

**Authority:**  
City Wide  
**Bill No.**

**CITY OF HAMILTON**  
BY-LAW NO.

**To Repeal By-law No. 71-32 and To Amend Zoning By-law No. 6593 Respecting  
Lands Located at 600 James Street North, 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Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 \_\_\_\_\_ of Report 19-\_\_\_\_\_ of the Planning Committee, at its meeting held on the 3<sup>rd</sup> day of September 2019, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

**AND WHEREAS** this By-law is in conformity with the City of Hamilton Official Plan of the City of Hamilton upon finalization of OPA No. XX.

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

1. That By-law No. 71-32 is hereby repealed in its entirety.
2. That Sheet No. E2 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 "H/S-182" (Community Shopping and Commercial, Etc.) District, Modified to the "H/S-1783-H" (Community Shopping and Commercial, Etc.) District, Holding, Modified; the extent and boundaries of which are shown on a plan here to annexed as Schedule "A".

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3. That the "H" (Community Shopping and Commercial, Etc.) District provisions, as contained in Section 14 of Zoning By-law No. 6593 be modified to include the following special requirements:
- a) In addition to Section 2.(2)J.(ix), "Height" shall not include a rooftop terrace.
  - b) In addition to Section 14.(1), a multiple dwelling in the same building with a commercial use permitted in the district shall be permitted.
  - c) Notwithstanding Section 14.(1)(xiv) and (xviii), an automobile service station or other public garage, and a car wash shall be prohibited.
  - d) Notwithstanding Section 14.(2), no building or structure shall exceed nine storeys or 27.5 metres in height.
  - e) Notwithstanding Section 14.(3)(i), a front yard depth not less than 0.0 metres, except that:
    - i) For any portion of the building with a height greater than 18.4 metres, a front yard depth not less than 1.5 metres;
    - ii) For any portion of the building with a height greater than 24.3 metres, a front yard depth not less than 4.6 metres; and,
    - iii) For a mechanical penthouse, a front yard depth not less than 7.7 metres.
  - f) Notwithstanding Section 14.(3)(ii), for a side yard abutting a street, a width not less than 0.0 metres, except that:
    - i) For any portion of the building with a height greater than 18.4 metres, a side yard width abutting a street not less than 1.6 metres;
    - ii) For any portion of the building with a height greater than 24.3 metres, a side yard width abutting a street not less than 4.2 metres; and,
    - iii) For a mechanical penthouse, a side yard width abutting a street not less than 7.8 metres.
  - g) Notwithstanding Section 14.(3)(ii), for a side yard abutting a residential district, a width not less than 2.0 metres, except that:
    - i) For any portion of the building with a height greater than 15.4

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- metres, a side yard width abutting a residential district not less than 6.8 metres;
- ii) For any portion of the building with a height greater than 18.4 metres, a side yard width abutting a residential district not less than 9.8 metres;
  - iii) For any portion of the building with a height greater than 21.3 metres, a side yard width abutting a residential district not less than 12.8 metres;
  - iv) For any portion of the building with a height greater than 24.3 metres, a side yard width abutting a residential district not less than 15.8 metres; and,
  - v) For a mechanical penthouse, a side yard width abutting a residential district not less than 20.6 metres.
- h) Notwithstanding Section 14.(3)(iii), a rear yard of a depth of at least 3.0 metres, except that a rear balcony and associated structural columns at a height not greater than 7.0 metres may be located 0.0 metres from the rear lot line.
  - i) Section 14.(5) shall not apply.
  - j) Section 14.(9) shall not apply.
  - k) Notwithstanding Section 18.(3)(vi)(b)(i), a canopy, cornice, eave or gutter may project into a required front yard up to 0 metres from a street line.
  - l) Notwithstanding Section 18.(3)(vi)(cc)(i), a bay, balcony or dormer may project into a required front yard up to 0 metres from a street line.
  - m) In addition to Section 18A, a parking stacker system shall be permitted and required parking may be provided by means of a parking stacker system. A parking stacker system shall permit a parking space that is positioned above or below another parking space and is accessed by means of an elevating device.
  - n) Notwithstanding Section 18A.(1)(a), a minimum of 0.58 spaces per Class A dwelling unit shall be provided;
  - o) Section 18A.(1)(b) shall not apply.
  - p) Notwithstanding Section 18A.(1)(c), one loading space shall be provided

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with a minimum size of:

- i) Length: 10.0 m
- ii) Width: 4.0 m
- iii) Height: 6.0 m

- q) In addition to Section 18A.(7), every required parking space provided within a parking stacker system shall have dimensions not less than 2.5 metres wide and 5.0 metres long.
  - r) In addition to Sections 18A.(24)(b)(iii) and (iv), for parking spaces provided within a parking stacker system, markings on the surface to delineate parking spaces and bumpers or wheel barriers shall not be required.
  - s) Section 18A.(26) shall not apply.
  - t) Long term, secure bicycle parking shall be provided at a rate of 1.0 bicycle parking spaces per Class A dwelling unit.
4. That the 'H' symbol applicable to the lands referred to in Section 1 of this By-law, shall be removed conditional upon:
- 1) The Owner entering into a conditional building permit agreement with respect to completing a Record of Site Condition (RSC); or,
  - 2) A signed RSC being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP). The RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton's current RSC administration fee.
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 "H" (Community Shopping and Commercial, Etc.) District provisions, subject to the special requirements referred to in Sections 3 and 4 of this By-law.
6. That Sheet No. E2 of the District Maps is amended by marking the lands referred to in Section 1 of the By-law as "H/S-1783-H".
7. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1783.
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*.

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PASSED this \_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Fred Eisenberger  
Mayor

\_\_\_\_\_  
Andrea Holland  
City Clerk

*For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law*

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Chair and Members      Report No.: PED19151      Date:  
Ward(s) or City Wide: Ward 2      (MM/DD/YYYY)

Prepared by: Mark Kehler, Planner I      Phone No: 905-546-2424 ext. 4148  
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This is Schedule "A" to By-law No. 19-  Passed the ..... day of ....., 2019	----- Mayor  ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 19-_____</p> <p style="margin: 0 0 0 0;">to Amend By-law No. 6593</p>	<p><b>Subject Property</b> 600 James Street North</p> <p> Change in zoning from "H/S-182" (Community Shopping and Commercial, Etc.) District, Modified to "H/S-1783-H" (Community Shopping and Commercial, Etc.) District, Holding, Modified</p>
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Scale: N.T.S.	File Name/Number: ZAC-18-024 / UHOPA-18-008	
Date: June 25, 2019	Planner/Technician: MK/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		Hamilton