

Authority: Item 2, Planning Committee
Report 19-013 (PED19170)
CM: September 11, 2019
Ward: 5

Bill No. 234

CITY OF HAMILTON

BY-LAW NO. 19-234

**To Amend Zoning By-law no. 6593 (Hamilton)
Respecting Lands at 2782 Barton Street East, in the City of 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 area municipality known as “The Corporation of the City of Hamilton” and is 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 this By-law is in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. XX.

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

1. That Sheet No. E123 of the District maps, appended to and forming part of By-law No. 6593 (Hamilton) as amended, is further amended by changing from the “E-2/S-306b” (Multiple Dwellings) District, Modified to the “E-3/S-306c” (High Density Multiple Dwellings) District, Modified on the lands, the extent to which are shown on a plan hereto annexed as Schedule “A”.

2. That the “E-3” (High Density Multiple Dwelling) District provisions as contained in Section 11C, as amended by By-law 18-049, applicable to the subject lands, be further modified to include the following special requirements:

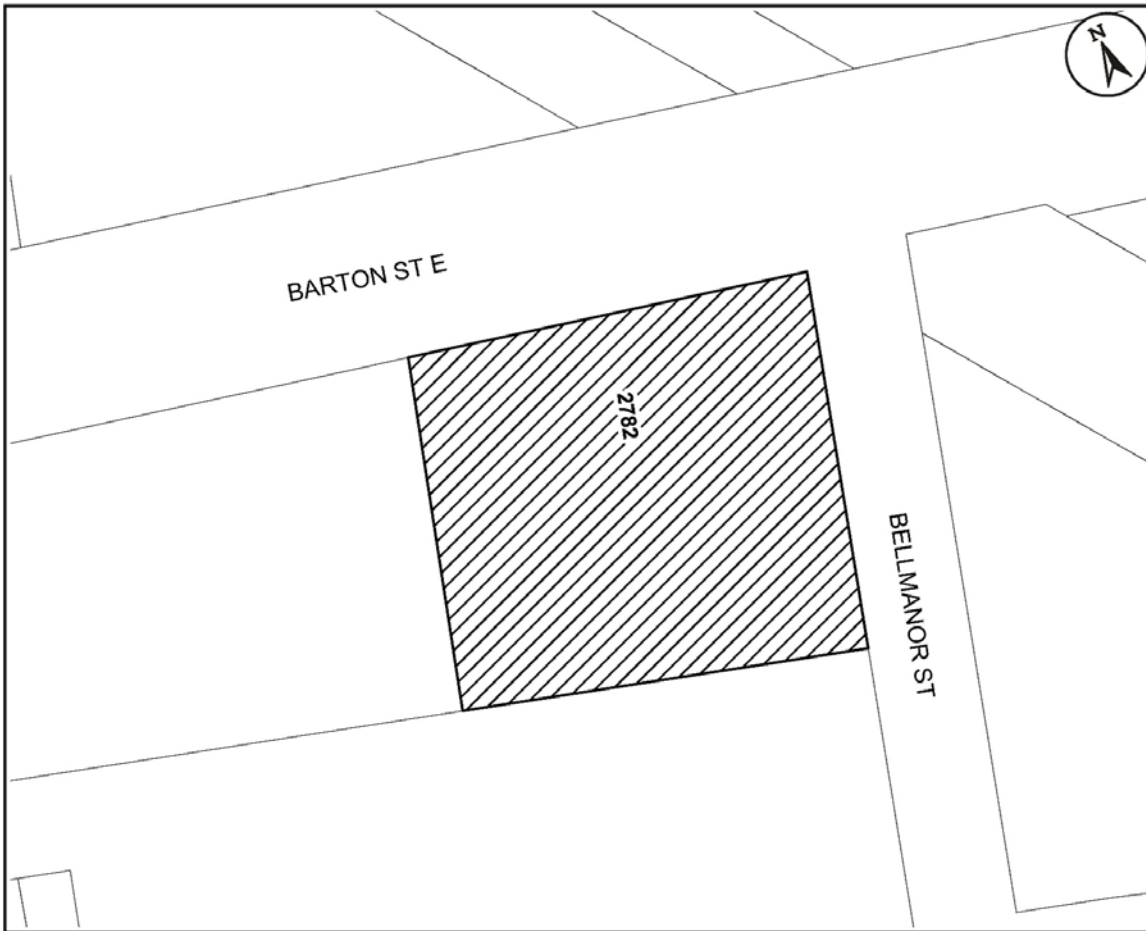
- a) Section 4 a) be deleted and replaced with “That notwithstanding Section 11C (b), where a building or structure is distant not greater than 30.0 metres from a “DE”, “DE-2”, DE-3”, “RT-10”, “RT-20” or “RT-30” District, the height of a building or structure shall not exceed thirteen storeys or 41.5 metres in height.
- b) Section 4 b) be deleted and replaced with “That notwithstanding Section 11C(2)(a), a front yard having a depth not less than 4.0 metres. For the purpose of Zoning conformity, the front lot line shall be defined as the lot line abutting Barton Street East (northerly lot line).
- c) Section 4 c) be deleted and replaced with “That notwithstanding Section 11C(2)(b), an easterly side yard having a depth not less than 2.0 metres, except 1.5 metres to the hypotenuse of the daylight triangle, and a westerly side yard having a depth not less than 2.6 metres.
- d) Section 4 d) be deleted and replaced with “That notwithstanding Section 11C(2)(c), a rear yard having a depth not less than 39 metres, except that any portion of the underground parking garage which may project above grade is permitted to be located within the rear yard if it is distant at least 17.0 metres from the rear property line.
- e) Section 4 f) be deleted and replaced with “That notwithstanding Section 11C(5), for every building or structure, there shall be provided and maintained on the lot and within the district at least 18% of the area of the lot on which it is situate, as landscaped area.
- f) Section 4 i) be deleted and replaced with “That notwithstanding Section 18A (Table 1) and (Table 2), the following requirements shall apply:
 - i. A multiple dwelling shall require parking based on the following:
 - a. Units greater than 50 square metres: 1.0 spaces per unit;
 - b. Units equal to or lesser than 50 square metres: 0.3 spaces per unit; and,
 - c. Shared commercial and resident visitor: 0.22 spaces per unit.
 - ii. Each shared commercial and residential visitor parking space shall:
 - a. be maintained for the use of both the commercial and residential visitor parking;

- b. have a sign erected and legibly marked that the parking spaces are for the use of both commercial and residential visitor parking: and,
 - c. be maintained and readily accessible for either use, free and clear of all obstructions.
- g) Section 4 j) be deleted and replaced with “That notwithstanding Section 18A (Table 3), one (1) loading space shall be provided for a multiple dwelling with greater than 100 dwelling units, with a minimum size of 13.0 metres in length and 6.0 metres in width.
- h) That a new Section 4 be added and the subsequent sections be renumbered:
- “4. That in addition to Section 11C (1), the following uses shall also be permitted on the ground floor only:
 - (i) Commercial uses permitted in the “G” District;
 - (ii) A day nursery;
 - (iii) A medical or dental clinic, or the office of treatment room of any doctor, dentist, osteopath or drugless practitioner.”
- i) That a new section 6 be added and the subsequent sections be renumbered:
- “6. That notwithstanding Section 18 (30) of Zoning By-Law No. 6593, permeable pavers and other dustless, Low Impact Development surface materials will also be permitted.”
3. That Sheet No. E123 of the District Maps is amended by making the lands referred to in Section 1 of this By-law as S-306c.
4. That By-law No. 6593 is amended by adding this by-law to Section 19B as Schedule S-306c.
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 and ENACTED this 25th day of September, 2019.

Fred Eisenberger
Mayor

A. Holland
City Clerk



<p>This is Schedule "A" to By-law No. 19-</p> <p>Passed the day of, 2019</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 19-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 6593</p>	<p>Subject Property</p> <div style="display: flex; align-items: flex-start; margin-top: 5px;"> <div style="width: 20px; height: 10px; border: 1px solid black; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); margin-right: 5px;"></div> <div> <p>Change in zoning from "E-3/S-306b" (High Density Multiple Dwellings) District, Modified, to "E-3/S-306c" (High Density Multiple Dwellings) District, Modified</p> </div> </div>
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<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAC-19-001 / UHOPA-19-001</p>	<p style="margin: 0;">Hamilton</p>
<p>Date: April 26, 2019</p>	<p>Planner/Technician: JO/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		