

Authority: Item 12, Planning Committee
Report: 14-012 (PED14156)
CM: August 15, 2014

Bill No. 241

CITY OF HAMILTON

BY-LAW NO. 14-241

**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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council or the City of Hamilton;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 Council of the City of Hamilton 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), no building or structure within Blocks 1a and 1b shall exceed 6 storeys above grade or 21.0 metres in height, and no building or structure within Block 1c shall exceed 5 storeys above grade or 18.0 metres in height.
 - (d) That notwithstanding Section 11(3)(i)(b), the minimum front yard shall be:
 - (i) 0.5m to the façade and 0m to a canopy for a building entrance for Building "A";
 - (ii) 5.2m to the façade and 1.4m to a canopy for a building entrance for Building "B";
 - (iii) 3.0m to the façade 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 37 metres for Buildings "A"; and "C"
 - (f) That Section 11(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 shall not project into a required front yard and 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;
4. 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 10th day of September, 2014.

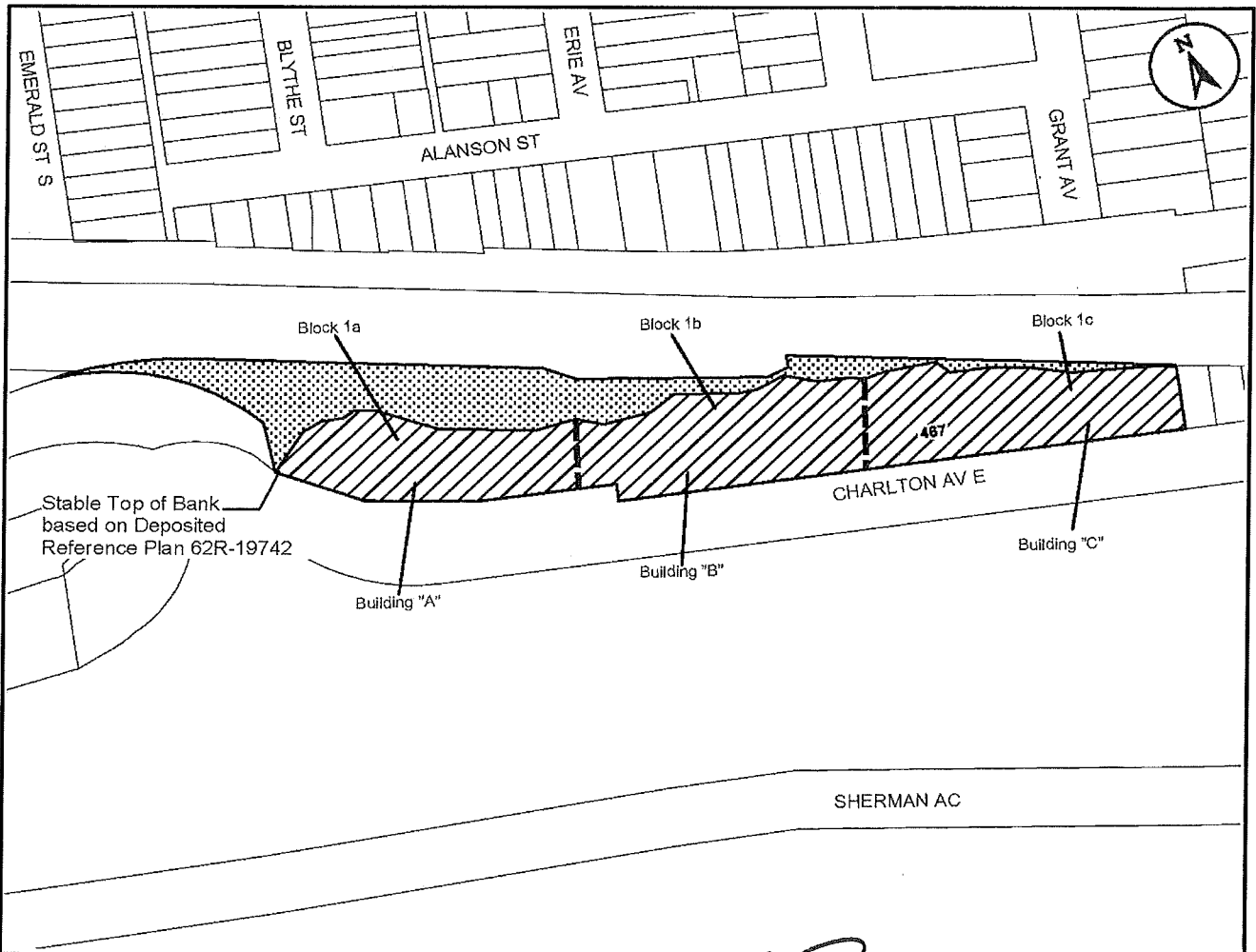


R. Bratina
Mayor



R. Caterini
City Clerk

ZAC-12-059



This is Schedule "A" to By-Law No. 14-241

Passed the 10th... day of September..., 2014

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

Schedule "A"

Map Forming Part of
By-Law No. 14-241

to Amend By-law No. 6593

Subject Property

467 Charlton Avenue East



Block 1 - Change from "M-13" (Prestige Industrial) District to "E/S-1710"-H' (High Density Multiple Dwellings - Holding) District, Modified

Consisting of Block 1a, 1b and 1c



Block 2 - Refer to By-law 05-200

Note - for the Purpose of this By-law, Block 1a, 1b and 1c shall be used to identify the approximate locations of Buildings "A", "B" and "C" and shall not be construed as lot boundaries

Scale:
N.T.S.

File Name/Number:
ZAC-12-059

Date:
June 18, 2014

Planner/Technician:
CT/AL



Hamilton