

**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 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, upon finalization of Official Plan Amendment No. 115.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Maps 952 and 953 of Schedule "A" - Zoning Maps of By-law No. 05-200 be amended by changing the zoning from the Downtown Mixed Use Residential Commercial Office (D3) Zone and Downtown Multiple Residential (D6) Zone to the Downtown Central Business District (D1, 702, H107) 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:

"702. Within the lands zoned Downtown Central Business District (D1, 702, 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 Sections 5.2 b), 5.7 c) and e), 6.1.2 and 6.1.3 a) ii) and b) ii) the following special provisions shall also apply:

b) **PROHIBITED USES**

Notwithstanding Section 6.1.1, the following uses are prohibited, even as an accessory use:

Drive-Through Facility  
Dry Cleaning Plant  
Printing Establishment  
Private Club or Lodge  
Studio

c) REGULATIONS

- |   |   |
|---|---|
| a) Maximum Building Setback from a Street Line (Podium)       | ii) 1 metre for the second and third storeys.   |
| b) Building Height  | ii) Maximum 80.0 metres.  |
| c) Minimum Building Stepback 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 façade height.   |
| e) Parking  | No parking space shall be less than 2.7 metres in width by 6.0 metres in length.  |
| f) Bicycle Parking (Long Term)                                | Bicycle Parking for a Multiple Dwelling within a mixed use building shall be provided on the basis of:<br><br>i) 0.0 Bicycle Parking spaces for the first 4 dwelling units.<br><br>ii) 0.5 Bicycle Parking spaces per dwelling unit above 4 dwelling units.<br><br>Bicycle parking for a commercial use shall be provided on the basis of:<br><br>iii) 0 where less than 450.0 square metres of gross floor area; |

**To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 154 Main Street East and 49 Walnut Street South  
Owned By 1970703 Ontario Inc.**

Page 3 of 5

- iv) 2 per unit for those uses between 450.0 square metres and 1,000 square metres of gross floor area;
    - v) 5 per unit for those uses between 1,001.0 square metres and 10,000.0 square metres of gross floor area; and,
    - vi) 7 per unit for those uses in excess of 10,001.0 square metres of gross floor area.
  - g) Bicycle Parking (Short Term)
    - i) 12 short term bicycle parking spaces for all uses.
- 3. 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) 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, 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; 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.
- 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 80 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.

**To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 154 Main Street East and 49 Walnut Street South  
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Page 4 of 5

6. 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

**To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 154 Main Street East and 49 Walnut Street South  
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This is Schedule "A" to By-law No. 18-  Passed the ..... day of ....., 2018	----- Mayor  ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 18-_____</p> <p style="margin: 10px 0 0 0;">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 Mixed (D3) Zone and Downtown Multiple Residential (D6) Zone to the Downtown Central Business District (D1, 702, H107) Zone Holding</p>
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Scale: N.T.S.	File Name/Number: ZAR-17-074/UHOPA-18-018	Hamilton
Date: July 26, 2017	Planner/Technician: DB/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		