

Authority: Item 6, Planning Committee
Report 18-001 (PED18013)
CM: January 24, 2018
Ward: 2

Bill No. 011

CITY OF HAMILTON

BY-LAW NO. 18-011

To Amend Zoning By-law No. 05-200

Respecting Lands Located at 43 - 51 King Street East and 60 King William Street, 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, S. O. 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 No. 05-200;

AND WHEREAS the first stage of the new Zoning By-law, being Zoning By-law No. 05-200, came into force on the 25th day of May, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 6 of Report 18-001 of the Planning Committee at its meeting held on the 24th day of January 2018, 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 Maps 910, 911, 952 and 953 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, 626, H18) 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:
 - "626. Within the lands zoned Downtown Prime Retail Streets (D2, 626) Zone, identified on Maps 910, 911, 952 and 953 of Schedule "A" Zoning Maps and described as 43 to 51 King Street East and 60 King William Street the following special provisions shall apply:

a) Notwithstanding Sections 5.2 b), 5.6 a), 5.7, and 6.2.3 a) ii), iii) and b) ii) the following special provisions shall also apply:

b) REGULATIONS

- a) Maximum Building Setback from a Street Line (Podium)
- ii) 2 metres for the second and third storeys from property line along Hughson Street North and King William Street;
 - iii) That Section 6.2.3 a) iii) shall not apply.
- b) Building Height
- ii) Maximum building height shall be 94 metres.
- c) Minimum Building Setback from a Street Line or Property Line (North Tower)
- i) 6.0 metres from the King William Street street line to the building, 3.0 metres from the easterly property line to the building, 12.0 metres from the southerly property line to the building and a minimum average setback of 8.25 metres, but not less than 6.5 metres from the Hughson Street North street line to the building, for any portion of the building above the fourth storey.
 - ii) In addition to the above, a minimum 23.0 metres from the Hughson Street North street line to the building, for any portion of the building above the sixth storey.
- d) Minimum Building Setback from a Street Line or Property Line (South Tower)
- i) 4.0 metres from the King Street East street line to the building, 4.5 metres from the easterly property line to the building, 8.0 metres from the King William Street street line to the building and a minimum average setback of 5.5 metres, but not less than 4.5 metres from the Hughson Street North street line to the building, for any portion of the building above the fourth storey.
 - ii) In addition to the above, a minimum 41.0 metres from the King William Street street line to the building, for any portion of the building above the sixth storey.

- e) Minimum Tower Separation 16.0 metre separation distance from a tower to another tower located on the same lot.

 - f) Parking Parking for a Multiple Dwelling within a mixed use building shall be provided on the basis of:
 - i) 0.74 spaces per dwelling unit, except where a dwelling unit is 50 square metres in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 spaces per dwelling unit.
 - ii) No parking space shall be less than 2.6 metres in width by 5.5 metres in length.

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

0.92 Bicycle Parking spaces per dwelling unit of which 10% are to be provided as short term Bicycle Parking spaces.
3. That Schedule D – Holding Provisions, of By-law No. 05-200, be amended by adding the additional Holding Provision as follows:

Notwithstanding 6.2 of this By-law, within the lands zoned “Downtown Prime Retail Street (D2, 626) Zone, on Map 910, 911, 952 and 953 of Schedule A – Zoning Maps, and described as 43 – 51 King Street East, and 60 King William Street (Hamilton), the H Symbol applicable to the lands referred to in Section 1 of this By-law shall prohibit development of the lands and shall be removed condition upon:

- (a) the applicant submitting a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment and Climate Change (MOECC). 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 MOECC, and submission of the City of Hamilton’s current RSC administration fee.

- (b) that the Owner purchase the alleyway required to implement the proposed development and provide confirmation that the abutting landowners have been granted easements over the alleyway to the satisfaction of the Director of Planning and Chief Planner.

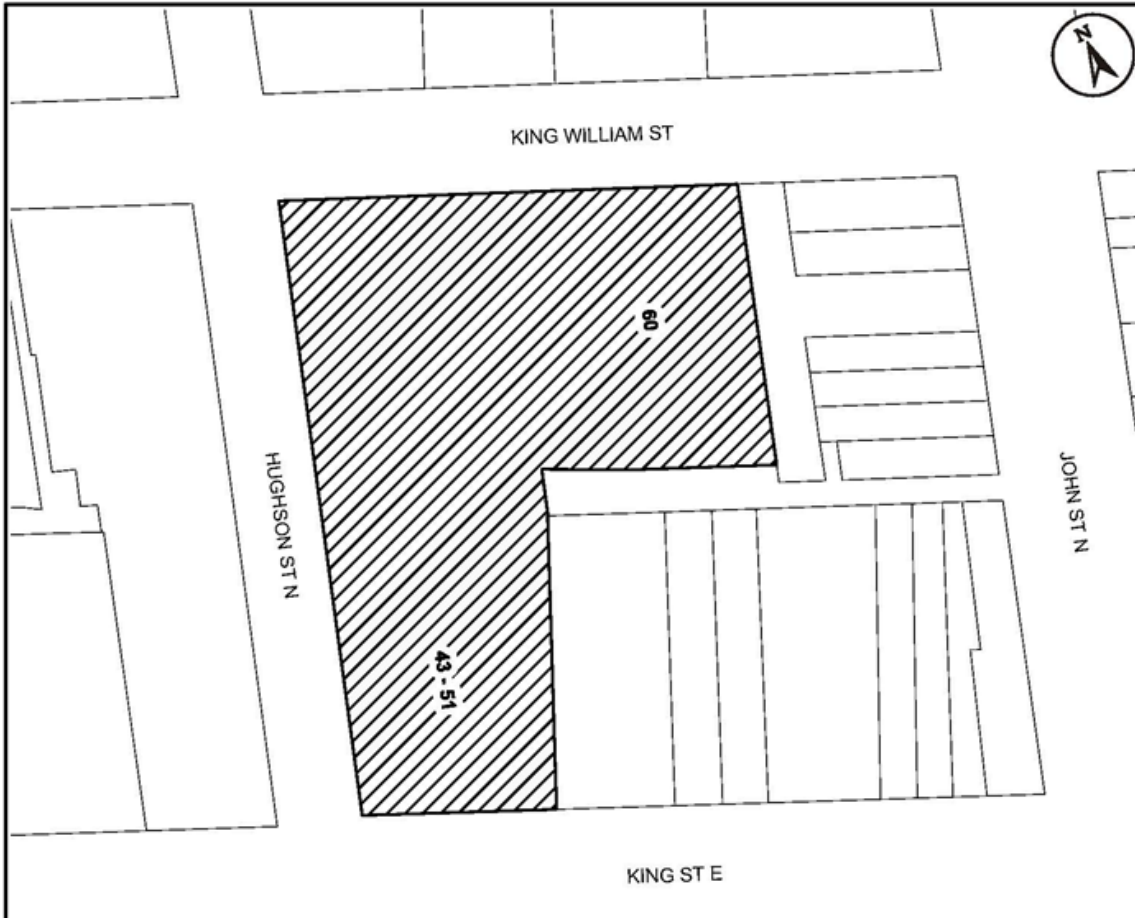
4. That Schedule F” – Figure 1 of By-law 05-200 be amended by identifying the lands shown in Schedule “A” with a maximum height of 94 metres.
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of the By-law, in accordance with the *Planning Act*.
6. That this By-law No. 18-011 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 24th day of January, 2018

F. Eisenberger
Mayor

R. Caterini
City Clerk

ZAR-17-047



This is Schedule "A" to By-law No. 18- Passed the day of, 2018	----- Mayor ----- Clerk
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<h2>Schedule "A"</h2> Map Forming Part of By-law No. 18-_____ to Amend By-law No. 05-200 Map 952 & 953	Subject Property 43 - 51 King Street East & 60 King William Street Change in Zoning from the Downtown Prime Retail Streets (D2) Zone and Downtown Mixed Use (D3) Zone to the Downtown Prime Retail Streets (D2, 626, H18) Zone
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Scale: N.T.S.	File Name/Number: ZAR-17-047	
Date: Dec. 1, 2017	Planner/Technician: DB/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		