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 25th, 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:

<table>
<thead>
<tr>
<th>Property Address</th>
<th>Map Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;1351 Upper James Street&quot;</td>
<td>1343</td>
</tr>
<tr>
<td>1355 Upper James Street</td>
<td>1343</td>
</tr>
<tr>
<td>1359 Upper James Street</td>
<td>1343</td>
</tr>
<tr>
<td>1375 Upper James Street</td>
<td>1343</td>
</tr>
<tr>
<td>16 Stone Church Road East</td>
<td>1343</td>
</tr>
<tr>
<td>24 Stone Church Road East</td>
<td>1343&quot;</td>
</tr>
</tbody>
</table>
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).

B) 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)ii)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 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 25th day of September, 2019.

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F. Eisenberger    A. Holland
MAYOR     CITY CLERK

ZAC-11-070
This is Schedule "A" to By-law No. 19-

Passed the .......... day of ................., 2019

Schedule "A"

Map Forming Part of
By-law No. 19-_____

to Amend By-law No. 05-200
Map 1343

Subject Property
1351, 1355, 1359 & 1375 Upper James Street &
16, 24, 34, 40 & 48 Stone Church Road East

**Block 1** - Change in Zoning from Mixed Use
Medium Density (C5, 31B) Zone to the Mixed
Use Medium Density (C5, 724) Zone

**Block 2** - Lands to be added to Zoning
By-law No. 05-200 and Zoned Mixed Use
Medium Density (C5, 724) Zone