

Authority: Item 9, Planning Committee
Report 23-011 (PED23165)
CM: July 14, 2023
Ward: 13

Bill No. 131

**CITY OF HAMILTON
BY-LAW NO. 23-131**

**To Amend Zoning By-law No. 05-200 with Respect to Lands Located
at 211 York Road, Dundas**

WHEREAS Council approved Item 9 of Report 23-011 of the Planning Committee, at its meeting held on July 14, 2023;

AND WHEREAS this By-law conforms to the Urban Hamilton Official Plan;

NOW THEREFORE Council amends Zoning By-law No. 05-200 as follows:

1. That Map No. 820 of Schedule "A" – Zoning Maps is amended by changing the zoning from the Community Institutional (I2, 446, H108) Zone to the Neighbourhood Commercial (C2, 446, H108) Zone for the lands known as 211 York Road, Dundas shown on Schedule "A" to this By-law.
2. That Schedule "C" - Special Exceptions is amended by deleting Special Exception No. 446 in its entirety and replacing it with the following:

"446. Within the lands zoned Neighbourhood Commercial (C2, 446, H108) Zone, identified on Map No. 820 of Schedule "A" – Zoning Maps and described as 211 York Road, the following special provisions shall apply:

 - a) In addition to Section 10.2.1, and notwithstanding Section 10.2.1.1 ii), Dwelling Units may be permitted on the ground floor of the existing building provided there is a minimum of 650 square metres of ground floor commercial use.
 - b) Notwithstanding Subsections 4.8 b), 10.2.3 a), b), c), d), and e), the location and height of the principal building or accessory buildings and any other such lot conditions existing on the date of passing of this By-law shall be deemed to conform.
 - c) Notwithstanding Subsection 5.1 a), v), parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall be subject to the following:
 - i) Shall not be located within 2.5 metres of a street line;
 - ii) Shall provide a 2.5 metre wide planting strip being required and permanently maintained between the street line and the said parking spaces or aisle; and,

- iii) Where a Planting Strip is provided, as per ii) above, any architectural wall or feature within the Planting Strip shall be limited to a maximum height of 0.6 metres.
 - d) Notwithstanding Subsection 10.2.3 k), a visual barrier that consists of a fence or wall along the western property line measuring 63.7 metres shall not be located within 1.36 metres of a street line. All other requirements of Section 4.19 shall apply.
3. That Schedule “D” – Holding Provisions, of By-law No. 05-200, be amended by deleting H108 in its entirety and replacing it with the following:

“H108. Notwithstanding Section 10.2 of this By-law, within lands zoned Neighbourhood Commercial (C2, 446) Zone on Map No. 820 on Schedule “A” – Zoning Maps, and described as 211 York Road, Dundas, no development shall be permitted, with the exception of a 435 square metre Day Nursery, until such time as:

 1. That the Owner submits and receives approval of a Functional Servicing Report to demonstrate the demand for the proposed usage is similar to the existing usage all to the satisfaction of the Manager of Engineering Approvals.”
4. 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 provisions of the Neighbourhood Commercial (C2, 446, H108) Zone, subject to the special requirements referred to in Section Nos. 2 and 3 of this By-law.
5. 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 14th day of July, 2023

T. Hwang
Acting Mayor

A. Holland
City Clerk



<p>This is Schedule "A" to By-law No. 23-</p> <p>Passed the day of, 2023</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<p>Schedule "A"</p> <p>Map forming Part of</p> <p>By-law No. 23-_____</p> <p>to Amend By-law No. 05-200</p>	<p>Subject Property</p> <p>211 York Road</p> <p> Change in Zoning from the Community Institutional (I2, 446, H108) Zone to the Neighbourhood Commercial (C2, 446, H108) Zone</p>
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<p>Scale: N.T.S</p>	<p>File Name/Number: ZAR-23-008</p>	<p>Hamilton</p>
<p>Date: April 5, 2023</p>	<p>Planner/Technician: JV/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		