

**Authority:** Item 5, Planning Committee  
Report: 16-003 (PED16044)  
CM: February 24, 2016

**Bill No. 056**

## **CITY OF HAMILTON**

### **BY-LAW NO. 16-**

#### **To Amend Zoning By-law No. 05-200 Respecting Lands Located at 46-52 James Street North in the City of Hamilton**

**WHEREAS** the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14;

**AND WHEREAS** the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law 05-200;

**AND WHEREAS** Zoning By-law No. 05-200 was enacted on the 25<sup>th</sup> day of May, 2005;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 5 of Report 16-003 of the Planning Committee, at its meeting held on the 24<sup>th</sup> day of February, 2016, which recommended that Zoning By-law No. 05-200 be amended as hereinafter provided;

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan;

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

1. That Map 952 of Schedule "A" -Zoning Mapsof By-law No. 05-200 be amended by changing the zoning from the Downtown Prime Retail Streets (D2) Zoneand Downtown Mixed Use (D3) Zone to the Downtown Prime Retail Streets (D2, 473) Zone for the lands, the extent and boundaries of which are shown on Schedule "A" annexed hereto and forming part of this By-law.
2. That Schedule "C" Special Exceptions of By-law No.05-200 be amended by adding an additional specialexception as follows:
  - "473. Within the lands zoned Downtown Prime Retail Streets (D2, 473) Zone, identified on Map 952 of Schedule "A to By-law 05-200 an described and

described as 46-52 James Street North, the following special provisions shall apply:

Notwithstanding Sections 5.5, 5.6a) i., 6.2.3a) i), ii), and iv), 6.2.3b) and 6.2.3c) ii) the following special provisions shall also apply:

b) REGULATIONS

a) Building  
Setback from a  
Street Line

- i) Maximum 0 metres for the first 4 storeys from James Street North;
- ii) Minimum 3 metres from James Street North for any portion of the building in excess of 4 storeys in height and 12 metres for any portion of the building in excess of 18 storeys;
- iii) Maximum 15.0 metres from Rebecca Street for the first storey; 18.5 metres for the second, third and fourth storeys; and 24 metres for any portion of the building in excess of 4 storeys; and,
- iv) Maximum 15 metres from Rebecca Street for that portion of the building providing an access driveway to a garage.

b) Building Height

- i) Maximum building height shall be 67 metres.

c) Parking

- i) A minimum of 1 barrier free parking space shall be required.

- ii) Parking for a Multiple Dwelling within a mixed use building shall be provided on the basis of:

2 Bedrooms Units or less  
with an average gross floor  
area of 51.5 square metres  
or less

No. of Units	Required Parking Spaces
0-8	0
> 9	0.3 per unit

More than 2 Bedroom Units  
with an average gross floor  
area greater than 51.5  
square metres

No. of Units	Required Parking Spaces
0-10	0
> 11	0.66 per unit

- iii) A minimum of 265 bicycle parking spaces within the building and a minimum of 19 bicycle parking spaces outside the building.

- d) Glazing Requirements  
above Fourth Storey

A minimum of 30% and a maximum of 70% of the entire building façade for any portion of the building above the fourth storey shall be glazed.

- e) Minimum Building  
Setback from a  
Property Line

Minimum 3.0 metres from the north property line to the building, 4.0 metres from the south property line and

To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 46-52 James Street North in the City of Hamilton

(Page 4 of 5)

3.7metres from the east  
property line to the building  
for any portion of the building  
above the fourth storey.

f) Width of a Ground Floor  
Facade

The minimum width of the  
ground floor façade for any  
portion of a building fronting  
onto Rebecca Street shall be  
50% of the measurement of  
the front lot line.

3. That Schedule F” – Figure 1 of By-law 05-200 be amended by identifying the subject lands with a maximum height of 67 metres.
4. 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*.
5. That this By-law No. 16-056 shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the *Planning Act*, either upon the date of passage of this By-law or as otherwise provided by the said Sub-section.

**PASSED** this 24<sup>th</sup> day of February, 2016.

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F. Eisenberger  
Mayor




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R. Caterini  
City Clerk

ZAR-15-049

To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 46-52 James Street North in the City of Hamilton

(Page 5 of 5)

		
<p>This is Schedule "A" to By-law No. 16-</p> <p>Passed the ..... day of ....., 2016</p>		<p>-----</p> <p>Mayor</p> <p>-----</p> <p>Clerk</p>
<p><b>Schedule "A"</b></p> <p><b>Map Forming Part of</b> <b>By-law No. 16-_____</b></p> <p><b>to Amend By-law No. 05-200</b> <b>Map 952</b></p>		<p><b>Subject Property</b> 46 - 52 James Street North</p> <p> Lands to be zoned Prime Retail Streets (D2, 473), Zone</p>
<p><b>Scale:</b> N.T.S.</p>	<p><b>File Name/Number:</b> ZAR-15-049</p>	
<p><b>Date:</b> January 26, 2016</p>	<p><b>Planner/Technician:</b> CT/VS</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		