

CITY OF HAMILTON

BY-LAW NO. 23-028

To Amend Zoning By-law No. 6593, for lands municipally known as 2782 Barton Street East, Hamilton

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Schedule 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Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 22-003 of the Planning Committee, at its meeting held on the 22nd day of February 2023, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan upon approval of OPA No. 182;

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

1. That Sheet No. E123 of the District maps, appended to and forming part of By-law No. 6593 (Hamilton) as amended, is further amended by changing the zoning from "E-3/S-306c" (Multiple Dwellings) District, Modified, to "E-3/S-306d" (High Density Multiple Dwellings) District, Modified, on the lands, the extent to which are shown on a plan hereto annexed as Schedule "A":
 - a) Section 2 a) be deleted and replaced with, "That notwithstanding Section 11C(1a)(b), where a building or structure is distant not greater than 30.0 metres (98.43 feet) from a "DE", "DE-2", "DE-3", "RT-10", "RT-20" or "RT-30" District, the height of a building or structure shall not exceed seventeen storeys or 52.7 metres (172.90 feet) in height."

- b) Section 2 c) be deleted and replaced with, “That notwithstanding Section 11C(2)(b), an easterly side yard having a width not less than 2.1 metres (6.88 feet), except 0.16 metres (0.62 feet) to the hypotenuse of the daylight triangle, and a westerly side yard having a width not less than 2.7 metres (8.85 feet) shall be provided and maintained.”
 - c) Section 4 j) is deleted and replaced with, “That notwithstanding Section 18A(1)(c), one (1) loading space shall be provided for a multiple dwelling with greater than 100 dwelling units, with a minimum size of 9.0 metres in length, 3.7 metres in width and 4.3 metres in height”.
2. That Section 3 of By-law No. 19-234 is amended by adding the following special requirements as j) and k):
- j) The notwithstanding Section 11C(4), a maximum floor area ratio of 4.1 shall be permitted.
 - k) That notwithstanding Section 18 (3) (vi) (cc), a balcony may encroach into any required yard not more than 1.8 metres.
3. That By-law No. 6593 is amended by adding this by-law to Section 19B as Schedule S-306d.
4. That the clerk is hereby authorized and directed to proceed with the giving on notice of the passing of the By-law, in accordance with the *Planning Act*.

PASSED this 22nd day of February, 2023

A. Horwath
Mayor

A. Holland
City Clerk

ZAC-22-023 & UHOPA-22-012



<p>This is Schedule "A" to By-law No. 23-</p> <p>Passed the day of, 2023</p>		<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
<h2 style="margin: 0;">Schedule "A"</h2> <h3 style="margin: 10px 0 0 0;">Map forming Part of By-law No. 23-_____</h3> <h3 style="margin: 10px 0 0 0;">to Amend By-law No. 6593</h3>		<p>Subject Property</p> <p>2782 Barton Street East</p> <div style="display: flex; align-items: flex-start; margin-top: 10px;"> <div style="width: 20px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); margin-right: 5px;"></div> <div> <p>Change in Zoning from "E-3/S-306c" (High Density Multiple Dwelling) District, Modified to "E-3/S-306d" (High Density Multiple Dwelling) District, Modified</p> </div> </div>
<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-22-023 & UHOPA-22-012</p>	<p style="font-size: 1.2em; margin-top: 5px;">Hamilton</p>
<p>Date: January 26, 2023</p>	<p>Planner/Technician: AB/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		