

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario

14-241-OMB-02
Attachment 2



ISSUE DATE: September 30, 2015

CASE NO(S): PL141231

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant:	Niagara Escarpment Commission
Subject:	By-law No. 14-241
Municipality:	City of Hamilton
OMB Case No.:	PL141231
OMB File No.:	PL141232
OMB Case Name:	Niagara Escarpment Commission v. Hamilton (City)

APPEARANCES:

Parties

Counsel

Vetco Holdings Inc. and
City of Hamilton

N. Smith

Niagara Escarpment Commission J. Thompson

AMENDING DECISION DELIVERED BY H. JACKSON AND ORDER OF THE BOARD

[1] On May 22, 2015, the Board issued its Decision and Order ("Decision") for the above noted case.

[2] Upon request on consent by the parties, the Board deletes Exhibit 1, Tab 16 and Attachment 2 to the Decision and is substituted with Attachment 2 that is attached to this Amending Decision.

"H. Jackson"

H. JACKSON
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

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ATTACHMENT "2"

ONTARIO MUNICIPAL BOARD

To Amend Zoning By-law No. 6593 (Hamilton),
respecting lands located at 467 Charlton Avenue
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 1st, 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 the successor of 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council or the City of Hamilton;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 12 of Report 14-012 of the Planning Committee, at its meeting held on the 12th day of August, 2014, recommended that Zoning By-law No. 6593 (Hamilton) be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, approved by the Minister under the Planning Act August 17, 2013.

NOW THEREFORE the Ontario Municipal Board enacts as follows:

1. That Sheet No. W16 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing the zoning from the "M-13" Prestige Industrial District to the "E/S-1710"-'H' (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.-- Holding) District, Modified, as contained in Section 11 of Zoning By-law No. 6593, be modified to include the following special requirements:
 - (a) That notwithstanding Section 11(1) (Permitted Uses) of Zoning By-law No. 6593, the following use shall be permitted:
 - (i) A maximum of 162 dwelling units in three multiple dwellings.
 - (b) For the purposes of this By-law, the Block lines identified as 1a, 1b, 1c on Schedule "A" shall be used to identify the locations of the buildings shown as "A", "B" and "C", and shall not be treated as lot lines.
 - (c) That notwithstanding Section 11(2)(ii) and (iii), and the definition of "Height" provided in Section 2(2)(j)(ix), no building or structure within Blocks 1a and 1b shall exceed 6 storeys above grade or 21.0 metres in height, excluding the mechanical penthouse, and no building or structure within Block 1c shall exceed 5 storeys above grade or 18.0 metres in height, excluding the mechanical penthouse. In addition, the mechanical penthouse for each building (Buildings "A", "B" and "C") shall be no greater than 3.5 metres in height and shall be located no closer than 16 metres from the east or west side of each building and no closer than 4 metres to the north edge of each building.
 - (d) That notwithstanding Section 11(3)(i)(b), the minimum front yard shall be:
 - (i) 0.5 metres to the facade and 0m to a canopy for a building entrance for Building "A";
 - (ii) 5.2 metres to the facade and 1.4m to a canopy for a building entrance for Building "B";
 - (iii) 3.0 metres to the facade and 0m to a canopy for a building entrance for Building "C".
 - (e) That notwithstanding Section 11(3)(ii)(b), the minimum side yard shall be 33 metres for Buildings "A"; and "C"

- (f) That Section 1 I(3)(iii)(b), the minimum rear yard shall be:
 - (i) 0.0 m for Building "A" from the Top of Stable Slope;
 - (ii) 0.0 m for Building "B" from the Top of Stable Slope; and,
 - (iii) 0.0 m for Building "C" from the Top of Stable Slope.
- (g) That Section 11 (4), the minimum width provision shall not apply.
- (h) That notwithstanding Section 11 (5) shall not apply.
- (i) That notwithstanding Section 11 (6), the minimum landscaped area of 25% shall not apply, however a minimum landscaped amenity area in the form of two outdoor terraces having an overall area of 325 square metres shall be provided.
- (j) That notwithstanding Section 18(16), a balcony may project:
 - (i) 1.0m beyond the Top of Stable Slope; and,
 - (ii) 1.0m into a required front yard.
- (k) That notwithstanding Section 18 (4)(iv), private waste management containers (i.e. Molok system) may be installed into a required side yard.
- (l) That notwithstanding Section 18A(1)(a), the minimum number of parking spaces shall be based on 1.2 spaces for dwelling units greater than 50 square metres in gross floor area and 0.5 spaces for dwelling units which are 50 square metres in gross floor area or less.
- (m) That notwithstanding Section 18A(1)(b), the minimum number of parking spaces for visitors shall be based on 0.20 spaces for dwelling units greater than 50 square metres in gross floor area.
- (n) That notwithstanding Section 18A(7), minimum dimensions for parking spaces of 2.6 metres by 5.5 metres, excluding parallel parking spaces shall be provided and maintained.
- (o) That notwithstanding Sections 18A(1)(c), 18A(11) and 18A(12), designated loading spaces shall not be required.

- (p) That notwithstanding Section 18A(11), the boundary of every parking area on a lot containing five or more parking spaces shall be located on the surface of a lot adjoining a residential district shall be fixed:
 - (a) Not less than 1.5 metres from the adjoining residential district; and
 - (b) The permitted distance from the street line shall be 0.0 metres.
 - (q) That notwithstanding Section 18A(12), a planting strip and visual barrier shall be required only between the parking area and the residential district along the easterly boundary of the property.
 - (r) That notwithstanding Section 18A(14g), a parking area may be permitted to encroach into the required front yard.
 - (s) That the following spatial separation distances shall apply to the proposed buildings:
 - Between buildings "A", "B" and "C", the spatial separation shall be a minimum of 35m from the base of the building to the top of the 3rd floor and a minimum of 39m between the 4th floor and the top of the 6th floor.
3. That the amending Zoning By-law apply the Holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990 to the subject lands identified in Section 1 of this By-law by introducing the Holding symbol 'H' as a suffix to the proposed "E/S-1710"-H' (High Density Multiple Dwellings- Holding) District, with Specific Exceptions:
- The Holding provision "E/S-1710"-H' (High Density Multiple Dwellings- Holding) District, with Specific Exceptions shall apply until such time that the owner has:
- (1) Undertaken provisions for adequate water services to the site are secured and has entered into an External Works Agreement for required servicing of the site (water, sewer and road upgrades) and Registered on Title to the satisfaction of the Senior Director of Growth Management; and,
 - (2) Received approval from the Ministry of Environment for a Record of Site Condition for the lands to be developed to the satisfaction of the Director of Planning and the Senior Director of Growth Management;

To Amend Zoning By-law No. 6592 (Hamilton Zoning By-law), respecting lands located at 467 Charlton Avenue East in the City of Hamilton

