

Authority: Item 4, Planning Committee Report 24-011 (PED24064)

CM: August 16, 2024 Ward: 2

Written approval for this by-law is given by Mayoral Decision MDE2024-17

Dated August 16, 2024

Bill No. 149

CITY OF HAMILTON

BY-LAW NO. 24-149

To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 309 and 325 James Street North, Hamilton

WHEREAS Council approved Item 4 of Report 24-011 of the Planning Committee, at its meeting held on August 16, 2024;

AND WHEREAS this By-law complies to the Urban Hamilton Official Plan;

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

1. That Schedule "A" – Zoning Maps, Map No. 869 and 911 are amended by further amending the Downtown Mixed Use - Pedestrian Focus (D2, H21) Zone and the Downtown Mixed Use – Pedestrian Focus (D2) Zone to the Downtown Mixed Use - Pedestrian Focus (D2, 909, H180) Zone and the Downtown Mixed Use - Pedestrian Focus (D2, 909) Zone, for the lands known as 309 and 325 James Street North, Hamilton, 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:
 - "909. Within the lands zoned Downtown Mixed Use - Pedestrian Focus (D2) Zone, identified on Map No. 869 and 911 of Schedule "A" – Zoning Maps and described as 309 and 325 James Street North, Hamilton, the following special provisions shall apply:
 - a) Notwithstanding Section 5.2 a), no landscape strip containing a visual barrier shall be provided along the westerly lot line where the parking area abuts a Residential Zone.
 - b) Notwithstanding Section 6.2.3 b) ii), the following regulation shall apply:

- ii) Maximum Building Height 1. 44.0 metres

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

“180. Notwithstanding Section 2 of this By-law, within lands zoned Downtown Mixed Use - Pedestrian Focus (D2, 909) Zone on Map Nos. 869 and 911 of Schedule “A” – Zoning Maps, and described as 309 James Street North, no development shall be permitted until the following conditions are satisfied:

- (i) A revised Cultural Heritage Impact Assessment has been submitted demonstrating how the cultural heritage value has been incorporated and maintained to the satisfaction of the Director of Planning and Chief Planner;
- (ii) That conditional site plan approval be received, to the satisfaction of the Director of Planning, and Chief Planner;
- (iii) The owner submit and receive approval of a revised Functional Servicing Report and Stormwater Management Brief that demonstrates the feasibility of on site quantify control measures within the subject lands, to the satisfaction of the Director of Development Engineering;
- (iv) The owner submit and receive approval of updated hydrant flow tests that demonstrates 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. If the above cannot be demonstrated, a Watermain Hydraulic Analysis Report will be required to be submitted and approved at the pressure district level; and,
- (v) The owner enter into and register an External Works Agreement with the City on title of the lands for the design and construction of any required improvements to the municipal infrastructure in accordance with the City’s Financial Policy to support this development, 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 Downtown Mixed Use - Pedestrian Focus (D2, 909, H180) Zone, subject to the special requirements referred to in Section No. 2 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 16th day of August, 2024

A. Horwath
Mayor

M. Trennum
City Clerk

ZAC-24-018



<p>This is Schedule "A" to By-law No. 24-</p> <p>Passed the day of, 2024</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<p style="text-align: center;">Schedule "A"</p> <p style="text-align: center;">Map forming Part of By-law No. 24-_____</p> <p style="text-align: center;">to Amend By-law No. 05-200 Map 869 & 911</p>	<p>Subject Property 309-325 James Street North , Hamilton</p> <p> Change in Zoning from Downtown Mixed Use, Pedestrian Focus (D2, H21) Zone to Downtown Mixed Use, Pedestrian Focus (D2, 909, H180) Zone</p> <p> Change in Zoning from Downtown Mixed Use, Pedestrian Focus (D2) Zone to Downtown Mixed Use, Pedestrian Focus (D2, 909) Zone</p>
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Scale: N.T.S	File Name/Number: ZAC-24-018		PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Date: July 29, 2024	Planner/Technician: WC/NB		