

Authority: Item 5, Planning Committee
Report 12-013 (PED12163)
CM: September 12, 2012

Bill No. 207

CITY OF HAMILTON

BY- LAW NO. 12-

**To Amend Zoning By-law No. 6593
Respecting Lands Located at 101 Nash Road North (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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 Corporation 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 12 of Report 12-013 of the Planning Committee, at its meeting held on the 12th day of September 2012, 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 Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

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

1. That Sheet No. E-94 of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended as follows:
 - (a) That Blocks 1, 2, and 3 be rezoned from the "C/S-1505" (Urban Protected Residential, etc.) District, Modified, to the "R-4/S-1661" (Small Lot Single Family Dwellings) District, Modified;

on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule 'A'.
2. That the following special regulation shall apply to lands identified as Blocks 1, 2, and 3:
 - (a) That notwithstanding any other provision(s) of Zoning By-law No. 6593, an attached garage shall be permitted to project forward toward the street line to a maximum of 1.5 metres beyond the main wall of the dwelling.
3. That the "R-4" (Small Lot Single Family Dwelling) District regulations, as contained in Section 9A of Zoning By-law No. 6593, applicable to the lands identified as Block 1, be modified to the extent only of the following special requirements, in addition to the special requirement in Section 2 of this By-law:
 - (a) That notwithstanding Sub-section 9A(2)(c)2 of Zoning By-law 6593:
 - (i) For the lot located at the northwest corner of Nash Road North and Kentley Drive, the lot width shall be not less than 13.7 metres;
 - (ii) For the northerly lot adjacent to the "C" (Urban Protected Residential, Etc.) District, the lot width shall be not less than 11.0 metres;
 - (iii) For the remainder of the lots within Block 1, the lot width shall be not less than 9.0 metres; and,
 - (iv) All lot areas shall be not less than 278 square metres.
 - (b) That notwithstanding any other provision(s) of Zoning By-law No. 6593, no driveway access to Nash Road North shall be located within 17.5 metres of the southerly (Kentley Drive) lot line.
4. That the "R-4" (Small Lot Single Family Dwelling) District regulations, as contained in Section 9A of Zoning By-law No. 6593, applicable to the lands identified as Block 2, be modified to the extent only of the following special requirements, in addition to the special requirement in Section 2 of this By-law:

- (a) That notwithstanding Sub-section 9A(2)(b)1(ii) of Zoning By-law No. 6593, a minimum southerly side yard of 0.8 metres in width and a minimum northerly side yard of 1.2 metres in width shall be provided and maintained; and,
 - (b) That notwithstanding Sub-section 9A(2)(c)2 of Zoning By-law 6593, for the northerly lot adjacent to the "C" (Urban Protected Residential, Etc.) District, the lot width shall be not less than 11.0 metres, and the lot area shall be not less than 278 square metres.
5. That the "R-4" (Small Lot Single Family Dwelling) District regulations, as contained in Section 9A of Zoning By-law No. 6593, applicable to the lands identified as Block 3, be modified to the extent only of the following special requirement, in addition to the special requirement in Section 2 of this By-law:
 - (a) That notwithstanding Sub-sections 18(14)(i) and 18A(14a) of Zoning By-law No. 6593, or any other provision(s) of Zoning By-law No. 6593, not less than 48% of the gross floor area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials.
6. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1661.
7. That Sheet No. E-94 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1661.
8. 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 "R-4" (Small Lot Single Family Dwelling) District provisions, subject to the special requirements referred to in Sections 2, 3, 4, and 5 of this By-law.
9. 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 12th day of September, 2012

R. Bratina
Mayor

R. Caterini
City Clerk

ZAC-12-007/25T201203



This is Schedule "A" to By-Law No. 12-
Passed the day of, 2012




Mayor

Clerk

Schedule "A"

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

to Amend By-law No. 6593

- Subject Property**
101 Nash Road North
-  **Block 1** - Change in Zoning from "C/S-1505" (Urban Protected Residential, etc.) District, Modified to "R-4/S-1661" (Small Lot Single Family Dwelling) District, Modified.
 -  **Block 2** - Change in Zoning from "C/S-1505" (Urban Protected Residential, etc.) District, Modified to "R-4/S-1661" (Small Lot Single Family Dwelling) District, Modified.
 -  **Block 3** - Change in Zoning from "C/S-1505" (Urban Protected Residential, etc.) District, Modified to "R-4/S-1661" (Small Lot Single Family Dwelling) District, Modified.

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| Scale: N.T.S. | File Name/Number: ZAC-12-007 / 25T201203 |
| Date: July 26, 2012 | Planner/Technician: HT/KA |
| PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT | |

