Authority: Item 9, Planning Committee
Report: 17-013 (PED17141)
CM: August 18, 2017
Ward: 1

Bill No. 183

CITY OF HAMILTON

BY-LAW NO. 17-

To Amend Zoning By-law No. 05-200 Respecting Lands Located at 1185 and 1210 York Boulevard (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, S. O. 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 Zoning By-law No. 05-200 was enacted on the 25th day of May, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 9 of Report 17-013 of the Planning Committee at its meeting held on the 18th day of August 2017, which recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan of the City of Hamilton.

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

1. That Map No. 712 of Schedule “A” – Zoning Maps to Zoning By-law No. 05-200, is amended by incorporating additional Open Space (P4) Zone boundaries for the applicable lands, the extent and boundaries of which are shown as Blocks “3” and “4” hereto annexed as Schedule “A” to this By-law;

2. That Map No. 712 of Schedule “A” – Zoning Maps to Zoning By-law No. 05-200, is amended by incorporating additional Conservation / Hazard Lands (P5) Zone for the applicable lands, the extent and boundaries of which are shown as Blocks “1” and “2” hereto annexed as Schedule “A”;

3. That Schedule "C" Special Exceptions of By-law No. 05-200, is amended by adding an additional special exception to the Open Space (P4) Zone as follows:

    623. Within the lands Zoned Open Space (P4) Zone, and identified on Map No.712 of Schedule “A” Zoning Maps and described as 1185 and 1210 York Boulevard, the following special provisions shall apply:

        a) Notwithstanding Section 5.1 a) i), ii), iii), iv), and v) parking facilities may be located on another lot within 300.0 metres of the lot

containing the use requiring the parking provided both lots are under the same ownership.

b) Section 5.2 a) shall not apply.

c) In addition to Section 7.4.1, the following shall be added as ancillary uses to the primary conservation use of the lands:

a. a place of assembly;
b. a restaurant; and,
c. a conference or convention centre.

d) Notwithstanding Section 7.4.2 of this By-law, the location thereon of any buildings and structures, existing on the effective date of this by-law, shall be deemed to comply with the regulations for any required side yard, rear yard, building height, and the minimum side and rear yard for accessory buildings.

e) Notwithstanding Section 4.20 c) i) and ii) an outdoor patio shall be permitted on a lot where any lot line abuts a Residential Zone.

f) Notwithstanding Section 4.22, for the purposes of this By-law, private sanitary servicing shall be permitted for any buildings and structures existing on the effective date of this By-law.

4. That Schedule "C": Special Exceptions of Zoning By-law No. 05-200, is amended by adding an additional special exception to the Conservation / Hazard Lands (P5) Zone as follows:

624. Within the lands Zoned Conservation / Hazard Lands (P5) Zone, and identified on Map No.712 of Schedule “A” Zoning Maps and described as 1185 and 1210 York Boulevard, the following special provisions shall apply:

a) Notwithstanding Section 5.1 a) i), ii), iii), iv), and v) parking facilities may be located on another lot within 300.0 metres of the lot containing the use requiring the parking provided both lots are under the same ownership.

b) Section 5.2 a) shall not apply.

c) In addition to Section 7.5.1, the following shall be added as ancillary uses to the primary conservation use of the lands:

a. a botanical garden;
b. a place of assembly;
c. a restaurant;
d. a conference or convention centre.

d) In addition to Section 7.5, the location thereon of any buildings and structures, existing on the effective date of this by-law, shall be deemed to comply with the regulations for any required side yard, rear yard, building height, and the minimum side and rear yard for accessory buildings; except that no building or structure shall be erected, altered, extended or enlarged.

e) Notwithstanding Section 4.20 c) i) and ii) an outdoor patio shall be permitted on a lot where any lot line abuts a Residential Zone.

f) Notwithstanding Section 4.22, for the purposes of this By-law, private sanitary servicing shall be permitted for any buildings and structures existing on the effective date 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*.

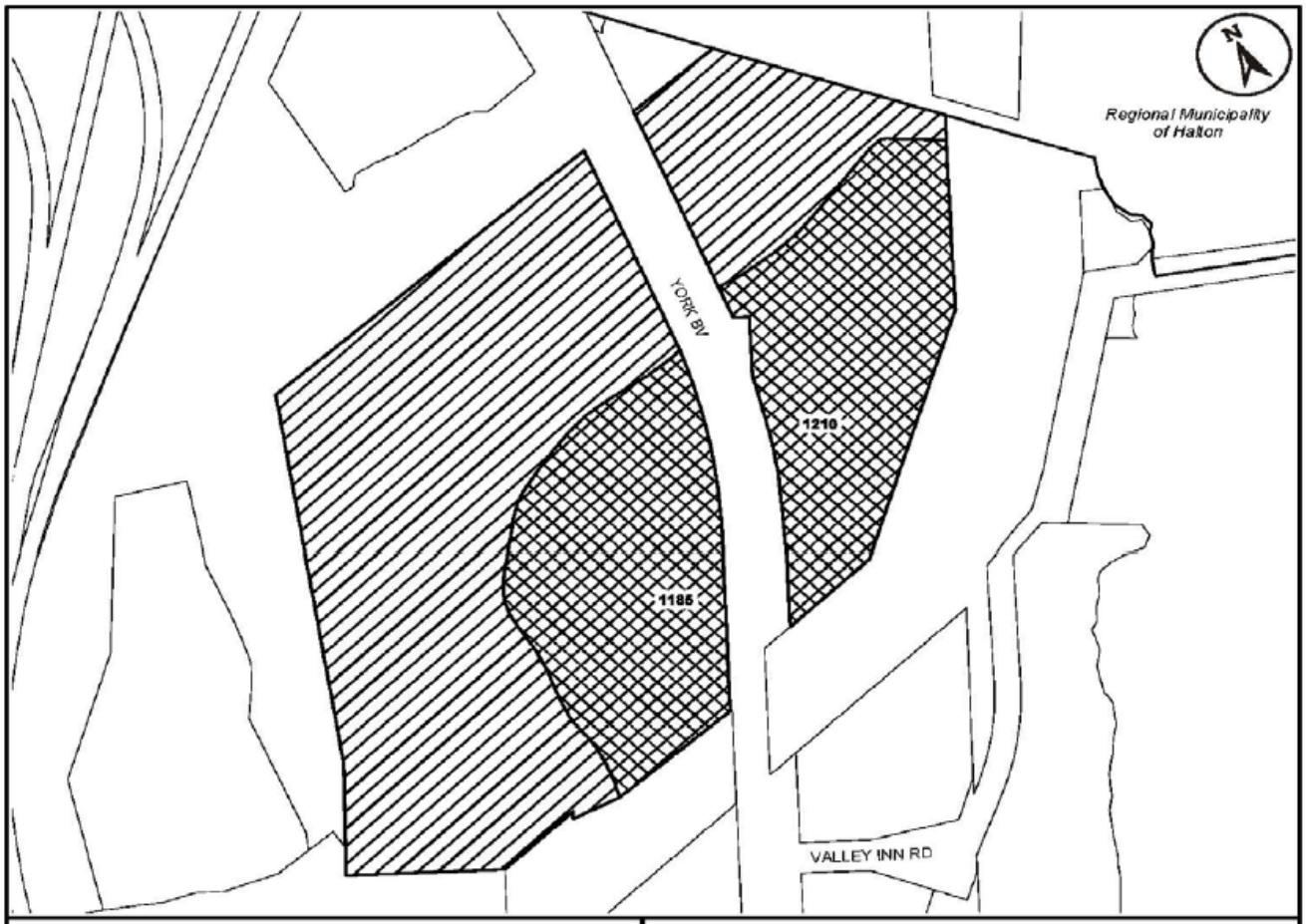
6. That this By-law No.17-183 shall come into force and be deemed to have come into full effect in accordance with Subsection 34(21) of the *Planning Act*, either upon the date of passage of the By-law or as approved by the said subsection.

PASSED this 18th day of August, 2017.

J. Farr
Acting Mayor

R. Caterini
City Clerk

ZAR-17-003



This is Schedule "A" to By-law No. 17-

Passed the ..... day of ....., 2017

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-law No. 17-_____

to Amend By-law No. 05-200

Scale: N.T.S.	File Name/Number: ZAR-17-003
Date: July 14, 2017	Planner/Technician: TS/AL
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

Hamilton

Subject Property

1185 & 1210 York Boulevard

Block 1 & 2 - Lands to be zoned Conservation / Hazard Lands (P5) Zone

Block 3 & 4 - Lands to be zoned Open Space (P4) Zone