

Authority: Item 4, Planning Committee
Report: 11-021 (PED11205)
CM: November 30, 2011

Bill No. 291

CITY OF HAMILTON

BY-LAW NO. 11-291

**To Amend Zoning By-law No. 05-200,
Respecting Lands Located at 260 Nebo Road (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 it is desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 4 of Report 11-021 of the Planning Committee, at its meeting held on the 30th day of November, 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 1499 of Schedule "A" - Zoning Maps, of Zoning By-law No. 05-200, be amended by changing the zoning from the Prestige Business Park (M3) Zone to the Prestige Business Park (M3, 10, H2) Zone, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" to this By-law.

2. That Schedule "C" - Special Exceptions, of By-law No. 05-200, is hereby amended by adding the following Sub-section:

"10 Notwithstanding Sections 9.3.1, 9.3.3(i)(i) and 5.6(c) of this By-law, on those lands zoned Prestige Business Park (M3, 10) Zone, as identified on Map No. 1499 of Schedule "A" - Zoning Maps, and described as 260 Nebo Road (Hamilton), the following special requirements shall apply:

- (a) A Medical Office(s) and a Medical Clinic shall be permitted, only on the ground floor of the building existing on the date of the passing of the By-law, being the 30th day of November, 2011;
- (b) A minimum 4.3 metre wide Landscaped Area shall be provided and maintained abutting Lancing Drive, except for points of ingress and egress; and,
- (c) A minimum of 1 parking space for each 29 square metres of gross floor area, which accommodates such use, shall be provided for a Medical Clinic or Medical Office(s).

3. That Schedule "D" - Holding Provisions, of By-law No. 05-200, be amended by adding the additional Holding Provision as follows:

"2 Notwithstanding Section 9.3 of this By-law, within the lands zoned Prestige Business Park (M3, 10) Zone, on Map No. 1499 of Schedule "A" - Zoning Maps, and described as 260 Nebo Road (Hamilton), no development or change of use shall be permitted until such time as:

- (a) The owner has applied for and received final approval of a Site Plan Control Application, to the satisfaction of the Manager of Development Planning; and,
- (b) The owner has entered into a long-term agreement with the owner of the property at 145 Lancing Drive to permit surplus parking from 260 Nebo Road on the gravel, rear parking area at 145 Lancing Drive that is accessed from 260 Nebo Road, to the satisfaction of the Manager of Development Planning."


4. 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.

5. That this By-law No. 11-291 shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Sub-section.

PASSED this 30th day of November, 2011.

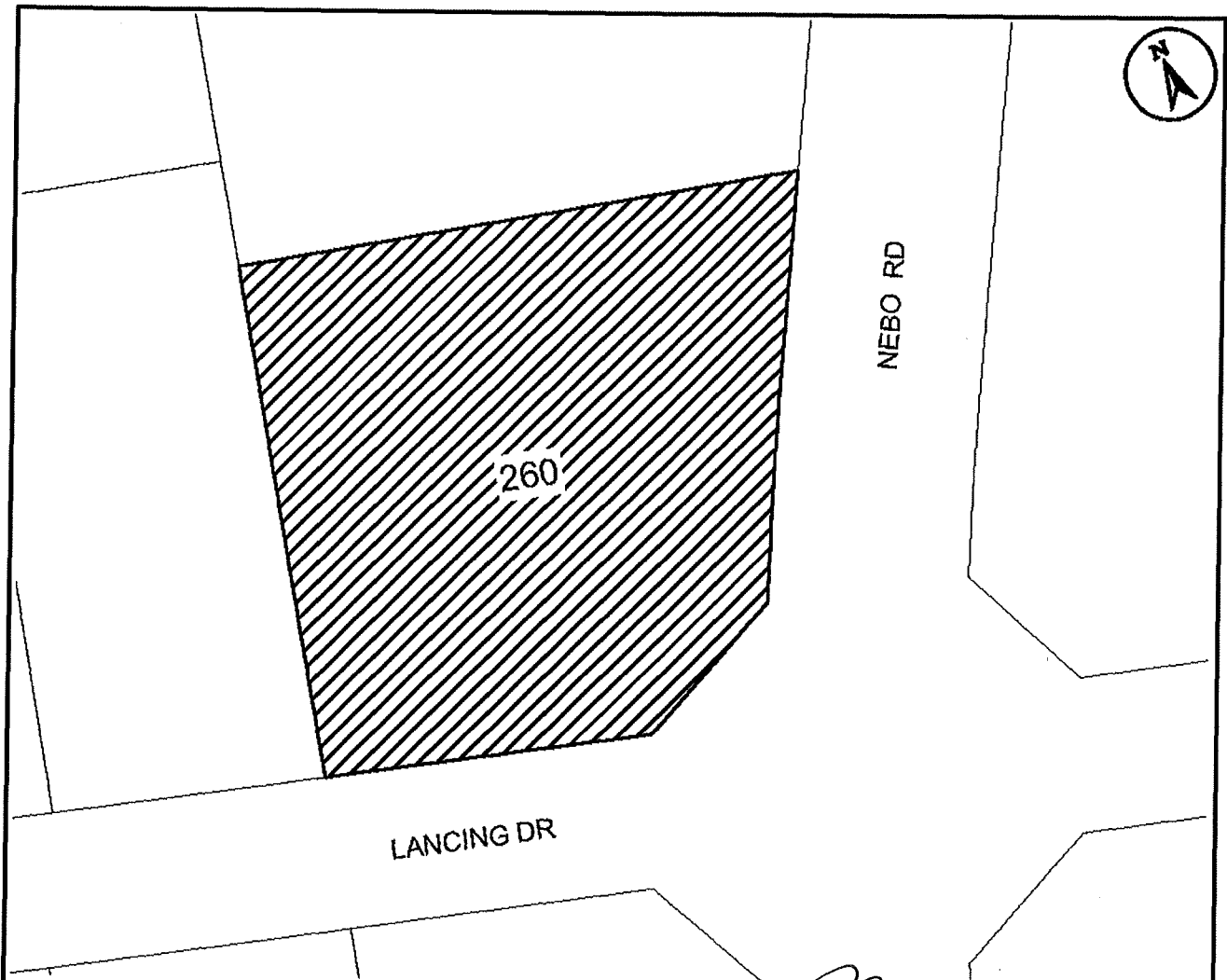


R. Bratina
Mayor



R. Catemni
City Clerk

ZAR-11-035



This is Schedule "A" to By-Law No. 11- 291

Passed the 30th day of November, 2011

[Signature]
 Clerk
[Signature]
 Mayor

Schedule "A"

Map Forming Part of
 By-Law No. 11- 291

to Amend By-law No. 05-200
 Map 1499

Subject Property

260 Nebo Road



Change in Zoning from the Prestige Business Park (M3) Zone to the Prestige Business Park (M3, 10, H2) Zone

Scale:
 N.T.S.

File Name/Number:
 ZAR-11-035

Date:
 Sep. 27, 2011

Planner/Technician:
 GM/NB



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT