

**Authority:** Item 4, Planning Committee  
Report: 15-001 (PED15007)  
CM: January 21, 2015

**Bill No. 024**

## **CITY OF HAMILTON**

### **BY-LAW NO. 15-024**

#### **To Amend Zoning By-law No. 05-200, Respecting Lands Located at 98 James Street South (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 No. 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 4 of Report 15-001 of the Planning Committee, at its meeting held on the 21<sup>st</sup> day of January, 2015, 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 approved August 16, 2013.

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

1. That Map 952, of Schedule "A" to Zoning By-law No. 05-200 is amended by changing the zoning from the Downtown Prime Retail Streets (D2) Zone to the Downtown Prime Retail Streets (D2, 467, H56) Holding 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" of By-law No. 05-200 is amended by adding an additional exception as follows:  
  
"467. In addition to Section 6.2.3 of this By-law, within the lands zoned Downtown Prime Retail Streets (D2, 467, H56) Holding Zone, identified on Map 952 of Schedule "A" to By-law 05-200 and described as 98 James Street South, the following special provisions shall apply:

- a) PERMITTED USES
  - i) In addition to Subsection 6.2.1 Permitted Uses, a 259 unit multiple dwelling is permitted only in conjunction with the existing structure.
  - ii) That a maximum of 259 dwelling units are permitted.
  
- b) REGULATIONS
  - a) Maximum / Minimum Building Setback from a Street Line
    - i) Maximum 6.5 metres (Jackson Street)
    - ii) Minimum 14 metres from James Street South for any portion of the building in excess of 24 metres in height.
  
  - b) Building Height
    - i) Maximum building height of 106 metres.
  
  - c) Built Form for New Development
    - i) Minimum of 11% of the ground floor façade along James Street South shall be composed of windows and doors.
    - ii) Minimum of 30% of the ground floor façade along Jackson Street shall be composed of windows and doors.
    - iii) Maximum of 45% of the second and third storey façades along James Street South shall be composed of windows.

- iv) Maximum of 62% of the second and third storey façades along Jackson Street shall be composed of windows.
- v) The ground floor storey shall be no less than 3.6 metres in height and no greater than 7.4 metres in height.
- vi) The second and third storeys shall each be no less than 3.0 metres in height and no greater than 6.6 metres in height.

d) Parking

- i) In addition to Section 5.2 Design Standards a parking stacking system shall be permitted. A parking stacking system shall permit a parking space that is positioned above or below another parking space and is accessed by means of an elevating device.
- ii) Notwithstanding Subsection 5.5 Barrier Free Parking, a minimum of 1 barrier free parking space shall be required.
- iii) Notwithstanding Subsection 5.6a)i Parking Schedules, parking for Multiple Dwelling within a mixed-use building shall be provided on the basis of a minimum of 0.47 parking spaces for each dwelling unit.
- iv) In addition to Subsection 5.6a)i

Parking Schedules, the development shall provide a minimum of 50 bicycle spaces.

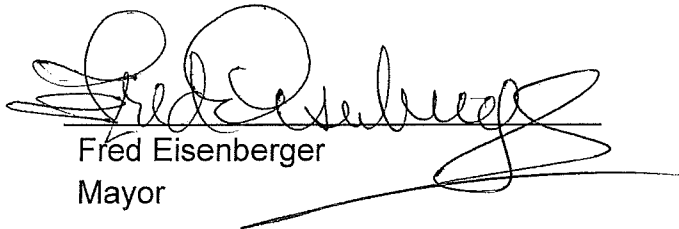
3. That Schedule "D" of By-law 05-200 is amended by adding a Holding Provision as follows:

"56 That notwithstanding Section 6.2 of this By-law, on those lands zoned Downtown Prime Retail Streets (D2, 467, H56) Holding Zone, on Schedule 952 of Schedule "A", known as 98 James Street South (Hamilton), no development shall be permitted until such time as:

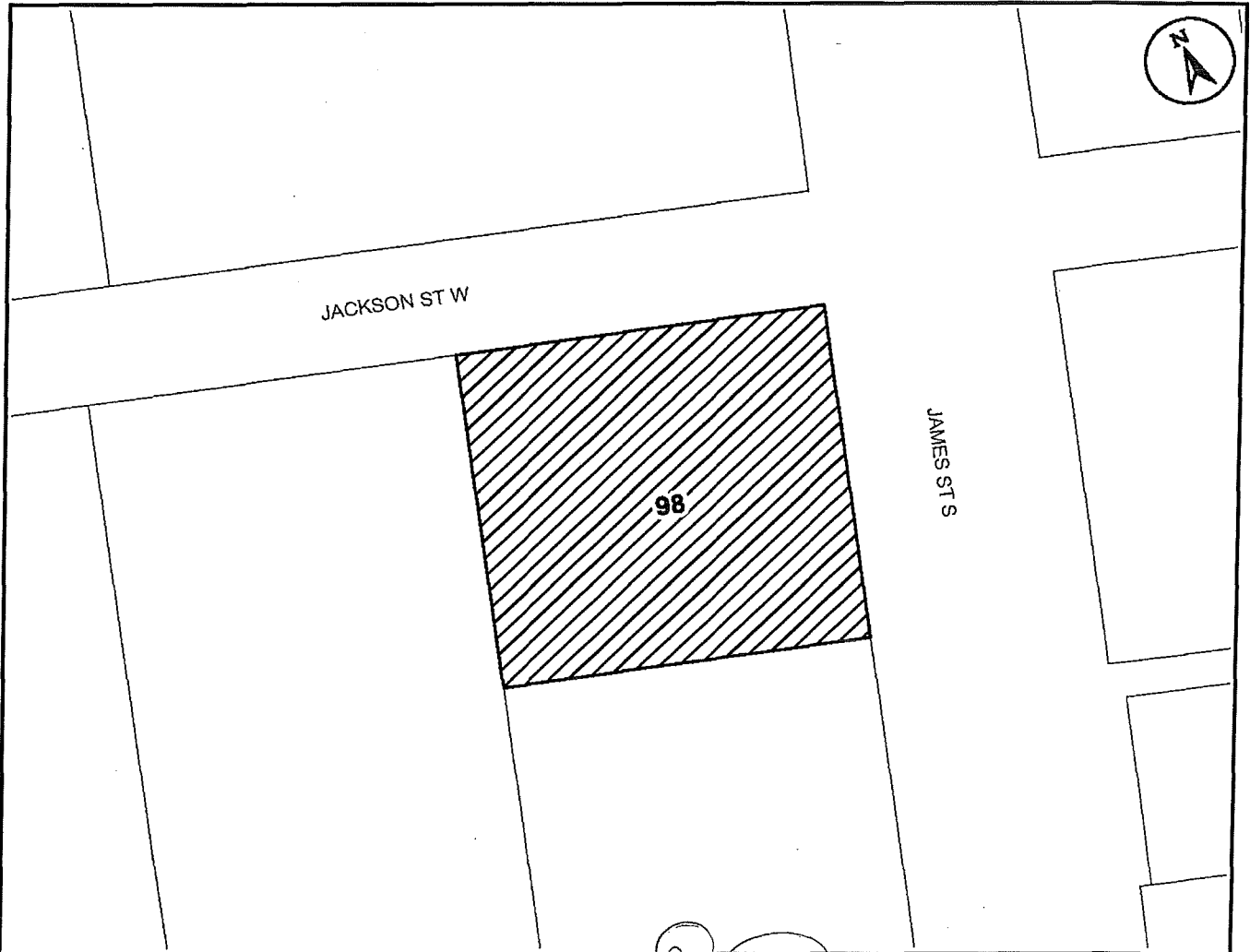
- (i) the Ministry of the Environment issues acknowledgement of the submission by the owner/applicant of a Record of Site Condition to the satisfaction of the Director of Planning"

4. That Schedule "F" – Figure 1 of By-law 05-200 be amended by identifying the subject lands with a maximum building height of 108 metres.
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 this By-law No. 15-018 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 21<sup>st</sup> day of January, 2015.

  
Fred Eisenberger  
Mayor

  
Rose Caterini  
City Clerk



This is Schedule "A" to By-law No. 15-

Passed the ..... day of ....., 2015

*[Signature]*  
 Mayor  
*[Signature]*  
 Clerk

## Schedule "A"

Map Forming Part of  
 By-law No. 15-\_\_\_\_\_

to Amend By-law No. 05-200  
 Map 952

### Subject Property

98 James Street South



Change in Zoning from the Downtown Prime  
 Retail Streets (D2) Zone to the Downtown  
 Prime Retail Streets (D2, 467, H56) Zone

Scale:  
 N.T.S.

File Name/Number:  
 ZAR-14-30

Date:  
 Dec. 8, 2014

Planner/Technician:  
 EJ/DB



**Hamilton**