

**Authority:** Item 2, Planning Committee  
Report 22-005 (PED22062)  
CM: April 13, 2022  
Ward: 2

**Bill No. 095**

## **CITY OF HAMILTON**

### **BY-LAW NO. 22-**

#### **To Amend Zoning By-law No. 05-200, Respecting Lands Located at 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, Hamilton**

**WHEREAS** Council approved Item 2 of Report 22-005 of the Planning Committee, at its meeting held on April 13, 2022; and.

**AND WHEREAS** this By-law conforms to the City of Hamilton Official Plan, upon the adoption of the City of Hamilton Official Plan Amendment No. 248;

**NOW THEREFORE** Council amends Zoning By-law No. 05-200 as follows:

1. That Map 911 of Schedule "A" – Zoning Maps of Zoning By-law No. 05-200 is amended by adding the lands as Mixed Use Medium Density – Pedestrian Focus (C5a, 774, H124) Zone for the lands identified in the Location Map attached as Schedule "A" to this By-law;
2. That Schedule "C" – Special Exceptions is amended by adding the following new Special Exception:
  - "774. Within the lands zoned Mixed Use Medium Density - Pedestrian Focus (C5a, 774, H124) Zone, identified on Map 911 of Schedule "A" – Zoning and described as 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, the following special provisions shall apply:
    - a) Notwithstanding Section 5.6 c) iv) as it relates to Office and Medical Clinic the following minimum parking requirements shall apply:
      - i) Office 1 space per 27 square metres of gross floor area in excess of 450 square metres, which accommodates such use.
      - ii) Medical Clinic 1 space per 27 square metres of gross floor area which accommodates such use.
    - b) Notwithstanding Section 10.5a.3 a), d) ii); and, h) ix) and x) the following regulations shall apply:

- |      |   |  |
|------|---|--|
| i)   | Maximum Building<br>Setback from a Street<br>Line | 3.7 metres   |
| ii)  | Building Height                                   | Maximum 25.0 metres.   |
| iii) | Built form for New<br>Development                 | A) A minimum of 50% of the area of<br>the ground floor façade facing the<br>street shall be composed of doors<br>and windows.<br><br>B) The first storey shall have a<br>maximum height of 5.6 metres. |
| iv)  | Maximum Gross Floor<br>Area for Medical<br>Clinic | 505 square metres.   |

3. That Schedule “D” – Holding Provisions is amended by adding the following new provision:

124. Notwithstanding Section 10.5a of this By-law, on those lands zoned Mixed Use Medium Density (C5a, 774, H124) Zone, identified on Map 911 of Schedule “A” – Zoning and described as 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, no development shall be permitted until such time as:

- i) The Owner submit and receive completion of a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conversation and Parks (MECP) or enters into a conditional building permit agreement with respect to completing a Record of Site Conditions. This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and submission of the City of Hamilton’s current RSC administration fee;
- ii) The Owner agrees in a signed Site Plan Agreement to implement all required noise mitigation measures identified in Acoustical Study dated November 22, 2019 by RWDI and updated July 23, 2021, through the Site Plan Control Application, to the satisfaction of the Director of Planning and Chief Planner; and,
- iii) The Owner agrees in a signed Site Plan Agreement, to provide notice to any subsequent owner, as well as any prospective purchasers or tenants that the dwellings are located in a Class 4 Area, and to agree to register this notice and any / all warning clauses on title, and include

them in any purchase and sale and in any lease or rental agreement, to the satisfaction of the Director of Planning and Chief Planner.

4. 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 Mixed Use Medium Density – Pedestrian Focus (C5a, 774, H124) Zone, subject to the special provisions referred to in Section 2 of this By-law; and,
5. That the clerk is hereby authorized and directed to proceed with the giving of notice of the passing of the By-law in accordance with the *Planning Act*.

**PASSED** this 27<sup>th</sup> day of April, 2022.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

ZAC-20-013  
UHOPA-20-08





This is Schedule "A" to By-law No. 22-  
 Passed the ..... day of ....., 2022

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 Mayor  
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 Clerk

**Schedule "A"**  
**Map forming Part of**  
**By-law No. 22-\_\_\_\_\_**  
**to Amend By-law No. 6593**

**Subject Property**  
 222, 226 and 228 Barton Street East and  
 255, 257, 261, 263 and 265 Wellington Street North  
 (Ward 2)

 Change in zoning from "JJ/S-378" (Restricted Light Industrial) District, "H" and "H/S-1259" (Community Shopping and Commercial, Etc.) District, and "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District under Zoning By-law No. 6593 to the Mixed Use - Medium Density (C5a, 774, H124) Zone under Zoning By-law No. 05-200

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|--|--|---|
| Scale:<br>N.T.S                              | File Name/Number:<br>ZAC-20-013/UHOPA-20-008 | <br>Hamilton |
| Date:<br>February 14, 2022                   | Planner/Technician:<br>JA/NB                 |   |
| PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT |  |   |