

Authority: Item 11, Planning and Economic
Development Committee
Report; 05-007
CM March 23, 2005

Bill No. 073

CITY OF HAMILTON

BY-LAW NO. 05-073

To Amend Zoning By-law No. 6593 Respecting the Barton-Tiffany Area

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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 11 of Report 05-007 - of the Planning and Economic Development Committee at its meeting held on the 23rd day of March, 2005, 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 as amended by Official Plan Amendment No. 198 proposed by the City of Hamilton as By-law No. 05-070 but not yet approved in accordance with the provisions of the Planning Act.

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

1. Sheet Nos. W-3, W-11, W-20 and W-21 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), are amended,
 - a) by changing from “K (Heavy Industry, etc.) District, to “DE”-‘H’ (Low Density Multiple Dwellings - Holding) District, Modified (Block “1”);
 - b) by changing from “K (Heavy Industry, etc.) District, to “H”-‘H’ (Community Shopping and Commercial, etc. – Holding) District , Modified (Block “2”); and,
 - c) by changing from “K” (Heavy Industry, etc.) District to “A” (Conservation, Open Space, Park and Recreation) District (Block “3”);

the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” .

2. That notwithstanding Sections 2. (2) A. (viid) and (xii) of Zoning By-law No. 6593, the following definitions shall apply ;
 - a) Street Townhouse – Shall mean a building divided vertically into three or more townhouses, each of which may contain a maximum of two dwelling units, by common walls which prevent internal access between townhouses and extend from the base of the foundation to the roof line and for a horizontal distance of not less than 35 percent of the horizontal depth of the building. Each townhouse shall be designed to be on a separate lot having separate access to it and frontage on a street.
 - b) Lodging House - Shall mean a dwelling containing one or more lodging units designed to accommodate four or more residents. The residents may share common areas of the dwelling other than the lodging units, and do not appear to function as a household. This shall not include a group home, nursing home, hospital or any residential care facility licensed, approved or supervised under any general or specific Act or a hotel. This shall include, but not be limited to, student residences and convents.
3. That in addition to the requirements of Section 2 of Zoning By-law No. 6593, the following definitions shall apply:
 - a) Artisan’s Establishment - Shall mean an establishment used for the study or instruction of a performing or visual art such as dancing, singing or painting or the workplace of an artisan such as a painter, sculptor, photographer, dressmaker, tailor together with the accessory retailing of paintings, sculpture, photography or handcrafts.

- b) Catering Service - Shall mean a use where food and beverages are prepared for consumption off-site, but are not served on the premises or for take-out.
- c) Craftsperson Shop - Shall mean an establishment used for the creation, finishing, refinishing or similar production of custom or hand-made commodities, together with the retailing of such commodities.
- d) Flankage Yard - Shall mean a yard extending from the front yard to the rear yard of a lot measured from a lot line which abuts a street to the nearest part of any building or structure of the lot.
- e) Floor Area Ratio - Shall mean the figure obtained when the total gross floor area on a lot is divided by the lot area.
- f) Lodging Unit - Shall mean a room or set of rooms located in a lodging house designed or intended to be used for sleeping and living accommodation, which:
 - i) is designed for the exclusive use of the resident or residents of the unit;
 - ii) is not normally accessible to persons other than the resident or residents of the unit;
 - iii) may contain either a bathroom or kitchen but does not contain both for the exclusive use of the resident or residents of the unit.
- g) Major Recreational Equipment - Shall mean either a portable structure designed and built to be carried by a motor vehicle, or a unit designed and built to be transported on its own wheels, for purposes of providing temporary living accommodation or recreational enjoyment for travel and shall include, for example, motor homes, travel trailers, tent trailers, boats, boat trailers, or other like or similar equipment, excluding bicycles.
- h) Medical Clinic - Shall mean a building which is used jointly by three or more health professionals for the purpose of consultation, diagnosis and/or treatment of persons. It may include ancillary administrative offices, waiting rooms, treatment rooms laboratories, dispensaries or other similar facilities but shall not include accommodation for in-patient care or facilities for major surgical practice.
- i) Medical Office - Shall mean a building or part thereof in which a maximum of two health professionals provide consultative, diagnostic and treatment services.

- j) Office - Shall mean a building in which one or more persons are employed in the management or conducting of a business or serve clients who seek advice or consultation, but does not include a Medical Office or Medical Clinic.
 - k) Personal Services - Shall mean the provision of services involving the health, beauty or grooming of a person or the maintenance or cleaning of apparel.
 - l) Place of Worship - Shall mean a building used by a religious organization for public or private worship and accessory uses which may include an assembly hall, auditorium, convent, monastery, rectory, cemetery, day nursery, church hall, educational or recreational uses.
 - m) Repair Service - Shall mean the provision of maintenance or repair services for goods or equipment, excluding motor vehicles and major recreational equipment.
 - n) Retail - Shall mean the sale or rental of goods or materials to the ultimate consumer including "convenience retail" goods, but shall not include a restaurant or the sale or rental of motor vehicles, motor vehicle fuel or major recreational equipment.
 - o) Veterinary Service - Shall mean a use where domestic animals or household pets are provided treatment by a veterinarian and may include temporary indoor accommodation related to treatment and/or recovery, and pet grooming but does not include a kennel.
4. The "DE" (Low Density Multiple Dwellings) District regulations as contained in Section 10A of Zoning By-law No. 6593, applicable to Block "1", be modified to the extent that only the following shall apply:
- a) Subject to the provisions of Sections 3, **18**, **18A** and **19**, in a "DE" District, 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, for other than one or more of the following uses, and uses accessory thereto:
 - b) The following uses shall be permitted:
 - i) Children's Residence
 - ii) Emergency Shelter
 - iii) Home Occupation
 - iv) Lodging House
 - v) Multiple Dwelling
 - vi) Residential Care Facility
 - vii) Street Townhouses
 - viii) Townhouses

- c) For a Children's Residence, Emergency Shelter, Lodging House, Multiple Dwelling, Residential Care Facility and Townhouses, the following regulations shall apply:

- | | |
|------------------------------|--|
| i) Minimum Lot Width | 12.0m |
| ii) Maximum Front Yard | 3.0m |
| iii) Maximum Flankage Yard | 3.0m |
| iv) Side Yard | a) 3.0m maximum; or,
b) 3.0m minimum for a side yard containing an access driveway |
| v) Minimum Rear Yard | 3.0m |
| vi) Maximum Building Height | 15.0 metres |
| vii) Minimum Landscaped Area | Not less than 10% of the lot area shall be landscaped. This shall not include the amenity area. |
| viii) Visual Barrier | <p>A visual barrier is required along any side yard or rear yard except a flankage yard adjacent to an "H" District, except where a building is located or for the area used for an access driveway, in accordance with the following:</p> <p>a) Where a visual barrier is required to be provided and maintained, such barrier shall act as a screen between uses and be constructed to a minimum height of 1.8m and shall consist of the following:</p> <p>i) a wall, fence; or,</p> <p>ii) a continuous planting of suitable trees or shrubs together with a reserved width of planting area appropriate for healthy plant growth; or,</p> |

- iii) earth berms; or,
 - iv) any combination of the above.

- ix) Minimum Amenity Area For multiple dwellings containing 20 or more dwelling units, a minimum of 2.5m² of amenity area per dwelling unit shall be provided and developed in consolidated areas of not less than 50m².

- x) Minimum Floor Area Ratio 0.6

- xi) Distance Separation for Emergency Shelter and Residential Care Facility
 - i) Except as provided in subsection (ii), every residential care facility and emergency shelter shall be situated on a lot having a minimum radial separation distance of 300.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a residential care facility, emergency shelter, corrections residence or correctional facility for those areas where the Zoning By-law applies.
 - ii) Where the radial separation distance from the lot line of an existing residential care facility or an existing emergency shelter is less than 300.0 metres to the lot line of any other lot occupied by a residential care facility, emergency shelter, corrections residence or correctional facility, the existing residential care facility or the existing emergency shelter may be expanded or redeveloped to accommodate not more than the permitted number of residents for those areas where the Zoning By-law applies.

- xii) Maximum Capacity for Emergency Shelters and Residential Care Facilities Shall not exceed 6 residents.

xiii) Front Yard Parking and Access from a Public Street Vehicular access to dwelling units directly from a public street and front yard parking shall not be permitted. This regulation shall not apply to driveway access and front yard parking existing at the date of the passing of By-law Number ____.

d) For Street Townhouses, the following regulations shall apply:

- i) Minimum Lot Area 150.0m²
- ii) Minimum Unit Width 6.0m
- iii) Maximum Front Yard 3.0m
- iv) Maximum Side Yard 1.2m except 0.0m to a common wall and 3.0m for a flankage yard
- v) Minimum Rear Yard 7.0m
- vi) Maximum Building Height 11.0m
- vii) Minimum Floor Area Ratio 0.6
- viii) Front Yard Parking and Access from a Public Street Vehicular access to dwelling units directly from a public street and front yard parking shall not be permitted. This regulation shall not apply to driveway access and front yard parking existing at the date of the passing of By-law Number ____.
- ix) Frontage on a Public Road Where street townhouses are developed on a common element condominium road, the road shall be deemed to be a public road for zoning purposes only.

5. The "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to Block "2", be modified to the extent that only the following shall apply:

- a) Subject to the provisions of Sections 3, 18, 18A and 19, in an "H" District, no building or structure shall be erected, altered, extended or enlarged,

Day Nursery
Financial Establishment
Medical Clinic
Medical Office
Office
Personal Services
Place of Assembly
Place of Worship
Repair Service
Restaurant
Retail
Veterinary Service

- ii) The following uses shall only be permitted above the ground floor, except for access:
 - Emergency Shelter
 - Lodging House
 - Residential Care Facility

iv) Outdoor Storage

No outdoor storage of goods, materials or equipment shall be permitted in any front yard or in a side yard abutting a street. This shall not, however, prevent the display of goods or materials for retail purposes.

v) Distance Separation for Emergency Shelter and Residential Care Facility

- i) Except as provided in subsection (ii), every emergency shelter and residential care facility shall be situated on a lot having a minimum radial separation distance of 300.0m from the lot line to the lot line of any other lot occupied or as may be occupied by a residential care facility, emergency shelter, corrections residence or correctional facility for those areas where the Zoning By-law applies.
- ii) Where the radial separation distance from the lot line of an existing emergency shelter or residential care facility is less than 300.0m to the lot line of any other lot occupied by a residential care facility, emergency shelter, corrections residence or correctional facility, the existing

residential care facility or the existing emergency shelter may be expanded or redeveloped to accommodate not more than the permitted number of residents for those areas where the Zoning By-law applies.

vi) Maximum Capacity for Emergency Shelter and Residential Care Facility Shall not exceed 20 residents.

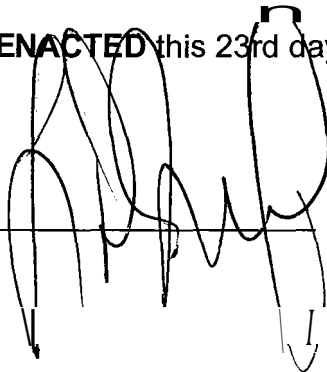
vii) Amenity Space for Multiple Dwellings For multiple dwellings containing 20 or more dwelling units, a minimum of 2.5m² of amenity area per dwelling unit shall be provided and developed as consolidated areas of not less than 50m².

6. (a) The 'H' symbol applicable to all of the lands referred to in Section 1 of this by-law shall be removed conditional upon,
 - i) the applicant submitting a signed Record of Site Condition (RSC) to the City of Hamilton, Director of Development and Real Estate, Planning and Development Department and the Ministry of the Environment (MOE). This RSC must be to the satisfaction of the City of Hamilton, including acknowledgement of receipt of the RSC by the MOE; and,
 - ii) a Noise and Vibration Study prepared by a qualified Professional Engineer, completed to the satisfaction of the Director of Development and Real Estate, Planning and Development Department.
- (b) The 'H' symbol shall be removed by amendment to this by-law and the development of the lands referred to in section 1 of this by-law may at such time proceed in accordance with the "DE" and "H" District provisions and subject to the special provisions referred to in Sections 2, 3, 4 and 5.
7. That upon approval of Official Plan Amendment No. 198, the proposed changes and modifications in zoning will be in conformity with the Official Plan. The subject By-law shall not come into effect until final approval of Official Plan Amendment No. 198.

8. 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 "DE", "H" and "A" District provisions, subject to the special requirements referred to in Sections 2, 3 and 4 and 5.
9. By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedule S-1518.
10. Sheet Nos. W-3, W-11, W-20 and W-21 of the District Maps are amended by marking the lands referred in Section 1 of this by-law as S-1518.
11. The City 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 23rd day of March, 2005.

MAYOR

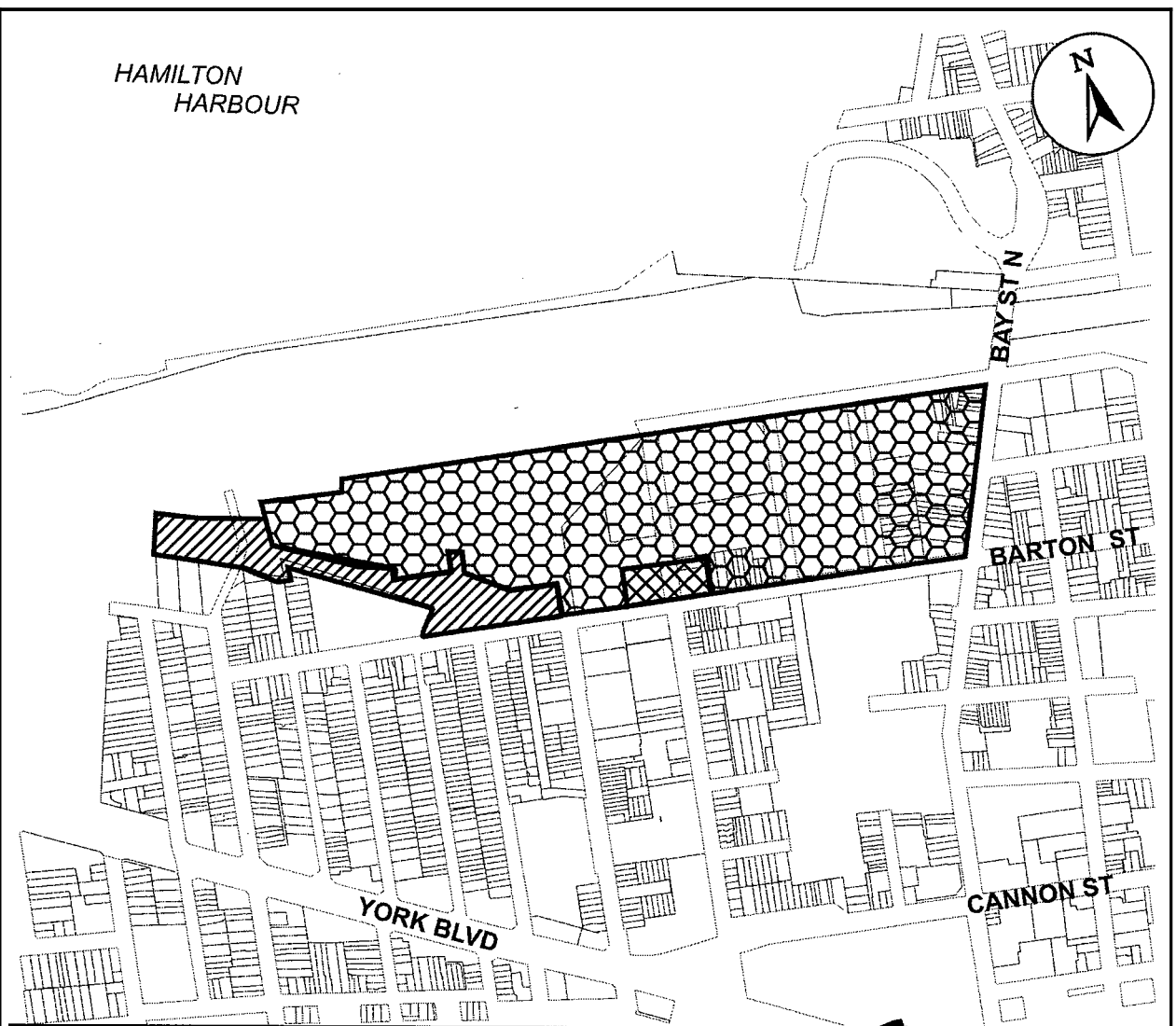


CI-04-M

CLERK


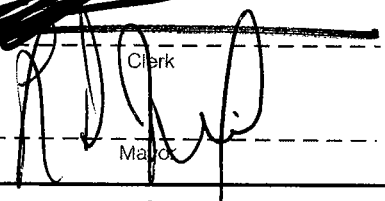


HAMILTON
HARBOUR



This is Schedule "A" to By-Law No. 05— 073

Passed the 23rd day of March, 2005


Clerk

Mayor

Schedule "A"




Map Forming Part of
By-Law No. 05-073
to Amend By-Law No. 6593




Hamilton

Subject Property Barton and Tiffany Area

Legend

-  Block "1" - Change in Zoning from "K" (Heavy Industry etc.) District to "DE"- "H" (Low Density Multiple Dwellings- Holding) District, Modified.
-  Block "2" - Change in Zoning from "K" (Heavy Industry etc.) District to "H"- "H" (Community Shopping and Commercial, etc.- Holding) District, Modified.
-  Block "3" - Change in Zoning from "K" (Heavy Industry etc.) District to "A" (Conservation. Open Space, Park and Recreation) District.

 North	Scale: Not to Scale	File Name/Number: BARTON and TIFFAN
	Date: January 2005	Planner/Technician: AF/LC

*&C File Name: barton-tiffanv schedule a.cdr