

**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 Building Stepback from the building base façade above the 7<sup>th</sup> storey i) 3.0 metres from Main Street East building base façade height, 2.2 metres from the Walnut Street South building base façade height, 44.6 metres from the Jackson Street East base façade height, and 3.0 metres from the easterly side building base

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façade height.

- ii) 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.

c) Minimum Stepback

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 Coverage

91.6%

e) Parking

No parking space shall be less than 2.7 metres in width by 6.0 metres in length.

f) Bicycle Parking

12 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

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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 26<sup>th</sup> day of September, 2018

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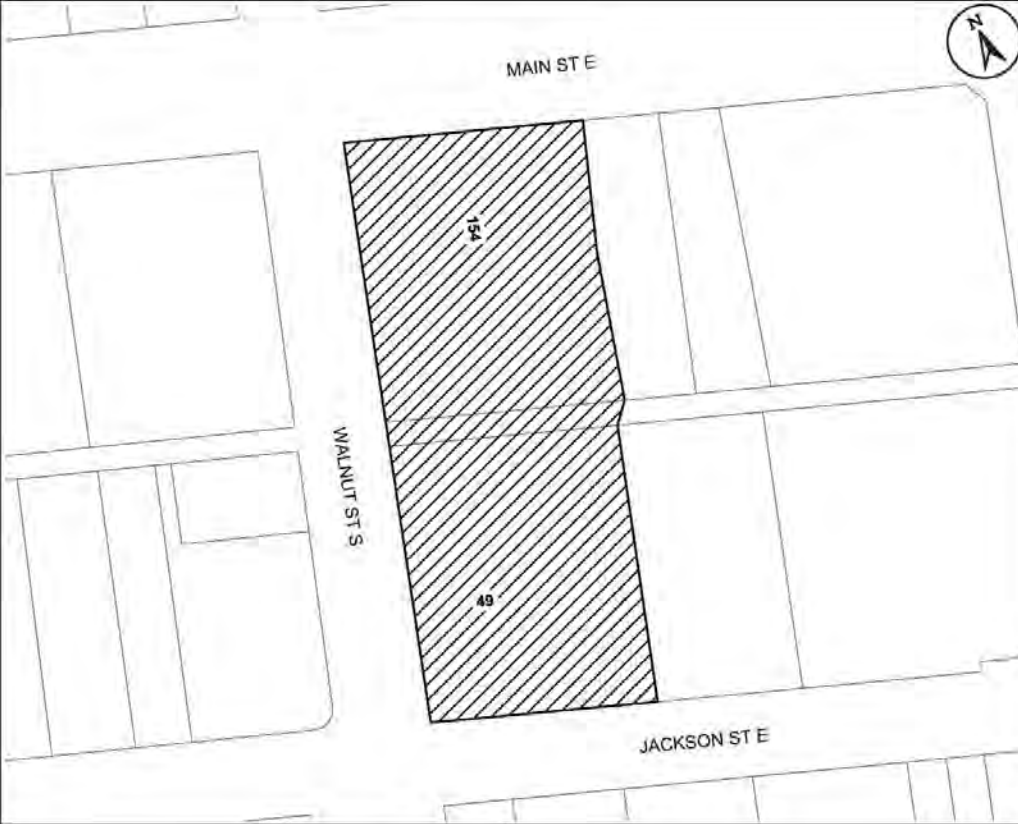


F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

UHOPA-18-018 and ZAR-17-074

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<p style="text-align: center;">This is Schedule "A" to By-law No. 18-</p> <p style="text-align: center;">Passed the ..... day of ....., 2018</p>	<p style="text-align: center;">----- Mayor</p> <p style="text-align: center;">----- Clerk</p>		
<p><b>Schedule "A"</b></p> <p>Map Forming Part of By-law No. 18-_____</p> <p>to Amend By-law No. 05-200 Maps 953 &amp; 995</p>	<p><b>Subject Property</b> 154 Main Street East &amp; 49 Walnut Street South</p> <p> Change in Zoning from the Downtown Central Business District (D1, H17, H18, H20) Zone to the Downtown Central Business District (D1, 702, H17, H107) Zone Holding</p>		
<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAR-17-074/UHOPA-18-018</p>		
<p>Date: July 26, 2017</p>	<p>Planner/Technician: DB/AL</p>	<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	