

Authority: Item 13, Planning Committee
Report 15- 012 (PED15112)
CM: August 14, 2015

Bill No. 184

CITY OF HAMILTON

BY-LAW NO. 15-184

To Amend Zoning By-law No. 6593 (Hamilton) Respecting Lands located at 601 Barton Street East

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Plan of the former regional municipality, continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 13 of Report 15-012 of the Planning Committee, at its meeting held on the 14th day of August 2015, which 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.

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

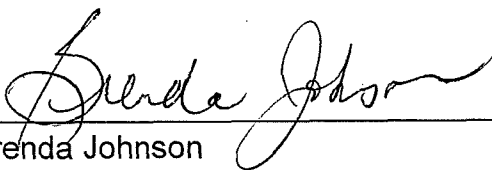
1. That Sheet No. E-3 of the District maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by changing from the "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to the "E/S-1724" (Multiple Dwellings, Lodges, Clubs, Etc.) District, Modified, 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 regulations, as contained in Section 11 of Zoning By-law No. 6593, be modified to include the following special provisions:
- (a) That notwithstanding Sub-section 11(1)(iii) and Sub-Section 4(3)(a) of Zoning By-law No. 6593, a multiple dwelling shall be permitted only within the building existing at the date of the passing of this By-law, being the 14th day of August, 2015, and within any additions to the existing building.
 - (b) That notwithstanding Sub-section 11(1) and the definitions of "Dwelling, Multiple", "Dwelling, Townhouse" and "Dwelling, Street Townhouse" as contained in Section 2(2)A.(viib), 2(2)A.(viid) and 2(2)A.(viii) of Zoning By-law No. 6593, that for the purposes of this By-law that a building addition containing residential units that are attached to each other, side by side and each containing individual exterior access shall be considered as dwelling units within the overall Multiple Dwelling on the subject lands and shall be permitted.
 - (c) That in addition to the uses permitted in Sub-section 11(1) of Zoning By-law No. 6593, that "Live Work Units" shall be permitted.
 - (d) That for the purposes of this By-law that "Live Work Units" shall be defined as "a two storey dwelling with an at grade entrance, containing one Class A dwelling unit with only a Commercial Use permitted in Sub-Section 13.(1)(ii) through 13.(1)(xiv) of the "G" (Neighbourhood Shopping Centre, Etc.) District of Zoning By-law No. 6593 or a commercial school, being permitted on the ground floor, except that access is permitted from the ground floor to the 2nd level residential portion of the unit, and that the total Gross Floor Area of an individual Live Work Unit shall not exceed 200 square metres."
 - (e) That in addition to the uses permitted in Sub-section 11(1) of Zoning By-law No. 6593 and by Section 2(b), 2(c) of this By-law, a maximum of 110 square metres of Commercial Uses permitted in Sub-Section 13.(1)(ii) through 13.(1)(xiv) of the "G" (Neighbourhood Shopping Centre, Etc.) District of Zoning By-law No. 6593 or a commercial school shall be permitted on the ground floor of the building existing at the date of the passing of this By-law, being the 14th day of August, 2015, in addition to any commercial uses contained within Live-Work Units.
 - (f) That the purposes of this By-law, that Barton Street East shall be deemed to be the front lot line.
 - (g) That notwithstanding Sub-section 11(2)(iii) of Zoning By-law No. 6593, a maximum building height of 5-storeys or 19.0 metres shall be permitted.

- (h) That notwithstanding Sub-section 11(3)(ii)(b) of Zoning By-law No. 6593 that a minimum westerly side yard of 5.9m shall be provided and maintained but that no side yard setback is required along the easterly side yard or for a building addition containing a use as permitted in Sub-section 2(b) of this By-law.
 - (i) That notwithstanding Sub-section 11(3)(iii)(b) of Zoning By-law No. 6593 that a minimum rear yard of 11.5m shall be provided and maintained except that no rear yard is required for a portion of the building containing a maximum 2 level parking structure.
 - (j) That notwithstanding Sub-section 11(6) of Zoning By-law No. 6593, a minimum landscaped area of 10% shall be provided and maintained.
 - (k) That notwithstanding any of the provisions of Subsection 11(3), Subsection 18(3)(vi)(ee), Subsection 18(4), Subsection 18A(11) and Subsection 18A(12), of Zoning By-law No. 6593, that a maximum 2 level parking structure, and the location of all parking spaces within or on the top level of this structure, whether the parking structure is attached to a multiple dwelling or not attached to a multiple dwelling, shall be permitted, but that a minimum 1m tall visual barrier is required above the floor of the 2nd level of the parking structure along the northerly limits of the parking structure.
 - (l) That notwithstanding Sub-section 18A(1)(a) and (b) of Zoning By-law No. 6593, parking shall be provided at a rate of 0.85 parking space per Class A dwelling unit and that no parking shall be required for a commercial use permitted under Sub-sections 2(d) and 2(e) of this By-law.
 - (l) That notwithstanding Sub-section 18A(1)(c) of Zoning By-law No. 6593, no loading space shall be required.
 - (m) 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 2.6 metres wide and 5.5 metres long.
 - (n) That notwithstanding Sub-section 18A(8) of Zoning By-law No. 6593, every parallel parking space shall have dimensions not less than 2.4 metres wide and 6.7 metres long. End spaces which have a clear, unobstructed approach, shall have a minimum length of 5.5 metres
3. 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.
4. That Zoning By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedule S-1724.

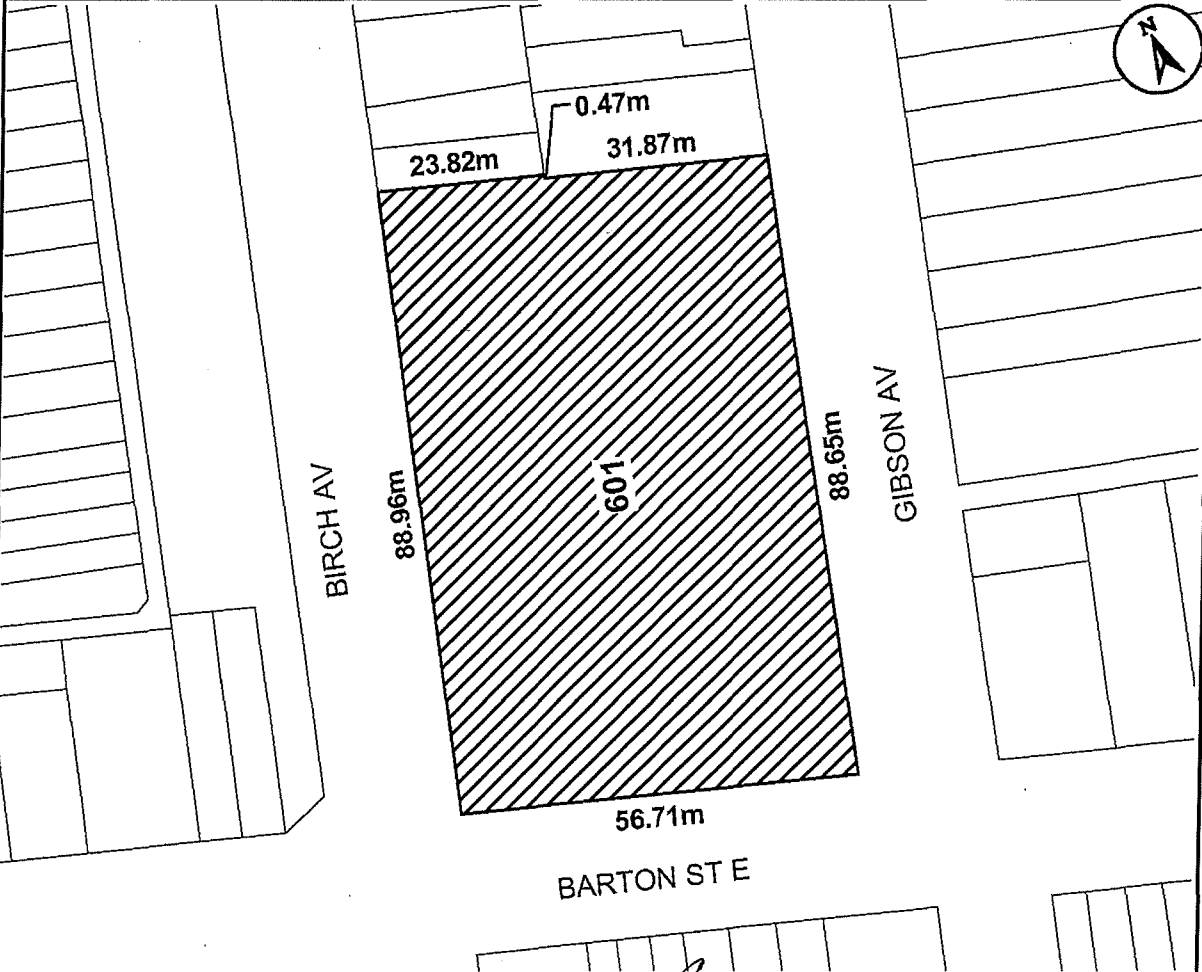


5. That Sheet No. E-3 of the District Maps is amended by marking the lands referred to in Section 1 of this by-law as S-1724.
6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the *Planning Act*.

PASSED this 14th day of August, 2015.


Brenda Johnson
Deputy Mayor


Rose Caterini
City Clerk

ZAC-14-036

	
<p>This is Schedule "A" to By-law No. 15-184</p> <p>Passed the <u>14th</u> day of <u>August</u>, 2015</p>	
<p><i>Blenda Johnson</i> Mayor</p> <p><i>[Signature]</i> Clerk</p>	
<p>Schedule "A"</p> <p>Map Forming Part of By-law No. 15-184</p> <p>to Amend By-law No. 6593</p>	
<p>Subject Property</p> <p>601 Barton Street East, Hamilton</p> <p> Change in Zoning from the "D" (Urban Protected Residential - One & Two Family Dwellings, Etc.) District to the "D/S-1724" (Urban Protected Residential - One & Two Family Dwellings, Etc.) District</p>	
<p>Scale: N.T.S.</p> <p>Date: June 18, 2015</p>	<p>File Name/Number: ZAC-14-036</p> <p>Planner/Technician: GM/VIS</p>
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p> <p> Hamilton</p>	