



Hamilton

City Clerk
71 Main Street West
Hamilton ON L8P 4Y5
Phone: 905-546-2424 Fax: 905-546-2095
www.hamilton.ca

RECEIVED

MAR 07 2016

Form 1

NOTICE OF THE PASSING OF A ZONING BY-LAW BY THE CITY OF HAMILTON

TAKE NOTICE that the City of Hamilton Council passed **Zoning By-law No. 16-054** on the **24th** day of **February, 2016** under Section 34 of the Planning Act, R.S.O. 1990, c. P.13. The municipal address of the subject property is **46-52 James Street North, Hamilton.**

AND TAKE NOTICE THAT any person or agency who objects to Zoning By-law No. **16-054** may appeal the decision of Council to the Ontario Municipal Board, by filing with the City Clerk, not later than the **24th day of March, 2016** a **certified cheque** or money order in the amount of \$125.00, payable to the Minister of Finance, Province of Ontario. A completed Notice of Appeal form setting out the reasons for the appeal of the Zoning By-law is required to be accompanied with the Ontario Municipal Board fee. Appeal forms are available on the OMB website www.omb.gov.on.ca.

PLEASE NOTE: IF YOU HAVE NO OBJECTION TO THE BY-LAW, YOU DO NOT NEED TO TAKE ANY ACTION, AND YOU DO NOT NEED TO SEND ANY CHEQUE.

AND TAKE NOTICE THAT the decision by Council on the Zoning By-law is final if a notice of appeal is not received before or on the last day for filing a notice of appeal.

Only Individuals, Corporations and Public Bodies may appeal a Zoning By-Law to the Ontario Municipal Board. A Notice of Appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Ontario Municipal Board, there are reasonable grounds to add the person or public body as a party.

An explanation of the purpose and effect of the Zoning By-law, describing the lands to which the Zoning By-law applies, and a key map of the affected lands, are attached. The complete by-law is available for inspection in my office during regular office hours. If you have any questions, please call Ida Bedioui at 905 546 2424 extension 4605. Appeals should be submitted to: City Clerk, City of Hamilton, 71 Main Street West, 1st floor, Hamilton, Ontario, L8P 4Y5.

DATED at the City of Hamilton
this 4th day of March, 2016

Rose Caterini, City Clerk
City Hall, Hamilton, Ontario

EXPLANATION OF THE PURPOSE AND EFFECT OF
BY-LAW NO. 16-054

1. The purpose and effect of By-law No. 16-054 is to rezone the subject lands (see attached Key Map) from the Downtown Prime Retail Streets (D2) Zone and Downtown Mixed Use (D3) Zone to the Downtown Prime Retail Streets (D2, 473) Zone in Zoning By-law No. 05-200 in order to permit a mixed use building consisting of ground floor commercial uses and 146 multiple dwelling units geared to students within a building having a maximum height of 21 storeys .

The following special regulations shall apply:

- (a) A maximum building setback from James Street North of 0 metres shall apply to the first four storeys instead of 2 metres.
- (b) A special provision to require a minimum building setback from James Street shall apply for any portion of the building in excess of 4 storeys in height and 12 metres for any portion of the building in excess of 18 storeys;
- (c) A maximum building setback from Rebecca Street of 15.0 metres shall apply for the first storey; 18.5 metres for the second, third and fourth storeys; and 24 metres for any portion of the building in excess of 4 storeys instead of 2.0 metres for the first floor and 0.5 metres above the first floor;
- (d) A maximum building setback from Rebecca Street of 15 metres shall apply for that portion of the building providing an access driveway to a garage instead of 6 metres.
- (e) A maximum building height of 67 metres shall apply instead of 44.5 metres;
- (f) A minimum of 1 barrier free parking space shall be required instead of 2 barrier parking spaces where there are between 50-100 parking spaces required;
- (g) Parking for a Multiple Dwelling within a mixed use building shall be provided on the basis of 0 spaces for up to 8 units that are 2 bedrooms or less with an average gross floor area of 51.5 square metres or less, and 0.3 spaces per unit where there are 9 units or more that are 2 bedroom or less with an average gross floor area of 51.5 square metres instead of 0.3 spaces per unit for units which have a gross floor area of 50 square metres or less;

- (h) Parking for a Multiple Dwelling within a mixed use building shall be provided on the basis of 0 spaces for up to 10 units that are greater than 2 bedrooms with an average gross floor area greater than 51.5 square metres and 0.66 spaces per unit where there are 11 units or more that are greater than 2 bedrooms with an average gross floor area of 51.5 square metres instead of 1 space per unit for units which have a gross floor area greater than 50 square metres;
 - (i) A special provision to require a minimum of 265 bicycle parking spaces within the building and a minimum of 19 bicycle parking spaces outside the building;
 - (j) A special provision to require a minimum of 30% and a maximum of 70% of the entire building façade for any portion of the building above the fourth storey shall be glazed;
 - (k) A special provision to require a minimum 3.0 metre setback from the north property line to the building, 4.0 metres from the south property line and 3.7 metres from the east property line to the building for any portion of the building above the fourth storey; and,
 - (l) The minimum width of the ground floor façade for any portion of a building fronting onto Rebecca Street shall be 50% of the measurement of the front lot line instead of 75%.
2. Only the property referred to above and shown on the attached map is affected by the By-laws. However, all owners of property within 120 metres (400 feet) of the property affected by the By-laws are required to be notified.

Clerk
City Hall, Hamilton, Ontario

ZAR-15-049



Key Map

to By-law No. 16-054

Subject Property

46 - 52 James Street North



Lands to be changed to Prime Retail Streets (D2, 473) Zone from the Prime Retail Streets (D2) Zone and the Downtown Mixed Use (D3) Zone.

Scale:
N.T.S.

File Name/Number:
ZAR-15-049

Date:
Feb. 23, 2016

Planner/Technician:
CT/AL



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT