

**Authority:** Item ,  
Report (PED22155)  
CM:  
Ward: 2

**Bill No.**

**CITY OF HAMILTON**

**BY-LAW NO.**

**To Amend Zoning By-law No. 05-200  
Respecting Lands Located at  
405 James Street North, Hamilton**

**WHEREAS** Council approved Item \_\_\_ of Report \_\_\_\_\_ of the Planning Committee, at its meeting held on April 5, 2022;

**AND WHEREAS** this By-law conforms to the City of Hamilton Official Plan, upon the adoption of the City of Hamilton Official Plan Amendment No. XXX;

**NOW THEREFORE** Council amends Zoning By-law No. 05-200 as follows:

1. That Map 869 of Schedule "A" – Zoning Maps of Zoning By-law No. 05-200 is amended by adding the lands as Transit Oriented Corridor Multiple Residential (TOC3, 811, H128) Zone for the lands identified in the Location Map attached as Schedule "A" to this By-law.
2. That Schedule "C" – Special Exceptions is amended by adding the following new Special Exception:
  - "811. Within the lands zoned Transit Oriented Corridor Multiple Residential (TOC3, 811, H128) Zone, identified on Map 869 of Schedule "A" – Zoning Maps and described as 405 James Street, the following special provisions shall apply:
    - a) The lands zoned Transit Oriented Corridor Multiple Residential (TOC3, 811) Zone shall be deemed to be one lot for the purposes of applying the provisions of the By-law. Zoning provisions shall apply only to the external lot lines of the overall lands, and not the individual property boundaries of any lots created by registration of Condominium Plan, Part Lot Control or Consent.
    - b) Sections 4.6 b) and d) shall not apply.
    - c) Notwithstanding 5.6 c) as it relates to parking for a Day Nursery, the following shall apply:

Day Nursery	1 for each 125 square metres of gross floor area in excess of 450 square metres which accommodates such use.
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- d) In addition to Section 5.7 e), long term bicycle parking may include electric mobility device parking.
  
- e) Notwithstanding Sections 11.3.2 a) i), 11.3.2 e) iv), 11.3.2 f) v), the following shall apply:
  - i) Building Setback from a Street Line Minimum 3.0 metres, except 1.2 metres to the hypotenuse of a daylight triangle.
  
  - ii) Building Height In addition to the definition of Building Height, 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 shall not exceed 30% of the floor area of the storey directly beneath;
  
    - B. Section 11.3.2 iv) B. shall not apply;
  
    - C. The wholly enclosed or partially enclosed amenity area, or portion of a building designed to provide access to a rooftop amenity area shall not be greater than 3.5 metres in vertical distance from the uppermost point of the building to the uppermost point of the rooftop enclosure.

- iii) Section 11.3.2 f) v) shall not apply.
- f) For the purposes of Special Exception No. 811, the following special provisions shall apply to **Block "1"** as shown on Figure 29 of Schedule "F" – Special Figures:
  - i) Notwithstanding Section 5.7 c) as it relates to short term bicycle parking for Multiple Dwellings, a minimum of 20 short term bicycle parking spaces shall be provided.
  - ii) Notwithstanding Section 11.3.2 e) ii) and iii), a maximum building height of 13.0 metres.
  - iii) Section 11.3.2 h) iii) shall not apply.
  - iv) In addition to Section 11.3.2, the following shall apply to groups of Multiple Dwellings on the same lot:
    1. For the purposes of this By-law, "end wall" shall mean the two narrowest exterior main walls of a building and "rear or front wall" shall mean the other exterior main walls;
    2. A minimum distance of 3.0 metre shall be provided between end walls;
    3. A minimum distance of 7.0 metres shall be provided between an end wall and a rear or front wall; and,
    4. A minimum distance of 11.0 metres shall be provided between rear or front walls.
- g) For the purposes of Special Exception No. 811, the following special provisions shall apply to **Block "2"** as shown on Figure 29 of Schedule "F" – Special Figures:
  - i) Notwithstanding Section 5.6 c) as it relates to parking for a Multiple Dwelling, a minimum of 0.24 parking spaces per unit shall be provided.
  - ii) In addition to Section 11.3.1 and notwithstanding Section 11.3.1.1 ii), the following uses shall be permitted within the ground floor of a Multiple Dwelling:
    - Artist Studio
    - Catering Service
    - Commercial School
    - Communications Establishment
    - Craftperson Shop
    - Day Nursery

Financial Institution  
Office  
Performing Arts Theatre  
Personal Services  
Restaurant  
Retail  
Tradeperson’s Shop

- iii) Section 11.3.1.1 i) 1. shall not apply.
- iv) Notwithstanding Section 11.3.2 e) ii) and iii), a maximum building height of 24.0 metres.
- v) In addition to Section 11.3.2, a minimum distance of 7.0 metres shall be provided between exterior walls on the same property.

3. That Schedule “D” – Holding Provisions is amended by adding the following new provision:

“128. Notwithstanding Section 11.3 of this By-law, on those lands zoned Transit Oriented Corridor Multiple Residential (TOC3, 811, H128) Zone, identified on Map 869 of Schedule “A” – Zoning and described as 405 James Street North, no development shall be permitted until such time as:

- i) The Owner agrees in a signed Site Plan Agreement to implement all required noise mitigation measures identified in the Environmental Noise Feasibility Study dated March 9, 2022 by Valcoustics Canada Ltd., to the satisfaction of the Director of Planning and Chief Planner.
- ii) The Owner agrees in a signed Site Plan Agreement, to provide notice to any subsequent owner, as well as any prospective purchasers or tenants that the dwellings are located in a Class 4 Area, and to agree to register this notice and any / all warning clauses on title, and include them in any purchase and sale and in any lease or rental agreement, to the satisfaction of the Director of Planning and Chief Planner.
- iii) The Owner submit and receive approval of a Watermain Hydraulic Analysis to identify the required upgrades to the existing watermain on Ferrie Street West, to the satisfaction of the Manager of Development Engineering Approvals.
- iv) 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. That Schedule "F" – Special Figures is amended by adding Special Figure 29: 405 James Street North.
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 Transit Oriented Corridor Multiple Residential (TOC3, 811, H128) Zone, subject to the special provisions referred to in Section 2 of this By-law.
6. 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*.

**PASSED** this \_\_\_\_\_ , \_\_\_\_\_

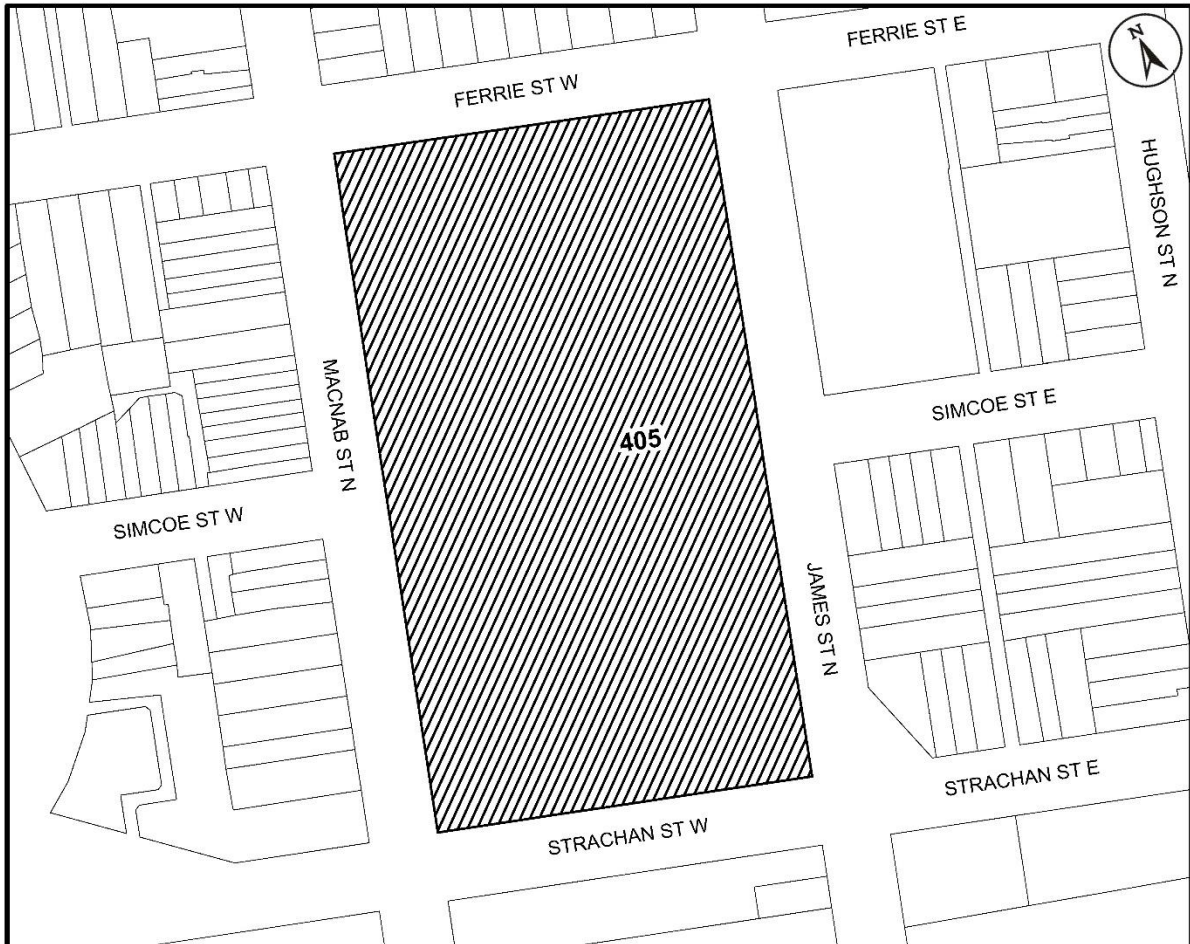
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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

ZAC-21-031



<p>This is Schedule "A" to By-law No. 22-</p> <p>Passed the ..... day of ....., 2022</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<p style="text-align: center;"><b>Schedule "A"</b></p> <p style="text-align: center;">Map forming Part of By-law No. 22-_____</p> <p style="text-align: center;">to Amend By-law No. 05-200 Map 869</p>	<p><b>Subject Property</b> 405 James Street North, Hamilton (Ward 2)</p> <p> Change in zoning from the "DE/S-65" (Low Density Multiple Dwellings) District, Modified to the Transit Oriented Corridor Multiple Residential (TOC3, 811, H128) Zone</p>
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Scale: N.T.S	File Name/Number: ZAC-21-031	<p>Hamilton</p>
Date: May 16, 2022	Planner/Technician: MK/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		





Special Figure 29: 405 James Street North

Date:  
June 29, 2022

Legend

-  Block 1
-  Block 2