

**Authority:** Item 1, Planning Committee  
Report 19-005 (PED19060)  
CM: April 24, 2019  
Ward: 2

**Bill No. 081**

## **CITY OF HAMILTON**

### **BY-LAW NO. 19-081**

#### **To Amend Zoning By-law No. 05-200 Respecting Lands Located at 80 and 92 Barton Street East, and 245 Catharine Street North, Hamilton**

**WHEREAS** Council approved Item 1 of Report 19-005 of the Planning Committee at its meeting held on the 10<sup>th</sup> day of April, 2019;

**AND WHEREAS** this By-law conforms with the City of Hamilton Official Plan upon adoption of Official Plan Amendment No. 241.

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

1. That Map No. 911 of Schedule "A" – Zoning Maps of Zoning By-law No. 05-200, is amended by adding lands as Mixed Use Medium Density – Pedestrian Focus (C5a, 723, H73) Zone for the applicable lands, the extent and boundaries of which are shown as in Schedule "A" annexed as hereto and forming of this By-law.
2. That Schedule "C": Special Exceptions of Zoning By-law No. 05-200, is hereby amended by adding an additional special exception as follows:

"723. Within the lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, identified on Map No. 911 of Schedule "A" – Zoning Maps and described as 80 and 92 Barton Street East and 245 Catharine Street North, the following special provisions shall apply:

- a) The lands zoned Mixed Use Medium – Pedestrian Focus (C5a, 723) Zone shall be deemed to be one lot for the purposes of applying the provisions of the By-law. Zoning provisions shall apply only to the external lot lines of the overall lands, not to internal lot lines resulting from any future severance.
- b) In addition to Section 3: Definitions of Zoning By-law No. 05-200, the following definition shall also apply:

Stacked Townhouse Dwelling

Shall mean a building divided vertically and horizontally into a minimum of three and a maximum of 16 Dwelling Units, by common walls which prevent internal access between units,

with each Dwelling Unit having one or more private entrances at grade.

- c) Notwithstanding Section 3: Definitions as it relates to the definition of front lot line, Barton Street East shall be deemed to be the front lot line.
- d) Notwithstanding Section 5.2 b) i), and in addition Section 5.6 c), 10.5a.1 and 10.5a.1.1, the following uses shall only be permitted on a lot where a commercial use occupies more than 75% of the Barton Street East street line:

Multiple Dwelling  
Stacked Townhouse Dwelling

in accordance with the following provisions:

- i) Maximum Building Setback from a Street Line 3.0 metres.
- ii) Minimum Rear Yard 1.5 metres.
- iii) Minimum Side Yard
  - i) 3.0 metres for a Multiple Dwelling, and;
  - ii) 0.9 for a Stacked Townhouse Dwelling.
- iv) Maximum Building Height 14.0 metres.
- v) Built Form for New Development
  - In the case of new buildings constructed after the effective date of this by-law the following shall apply:
    - A) For a corner lot the minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines abutting a street.

- B) No parking, stacking lanes, or aisles shall be located between the required building façade and the front lot line and flankage lot line.
- vi) Minimum Amenity Area 8.6 square metres per unit.
- vii) Parking
- A) In accordance with the requirements of Section 5 of this By-law.
- B) Notwithstanding A) above the following parking standards shall apply:
1. 1.22 space per dwelling unit shall be required.
  2. Parking space size shall be a minimum of 2.6 metres in width and 5.5 metres in length.
- viii) Minimum Bicycle Parking Requirements 0.2 Short Term Bicycle Parking Spaces shall be provided per dwelling unit.
- e) Notwithstanding Sections 5.2 b) i), 10.5a.3 b), c), d) i) and ii), h) and i), and in addition to Section 5.6 c) the following special provisions shall apply for all other uses:
- i) Minimum Rear Yard 1.0 metre.
- ii) Minimum Side Yard 0.9 metres.
- iii) Building Height
- A) Maximum 15.3 metres.
- B) Notwithstanding A) above, any building height above 15.3 metres may be

equivalently increased as the step back is increased, to a maximum of 21.0 metres.

iv) Built Form for New Development

In the case of new buildings constructed after the effective date of this by-law the following shall apply:

- A) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street.
- B) For a corner lot the minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines abutting a street.
- C) In addition to B) above, the minimum ground floor façade facing the front lot line shall exclude access driveways and required yard along a lot line abutting a street.
- D) No parking, stacking lands, or aisles shall be located between the required building façade and the front lot line and flankage lot line.
- E) A minimum of one principal entrance shall be provided:

1. within the Barton Street East ground floor façade; and,
  2. shall be accessible from the building façade with direct access from the public sidewalk.
- F) A minimum of 60% of the area of the ground floor façade facing the street shall be composed of doors and windows.
- G) The first storey shall have a minimum height of 3.6 metres and a maximum height of 4.5 metres.
- v) Parking
- A) In accordance with the requirements of Section 5 of this By-law.
- B) Notwithstanding A) above the following special requirements shall apply:
1. 117 parking spaces shall be provided.
  2. Parking space size shall be 2.6 metres in width and 5.5 metres in length.
  3. 5.2 b) iii) shall not apply.
- vii) Loading Space
- One loading space is required.

viii) Minimum Bicycle Parking Requirements                      5 Short Term Bicycle Parking Spaces shall be provided.

- f) In addition to Section 10.5a.3 15% of the total lot area shall be provided as landscaped area.
3. That Map 911 on Schedule "A" – Zoning Maps of By-law No. 05-200, be amended the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" to this By-law by adding lands as Mixed Use Medium Density – Pedestrian Focus (C5a, 723, H73).
4. That Schedule "D" – Holding Provisions, of By-law No. 05-200, be amended by adding the additional Holding Provision as follows:
- "73. Notwithstanding Section 10.5a of this By-law, within lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a, 723) Zone on Map 911 on Schedule "A" – Zoning Maps, and described as 80 and 92 Barton Street East, and 245 Catharine Street North, no development shall be permitted until such time as:
- i) That the owner submits and receives approval of a Documentation and Salvage Report in accordance with the City of Hamilton Documentation and Salvage Report guidelines to the satisfaction of the Director of Planning and Chief Planner;
  - ii) That the owner submits and receives approval of a revised fire flow calculation based on the more advanced building design plans to demonstrate that the existing watermains can provide for sufficient flow for firefighting for the future development on the site all to the satisfaction of the Manager of Engineering Approvals; and,
  - iii) The owner submits a signed Record of Site Condition to the City of Hamilton and the Ministry of the Environment Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton's current RSC administration fee.
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. 19-081 shall come into force and be deemed to have come into force in accordance with Subsection 34(21) of the *Planning Act*, either upon the date of passage of this By-law or as provided by the said Subsection.

To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 80 and 92 Barton Street East and 245 Catharine Street North (Hamilton)

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**PASSED** this 24<sup>th</sup> day of April , 2019.

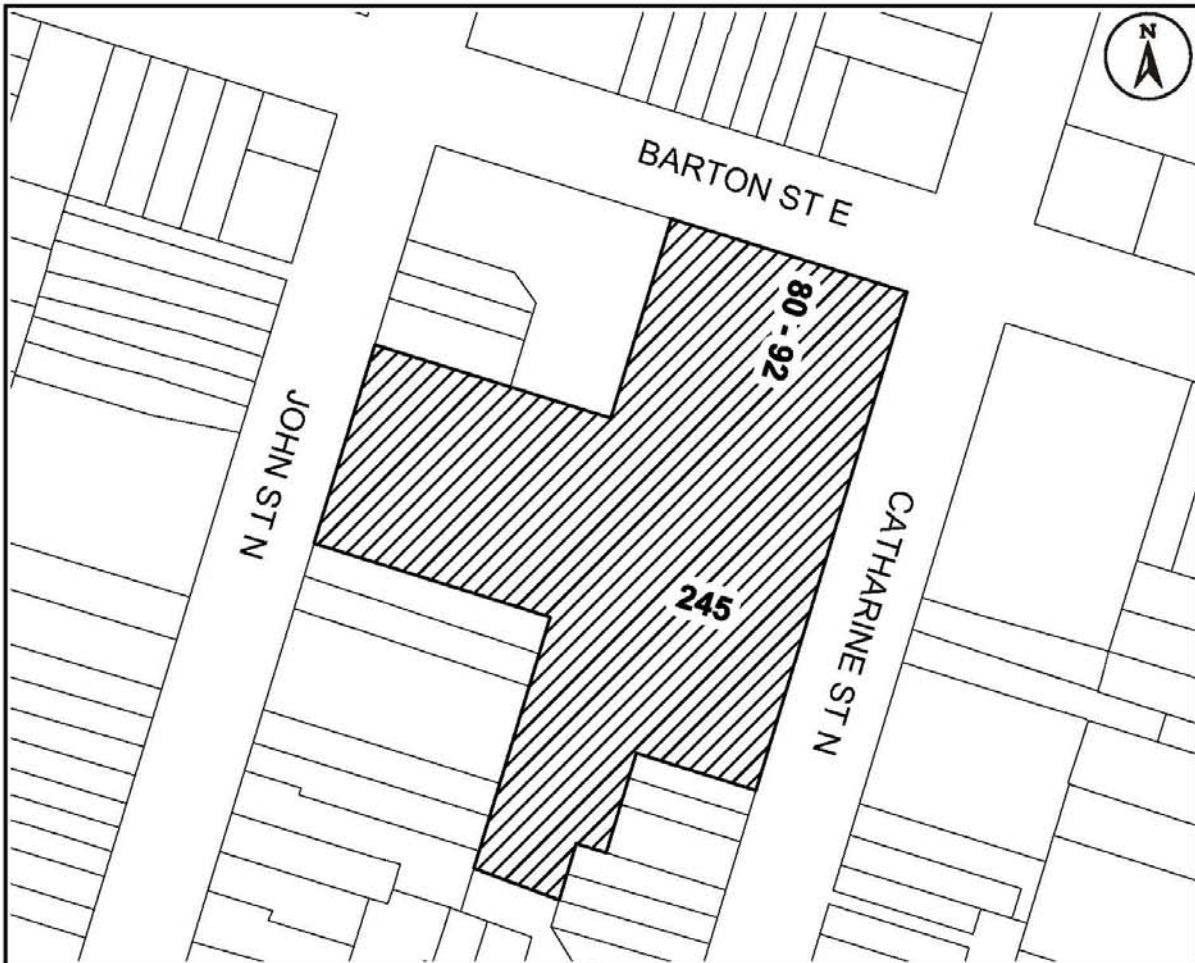
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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

ZAC-17-090/OPA-17-041



This is Schedule "A" to By-law No. 19-  Passed the ..... day of ....., 2019		_____ Mayor  _____ Clerk
<h2 style="margin: 0;">Schedule "A"</h2>  <h3 style="margin: 0;">Map Forming Part of By-law No. 19-_____</h3>  <h3 style="margin: 0;">to Amend By-law No. 05-200 Map 911</h3>		<p><b>Subject Property</b>                  80 - 92 Barton Street East &amp; 245 Catharine Street North</p> <p> Lands to be added to Zoning By-law 05-200 as                  Mixed Use Medium Density - Pedestrian Focus                  (C5a, 723, H73) Zone</p>
Scale: N.T.S.	File Name/Number: ZAC-17-090/OPA-17-041	
Date: January 31, 2019	Planner/Technician: SM/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		