

**10.5 MIXED USE MEDIUM DENSITY (C5) ZONE**

**Explanatory Note:** *The C5 Zone is found along collector and arterial roads where the zone permits a range of retail, service, commercial, entertainment, and residential uses serving the surrounding community. The built form encourages an active transit supportive, pedestrian environment that is anchored by single or mixed-use buildings oriented towards the pedestrian realm. Although residential uses are permitted, either as a single or mixed-use building, this zone is predominantly commercial.*

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Mixed Use Medium Density (C5) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

**10.5.1 PERMITTED USES**

Artist Studio  
 Beverage Making Establishment  
 Catering Service  
 Commercial Entertainment  
 Commercial Parking Facility  
 Commercial Recreation  
 Commercial School  
 Communications Establishment  
 Conference or Convention Centre  
 Craftsperson Shop  
 Day Nursery  
 Dwelling Unit(s)  
 Educational Establishment  
 Emergency Shelter  
 Financial Establishment  
 Funeral Home  
 Hotel  
 Laboratory  
 Lodging House  
 Medical Clinic  
 Microbrewery  
 Motor Vehicle Gas Bar  
 Motor Vehicle Service Station  
 Motor Vehicle Washing Establishment  
 Multiple Dwelling  
 Office  
 Personal Services  
 Performing Arts Theatre  
 Place of Assembly  
 Place of Worship  
 Repair Service

Residential Care Facility  
 Restaurant  
 Retail  
 Retirement Home  
 Social Services Establishment  
 Tradesperson's Shop  
 Transportation Depot  
 Urban Farmers Market  
 Veterinary Service

**10.5.1.1 RESTRICTED USES**

In addition to Section 10.5.1, the following uses shall be permitted in accordance with the following restrictions:

- i) Restriction of Uses within a building:
  - 1. The finished floor elevation of any dwelling unit shall be a minimum of 0.9 metres above grade; and,
  - 2. Notwithstanding 10.5.1.1i) 1., dwelling unit(s) shall be permitted in a basement or cellar.  
 (By-law No. 19-062, March 27, 2019)
- ii) Residential Care Facility and Retirement Home:
  - 1. Maximum Capacity for Residential Care Facility is 50 residents.
- iii) Emergency Shelter and Residential Care Facility:
  - 1. Except as provided for in Section 2., herein, every Emergency Shelter or Residential Care Facility shall be situated on a lot having a minimum radial separation distance of 300 metres from any lot line of such lot measured to the lot line of any other lot occupied by a Residential Care Facility, Emergency Shelter, Corrections Residence or Correctional Facility; and,

2. Where the radial separation distance from the lot line of an Emergency Shelter, or Residential Care Facility existing as of the effective date of this By-law, is less than 300 metres to the lot line of any other lot occupied by an existing Residential Care Facility, Emergency Shelter, Corrections Residence or Correctional Facility, the existing Residential Care Facility may be expanded or redeveloped to accommodate not more than the permitted number of residents permitted by the Zone in which it is located.

**10.5.2 PROHIBITED USES**

- i) Notwithstanding Section 10.5.1, the following uses are prohibited, except if considered only as an accessory use to another permitted use:

Community Garden  
Garden Centre  
Urban Farm

- ii) Notwithstanding Section 10.5.1, a Motor Vehicle Dealership is prohibited, even as an accessory use.

**10.5.3 REGULATIONS**

- a) Building Setback from a Street Line
  - i) Minimum 3.0 metres for a building with residential units on the ground floor facing a street;
  - ii) Maximum 4.5 metres, except where a visibility triangle is required for a driveway access;
  - iii) Notwithstanding Section 10.5.3i), a maximum 6.0 metres for that portion of a building providing an access driveway to a garage and,

- iv) Section 10.5.3ii) shall not apply for any portion of a building that exceeds the requirement of Section 10.5.3g)ii) and iii).
- b) Minimum Rear Yard      7.5 metres.
- c) Minimum Interior Side Yard      7.5 metres abutting a Residential or Institutional Zone or lot containing a residential use.
- d) Building Height
- i) Minimum 7.5 metre façade height for any portion of a building along a street line;
  - ii) Maximum 22.0 metres; and,
  - iii) In addition to Section 10.5.3d)i) and notwithstanding Section 10.5.3d)ii), any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum yard requirement established in Section 10.5.3 b) and c) when abutting a Residential or Institutional Zone to a maximum of 22.0 metres.
  - iv) In addition to the definition of Building Height in Section 3: Definitions, 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 regulations:
    - A. The total floor 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 does not exceed 10% of the floor area of

the storey directly beneath;

- B. 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 be setback a minimum of 3.0 metres from the exterior walls of the storey directly beneath; and,
  - C. 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 be greater than 3.0 metres in vertical distance from the uppermost point of the building to the uppermost point of the rooftop enclosure.
- e) Maximum Gross Floor Area for each Office Building 10,000.0 square metres.
  - f) Maximum Gross Floor Area for Microbrewery 700.0 square metres.
  - g) Built form for New Development
    - In the case of new buildings constructed after the effective date of this by-law or additions to buildings existing as of the effective date of this by-law:
      - i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street.
      - ii) For an interior lot or a through lot the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 40% of the measurement of the front lot line.
      - iii) For a corner lot the minimum combined

width of the ground floor façade facing the front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines abutting a street.

- iv) In addition to Section 10.5.3g)i), ii) and iii), the minimum width of the ground floor façade facing the front and flankage lot lines shall exclude access driveways and any required yards within a lot line abutting a street.
- v) For commercial development existing at the time of the passing of the By-law, the Section 10.5.3g)ii) and iii) shall not apply to new commercial buildings subject to the following:
  - 1. The maximum Gross Floor Area of each building shall be 650 square metres; and,
  - 2. Notwithstanding Section 10.5.3d)i), the minimum building height shall be 6.0 metres.
- vi) No parking, stacking lanes, or aisles shall be located between the required building façade and the front lot line and flankage lot line.
  - 1. Section 10.5.3g)vi) shall not apply for any portion of a building that exceeds the requirement of Section 10.5.3g) ii) and iii).  
(By-law No. 17-240-OLT-05, March 14, 2022)
- vii) A minimum of one principal entrance shall be provided:
  - 1. within the ground floor façade that is set back is closest to a street; and,

2. shall be accessible from the building façade with direct access from the public sidewalk.

viii) A walkway shall be permitted in a Planting Strip where required by the By-law.

ix) Notwithstanding Section 10.5.3, for properties designated under the Ontario Heritage Act, any alternative building design or building materials approved through the issuance of a Heritage Permit shall be deemed to comply with this Section.

**h) Minimum Amenity Area for Dwelling Units and Multiple Dwellings**

On a lot containing 10 dwelling units or more, the following Minimum Amenity Area requirements be provided:

i) An area of 4.0 square metres for each dwelling unit less than or equal to 50 square metres of gross floor area; and,

ii) An area of 6.0 square metres for each dwelling unit greater than 50 square metres of gross floor area.

iii) In addition to the definition of Amenity Area in Section 3: Definitions, an Amenity Area located outdoors shall be unobstructed and shall be at or above the surface, and exposed to light and air.

(By-law No. 19-062, March 27, 2019)

**i) Planting Strip Requirements**

Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 1.5 metre wide Planting Strip shall be provided and maintained.

**j) Visual Barrier Requirement**

A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, or Downtown (D5) Zone line in accordance with the requirements of

Section 4.19 of this By-law.  
(By-law No. 19-062, March 27, 2019)

- k) Outdoor Storage
- i) No outdoor storage of goods, materials, or equipment shall be permitted; and,
  - ii) Notwithstanding Section 10.5.3k)i), the display of goods or materials for retail purposes accessory to a Retail use shall only be permitted in a front or flankage yard.

**10.5.4 EMERGENCY SHELTER, LODGING HOUSE, PLACE OF WORSHIP, RESIDENTIAL CARE FACILITY, RETIREMENT HOME AND SOCIAL SERVICES ESTABLISHMENT REGULATIONS**

- a) Minimum Side and Rear Yard: 7.5 metres.
- b) Maximum Building Height: 22.0 metres.
- c) Minimum Landscaped Area: 10% of the total Lot Area.

**10.5.5 MOTOR VEHICLE GAS BAR AND MOTOR VEHICLE SERVICE STATION REGULATIONS**

- a) Minimum Yard Abutting a Street: Notwithstanding Section 10.5.3a) i) and ii), Minimum of 4.5 metres.  
(By-law No. 19-062, March 27, 2019)
- b) Minimum Yard for Fuel Pump Islands, 4.5 metres from any lot line.

Fuel Pumps and  
Canopies

c) Minimum Planting  
Strip Requirements

Notwithstanding Section 10.5.3i), a minimum 3.0 metre planting strip shall be required abutting any street line, or Residential Zone or Institutional Zone lot line, except for points for ingress and egress.

(By-law No. 19-062, March 27, 2019)

d) Maximum Gross Floor  
Area for Accessory  
Retail Uses to a Motor  
Vehicle Gas Bar

175.0 square metres.

**10.5.6 SINGLE DETACHED  
AND DUPLEX  
DWELLINGS  
LEGALLY EXISTING  
AT THE DATE OF  
THE PASSING OF  
THE BY-LAW  
(November 8, 2017)**

In addition to Section 4.12f) and in accordance with subsection 34(10) of the Planning Act, R.S.O.,1990, c.P.13, an addition or alteration to a single detached or duplex dwelling not permitted by the by-law but legally existing at the date of the passing of the by-law that increases the volume or size of the interior of the building shall be permitted as follows:

- i) The increase shall not exceed a maximum of 10% of the Gross Floor Area of the building existing at the date of the passing of the by-law;
- ii) Section 10.5.3a)ii) and iii) and d)i) shall not apply; and,
- iii) The existing side yard setbacks are maintained for the addition.

**10.5.7 ACCESSORY  
BUILDINGS**

In accordance with the requirements of Section 4.8 of this By-law.

**10.5.8 PARKING**

In accordance with the requirements of Section 5 of this By-law.

**10.5.9 URBAN FARM**

In addition to Section 10.5.2i), and in addition to the requirements of Section 4.26 of this By-law, an Urban Farm shall only be

permitted in the rear yard or on the roof-top of the principal building.

(By-law No. 19-062, March 27, 2019)

**10.5.10 COMMUNITY GARDEN**

In addition to Section 4.27 and 10.5.2 i) of this By-law, a Community Garden shall only be permitted in the rear yard or on the roof-top of the principal building.

(By-law No. 19-062, March 27, 2019)

**10.5.11 URBAN FARMERS MARKET**

(By-law No. 17-240, November 8, 2017)

In accordance with the requirements of Section 4.28 of this By-law.

## 858 KING STREET WEST HAMILTON, ON L8S 1K3

**Building 1** at 850-854 King St. W. includes:

- Three retail/commercial units municipally known as 850 King St. W., 852 King St. W., and 854 King St. W. (2241.85 sq. ft.)
- One residential unit on the second floor municipally known as 854 ½ King St. W. (1628.41 sq. ft. exterior)

The residential unit includes:

- ~~3~~<sup>4</sup> Bedrooms
- 2 Bathrooms (one with a 4-piece and the other with a 2-piece ensuite setup)
- Kitchen equipped with:
  - built-in oven
  - countertop stove
  - fridge
  - dishwasher
- carpeting throughout the apartment
- 4 A/C units
- Living/dining room
- Laundry room – washer and dryer
- Mud room/sunroom.

**Building 2** at 856-858 Kings St. W. includes:

-Two retail/commercial units municipally known as 856 King St. W. and 858 King St. W. (14323.09 sq. St.)

-One residential unit on the second floor municipally known as 856 ½ King St. W. (1659.30 sq. ft. exterior)

The residential unit includes:

- 3 Bedrooms
- 2 Bathrooms (one is a 3-piece ensuite and the other is a 4-piece setup)
- Kitchen equipped with:
  - Large island
  - Fridge
  - Built-in stove
  - Built-in microwave
  - Dishwasher
  - Countertop stove
  - Granite counters
  - Tile backsplash
  
- California Shutters throughout the apartment
- Hardwood flooring throughout the apartment
- 3 A/C units
  
- Living/dining room
- Laundry room with a lift to the ground floor and washer and dryer
- Sunroom

**Schedule C**  
**Agreement of Purchase and Sale**

**Form 105**  
for use in the Province of Ontario

This Schedule is attached to and forms part of the Agreement of Purchase and Sale between:

**BUYER:** ....., and

**SELLER:** ..... 1837871 Ontario Ltd. ....

for the property known as 858 King Street West Hamilton

ON L8S 1K3 ..... dated the ..... day of ....., 20.....

The property address based on Assessment data is:

858 King Street West, Hamilton, ON. L8S 1K3

and municipally described as :

850-854B King Street West, Hamilton, ON. and 856-858 King Street West, Hamilton, ON.

and legally described as:

Lots 110 & 111. Plan 634, as in VM119414.

This form must be initialed by all parties to the Agreement of Purchase and Sale.

**INITIALS OF BUYER(S):** 

**INITIALS OF SELLER(S):** 

850-854 King St W  
Hamilton, ON

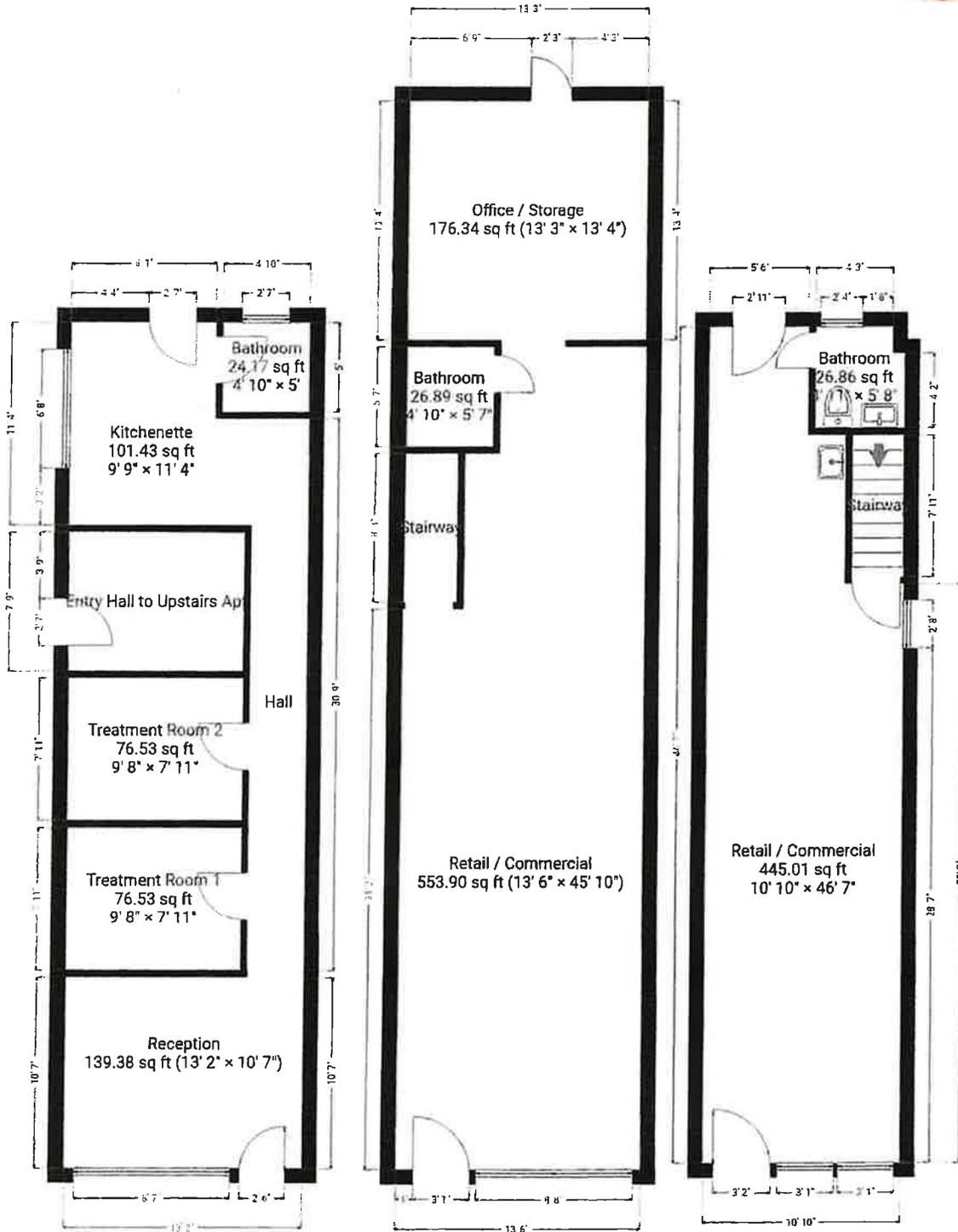
**Total Above Grade Exterior ft<sup>2</sup>**  
Approx Above Ground Exterior Area = 3870.26 ft<sup>2</sup>

**Total Exterior ft<sup>2</sup>**  
Approx Exterior Area (basement included) = 6120.49 ft<sup>2</sup>

**Ground Floor**  
(above grade)



Approx Interior Area = 1920.90 ft<sup>2</sup>  
Approx Exterior Area = 2241.85 ft<sup>2</sup>



850-854 King St W  
Hamilton, ON

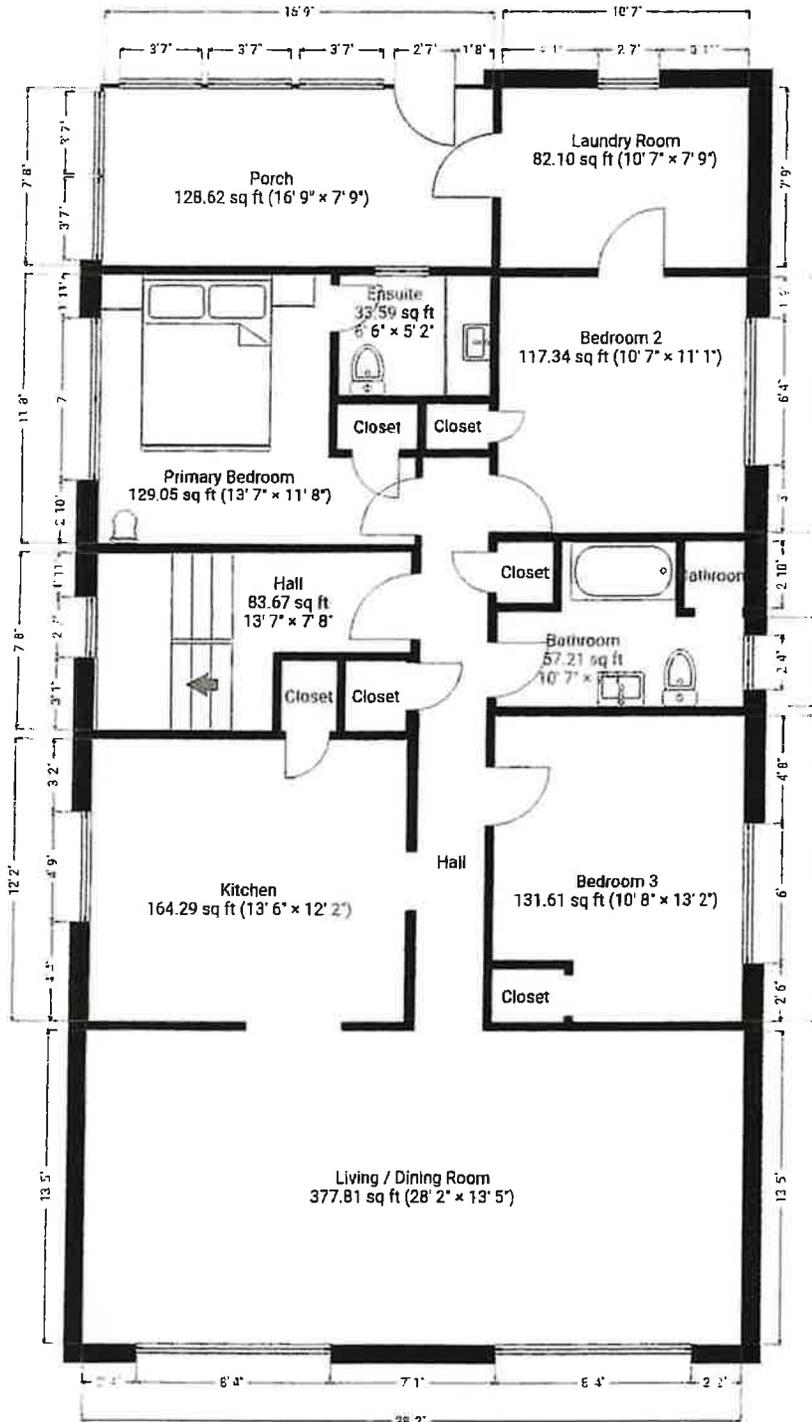
**Total Above Grade Exterior ft<sup>2</sup>**  
Approx Above Ground Exterior Area = 3870.26 ft<sup>2</sup>

**Total Exterior ft<sup>2</sup>**  
Approx Exterior Area (basement included) = 6120.49 ft<sup>2</sup>

**2nd Floor**  
(above grade)



Approx Interior Area = 1501.15 ft<sup>2</sup>  
Approx Exterior Area = 1628.41 ft<sup>2</sup>



All room dimensions and floor areas must be considered approximate and are subject to independent verification.

Lidar iScan by [VOGELcreative.com](http://VOGELcreative.com)



850-854 King St W  
Hamilton, ON

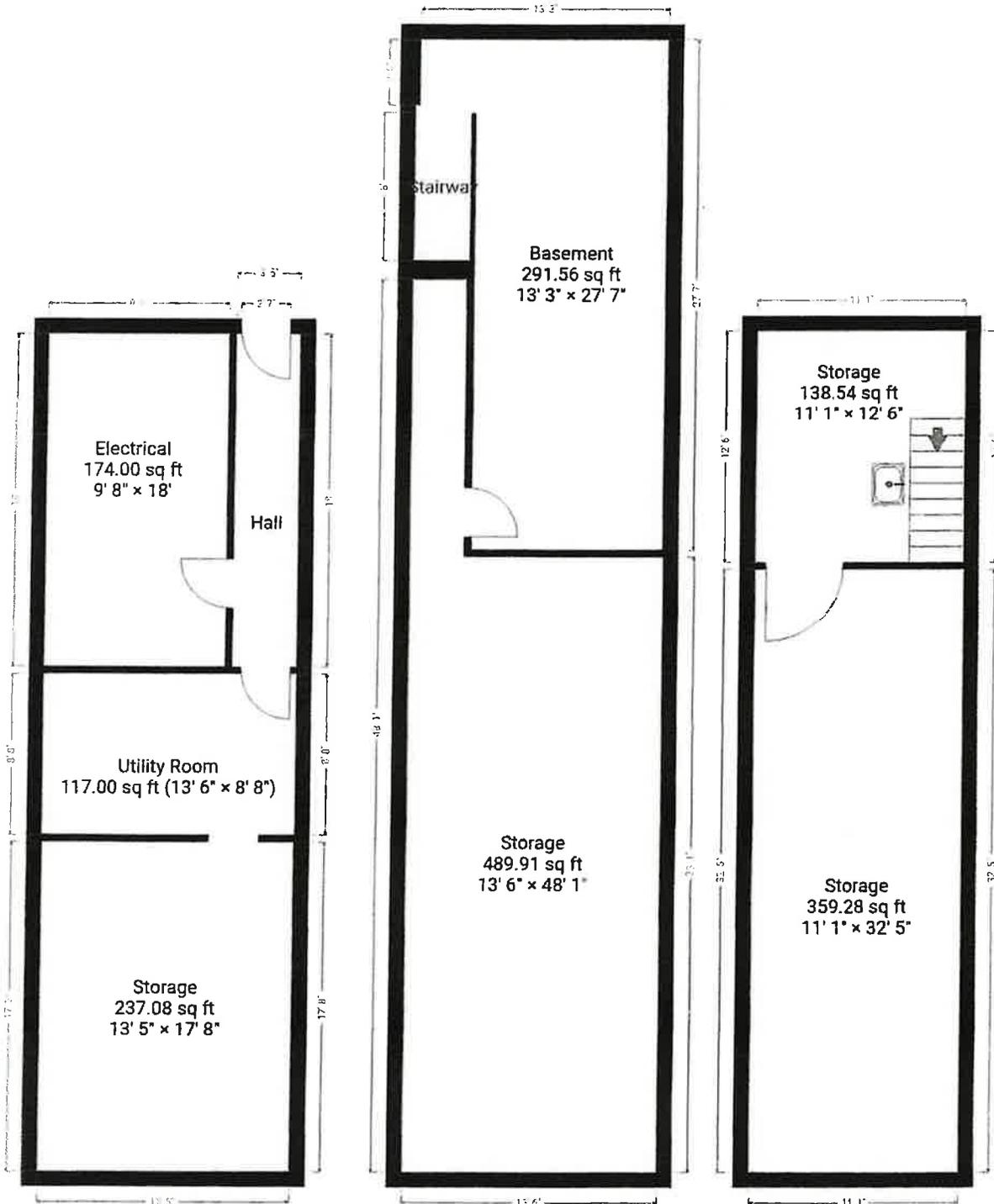
**Total Above Grade Exterior ft<sup>2</sup>**  
Approx Above Ground Exterior Area = 3870.26 ft<sup>2</sup>

**Total Exterior ft<sup>2</sup>**  
Approx Exterior Area (basement included) = 6120.49 ft<sup>2</sup>

**Basement  
(below grade)**



Approx Interior Area = 1927.82 ft<sup>2</sup>  
Approx Exterior Area = 2250.23 ft<sup>2</sup>



All room dimensions and floor areas must be considered approximate and are subject to independent verification.



856-858 King St W  
Hamilton, ON

**Total Above Grade Exterior ft<sup>2</sup>**  
Approx Above Ground Exterior Area = 3091.39 ft<sup>2</sup>

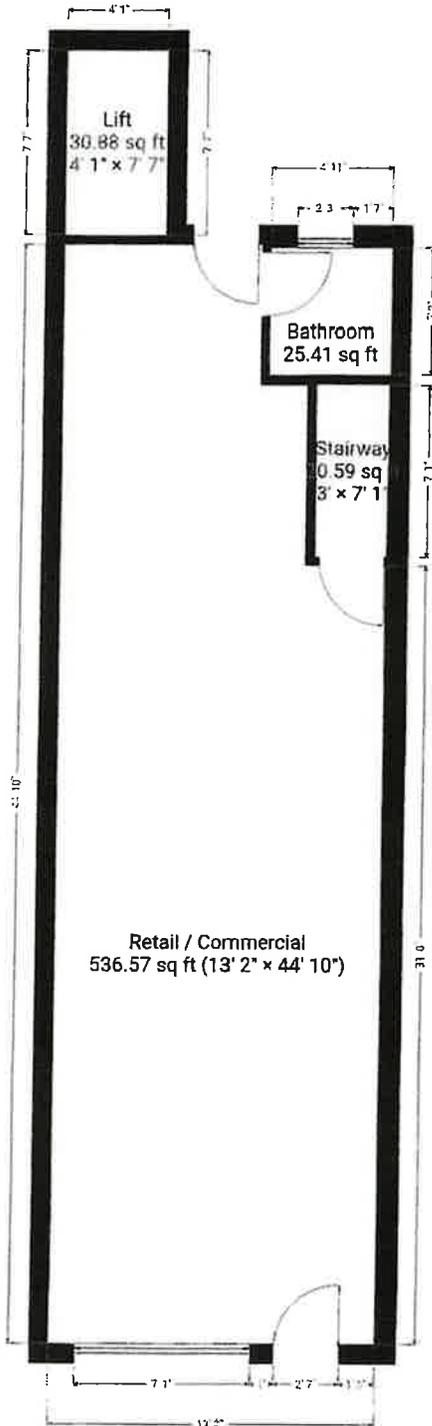
**Total Exterior ft<sup>2</sup>**  
Approx Exterior Area (basement included) = 4530.03 ft<sup>2</sup>

**Ground Floor**  
(above grade)



Approx Interior Area = 1222.10 ft<sup>2</sup>

Approx Exterior Area = 1432.09 ft<sup>2</sup>



856-858 King St W  
Hamilton, ON

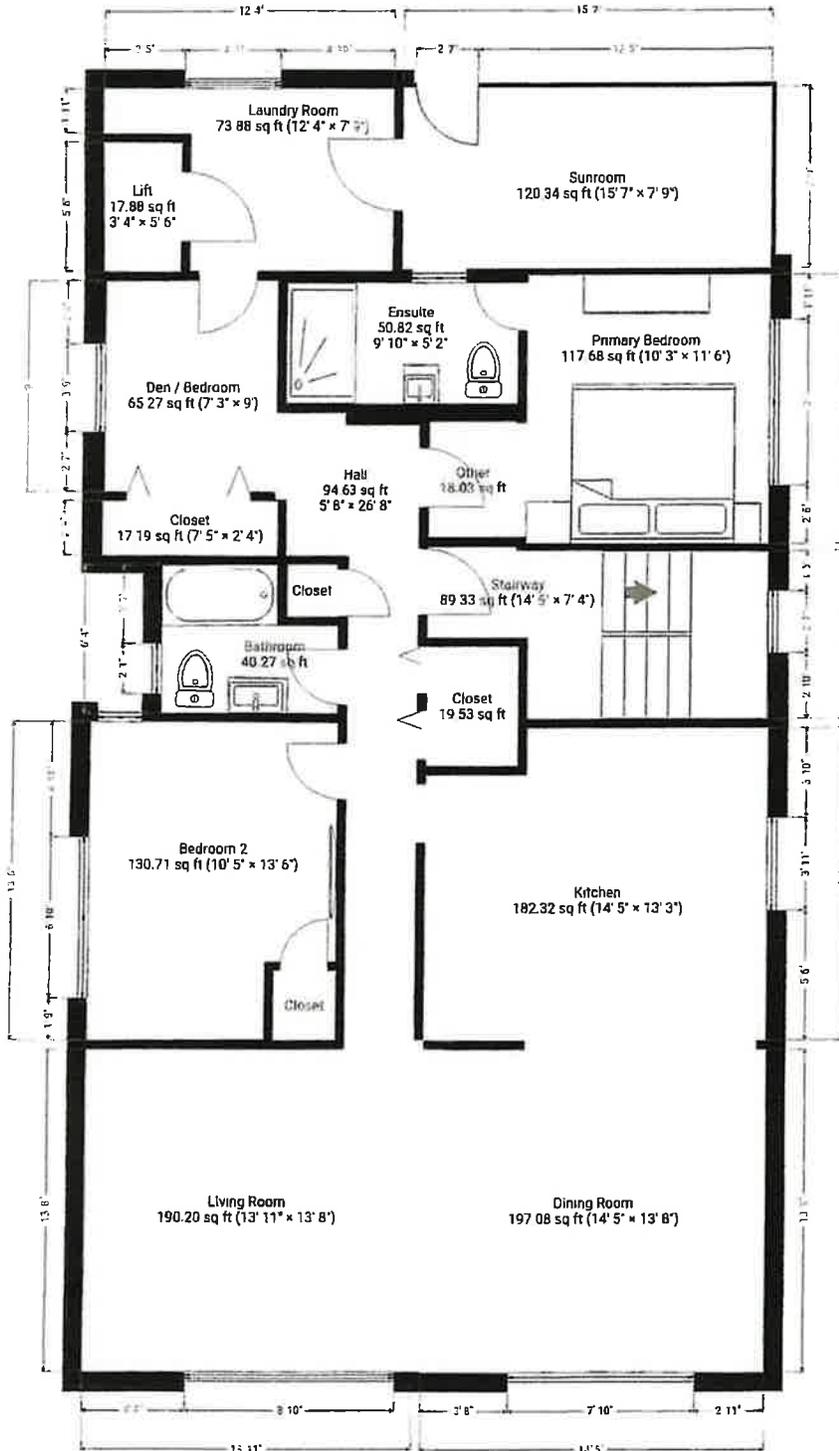
**Total Above Grade Exterior ft<sup>2</sup>**  
Approx Above Ground Exterior Area = 3091.39 ft<sup>2</sup>

**Total Exterior ft<sup>2</sup>**  
Approx Exterior Area (basement included) = 4530.03 ft<sup>2</sup>

**2nd Floor**  
(above grade)



Approx Interior Area = 1522.12 ft<sup>2</sup>  
Approx Exterior Area = 1659.30 ft<sup>2</sup>



856-858 King St W  
Hamilton, ON

**Total Above Grade Exterior ft<sup>2</sup>**  
Approx Above Ground Exterior Area = 3091.39 ft<sup>2</sup>

**Total Exterior ft<sup>2</sup>**  
Approx Exterior Area (basement included) = 4530.03 ft<sup>2</sup>

**Basement**  
(below grade)



Approx Interior Area = 1238.04 ft<sup>2</sup>  
Approx Exterior Area = 1438.64 ft<sup>2</sup>

