

**Authority:** Item 2, Planning Committee Report 24-009 (PED24096)  
CM: June 26, 2024 Ward: 5  
Written approval for this by-law was given by Mayoral Decision MDE-2024-15  
Dated June 26, 2024

**Bill No. 107**

**CITY OF HAMILTON**  
**BY-LAW NO. 24-107**

**To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 2481  
Barton Street East, Hamilton**

**WHEREAS** Council approved Item 2 of Report 24-009 of the Planning Committee, at its meeting held on June 26, 2024;

**AND WHEREAS** this By-law will be in conformity with the Urban Hamilton Official Plan.

**NOW THEREFORE** Council of the City of Hamilton amends Zoning By-law No. 05-200 as follows:

1. That Map No. 1094 of Schedule "A" - Zoning Maps, appended to and forming part of Zoning By-law No. 05-200 (Hamilton), is amended by adding the lands as Transit Oriented Corridor Mixed Use High Density (TOC4, 899, H174) Zone, the extent, and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That Schedule "C" – Special Exceptions is amended by adding the following new Special Exceptions:
  - "899. Within the lands zoned Transit Oriented Corridor Mixed Use High Density (TOC4, 899, H174) Zone, on Map No. 1094 of Schedule "A" – Zoning Maps and described as 2481 Barton Street East, the following special provisions shall apply:
    - a) Notwithstanding Section 11.4.3 b), c), d) ii), and g) x), and in addition to Section 11.4.3 a), the following regulations shall apply:
      - i) Minimum Building Setback from a Street 4.9 metres for any portion of the building exceeding a height of 19.6 metres.
      - ii) Minimum Rear Yard 17.5 metres.

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| iii) Minimum Easterly Interior Side Yard       | A) 13.6 metres from the easterly lot line.<br>B) In addition to 2. a), iii), A) above, 20.5 metres from any portion of a building exceeding a height of 19.6 metres, from the easterly lot line.                                   |
| iv) Minimum Westerly Interior Side Yard        | A) 3.0 metres from the westerly lot line.<br>B) In addition to 2. a), iv), a) above, 18.0 metres from any portion of the building exceeding a height of 19.6 metres, from the westerly lot line, except for an enclosed stairwell. |
| v) Maximum Building Height                     | 57.5 metres.   |
| vi) First Storey Height                        | Minimum 3.6 metres and a maximum of 5.0 metres.  |
| vii) Percentage of Two and Three Bedroom Units | A minimum of 39.0 percent (82 dwelling units) of the Dwelling Units shall be units with two bedrooms and a minimum of 3.9 percent (8 dwelling units) of the Dwelling Units shall be units with three or more bedrooms.             |

3. That Schedule “D” – Holding Provisions be amended by adding the additional Holding Provision as follows:

“174. Notwithstanding Section 11.4 of this By-law, within lands zoned Transit Oriented Corridor Mixed Use High Density (TOC4, 899, H174) Zone, on Map No. 1094 of Schedule “A” – Zoning Maps and described as 2481 Barton Street East, no development shall be permitted until such time as:

- a) That the owner submit and receive approval of a revised Tree Protection Plan (and applicable review fee) to evaluate the retention of additional trees on the subject lands, to the satisfaction of the Director of Heritage and Urban Design;
- b) That the owner submit and receive completion of a signed Record of Site Condition being submitted to the satisfaction of the Director

of Development Planning or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. The Record of Site Condition must include a notice of acknowledgement of the Record of Site Condition by the Ministry of the Environment, Conservation and Parks, and submission of the City of Hamilton's current Record of Site Condition administration fee;

- c) The Owner submit and receive approval of a revised Functional Servicing Report to demonstrate that there is a suitable sanitary sewer outlet with sufficient capacity available, including but not limited to, improvements to the existing sanitary sewer along Barton Street from the subject site to the Battlefield Trunk sewer, to service the proposed development, to the satisfaction of the Director of Development Engineering;
  - d) That the Owner enter into and register an External Works Agreement with the City on the title of the lands for the design and construction of any required sanitary sewer improvements to the municipal infrastructures in accordance with City's Financial Policy to support this development, to the satisfaction of the Director of Development Engineering;
  - e) That no development within the subject site can proceed until the City completes the design and construction of the Battlefield Trunk Sewer twinning, unless it is confirmed that there is capacity available in the existing Battlefield Sanitary Trunk to accommodate the proposed development, to the satisfaction of the Director of Development Engineering;
  - f) That the owner submit and receive approval of an updated Pedestrian Wind Study, to the satisfaction of the Director of Heritage and Design;
  - g) That the owner enter into and register an External Works Agreement on title with the City's Growth Management Division for the design and construction of an extension of the existing raised median island, to the satisfaction of the Director of Transportation Planning and Parking;
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 Transit Oriented Corridor Mixed Use High Density (TOC4, 899, H174) Zone subject to the special requirements referred to in Section No. 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 26<sup>th</sup> day of June, 2024.

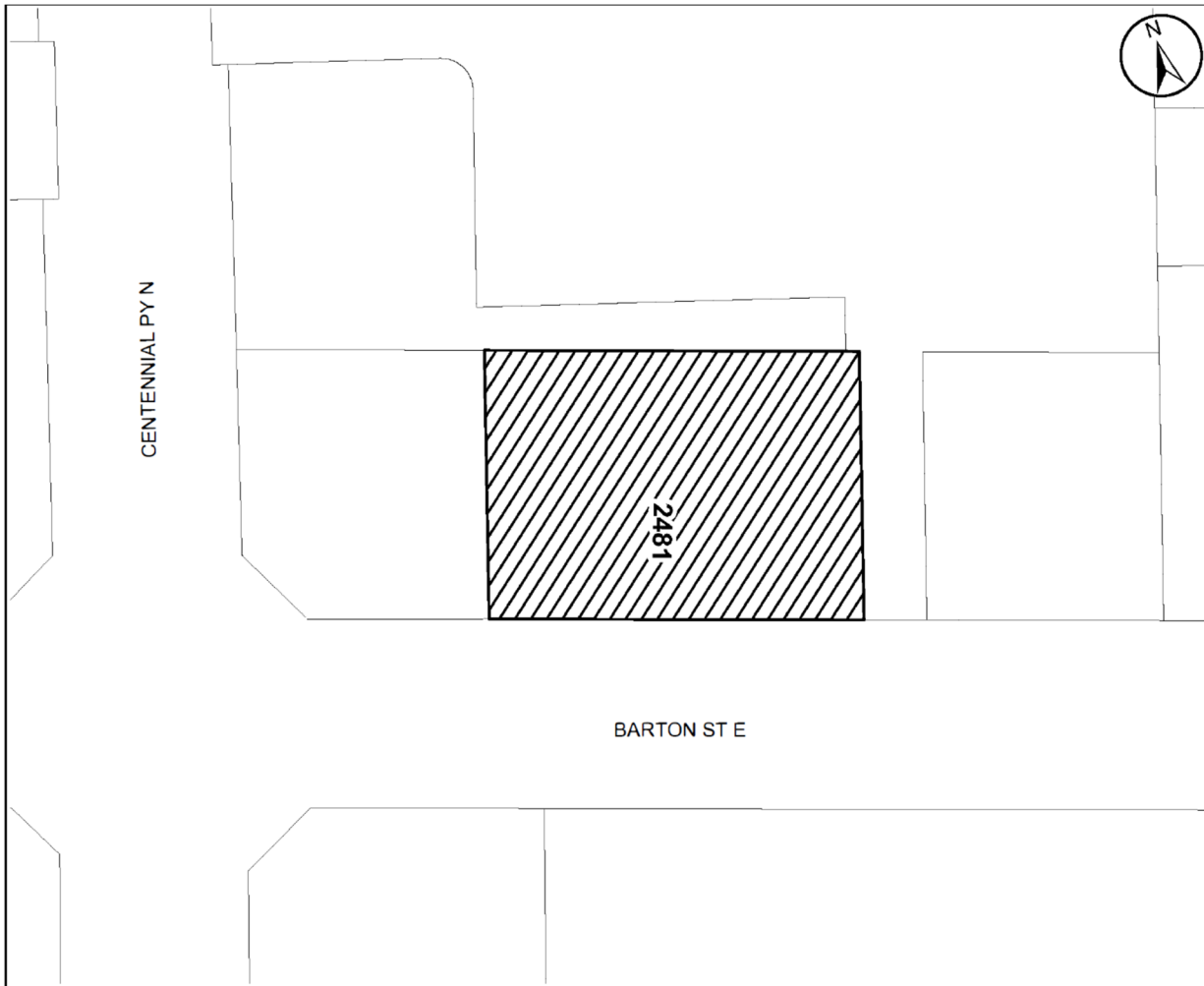
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A. Horwath  
Mayor

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J. Pilon  
Acting City Clerk

ZAC-23-023



<p>This is Schedule "A" to By-law No. 24-</p> <p>Passed the ..... day of ....., 2024</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: 5px 0;">Map forming part of By-law No. 24-_____</p> <p style="margin: 5px 0;">to Amend By-law No. 05-200 Map 1094</p>	<p><b>Subject Property</b></p> <p>2481 Barton Street East, Hamilton</p> <p> Lands to be added as the Transit Oriented Corridor Mixed Use High Density (TOC4, 899, H174) Zone</p>
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<p><b>Scale:</b> N.T.S.</p>	<p><b>File Name/Number:</b> ZAC-23-023</p>	<p><b>Hamilton</b></p>
<p><b>Date:</b> May 2, 2024</p>	<p><b>Planner/Technician:</b> DB/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		