

Authority: Item 5, Planning Committee
Report 19-009 (PED19116)
CM: June 12, 2019
Ward: 2

Bill No. 151

CITY OF HAMILTON

BY-LAW NO. 19-

To Amend Zoning By-law No. 6593 (Hamilton) Respecting Land Located at 468, 470, 474 and 476 James Street North (Hamilton)

WHEREAS the Council of the City of Hamilton, in adopting Item 5 of Report 19-009 of the Planning Committee, at its meeting held on the 12th day of June, 2019, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

WHEREAS this By-law conforms with the City of Hamilton Official Plan upon adoption of Official Plan Amendment No. 242;

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

1. That Sheet No. E2 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton) is further modify the "H/S-978" (Community Shopping and Commercial, Etc.) District, Modified, to the "H/S-978a – 'H1', 'H2'" (Community Shopping and Commercial, etc.) District, Holding, Modified, on lands the extent and boundaries of which are shown on plan hereto annexed as Schedule "A".
2. That Section 2 of By-law No. 87-117 (Hamilton) be deleted and replaced with "H/S-978a – 'H1', 'H2'", as follows:

"H/S-978a – 'H1', 'H2'"

That the "H" (Community Shopping and Commercial, Etc.) District provisions as contained in Section 14 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following requirements:

- a) In addition to Section (2) (2) (d), a Live Work Unit shall be defined as "A dwelling unit which contains a permitted commercial business operated by the resident of the dwelling unit and provides direct access at grade".
- b) In addition to Section 14 (1), a multiple dwelling shall be permitted.
- c) In addition to Section 14 (1), Live Work Units shall be permitted.
- d) Notwithstanding Section 14 (1), a frosted food locker plant, a motion picture studio, automobile service station or other public garage, theatre and car wash, shall be prohibited.

- e) Notwithstanding Section 14 (2) (ii), no building or structure shall exceed eight storeys or 24.5 metres in height,
- f) Notwithstanding Section 14 (3) (i), a front yard having a depth of not less than 0.5 metres.
- g) Notwithstanding Section 14 (3) (ii), a side yard having a width of not less than 0 metres.
- h) Notwithstanding Section 14 (3) (iii), a rear yard of not less than 7.0 metres for the first and second storeys and 6.5 metres for the third through sixth storeys.
- i) In addition to Section 14 (3), the following yards shall be provided and maintained:
 - i. Where the yard abuts the westerly lot line a yard having a depth of not less than 4.6 metres for the seventh and eighth storeys, and 11.8 metres for the mechanical penthouse.
 - ii. Where the yard abuts the southerly lot line a yard having a depth of not less than 2.8 metres for the seventh and eighth storeys, and 9.0 metres for the mechanical penthouse.
 - iii. Where the yard abuts the easterly lot line a yard having a width of not less than 13.2 metres for the seventh and eighth storeys, and 14.5 metres for the mechanical penthouse.
 - iv. Where the yard abuts the northerly lot line a yard having a width or depth of not less than 15.0 metres for the mechanical penthouse.
- j) Notwithstanding Section 14 (9) (i), a planting strip of not less than 1.2 metres in width shall be provided and maintained, which may include raised planter beds, along the rear lot line, and no planting strip shall be provided along the northerly side lot line.
- k) A minimum of 4 square metres of amenity space per Class A Dwelling Units shall be provided or 655 square metres of amenity space whichever is greater.
- l) A minimum landscaped area of not less than 25% of the area of the lot on which the building or structure is situate, which may include raised planter beds, planter boxes, and green roof area, shall be provided and maintained.
- m) Notwithstanding Section 18 (3) (vi) (a), for a chimney, sill, belt course, leader, pilaster, lintel or ornamental projection may project up to the following:
 - i. within 0 metres of a front or side yard;

- ii. not more than 1.0 metres into a required rear yard for the first through sixth storey and eighth storey; and,
 - iii. not more than 6.7 metres into a required rear yard for the seventh storey.
 - n. Notwithstanding Section 18 (3) (vi) (b) (i) and (iii), a canopy, cornice, eave or gutter may project to within 0 metres of a front or side yard.
 - o. Notwithstanding Section 18 (3) (vi) (cc) (i) and (iii), a bay, balcony or dormer may project to within 0 metres of a front or side yard.
 - p. Notwithstanding Section 18A (1) (a) and (b), a minimum of 0.42 parking spaces per Class A Dwelling Unit shall be provided or 39 parking spaces whichever is greater, of which a minimum of 9 are residential visitor parking spaces and 2 parking spaces shall be for the exclusive purpose of accommodating car sharing vehicles.
 - q. A minimum of 0.07 short term and 0.48 secure long term bicycle parking spaces per Class A Dwelling Unit shall be provided or 7 short term and 45 secure long term bicycle parking spaces whichever is greater.
 - r. Notwithstanding Section 18A (11) (a), not less than 1.2 metres from the rear lot line and 0 metres from the northerly side lot line.
 - s. Notwithstanding Section 18A (12) (a), between the boundary of the parking area and the residential district an area landscaped with a planting strip that is 1.2 metres wide shall be provided along the rear lot line which may include raised planter beds and shall not be required along the northerly side lot line.
 - t. Notwithstanding Section 18A (12) (b), between the boundary of the loading area and the residential district an area landscaped with a planting strip that is 1.2 metres wide shall be provided along the rear lot line which may include raised planter beds and shall not be required along the northerly side lot line.
 - u. Notwithstanding Section 18A (25), where a multiple dwelling is adjacent to a residential district that does not permit such uses, every access driveway to the multiple dwelling shall be located not less than 1.0 metre from the common boundary between the district in which the multiple dwelling is located and the district that does not permit such uses.
 - v. Section 18A (36) shall not apply.
3. That the 'H1' symbol applicable to the lands referred to in Section 2 shall be removed conditional upon:

- (a) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP). 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.
4. For such time as the Holding Provision 'H2' symbol is applicable to the lands referred to in Section 2, the lands shall only be used in accordance with "H/S-1769" (Community Shopping and Commercial, etc.) District except where in conflict with the following:
 - (a) Regulations
 - i) The maximum dwelling units and live work units shall be restricted to 99 units.
 - (a) Condition for Holding Provision Removal
 - i) That the applicant submit and receive approval of a Traffic Impact Study where greater than 99 dwelling units/live work units are proposed, to the satisfaction of the Director of Transportation Planning.
 5. That By-law No. 6593 (City of Hamilton) is amended by adding this By-law to Section 19B as Schedule S-978a.
 6. That Sheet No. E2 of the District maps is amended by making the lands referred to in Section 1 of this By-law as Schedule S-978a.
 7. 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 26th day of June, 2019.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk



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> <h3 style="margin: 0;">Map Forming Part of By-law No. 19-_____</h3> <h3 style="margin: 0;">to Amend By-law No. 6593</h3>	<p>Subject Property 468 - 470 & 474 - 476 James Street North</p> <p> To further modify the "H/S-978" (Community Shopping and Commercial Etc.) District, Modified, to the "H/S-978a-'H1','H2'" (Community Shopping and Commercial, Etc.) District, Holding, Modified</p>
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Scale: N.T.S.	File Name/Number: ZAC-18-020 / UHOPA-18-007		PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Date: May 3, 2019	Planner/Technician: DB/AL		