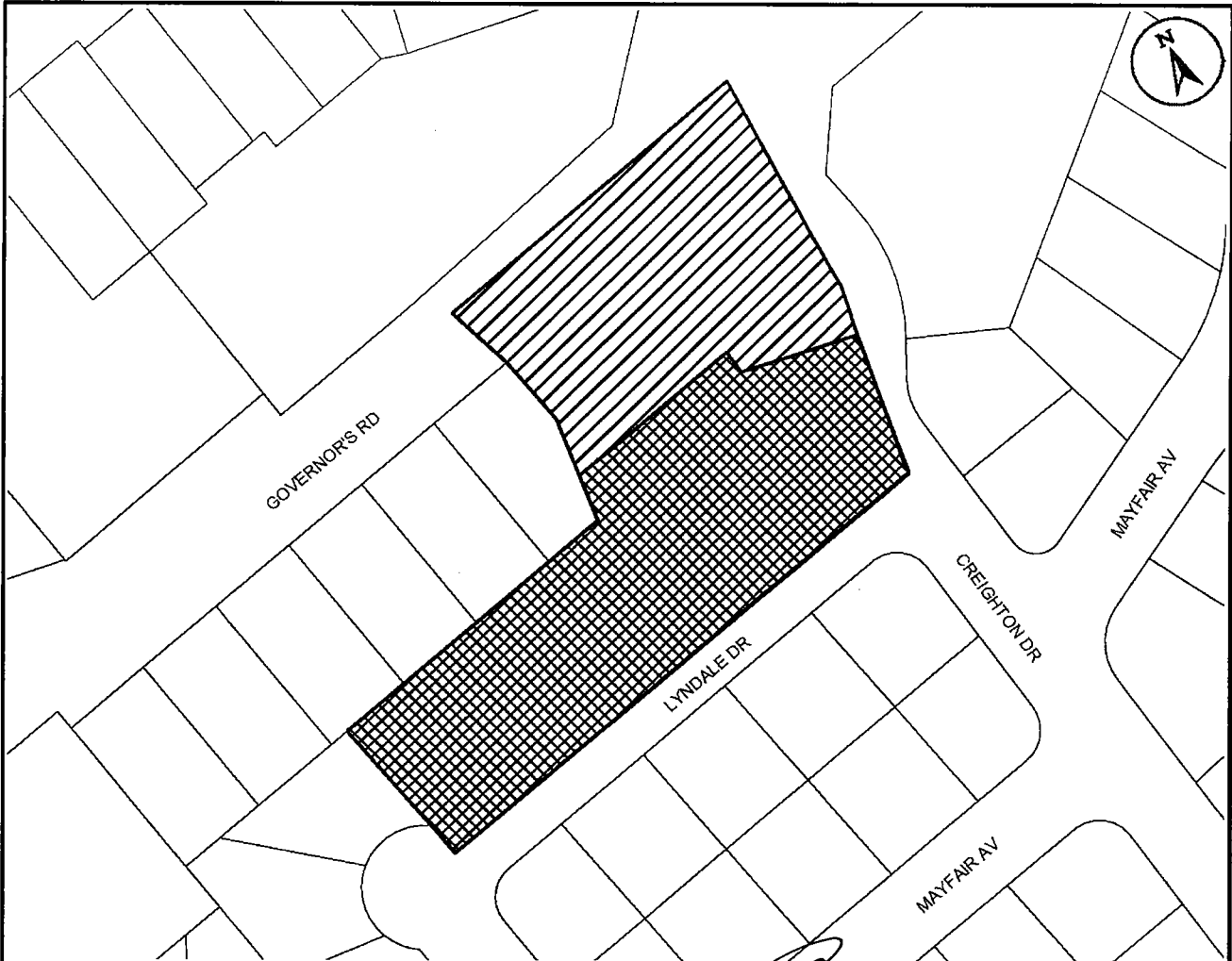


Fred Eisenberger
Mayor



Rose Caterini
City Clerk

ZAR-10-023



This is Schedule "A" to By-Law No. 10258

Passed the 13th..... day of ...October....., 2010

[Signature]
Clerk
[Signature]
Mayor



Schedule "A"

Map Forming Part of
By-Law No. 10-258

to Amend By-law No. 3581-86

Subject Property

1 Lyndale Drive (Dundas)

-  **Block 1** - Land to be rezoned from Neighbourhood Institutional (I1) Zone to Neighbourhood Institutional-Holding (I1,32,H41) Holding Zone, Modified
-  **Block 2** - Lands to be rezoned from Neighbourhood Institutional (I1) Zone to Neighbourhood Institutional (I1, 33) Zone, Modified.

Scale: N.T.S.	File Name/Number: ZAR-10-023
Date: August 17, 2010	Planner/Technician: CB/AL
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

