

Authority: Item 10, Planning Committee
Report: 12-004 (PED11138)
CM: March 28, 2012

Bill No. 083

CITY OF HAMILTON

BY-LAW NO. 12-083

**To Amend Zoning By-law No. 05-200 Respecting Lands Located at
1620 Upper Wentworth Street and 401 Rymal Road West, Hamilton**

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 10 of Report 12-004 of the Planning Committee, at its meeting held on the 28th day of March, 2011, 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 City of Hamilton, in accordance with the provisions of the Planning Act.

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

1. That Map No. 1447 of Schedule "A" to Zoning By-law No. 05-200 is amended by:
 - (a) Rezoning from the Major Institutional (I3) Zone to the Major Institutional (I3, 43) Zone, Modified, on the lands comprised of Block 1, the extent

and boundaries of which are shown on a plan hereto annexed as Schedule "A"; and,

- (b) Incorporating the Major Institutional (I3, 43) Zone, Modified, boundaries, 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 Sub-sections:

43 Within the lands zoned Major Institutional (I3, 43) Zone, Modified, identified on Map 1447 of Schedule "A" and described as 1620 Upper Wentworth Street and 401 Rymal Road West, the following special provisions shall apply:

- a) Notwithstanding Sections 8.3.2.1c) and 8.3.2.2b) of this By-law, a maximum building height of 37 metres shall be permitted for the Retirement Home/Multiple Dwelling portion of the building.
- b) Notwithstanding Section 8.3.2.1b) of this By-law, the minimum required side yard shall be of 0.65 metres.
- c) Notwithstanding Section 8.3.2.2c) of this By-law, an Educational Establishment shall not be required on the same lot as a medical clinic or multiple dwelling.
- d) Notwithstanding the definition of Lot as noted in Section 3, and notwithstanding any change in land ownership or any severance, partition or division of the property subject to this special provision shall be considered one lot for the purposes of the Zoning By-law.
- e) Notwithstanding Section 5.1d) of this By-law, parking lot may be located between the building façade and the front lot line facing Upper Wentworth Street.
- f) Notwithstanding Section 5.6a) of this By-law, parking for a retirement home shall be provided at the rate of one parking space for every three bachelor unit or one-bedroom unit.
- g) Notwithstanding Sections 3 and 5.1v) of this By-law, walkways and retaining walls may be permitted within the required 3.0 metre planting strip.

3. 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 11th day of April, 2012.



R. Bratina
Mayor



M. Gallagher
Acting City Clerk

ZAC-11-009



This is Schedule "A" to By-Law No. 12- 083

Passed the 11th day of April, 2012

R. Bratina
Mayor

Mary Haggan
Clerk

Schedule "A"

Map Forming Part of
By-Law No. 12- 083

to Amend By-law No. 05-200
Map 1447

Subject Property

1620 Upper Wentworth Street & 401 Rymal Road East



Block 1 - Lands to be rezoned from the Major Institutional (I3) Zone to the Major Institutional (I3, 43) Zone, Modified.



Block 2 - Lands to be zoned Major Institutional (I3, 43) Zone, Modified.

Scale:
N.T.S.

File Name/Number:
ZAC-11-009, OPA-11-003

Date:
April 13, 2012

Planner/Technician:
CB/AL



Hamilton