

# **ZONING ORDER 001-2025**

**For lands municipally known as  
405 James Street North, City of Hamilton  
Ordered under section 47 of the Planning Act**

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As permitted by section 47 of the *Planning Act*, for lands in the City of Hamilton in the Province of Ontario as described in Appendix “A” (the “subject lands”), I hereby order as follows:

## **1. Definitions**

(1) In this order,

“end wall” means the two narrowest exterior main walls of a building, but does not include exterior stairs;

“grade” means, with reference to the height of a building or structure, wherever curb level has been established, the average elevation of curb level opposite the highest point of the building or structure, on a line perpendicular to the street line;

“zoning by-law” means zoning by-law no. 05-200 of the City of Hamilton.

## **2. General zoning provisions**

- (1) By-law no. 6593 of the former City of Hamilton does not apply to the subject lands.
- (2) The zoning by-law shall apply to the subject lands.
- (3) For the purposes of this order, the subject lands shall be treated as a single lot.

## **3. Permitted uses**

- (1) Every use of land and every erection, location, or use of any building or structure is prohibited on the subject lands, except for the following uses:
  - (a) The uses permitted in the Transit Oriented Corridor Multiple Dwelling (TOC 3) Zone of the zoning by-law.
  - (b) Multiple dwelling townhouse.
- (2) A multiple dwelling that is permitted in the Transit Oriented Corridor Multiple Dwelling (TOC 3) Zone of the zoning by-law may include the following uses:

- (a) Artist studio.
- (b) Catering service.
- (c) Commercial school.
- (d) Communications establishment.
- (e) Craftsperson shop.
- (f) Child care centre.
- (g) Financial institution.
- (h) Medical clinic.
- (i) Office.
- (j) Performing arts theatre.
- (k) Personal services.
- (l) Restaurant.
- (m) Retail.
- (n) Social services establishment.
- (o) Tradesperson's shop.

#### **4. Zoning requirements**

- (1) The Transit Oriented Corridor Multiple Dwelling (TOC 3) Zone requirements set out in section 11.3.2 of the zoning by-law apply to the subject lands with the following exceptions:
  - (a) The minimum building setback from a street line is 2 metres and 1 metre back from the hypotenuse drawn from the following dimensions at the following corners of the subject lands:
    - (i) At the corner of Ferrie Street West and MacNab Street North, 4.6 metres from the corner along each street.
    - (ii) At the corner of Ferrie Street West and James Street North, 4.4 metres from the corner along each street.
    - (iii) At the corner of Strachan Street West and James Street North, 12.2 metres along Strachan Street West and 12 metres along James Street North.

- (iv) At the corner of MacNab Street North and Strachan Street West, 4.6 metres from the corner along each street.
- (b) The maximum building height is 14 metres from grade.
- (c) For any multiple dwelling building fronting onto James Street North:
  - (i) One such building is permitted to have a maximum building height of 71 metres from grade,
  - (ii) Two such buildings are permitted to have a maximum building height of 44 metres from grade, and
  - (iii) For any additional buildings, the building height restriction in clause (b) applies.
- (d) There shall be a minimum of 3 square metres of amenity area per unit for a multiple dwelling building exceeding 45 metres in height.
- (e) The following building separation requirements apply if there is more than one multiple dwelling building or multiple dwelling townhouse on the same lot:
  - (i) The minimum distance between end walls of multiple dwelling townhouses is 3 metres.
  - (ii) The minimum distance between a multiple dwelling building and a multiple dwelling townhouse is 12 metres.
  - (iii) The minimum distance between the rear wall of a multiple dwelling townhouse and the front wall of a multiple dwelling townhouse is 10 metres.
  - (iv) The minimum distance between multiple dwelling buildings is 18 metres.
  - (v) Any garbage enclosure, balcony, terrace or private patio or similar structures may encroach by 2 metres into the required building separation.
- (f) Any wholly enclosed or partially enclosed amenity area, or any portion of a building designed to provide access to a rooftop amenity area, shall be permitted to project above the uppermost point of the building, subject to the following:
  - (i) The total area of the wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to

provide access to a rooftop amenity area, shall not exceed 30 per cent of the floor area of the storey directly beneath.

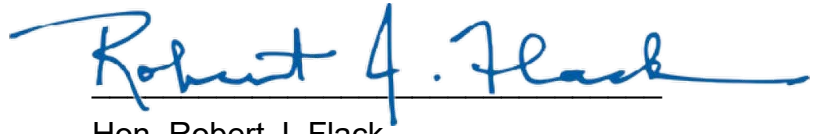
- (ii) The wholly enclosed or partially enclosed amenity area, or portion of a building designed to provide access to a rooftop amenity area, shall not be greater than 3.5 metres in vertical distance from the uppermost point of the building to the uppermost point of the rooftop enclosure.
- (g) Garbage enclosures may encroach by a maximum of 1.5 metres into any required yard abutting a street line.
- (h) Garbage enclosures shall be located a minimum of 4 metres from James Street North and shall be screened from view.
- (i) No parking spaces, including accessible parking spaces, are required for multiple dwelling townhouses.
- (j) Two parking spaces for each 100 square metres of the gross floor area in excess of 450 square metres are required for a medical office.
- (k) One parking space for each 125 square metres of gross floor area in excess of 450 square metres is required for a child care centre.
- (l) One accessible parking space shall be provided per multiple dwelling building.
- (m) Long-term bicycle parking shall be 0.3 spaces per dwelling unit.
- (n) Electric mobility device parking spaces may be included in the total number of long-term bicycle parking spaces.
- (o) Exterior stairs, porches, ventilation shafts, gas meters, transformers, ramps, canopies, bike racks, mechanical apparatuses or other similar mechanical equipment may encroach into any required yard without restriction.
- (p) A residential care facility is not required to be within a fully detached residential building.

## **5. Implementation provisions**

- (1) This order is deemed for all purposes, except the purposes of section 24 of the *Planning Act*, to be a by-law passed by the council of the City of Hamilton.

- (2) Policy statements issued under subsection 3(1) of the *Planning Act*, provincial plans, and official plans do not apply in respect of a licence, permit, approval, permission or other matter required before a use permitted by this order may be established on the lands subject to this order.
- (3) This order comes into force on the day it is made.

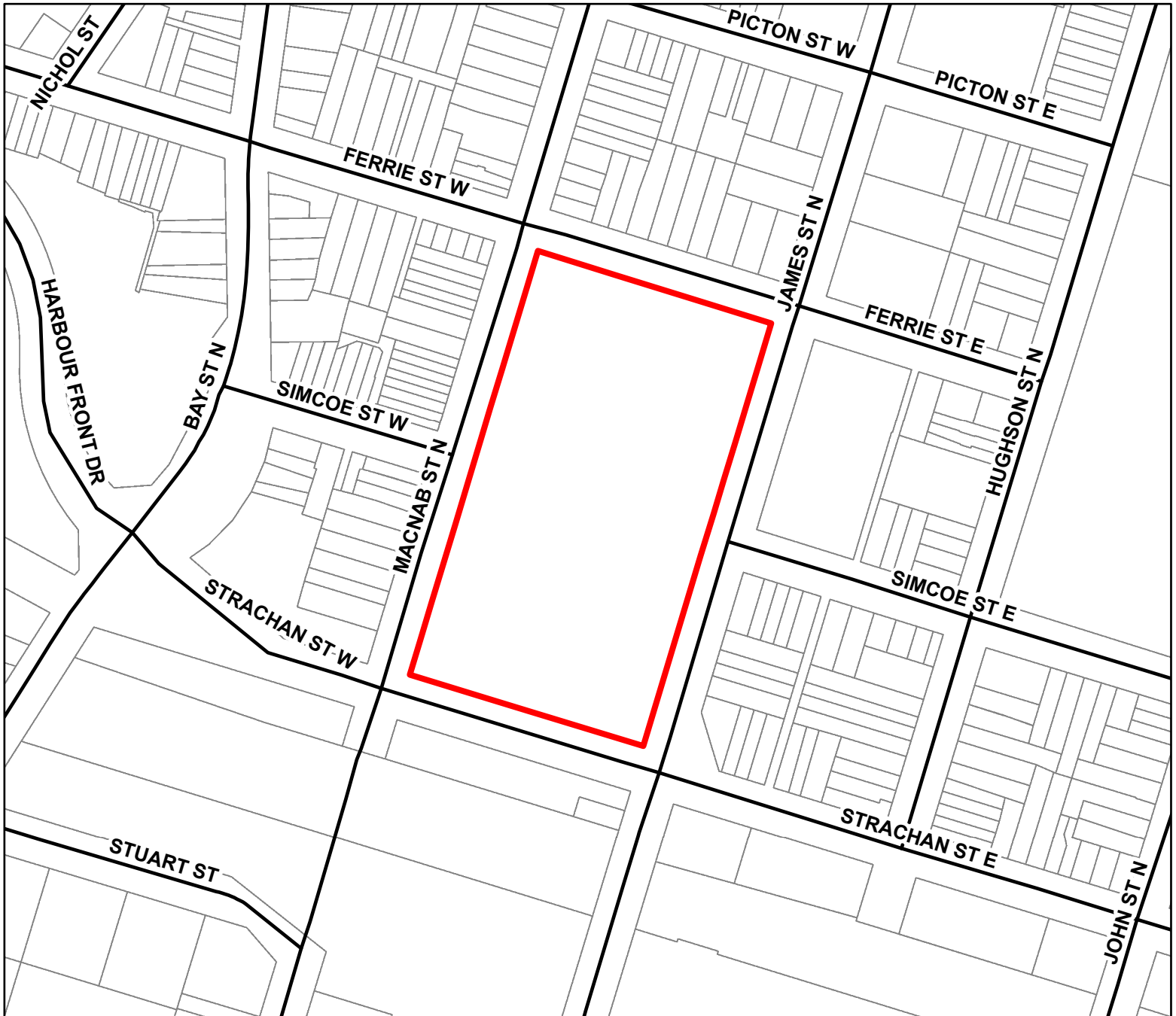
Dated at Toronto this 09 day of December, 2025.

A handwritten signature in blue ink, reading "Robert J. Flack", is written over a horizontal line.

Hon. Robert J. Flack

Minister of Municipal Affairs and Housing

# Appendix "A" to Zoning Order 001-2025



## LEGEND

— Roads

□ Parcels

□ Subject lands – Lots 1-14, and Block 5; Lots 1-14 and Block 6; and Parts of Simcoe Street, lying between MacNab Street and James Street North, on Plan 127, City of Hamilton



Map North (Degrees): 0°

0 20 40 80  
Metres

1 cm equals 26 metres

## Map Description:

The map shows lands located in, Lots 1-14, and Block 5; Lots 1-14 and Block 6; and Part of Simcoe Street, lying between MacNab Street and James Street North, on Plan 127, City of Hamilton. We are committed to providing accessible customer service (<https://www.ontario.ca/page/accessible-customer-service-policy>). On request, we can arrange for accessible formats and communications supports. Please contact MMAH by email ([mininfo@ontario.ca](mailto:mininfo@ontario.ca)) for regulation details.

## THIS IS NOT A PLAN OF SURVEY

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