

**Authority:** Item 2, Planning Committee Report 24-013 (PED24159)  
CM: September 25, 2024 Ward: 8

**Bill No. 164**

## **CITY OF HAMILTON**

### **BY-LAW NO. 24-**

#### **To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 1600 Upper James Street, Hamilton**

**WHEREAS** Council approved Item 2 of Report 24-013 of the Planning Committee, at its meeting held on September 25, 2024;

**AND WHEREAS** this By-law conforms with the Urban Hamilton Official Plan upon adoption of Official Plan Amendment No. 213;

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

1. That Schedule “A” – Zoning Maps, Map No. 1394 is amended by changing the zoning from the Mixed Use Medium Density (C5) Zone to the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 912, H182) Zone, for the lands known as 1600 Upper James Street, the extent, and boundaries of which are shown on Schedule “A” to this By-law.
2. That Schedule “C”: Special Exceptions is amended by adding the following new Special Exception:

“912. Within the lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone, identified on Map No. 1394 of Schedule “A” – Zoning Maps and described as 1600 Upper James Street, Hamilton, the following special provisions shall apply:

a) Notwithstanding Section 4.6, the following regulations shall apply:

i) Permitted Yard Encroachments No part of any required yard shall be obstructed except as follows:

A) The usual projections of window sills, chimney breasts, belt courses,

cornices, eaves, troughs and other similar architectural features, ductwork, venting and other similar appurtenances may be permitted in any required yard for any portion of a building greater than 21.0 metres in height, provided that no such feature shall project more than 0.6 metres into the required yard, or to a maximum of half the distance of the required yard, whichever is the lesser.

- B) A fire escape or exterior staircase may encroach into a required side or rear yard for any portion of a building greater than 21.0 metres in height to a maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is the lesser.
  - C) An unenclosed ramp for wheelchair access may encroach into any required yard to no maximum distance.
  - D) A porch, deck or canopy may encroach into any required yard for any portion of a building greater than 21.0 metres in height to a maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is the lesser.
  - E) A balcony may encroach into any required yard for any portion of a building greater than 21.0 metres in height to a maximum of 1.5 metres.
- b) In addition to Section 11.1.3 and a) and notwithstanding Section 11.1.3 b), c), d) ii), and d) iii), the following regulations shall apply:

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| i)   | Building Setback from a Street Line   | A) Minimum 4.8 metres from a lot line abutting Upper James Street for any portion of a building greater than 21.0 metres in height; and,<br><br>B) Minimum 2.5 metres from a lot line abutting Rymal Road West for any portion of a building greater than 21.0 metres in height. |
| ii)  | Minimum Interior Side Yard  | 7.5 metres, except 9.0 metres for any portion of a building greater than 21.0 metres in height and 12.5 metres for any portion of a building greater than 40.5 metres in height.   |
| iii) | Minimum Building Setback from a Rear Lot Line                                 | 2.0 metres, except 12.5 metres for any portion of a building greater than 21.0 metres in height.   |
| iv)  | Maximum Building Height   | 65.0 metres.   |
| iv)  | Percentage of two and three Bedroom Units Within Dwelling Units(s), Mixed Use | A) A minimum of 17 percent of the Dwelling Unit(s), Mixed Use shall be units with two or three bedrooms.<br><br>B) Where the application of a) iv) A) above results in a numeric fraction, the fraction shall be rounded up to the nearest whole number.                         |

3. That Schedule “D” – Holding Provisions be amended by adding the additional Holding Provision as follows:

“182. Notwithstanding Section 11.1 of this By-law, within lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1, 912) Zone, identified on Map No. 1394 of Schedule “A” – Zoning Maps and described as 1600 Upper James Street, Hamilton, no development shall be permitted until such time as:

- a) That the Owner enter into and register an External Works Agreement with the City on the title of the lands for the design and construction of any public realm improvements to the adjacent municipal right-of-way at the Owner's cost, to the satisfaction of the Director of Planning and Chief Planner;
  - b) That the Owner enter into and register a lease agreement with the City to provide three dwelling units, including one one-bedroom unit, one two-bedroom unit, and one three-bedroom unit, in compliance with the definition of "affordable" in the Urban Hamilton Official Plan, for a period of 15 years from the date of first occupancy of the development, to the satisfaction of the Director of Planning and Chief Planner;
  - c) That the Owner submit and receive approval of an updated Wind Study completed by a licenced professional Engineer, in the Province of Ontario, to the satisfaction of the Director of Planning and Chief Planner;
  - d) That the Owner submit and receive approval of a revised Functional Servicing Report to demonstrate that there is adequate capacity in the existing municipal infrastructure system in accordance with City standards to accommodate the proposed stormwater and wastewater flows to support this development, to the satisfaction of the Director of Development Engineering;
  - e) That the Owner submit and receive approval of a Watermain Hydraulic Analysis Report to demonstrate that the required domestic and fire flows are available within the appropriate pressure range and that the surrounding areas are not adversely impacted, to the satisfaction of the Director of Development Engineering; and,
  - f) That the Owner make satisfactory arrangements with the City's Growth Management Division and enter into and register on title of the lands, an External Works Agreement with the City for the design and construction of any required improvements to the municipal infrastructure at the Owner's cost, should it be determined that the upgrades are required to the municipal infrastructure to support this development according to the Functional Servicing Report and Watermain Hydraulic Analysis Report, to the satisfaction of the Director of Development Engineering."
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 provisions of the Mixed Use Medium Density (C5, 895, H175) Zone, subject to the special requirements referred to in Section Nos. 2 and 3 of this By-law.

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*.

**PASSED** this 25<sup>th</sup> day of September, 2024

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A. Horwath  
Mayor

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M. Trennum  
City Clerk

ZAC-24-010 and UHOPA-24-004



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| <p>This is Schedule "A" to By-law No. 24-</p> <p>Passed the ..... day of ....., 2024</p> | <p style="text-align: center;">-----</p> <p style="text-align: center;">Mayor</p> <p style="text-align: center;">-----</p> <p style="text-align: center;">Clerk</p> |
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| <p><b>Schedule "A"</b></p> <p><b>Map forming Part of</b></p> <p><b>By-law No. 24-_____</b></p> <p><b>to Amend By-law No. 05-200</b></p> <p><b>Map 1394</b></p> | <p><b>Subject Property</b></p> <p>1600 Upper James Street, Hamilton (Ward 3)</p> <p> Change in Zoning from the Mixed Use Medium Density (C5) Zone to the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 912, H182) Zone</p> |
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| Scale:<br>N.T.S                              | File Name/Number:<br>ZAC-24-010/UHOPA-24-004 | <p>Hamilton</p> |
| Date:<br>August 26, 2024                     | Planner/Technician:<br>MM/NB                 |                 |
| PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT |  |                 |