Authority: Item 7, Planning Committee Report 18-013 (PED18196) CM: September 12, 2018 Ward: 2

Bill No. 289

CITY OF HAMILTON

BY-LAW NO. 18-289

To Amend Zoning By-law No. 05-200, as amended by By-law 18-114 Respecting Lands Located at 154 Main Street East and 49 Walnut Street South

WHEREAS Council approved Item 7 of Report 18-013 of the Planning Committee, at the meeting held on September 12, 2018;

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 952 and 953 of Schedule "A", appended to an forming part of By-law No. 05-200, as amended, is hereby further amended by changing the zoning from the Downtown Central Business District (D1, H17, H19, H20) Zone to the Downtown Central Business District (D1, 702, H17, H107) Zone for the extent and boundaries of which are more particularly shown on Schedule "A" annexed hereto and forming part of this By-law.
- 2. That Schedule "C" Special Exceptions for Specific Lands of Zoning By-law No.05-200, as amended by By-law 18-114, is hereby further amended by deleting the former Special Exemption 702 and replacing with the following new section:
 - "702. Within the lands zoned Downtown Central Business District (D1, 702, H17, H107) Zone, identified on Maps 952 and 953 of Schedule "A" Zoning Maps and described as 154 Main Street East and 49 Walnut Street South the following special provisions shall apply:
 - a) Notwithstanding Section 5.2b), 5.7 c), 6.0 c) i), ii) and iii) and e), and 6.1.3
 b) ii) the following special provisions shall also apply:
 - b) REGULATIONS
 - a) Building Height ii) Maximum 80.0 metres.
 - b) Minimum
 i) 3.0 metres from Main Street East building
 b) Minimum
 ii) 3.0 metres from Main Street East building base façade height, 2.2
 c) Stepback from
 c) the building
 c) base façade
 c) base façade height, 44.6
 c) base façade height, and 3.0 metres
 c) base façade height, and 3.0 metres

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façade height.

 That the building base façade height shall be 24.0 metres, except for that portion of the building that is located within 40.9 metres from the Jackson Street East lot line which shall have a building base façade height of 22.0 metres.

The following additional stepback shall be required for any portion of a building exceeding 44.0 metres in height:

- i) Minimum of 6.5 metres from a lot line abutting a laneway.
- ii) Minimum of 6.0 metres from all side and rear lot lines except any flankage lot line.
- d) Maximum Lot 91.6% Coverage
 - No parking space shall be less than 2.7 metres in width by 6.0 metres in length.
- f) Bicycle12 short term bicycle parking spaces for
all uses.
- 4. That Schedule D Holding Provisions, of By-law No. 05-200, be amended by adding the additional Holding Provision as follows:

For the lands zoned "Downtown Central Business District (D1, 702, H107) Zone, on Maps 952 and 953 of Schedule A – Zoning Maps, and described as 154 Main Street East and 49 Walnut Street South (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 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 and Conservation and Parks (MECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice

c) Minimum Stepback

e) Parking

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of acknowledgement of the RSC by the MECP, and submission of the City of Hamilton's current RSC administration fee; and,

- (b) The Owner purchase the alleyway required to implement the proposed development and merge the lands on title with the balance of the lands, to the satisfaction of the Director of Planning and Chief Planner.
- 5. 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 80 metres.
- 6. 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.
- 7. That this By-law No. 18-289 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 26th day of September, 2018

F. Eisenberger Mayor J. Pilon Acting City Clerk

UHOPA-18-018 and ZAR-17-074

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