

## **CITY OF HAMILTON**

### **BY-LAW NO. 20-213**

#### **To Amend Zoning By-law No. 6593 Respecting Lands Located at 282 MacNab 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Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 2 of Report 20-010 of the Planning Committee, at its meeting held on the 30<sup>th</sup> day of September, 2020, 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. 244.

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

1. That Sheet No. W3 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 “J” (Light and Limited Heavy Industry, Etc.) District, Modified to the “E/S-1799-H” (Multiple Dwellings, Lodges, Clubs, Etc.) District, Holding, Modified; the extent and boundaries of which are shown on a plan here to annexed as Schedule “A”.
2. That the “E” (Multiple Dwellings, Lodges, Clubs, Etc.) District provisions, as contained in Section 11 of Zoning By-law No. 6593 be modified to include the following special requirements:

- a) Notwithstanding Section 11(1)(xii)(i), the Accessory and Incidental Uses listed in Section 11(1)(xii) shall be permitted.
- b) Section 11(1)(xii)(j) shall not apply.
- c) Notwithstanding Section 11(2)(ii), no building or structure shall exceed ten storeys or 33.0 metres in height.
- d) Notwithstanding Section 11(3)(i)(b), a front yard depth not less than 0 metres, except that:
  - i) For any portion of the building with a height greater than 16.8 metres, a front yard depth not less than 1.5 metres; and,
  - ii) For any portion of the building with a height greater than 25.8 metres, a front yard depth not less than 3.0 metres.
- e) Notwithstanding Section 11(3)(ii)(b):
  - i) A southerly side yard width not less than 0.7 metres, except that:
    - 1. For any portion of the building with a height greater than 4.8 metres, a southerly side yard width not less than 4.0 metres; and,
    - 2. For any portion of the building with a height greater than 25.8 metres, a southerly side yard width not less than 8.8 metres.
  - ii) A northerly side yard width not less than 0 metres, except that:
    - 1. For any portion of the building with a height greater than 4.8 metres, a northerly side yard width not less than 1.2 metres; and,
    - 2. For any portion of the building with a height greater than 19.8 metres, a northerly side yard width not less than 4.0 metres.
- f) Notwithstanding Section 11(3)(iii)(b), a rear yard depth not less than 0 metres, except that:
  - i) For any portion of the building with a height greater than 4.8 metres, a rear yard depth not less than 6.3 metres.
- g) Section 11(5) shall not apply.
- h) Section 11(6) shall not apply.

- i) 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.
  - j) 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.
  - k) Notwithstanding Section 18(3)(vi)(cc)(ii), a bay, balcony or dormer may project into a required rear yard not more than 2.4 metres.
  - l) Notwithstanding Section 18A(7), every required parking space, other than a parallel parking space, shall have dimensions not less than 2.8 metres wide and 5.8 metres long.
  - m) Notwithstanding Section 18A Table 1 1.(g), a minimum 0.74 parking spaces per Class A dwelling unit.
  - n) Section 18A(1)(b) shall not apply.
  - o) Notwithstanding Section 18A(1)(c), one loading space shall be provided with a minimum size of:
    - i) Length: 7.0 m
    - ii) Width: 3.0 m
    - iii) Height: 4.3 m
  - p) A minimum 0.05 short term bicycle parking spaces per Class A dwelling Unit shall be required.
  - q) A minimum 0.5 long term bicycle parking spaces per Class A dwelling unit shall be required within a secure facility.
3. That the 'H' symbol applicable to the lands referred to in Section 1 of this By-law, 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 (MOECP). 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 MOECP, and submission of the City of Hamilton's current RSC administration fee.
  - b) The Owner shall investigate the noise levels on the site and determine and implement the noise control measures based on the detailed design in consultation with Canadian National Railways and Metrolinx that are satisfactory to the City of Hamilton, in meeting the Ministry of the Environment, Conservation and Parks recommended sound level limits. An

updated acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the Director of Planning and Chief Planner.

Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner/applicant and shall be submitted to the satisfaction of the Director of Planning and Chief Planner.

- c) That the Owner establish an easement registered on title to provide maintenance access to the ground floor of the north and east main walls of the building from the abutting Metrolinx property (353 James Street North) and provides legal documentation to the City of the easement, 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 "E" (Multiple Dwellings, Lodges, Clubs, Etc.) District provisions, subject to the special requirements referred to in Sections 2 and 3 of this By-law.
5. That Sheet No. W3 of the District Maps is amended by marking the lands referred to in Section 1 of the By-law as "E/S-1799-H".
6. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1799.
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*.

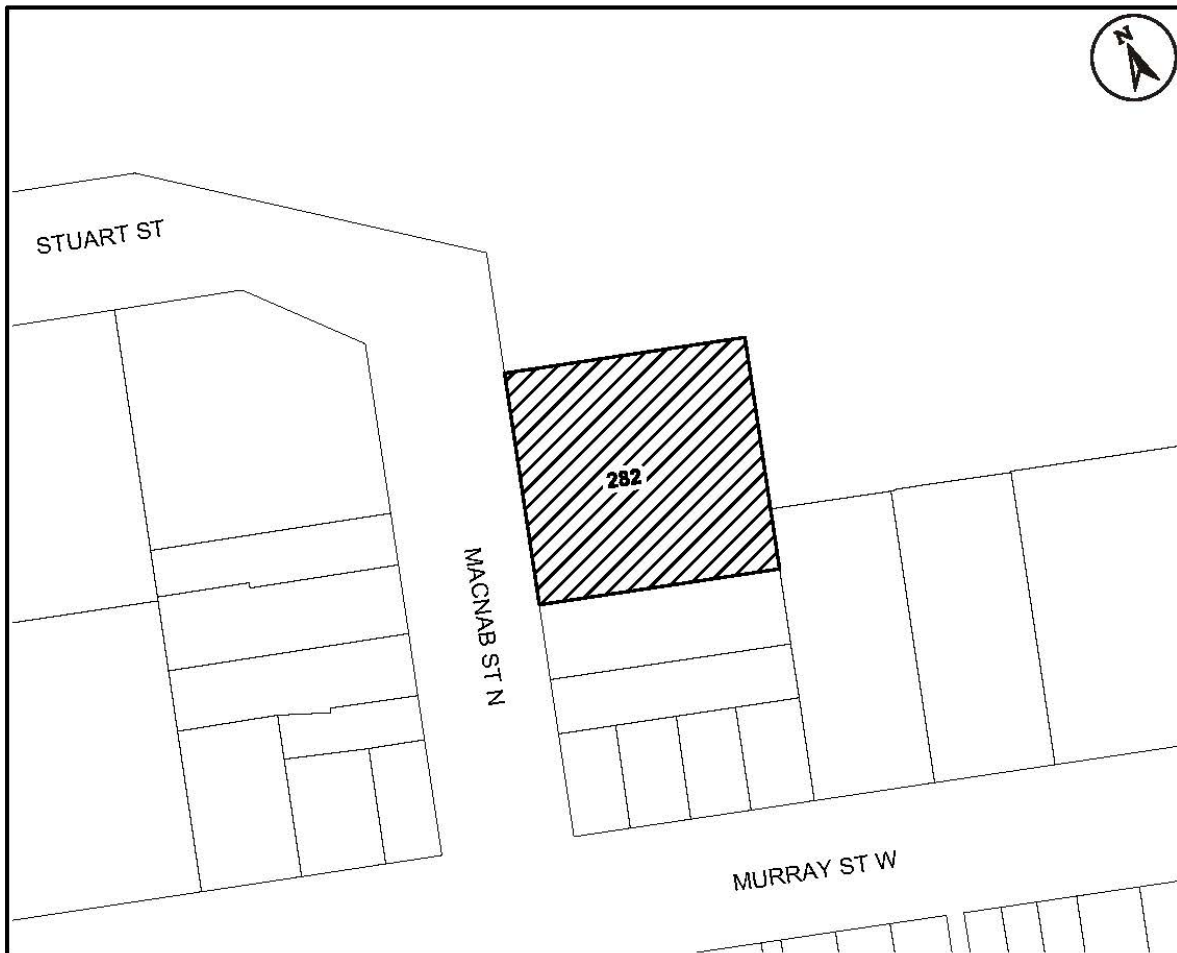
**PASSED** this 14<sup>th</sup> day of October, 2020.

---

F. Eisenberger  
Mayor

---

A. Holland  
City Clerk



This is Schedule "A" to By-law No. 20-  
 Passed the ..... day of ....., 2020


-----  
 Mayor  
 -----  
 Clerk

**Schedule "A"**

Map Forming Part of  
 By-law No. 20-\_\_\_\_

to Amend By-law No. 6593

**Subject Property**  
 282 MacNab Street North

 "J" (Light and Limited Heavy Industry, Etc.)  
 District to "E/S-1799-H" (Multiple Dwellings,  
 Lodges, Clubs, Etc) District, Holding, Modified

Scale: N.T.S.	File Name/Number: ZAC-18-037/UHOPA-18-015
Date: Jan. 29, 2020	Planner/Technician: MK/AL
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

