

**Authority:** Item 5, Planning Committee  
Report 21-003 (PED21038)  
CM: February 24, 2021  
Ward: 2

**Bill No. 019**

## **CITY OF HAMILTON**

### **BY-LAW NO. 21-019**

#### **To Amend Zoning By-law No. 05-200 Respecting Lands Located at 206 and 208 King Street West**

**WHEREAS** Council approved Item 5 of Report 21-003 of the Planning Committee, at the meeting held on February 24, 2021;

**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, appended to and forming part of By-law No. 05-200, as amended, is hereby further amended by changing the zoning from the Downtown Mixed Use – Pedestrian Focus (D2, H17, H19, H20) Zone to the Downtown Mixed Use – Pedestrian Focus (D2, 731, H17, H19, H116) Zone for the extent and boundaries more particularly described in Schedule "A" annexed hereto forming part of this By-law.
2. That Schedule "C" - Special Exceptions of Zoning By-law No. 05-200, as amended by By-law No. 18-114, is hereby further amended by adding Special Exception 731 as follows:
  - "731. Within the lands zoned Downtown Mixed Use – Pedestrian Focus (D2, 731, H17, H19, H116,) Zone, identified on Map 952 of Schedule "A" - Zoning Maps and described as 206 and 208 King Street West, development in accordance with the Downtown Mixed Use – Pedestrian Focus (D2, H17, H19, H20) Zone shall be permitted. Alternatively, the development of a 13 storey (44.0 metre), mixed use building containing a maximum of 123 dwelling shall only be permitted in accordance with the following special provisions.
    - a) Notwithstanding Section 5.1 a) i), 5.2 b) i), ii), c), f), g), and i), 5.2.1 c), and 5.7 c) and e) i), the following special provisions shall apply:
      - i) The manoeuvring space and access of the parking spaces can be provided off site by way of an adjacent laneway.
      - ii) For the purposes of special exception 731. a parking stacker system shall permit a parking space that is positioned above, below or beside another parking space and is accessed by means of an elevating device.

For the purposes of special exception 731, a parking stacker system shall be permitted and required parking may be provided by means of a parking stacker system.

- iii) Parking stall size shall be:
  - 1. A minimum 2.6 metres in width and 5.5 metres in length for above ground or underground parking structures, when parking is provided by means of a parking stacker system.
  - 2. Where parking is not provided in a parking stacker system the regulations of Section 5.0 – Parking, shall apply.
  - 3. Where a wall, column, or any other obstruction is located abutting or within any parking space within an above ground or underground parking structure, the minimum width of a parking space shall be increased by 0 metres when parking is provided by means of a parking stacker system.
  - 4. A Barrier Free Parking space shall have a minimum width of 4.4 metres and a minimum length of 5.5 metres.
- iv) All required parking shall be provided with adequate means of ingress and egress to and from the street or private laneway without the necessity of moving any other motor vehicle, except by way of a mechanical stacker system, and shall be arranged so as not to interfere with normal public use of the street or laneway. Any parking lot shall provide for ingress and egress of vehicles to and from a street in a forward motion only.
- v) A minimum aisle width of 6.0 metres is not required for parking accessed by a private laneway.
- vi) Loading Facilities  

Loading facilities shall be permitted in a required rear yard adjacent to a Residential Zone and shall not be required to be screened by a Visual Barrier in accordance with Section 4.19 of this By-law.
- vii) Bicycle Parking
  - 1. No short term bicycle parking spaces are required.
  - 2. 1 long term bicycle parking space per residential unit.

b) Notwithstanding Sections 6.0 b) i) and ii), and e) i) and iii), and in addition to Section 6.0 b) and Section 6.2 the following special provisions shall apply:

i) Building Façade Caroline North Base Height Street Notwithstanding Figure 15 – Schedule “F” – Special Figures, no stepback shall be required for the Caroline Street North Building Base Façade Height.

ii) Building Height 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) A minimum 12.5 metre stepback from the rear lot line shall be required, except for the portion of the building used for a mechanical penthouse then a 5.3 metre stepback from the rear lot line shall be required, and for the portion of the building used for an indoor amenity area a minimum 11.2 metre stepback from the rear lot line shall be required.

b) A minimum 12.5 metre stepback from the easterly side lot line shall be required, except for the portion of the building used for a mechanical penthouse then a 1.7 metre stepback from the easterly side lot line shall be required.

iii) Minimum Stepbacks a) The following stepbacks shall be required for any portion of the building exceeding 22.0 metres, but not greater than 44.0 metres, in height:

1. A minimum 3.0 metre stepback from the easterly side lot line is required, except for the portion of the building setback less than 13.2 metres from the front lot line and 5.8 metres from the rear lot line then a minimum 1.7

metre stepback from the easterly side lot line is required.

2. Notwithstanding 1. above, for any portion of the building that has a stepback of less than 3.0 metres from the easterly side lot line, no windows are permitted facing the easterly side lot line except for windows that are translucent.
3. No stepback from a rear lot line is required.

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| iv) | Glazing             | A minimum of 30% of glazing is required for the first floor.  |
| v)  | Ground Floor Height | The ground floor storey shall be no less than 3.6 metres in height and no greater than 6.5 metres in height. The second and third storeys shall each be no less than 3.0 metres in height and no greater than 4.0 metres in height. |

4. That Schedule "D" – Holding Provisions, of By-law No. 05-200, be amended by adding the additional Holding Provisions as follows:

H116. Notwithstanding Section 6.2 of this By-law, within lands zoned Downtown Mixed Use – Pedestrian Focus (D2, 731) Zone on Map No. 952 on Schedule "A" – Zoning Maps, and described as 206 and 208 King Street West, Hamilton, no development shall be permitted until such time as:

- a. The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and submission of the City of Hamilton's current RSC administration fee.
- b. A Documentation and Salvage Report in accordance with the City's Guidelines for Documentation and Salvage Reports be submitted to the satisfaction of the Manager of Development Planning, Heritage

and Design prior to any demolition. Furthermore, a copy of this report should be submitted to the Hamilton Public Library.

- c. An updated Pedestrian Wind Study has been submitted and implemented to the satisfaction of the Director of Planning and Chief Planner.
5. 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*.
6. That this By-law No. 21-019 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, 2021

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

ZAC-17-046



This is Schedule "A" to By-law No. 21-  Passed the ..... day of ....., 2021	----- Mayor ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 5px 0;">Map forming Part of                  By-law No. 21-_____</p> <p style="margin: 5px 0;"><b>to Amend By-law No. 05-200                  Map 952</b></p>	<p><b>Subject Property</b></p> <p>206 &amp; 208 King Street West, Hamilton</p> <p> Change in zoning from the Downtown Mixed Use – Pedestrian Focus (D2, H17, H19, H20) Zone to the Downtown Mixed Use – Pedestrian Focus (D2, 731, H17, H19, H116) Zone</p>
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Scale: N.T.S	File Name/Number: ZAC-17-046	
Date: December 24, 2020	Planner/Technician: DB/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		