

**Authority:** Item 6, Planning Committee  
Report: 14-003 (PED14017)  
CM: March 26, 2014

**Bill No. 065**

## **CITY OF HAMILTON**

**BY- LAW NO. 14-065**

**To Amend Zoning By-law No. 6593  
Respecting Lands Located at 1670 Garth Street (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 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 6 of Report 14-003 of the Planning Committee, at its meeting held on the 26th day of February 2014, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

**AND WHEREAS** this By-law will be in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. 14.

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

1. That Sheet No. W-27e of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended as follows:

- (a) By changing the zoning from the "AA" (Agricultural) District to the "E-'H'/S-1701" (Multiple Dwellings, Lodges, Clubs, etc. - Holding) District, Modified,

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

2. That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions, as contained in Section 11 of Zoning By-law No. 6593, be modified to include the following special requirements:

- (a) That notwithstanding Sub-section 11.(1) of Zoning By-law No. 6593, a maximum of 950 square metres of Commercial Uses permitted in Sub-Section 13.(1) of Zoning By-law No. 6593 shall be permitted on the ground floor of a mixed-use building and further notwithstanding Sub-section 13.(1) of Zoning By-law No. 6593 a commercial school shall also be permitted;
- (b) That notwithstanding Sub-section 11.(2) of Zoning By-law No. 6593, no building or structure shall exceed 10-storeys or 30.0m in height;
- (c) That Sub-section 11.(3)(i)(b) of Zoning By-law No. 6593 shall not apply;
- (d) That notwithstanding Sub-section 11.(3)(ii)(b) of Zoning By-law No. 6593, no easterly side yard is required; a minimum westerly side yard of 30m is required for any portion of the building that is at least 3-storeys in height except that a minimum westerly side yard of 40m is required for any portion of the building at least 7-storeys in height and a minimum westerly side yard of 50m is required for any portion of the building at least 10-storeys in height shall be provided and maintained;
- (e) That notwithstanding Sub-section 11.(5) of Zoning By-law No. 6593 that no building or structure in an "E" District shall have a gross floor area greater than the area within the district of the lot on which it is situate, multiplied by the floor area ratio factor of 2.0;
- (f) That notwithstanding Sub-section 14.(6) of Zoning By-law No. 6593, for every building or structure there shall be provided and maintained on the same lot within the district an amount not less than 15% of the area of the lot on which the building or structure is situate, as landscaped area;
- (g) That notwithstanding Sub-section 18A.(1)(c) of Zoning By-law No. 6593, one 9.0m by 3.7m x 4.3m loading space shall be required;
- (h) That notwithstanding Sub-section 18A.(1)(a) and 18A.(1)(b) of Zoning By-law No. 6593, 1.20 parking spaces per Class A dwelling unit shall be

provided which shall include 0.20 of a space per Class A dwelling unit for visitor parking;

- (i) That notwithstanding Sub-section 18A.(1)(a) of Zoning By-law No. 6593, 25 parking spaces shall be provided for the combined maximum 950 square metres of commercial uses permitted by Sub-Section 2.(a) of this By-law; and,
  - (j) That notwithstanding Sub-section 18A.(7) of Zoning By-law No. 6593, every required parking space, other than a parallel parking space, shall have dimensions not less than 2.6m wide and 5.5m long.
  - (k) That Sub-section 18A.(20) of Zoning By-law No. 6593 shall not apply
3. That the 'H' symbol, may be removed by a further amendment to this By-law, at such time that the funded and scheduled reconstruction of Rymal Road West in front of the subject lands has been determined, and coordinated to be completed concurrent with the construction of the development proposal. This shall not be later than the Fall of 2017 or the 'H' Holding Provision can be removed, but the 'H' symbol may be removed earlier if the aforementioned road works are completed sooner. Removal of the 'H' Holding Provision is to the satisfaction of the Director of Planning and the Manager of Engineering Approvals.
  4. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1701.
  5. That Sheet No. W-27e of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1701.
  6. 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 "E" (Multiple Dwellings, Lodges, Clubs, Etc.) District provisions, subject to the special requirements referred to in Section 2 and 3 of this By-law.
  7. 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.

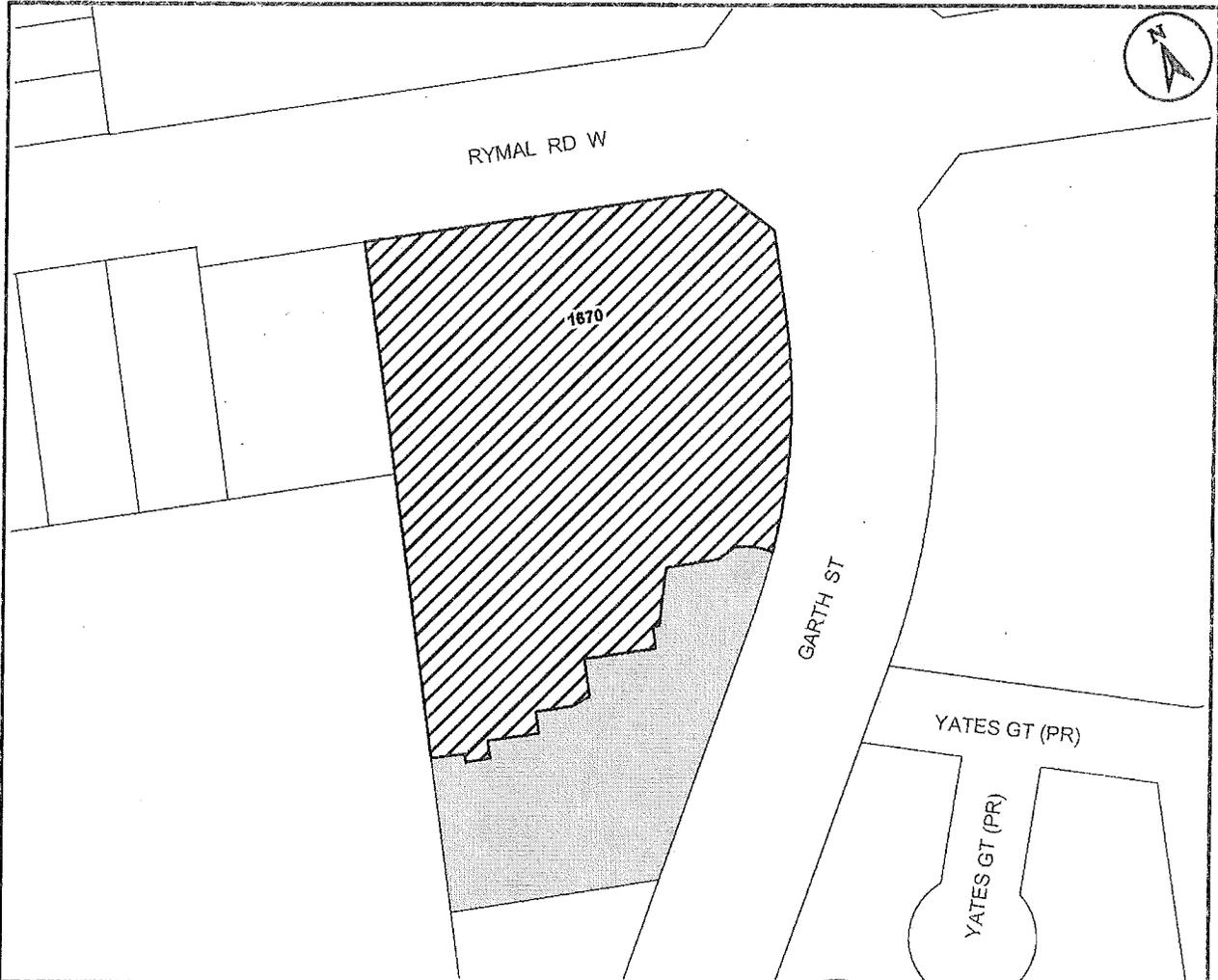
**PASSED** this 26th day of March, 2014.



R. Bratina  
Mayor



R. Caterini  
City Clerk



This is Schedule "A" to By-Law No. 14- 065  
 Passed the 26th day of March, 2014

*R. B. B. B. B.*  
 Mayor  
*[Signature]*  
 Clerk

**Schedule "A"**  
 Map Forming Part of  
 By-Law No. 14- 065  
 to Amend By-law No. 6593

**Subject Property**  
 1670 Garth Street, Hamilton

-  Change in Zoning from the "AA" (Agricultural) District to the "E-H/S-1701" (Multiple Dwellings, Lodges, Clubs, etc. - Holding) District, Modified
-  Refer to the Zoning By-law 05-200

Scale: N.T.S.	File Name/Number: ZAC-12-063/OPA-13-011	
Date: March 19, 2014	Planner/Technician: GM/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		