

Authority: Item 6, Planning Committee  
Report PED19-014 (PED19059)  
CM: September 25, 2019  
Ward: 8

**Bill No. 233**

**CITY OF HAMILTON**

**BY-LAW NO. 19-233**

**To amend Zoning By-law No. 05-200 with respect to lands located at 1351, 1355, 1359, 1375 Upper James Street and 16, 24, 34, 40 and 48 Stone Church Road East, Hamilton**

**WHEREAS** Council approved Item 6 of Report 19-014 of the Planning Committee, at its meeting held on September 25<sup>th</sup>, 2019;

**AND WHEREAS** this By-law conforms to the Urban Hamilton Official Plan.

**NOW THEREFORE** Council of the City of Hamilton enacts Zoning By-law No. 05-200 as follows:

1. That Map No. 1343 of Schedule “A” – Zoning Maps is amended by changing the zoning from the Mixed Use – Medium Density (C5, 318) Zone to the Mixed Use – Medium Density (C5, 724) Zone and adding the Mixed Use – Medium Density (C5, 724) Zone for the lands identified in the Location Map attached as Schedule “A” to this By-law.
2. That Schedule “C” – Special Exceptions is hereby amended as follows:
  - 2.1 That Special Exception 318 be amended by deleting the following Property Address and Map Number references:

“1351 Upper James Street	1343
1355 Upper James Street	1343
1359 Upper James Street	1343
1375 Upper James Street	1343
16 Stone Church Road East	1343
24 Stone Church Road East	1343”

2.2 That the following new Special Exception be added:

"724. Within the lands zoned Mixed Use - Medium Density (C5) Zone, identified on Map 1343 of Schedule "A" – Zoning Maps and described as 1351, 1355, 1359 and 1375 Upper James Street and 16, 24, 34, 40 and 48 Stone Church Road East, the following special provisions shall apply:

- a) Notwithstanding the definition of Front Lot Line in Section 3: Definitions, the definition of the Front Lot Line shall mean any lot line abutting Stone Church Road East.
- b) Notwithstanding Section 4.6b), a fire escape or exterior stair may encroach into a required front, side or rear yard.
- c) Sections 5.1a)i), 5.1a)v)c), 5.2h)i), 5.2h)ii) and 5.2.1c) shall not apply.
- d) Notwithstanding Sections 5.6c) as it relates to parking requirements for a Multiple Dwelling and Retail, 5.2b)i) and 5.2b)ii), the following regulations shall apply:

i) Parking Requirements	A) Multiple Dwelling	1 space for each dwelling unit, except where a dwelling unit is 50 square metres in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 spaces for such unit (excluding 7 spaces from the total required).
	Retail	1. 0 spaces where a use is less than 450.0 square metres in gross floor area; and,  2. 1 space for each 50 square metres of gross floor area in excess of 450.0 square metres.
ii) Parking Space Dimension	A)	A minimum parking space size dimension of 2.8 metres by 5.8 metres shall be provided.

e) In addition to Section 10.5.1.1 and 10.5.1.1i) and notwithstanding Sections 10.5.3a)i), 10.5.3a)ii), 10.5.3c), 10.5.3d)i)-iii), 10.5.3g)iii), 10.5.3g)iv), 10.5.3g)vii), 10.5.3g)viii), 10.5.3h)i), 10.5.3h)i)iii) and 10.5.3j) the following shall apply:

i) Restricted Uses A) Multiple Dwelling

1. Notwithstanding Section 10.5.1 Block 2, as shown on Figure 21 of Schedule “F” – Special Figures shall be restricted to a maximum of two Multiple Dwelling buildings.
2. Blocks 1 and 2, as shown on Figure 21 of Schedule “F” - Special Figures, shall have a maximum combined density of no greater than 200 uph or a maximum of 358 units, whichever is the lesser.

B) Restriction of Uses within a building on Block 1, as shown on Figure 21 of Schedule “F” – Special Figures

1. Uses other than a Multiple Dwelling shall be restricted to the ground floor.

ii) Setback from a Street Line A) A maximum of 4.5 metres shall be provided for Block 1, as shown on Figure 21 of Schedule “F” – Special Figures.

B) A minimum of 2.9 metres shall be provided for Block 2, as shown on Figure 21 of Schedule “F” – Special Figures.

C) Notwithstanding ii)A) above, a minimum of 6.5 metres shall be provided abutting the hypotenuse of the daylight triangle for Block 1, as shown on Figure 21 of Schedule “F” – Special Figures.

D) In addition to ii)A), above, for any portion of a building on Block 1, as shown on Figure 21 of Schedule F – Special Figures, greater than 20.0 metres in height the following additional setbacks shall apply:

1. Minimum 4.0 metres from Upper James Street; and,
2. Minimum 6.0 metres from Stone Church Road East.

iii) Minimum Interior Side Yard      4.5 metres abutting a Residential or Institutional Zone or a lot containing a residential use.

iv) Building Height      A) Maximum 35.0 metres for Block 1, as shown on Figure 21 of Schedule “F” – Special Figures.  
B) Maximum 17.0 metres for Block 2, as shown on Figure 21 of Schedule “F” – Special Figures.

5. That Figure 21: 1351, 1355, 1359, and 1375 Upper James Street, 16, 24, 34, 40 and 48 Stone Church Road East attached to this By-law be added to Schedule “F” – Special Figures.

6. 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 AND ENACTED** this 25<sup>th</sup> day of September, 2019.

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F. Eisenberger  
MAYOR

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A. Holland  
CITY CLERK

ZAC-11-070



<p>This is Schedule "A" to By-law No. 19-</p> <p>Passed the ..... day of ....., 2019</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 19-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Map 1343</p>		<p><b>Subject Property</b></p> <p>1351, 1355, 1359 &amp; 1375 Upper James Street &amp; 16, 24, 34, 40 &amp; 48 Stone Church Road East</p> <div style="display: flex; align-items: flex-start; margin-top: 10px;"> <div style="width: 30px; height: 20px; border: 1px solid black; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); margin-right: 10px;"></div> <div> <p><b>Block 1</b> - Change in Zoning from Mixed Use Medium Density (C5, 318) Zone to the Mixed Use Medium Density (C5, 724) Zone</p> </div> </div> <div style="display: flex; align-items: flex-start; margin-top: 10px;"> <div style="width: 30px; height: 20px; border: 1px solid black; background: repeating-linear-gradient(-45deg, transparent, transparent 2px, black 2px, black 4px); margin-right: 10px;"></div> <div> <p><b>Block 2</b> - Lands to be added to Zoning By-law No. 05-200 and Zoned Mixed Use Medium Density (C5, 724) Zone</p> </div> </div>
<p><b>Scale:</b> N.T.S.</p>	<p><b>File Name/Number:</b> ZAC-11-070</p>	
<p><b>Date:</b> Aug. 16, 2019</p>	<p><b>Planner/Technician:</b> GZ/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		



Figure 21: 1351, 1355, 1359 & 1375 Upper James Street & 16, 24, 34, 40 & 48 Stone Church Road East

Date;  
August 7, 2019

### Legend

- ■ ■ Subject Area - Special Exception 724
- ▨ Block 1 - Mixed Use Building - Maximum permitted height of 8 storeys (35.0 metres)
- ▤ Block 2 - Two Multiple Dwellings - Maximum permitted height of 4 storeys (17.0 metres)