

Authority: Item 8, Planning Committee
Report: 12-002 (PED12009)
CM: February 8, 2012

Bill No. 042

CITY OF HAMILTON

BY-LAW NO. 12-042

**To Amend Zoning By-law No. 6593
Respecting Lands Located at 555 Sanatorium Road
(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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 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 8 of Report 12-002 of the Planning Committee, at its meeting held on the 8th day of February, 2012, recommended that Zoning By-law No. 6593 (Hamilton) be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Official Plan of the City of Hamilton upon approval of Official Plan Amendment No. 228, proposed by the City of Hamilton, but not yet approved in accordance with the provisions of the Planning Act.

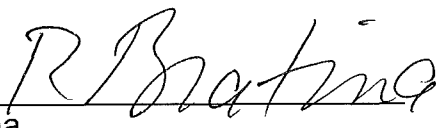
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Sheet No. W37 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing the following:
 - (a) That Block 1 be re-zoned from the "AA/S-1363c" (Agricultural) District, Modified, and the "AA/S-1363" (Agricultural) District, Modified, to the "R-4" (Small Lot Single Family Dwelling) District;
 - (b) That Block 2 be re-zoned from the "AA/S-1363c" (Agricultural) District, Modified, and the "AA/S-1363" (Agricultural) District, Modified, to the "RT-20" (Townhouse - Maisonette) District, Modified; and,
 - (c) That Block 3 be re-zoned from the "AA/S-1363" (Agricultural) District, Modified, to the "DE-2" (Multiple Dwellings) District, Modified;

on the lands the extent and boundaries of which are shown on the plan hereto annexed as Schedule "A".
2. That the "RT-20" (Townhouse - Maisonette) District regulations, as contained in Section 10E of Zoning By-law No. 6593, applicable to Block "2", as detailed in Section 1 of this By-law, be modified to include the following special requirements:
 - (a) That notwithstanding Section 10E.(2)(a) of Zoning By-law No. 6593, a Maisonette Dwelling or a Group of Maisonette Dwellings shall not be permitted.
 - (b) That notwithstanding Section 10E.(3) of Zoning By-law No. 6593, no building shall exceed 2-storeys in height.
 - (c) That notwithstanding Section 10E.(7)(ii) of Zoning By-law No. 6593, a lot width of not less than 10m shall be provided and maintained.
 - (d) That notwithstanding Section 10E.(7) of Zoning By-law No. 6593, not more than 48 units shall be permitted.
3. 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 "RT-20" (Townhouse - Maisonette) District provisions, subject to the special requirements referred to in Section 2.
4. That the "DE-2" (Multiple Dwellings) District, regulations, as contained in Section 10B of Zoning By-law No. 6593, applicable to Block "3", as detailed in Section 1 of this By-law, be modified to include the following special requirements:

- (a) That notwithstanding Section 10B.(2)(ii) of Zoning By-law No. 6593, no building shall exceed 4-storeys in height or 13.5m.
 - (b) That notwithstanding Section 10B.(3)(i)(b) of Zoning By-law No. 6593, a maximum front yard setback of 2.0m shall be provided and maintained, except where a visibility triangle is required.
 - (c) That notwithstanding Section 10B.(3)(ii)(b) of Zoning By-law No. 6593, a maximum easterly side yard setback of 2.0m shall be provided and maintained, except where a visibility triangle is required.
 - (e) That notwithstanding Section 10B.(3)(ii)(b) of Zoning By-law No. 6593, a minimum westerly side yard setback of 50m shall be provided and maintained.
 - (f) That notwithstanding Section 10B.(4)(iv) of Zoning By-law No. 6593, no more than 80 units shall be permitted.
5. 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 "DE-2" (Multiple Dwellings) District provisions, subject to the special requirements referred to in Section 4.
 6. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1654.
 7. That Sheet No. W37 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1654.
 8. 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 22nd day of February, 2012.



R. Bratina
Mayor



R. Caterini
City Clerk



This is Schedule "A" to By-Law No. 12- 042

Passed the 22..... day of ..February...., 2012

[Signature]
 Clerk
[Signature]
 Mayor

Schedule "A"

Map Forming Part of
 By-Law No. 12- 042

to Amend By-law No. 6593

Subject Property

555 Sanatorium Road



Block 1: Lands to be rezoned from the "AA/S-1363" (Agricultural) District, Modified and the "AA/S-1363c" (Agricultural) District, Modified to the "R4" (Small Lot Single Family Dwelling) District.



Block 2: Lands to be rezoned from the "AA/S-1363" (Agricultural) District, Modified and the "AA/S-1363c" (Agricultural) District, Modified to the "RT-20/S-1654" (Townhouse - Mainsoulette) District, Modified.



Block 3: Lands to be rezoned from the "AA/S-1363" (Agricultural) District, Modified to the "DE-2/S-1654" (Multiple Dwellings) District, Modified.



Block 4: Refer to By-Law 05-200.



Block 5: Lands to be zoned "RT-20/S-1654" (Townhouse-Masonette) District, Modified.



Block 6: Additional lands of applicant
 Subject to subdivision application 25T-200724.

Scale:
 N.T.S.

File Name/Number:
 ZAC-07-114

Date:
 Jan. 13, 2012

Planner/Technician:
 EJ / MB



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT