

**Authority:** Item 7, Planning Committee  
Report 21-003 (PED21032)  
CM: February 24, 2021  
Ward: 2

**Bill No. 038**

**CITY OF HAMILTON**  
**BY-LAW NO. 21-038**

**To Amend Zoning By-law No. 05-200, Respecting Lands Located at 211 and 225  
John Street South and 78 Young Street, Hamilton**

**WHEREAS** Council approved Item 7 of Report 21-003 of the Planning Committee at its meeting held on the 24<sup>th</sup> day of February, 2021;

**AND WHEREAS** this By-law conforms with the Urban Hamilton Official Plan upon adoption of Official Plan Amendment No. 145.

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

1. That Map No. 994 of Schedule "A" – Zoning Maps of Zoning By-law No. 05-200, is amended by changing the zoning from the Mixed Use Medium Density (C5) Zone to the Mixed Use Medium Density (C5, 739, H118) Zone for the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" to the By-law.

2. That Schedule "C" – Special Exceptions of Zoning By-law No. 05-200, is hereby amended by adding an additional special exception as follows:

"739. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map No. 994 of Schedule "A" – Zoning Maps and described as 211 and 225 John Street South and 78 Young Street, Hamilton, the following special provisions shall apply:

a) Notwithstanding the definition of "Grade" in Section 3, the following shall apply:

Grade	Shall be 102.97 metres above mean sea level as defined by the Geodetic Survey Datum.
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b) Notwithstanding Sections 5.6 c) and 5.7 g) as it relates to a multiple dwelling and permitted commercial uses, the following shall apply:

i) Parking	1) A minimum 0.6 parking spaces per unit shall be required for a multiple dwelling; and,
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- 2) Maximum building height shall be in accordance with Figure 23 of Schedule F – Special Figures of Zoning By-law No. 05-200.
- 3) In addition to the definition of Building Height in Section 3: Definitions, any wholly enclosed or partially enclosed amenity area, or any portion of a building designed to provide access to a rooftop amenity area shall be permitted to project above the uppermost point of the building, subject to the following regulations:
  - A. The total floor area of the wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area does not exceed 20% of the floor area of the storey directly beneath;
  - B. The wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall be setback a minimum of 2.0 metres from the exterior walls of the storey directly beneath; and,

- C. The wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall not be greater than 3.0 metres in vertical distance from the uppermost point of the building to the uppermost point of the rooftop enclosure.
3. That Schedule “D” – Holding Provisions, of By-law No. 05-200, be amended by adding the additional Holding Provision as follows:
  - “118. Notwithstanding Section 10.5 of this By-law, within lands zoned Mixed Use Medium Density (C5, 739) Zone on Map No. 993 on Schedule “A” – Zoning Maps, and described as 211 and 225 John Street South and 78 Young Street, no development shall be permitted until such time as:
    - 1) 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.
    - 2) That the Owner submits and receives approval of a Documentation and Salvage Report for the existing buildings at 211 John Street South and 78 Young Street and implements the strategy of the Documentation and Salvage Report in accordance with the City of Hamilton Documentation and Salvage Report guidelines to the satisfaction of the Director of Planning and Chief Planner.”
4. That Schedule F: Special Figures of By-law No. 05-200 is hereby amended by adding Figure 23: Maximum Building Heights for 211 and 225 John Street South and 78 Young Street.
5. 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*.

6. That notwithstanding Section 34(21) of the Planning Act, this By-law shall come into force upon the coming into force of By-law No. 17-240 for the subject lands through the resolution of its appeal in LPAT File No. PL171450.

**PASSED** this 31<sup>st</sup> day of March, 2021

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

ZAC-18-041



<p>This is Schedule "A" to By-law No. 21-</p> <p>Passed the ..... day of ....., 2021</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<p><b>Schedule "A"</b></p> <p>Map forming Part of By-law No. 21-_____</p> <p>to Amend By-law No. 05-200 Map 994</p>	<p><b>Subject Property</b></p> <p>211, 225 John Street South &amp; 78 Young Street</p> <p> Mixed Use Medium Density (C5) Zone to the Mixed Use Medium Density (C5, 739, H118) Zone</p>
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<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-18-041</p>	
<p>Date: January 29, 2021</p>	<p>Planner/Technician: MK/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		