

Authority: Item 12, Planning Committee
Report: 18-002 (PED18022)
CM: February 14, 2018
Ward: 5

Bill No. 049

CITY OF HAMILTON
BY-LAW NO. 18-049

**To Repeal By-law No. 87-77 and To Amend Zoning By-law No. 6593, as amended
by By-law No. 74-007 Respecting Lands Located at 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Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 12 of Report 18-002 of the Planning Committee, at its meeting held on the 14th day of February, 2018, which 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 finalization of Official Plan Amendment No. 95;

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

1. That By-law No. 87-77 is hereby repealed in its entirety.
2. That for the purposes of this By-law, Section 2(a), 2(b)2 and 3 of By-law No. 74-7 shall not apply.
3. That Sheet No. E123 of the District Maps appended is amended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by changing the zoning from the “E-2/S-306” and “E-2/S-306a” (Multiple Dwellings) District, Modified to the “E-3/S-306b” (High Density Multiple Dwellings) District, Modified; the extent and boundaries of which are shown on a plan here to annexed as Schedule “A”.

4. That the “E-3” (High Density Multiple Dwellings) District provisions, as contained in Section 11C of Zoning By-law No. 6593, applicable to the subject lands, be further modified to include the following special requirements:
 - a) That notwithstanding Section 11C (b), where a building or structure is distant not greater than 30.0 metres 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 thirteen storeys or 41.0 metres in height.
 - b) That notwithstanding Section 11C(2)(a), a front yard having a depth not less than 4.7 metres. For the purposes of Zoning conformity, the front lot-line shall be defined as the lot line abutting Barton Street East (northerly lot line).
 - c) That notwithstanding Section 11C(2)(b), an easterly side yard having a depth not less than 1.95 metres, except 3.7 metres to the hypotenuse of the daylight triangle, and a westerly side yard having a depth not less than 4.4 metres.
 - d) That notwithstanding Section 11C(2)(c), a rear yard having a depth not less than 4.1 metres.
 - e) That notwithstanding Section 11C(4), no building or structure 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 factor of 3.15.
 - f) That notwithstanding Section 11C(5), for every building or structure, there shall be provided and maintained on the lot and within the district at least 23% of the area of the lot on which it is situate, as landscaped area.
 - g) That notwithstanding Section 18(3)(vi)(cc)(iii), a balcony may encroach into the required side yard not more than 1.0 metres.
 - h) That notwithstanding Section 18A(7), every required parking space, other than a parallel parking space, shall have dimensions not less than 2.6 metres wide by 5.5 metres long.
 - i) That notwithstanding Section 18A (Table 1) & (Table 2), a multiple dwelling shall provide 1.25 parking spaces per Class A dwelling unit of which 0.23 spaces per unit shall be allocated for visitor parking.
 - j) That notwithstanding Section 18A (Table 3) one (1) loading space shall be provided for a multiple dwelling with greater than 100 dwelling units, with a minimum size of 18.0 metres in length and 6.0 metres in width.
5. 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-3” (High Density Multiple Dwellings) District

provisions, subject to the special requirements referred to in Sections 3 and 4.

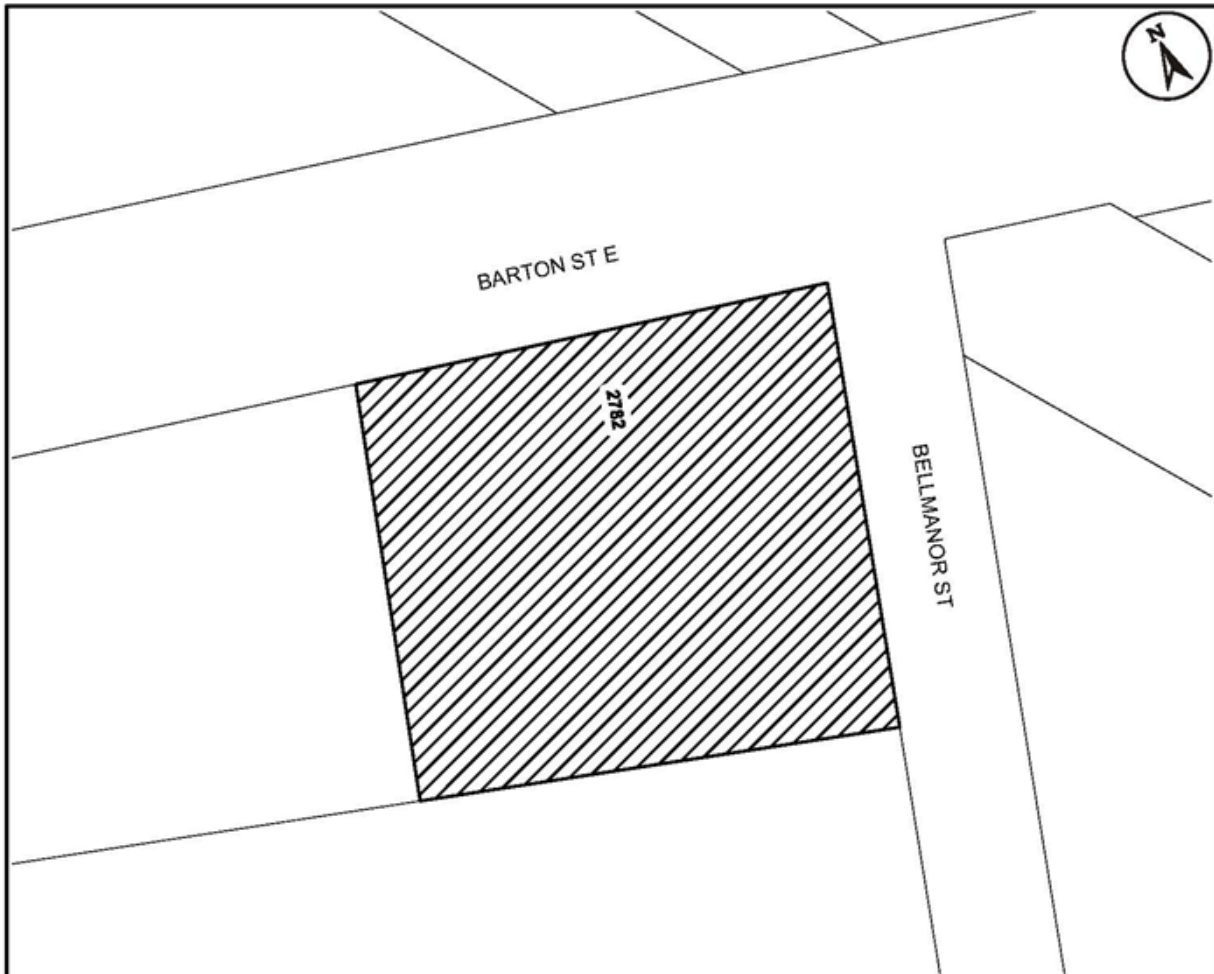
6. That Sheet No. E123 of the District Maps is amended by marking the lands referred to in Section 1 of the By-law as "E-3/S-306b".
7. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-306b.
8. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

PASSED this 28th day of February, 2018.

F. Eisenberger
Mayor

R. Caterini
City Clerk

ZAC-17-050



This is Schedule "A" to By-law No. 18- Passed the day of, 2018	----- Mayor ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <h3 style="margin: 0;">Map Forming Part of By-law No. 18-_____</h3> <h3 style="margin: 0;">to Amend By-law No. 6593</h3>	<p>Subject Property 2782 Barton Street East</p> <p> "E-2/S-306" and "E-2/S-306a" (Multiple Dwellings) District, Modified to "E-3/S-306b" (High Density Multiple Dwellings) District, Modified</p>
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Scale: N.T.S.	File Name/Number: ZAC-17-050	
Date: January 12, 2018	Planner/Technician: MK/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		