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Physical Address: 71 Main Street West  
Phone: 905.546-2424 ext 4605 Fax: 905.546-2095  
Email: Ida.Bedioui@hamilton.ca

Hamilton

RECEIVED

APR 14 2016

April 12, 2016

Lister Property Corp.  
c/o Ricardo Persi  
44 Hughson Street South,  
Hamilton, ON, L8N 2A7

Urban Solutions Planning  
and Land Development Consultants Inc.,  
c/o Sergio Manchia  
105 Main Street West, Suite 501  
Hamilton, ON, L8N 1G6

**Re: Passage of Zoning By-law 16-054  
46-52 James Street North, Hamilton**

Please find enclosed a copy of the Statutory Declaration and By-law for the above-mentioned property. The By-law is now final and binding.

Yours truly,

A handwritten signature in cursive script that reads "Ida Bedioui".

Ida Bedioui  
Legislative Co-ordinator  
Planning Committee

Attachments

Copies to:

Steve Robichaud  
Zeltite Race  
Viola Mueller  
David Janazcek  
Ann Lehman-Allison  
Lisa Barroso



DOMINION OF CANADA )  
Province of Ontario )  
)  
)  
) **IN THE MATTER OF By-law No. 16-054  
AND IN THE MATTER OF Section 34(22)  
of the *Planning Act*, R.S.O. 1990, c. P.13.  
46 – 52 James Street North, Hamilton**

**TO WIT:**

**I, Ida Bedioui**, Legislative Coordinator, City Clerk's Office, of the City of Hamilton, **DO SOLEMNLY DECLARE:**

1. That Notice of a Public Meeting for the purpose of informing the public in respect of the proposed Zoning By-law was given on the 28<sup>th</sup> day of January, 2016 as prescribed by law.
2. That By-law Number 16-054 was passed on the 24<sup>th</sup> day of February, 2016.
3. That written Notice of the Passing of the said By-law was given in accordance with Section 34(18) of the *Planning Act* on the 4<sup>th</sup> day of March, 2016.
4. That no notice of appeal was filed under Section 34(19) of the *Planning Act* on or before the 24<sup>th</sup> day of March, 2016, being twenty days from the day of the notice given of the passing of the said By-law.
5. That Section 24(2) of the *Planning Act* does not apply in that the Council did not adopt an amendment to the Official Plan and said By-law conforms to the Official Plan.
6. That, in accordance with Section 34(21) of the *Planning Act*, I verily believe that the By-law is deemed to come into force on the day it was passed.

**AND I MAKE THIS** solemn Declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Evidence Act*.

**DECLARED** before me at the  
City of Hamilton

) *Ida Bedioui*

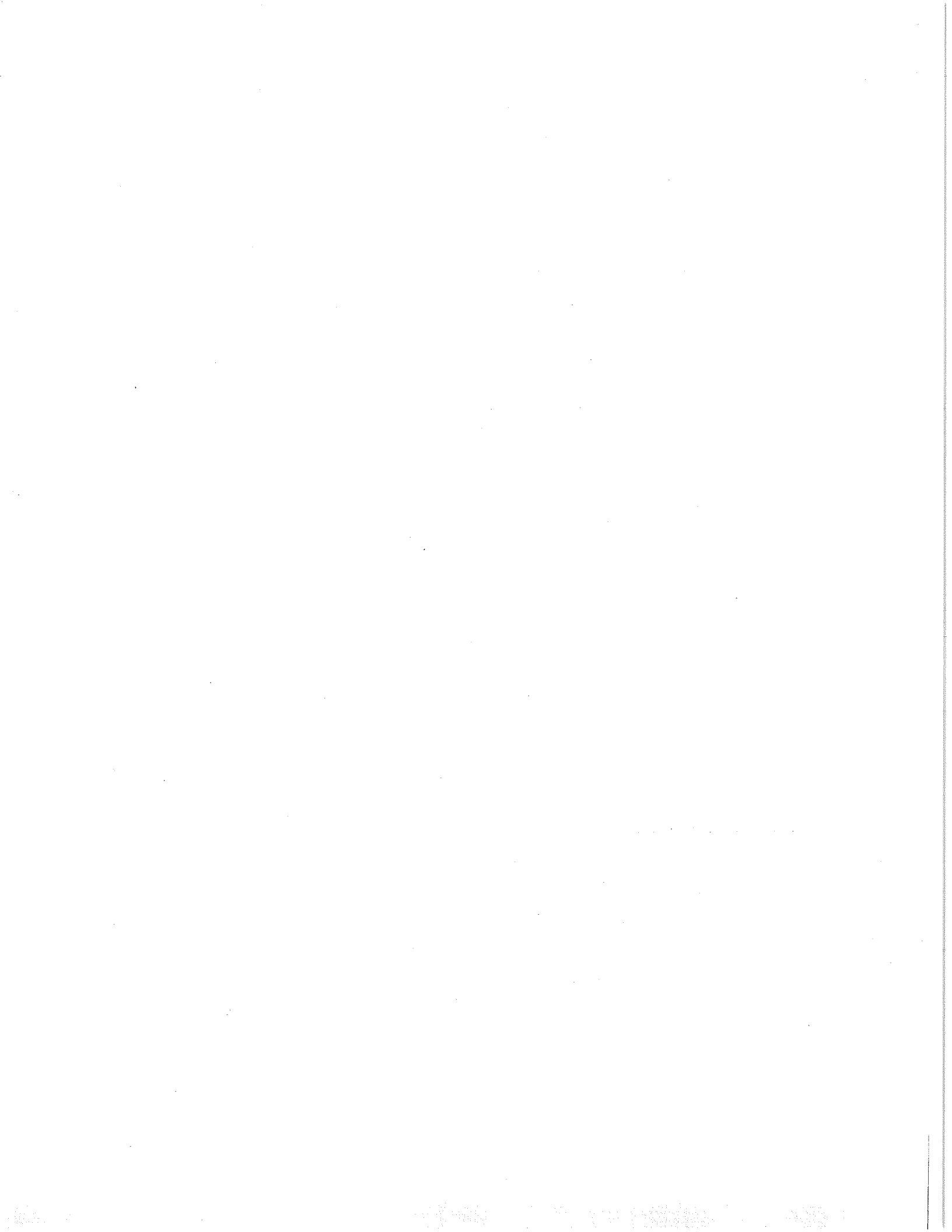
this 12<sup>th</sup> day of April, 2016.



A Commissioner, etc.

Loren Isabel Kolar, a Commissioner, etc.,  
Province of Ontario, for the City of Hamilton.  
Expires November 2, 2018.

**ZAR-15-049**



**Authority:** Item 5, Planning Committee  
Report: 16-003 (PED16044)  
CM: February 24, 2016

**Bill No. 054**

**CITY OF HAMILTON**

**BY-LAW NO. 16-054**

**To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 46-52 James Street North in the City of 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 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 5 of Report 16-003 of the Planning Committee, at its meeting held on the 24<sup>th</sup> day of February, 2016, which 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;

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

1. That Map 952 of Schedule "A" -Zoning Maps of By-law No. 05-200 be amended by changing the zoning from the Downtown Prime Retail Streets (D2) Zone and Downtown Mixed Use (D3) Zone to the Downtown Prime Retail Streets (D2, 473) 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" Special Exceptions of By-law No. 05-200 be amended by adding an additional special exception as follows:

"473. Within the lands zoned Downtown Prime Retail Streets (D2, 473) Zone, identified on Map 952 of Schedule "A" to By-law 05-200 as described and

To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 46-52 James Street North in the City of Hamilton

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described as 46-52 James Street North, the following special provisions shall apply:

Notwithstanding Sections 5.5, 5.6a) i., 6.2.3a) i), ii), and iv), 6.2.3b) and 6.2.3c) ii) the following special provisions shall also apply:

b) REGULATIONS

a) Building  
Setback from a  
Street Line

- i) Maximum 0 metres for the first 4 storeys from James Street North;
- ii) Minimum 3 metres from James Street North 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;
- iii) Maximum 15.0 metres from Rebecca Street 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; and,
- iv) Maximum 15 metres from Rebecca Street for that portion of the building providing an access driveway to a garage.

b) Building Height

- i) Maximum building height shall be 67 metres.

c) Parking

- i) A minimum of 1 barrier free parking space shall be required.

To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 46-52 James Street North in the City of Hamilton

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- ii) Parking for a Multiple Dwelling within a mixed use building shall be provided on the basis of:

2 Bedrooms Units or less  
with an average gross floor  
area of 51.5 square metres  
or less

No. of Units	Required Parking Spaces
0-8	0
> 9	0.3 per unit

More than 2 Bedroom Units  
with an average gross floor  
area greater than 51.5  
square metres

No. of Units	Required Parking Spaces
0-10	0
> 11	0.66 per unit

- iii) A minimum of 265 bicycle parking spaces within the building and a minimum of 19 bicycle parking spaces outside the building.

- d) Glazing Requirements  
above Fourth Storey

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.

- e) Minimum Building  
Setback from a  
Property Line

Minimum 3.0 metres from the north property line to the building, 4.0 metres from the south property line and

To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 46-52 James Street North in the City of Hamilton

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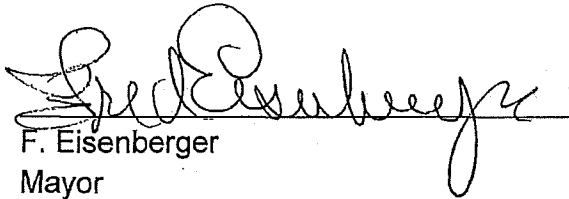
3.7metres from the east property line to the building for any portion of the building above the fourth storey.

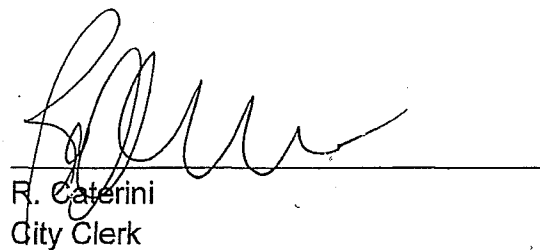
f) Width of a Ground Floor Facade

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.

3. That Schedule F" – Figure 1 of By-law 05-200 be amended by identifying the subject lands with a maximum height of 67 metres.
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of the By-law, in accordance with the *Planning Act*.
5. That this By-law No. 16-056 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 24<sup>th</sup> day of February, 2016.

  
F. Eisenberger  
Mayor

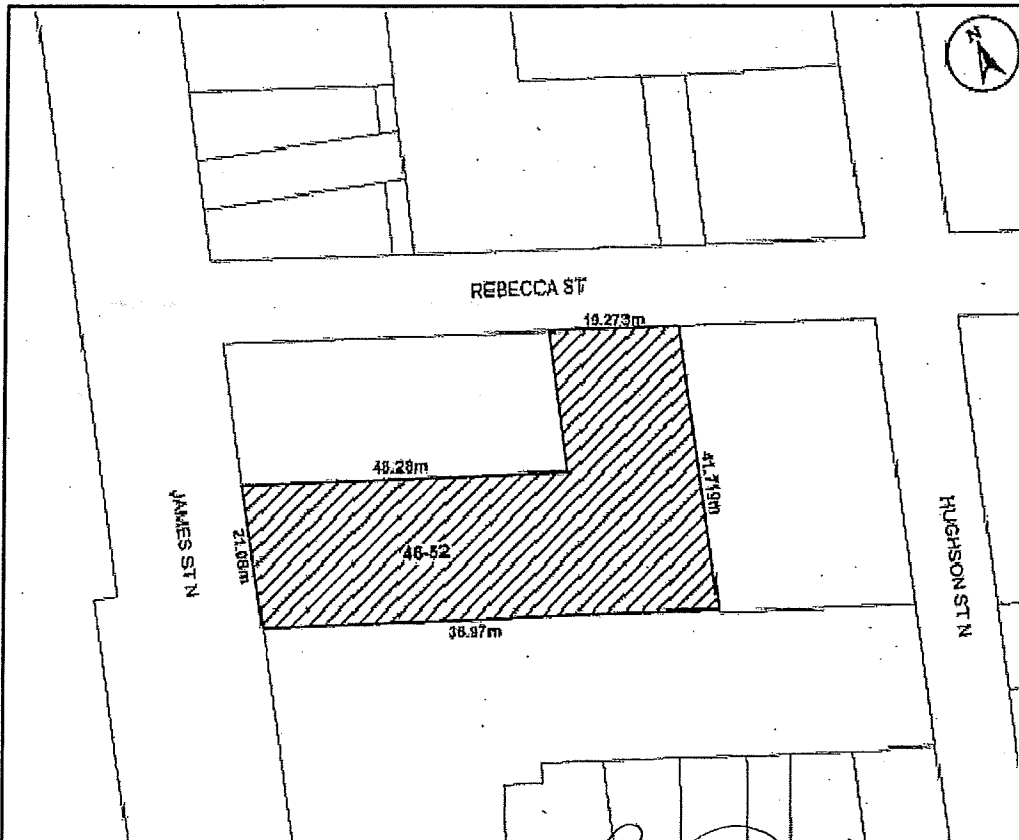
  
R. Caterini  
City Clerk

ZAR-15-049



To Amend Zoning By-law No. 05-200  
 Respecting Lands Located at 46-52 James Street North in the City of Hamilton

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This is Schedule "A" to By-law No. 16-054  
 Passed the 24<sup>th</sup> day of February 2016

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

**Schedule "A"**

Map Forming Part of  
 By-law No. 16-054

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

Subject Property  
 46 - 52 James Street North  
 Lands to be zoned Prime  
 Retail Streets (D2, 473), Zone

Scale: N.T.S.	File Name/Number: ZAR-15-049
Date: January 26, 2016	Planner/Technician: CT/VS
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	



