

Authority: Item ,
Report (PED18196)
CM:
Ward: 2

Bill No.

**CITY OF HAMILTON
BY-LAW NO.**

**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 ___ of Report ____ of the Planning Committee, at the meeting held on September 4, 2018;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. ___.

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

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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 th 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: |
| | i) 0.0 Bicycle Parking spaces for the first 4 dwelling units. |
| | ii) 0.5 Bicycle Parking spaces per dwelling unit above 4 dwelling units. |
| | Bicycle parking for a commercial use shall be provided on the basis of: |
| | iii) 0 where less than 450.0 square metres of gross floor |

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area;

- 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.

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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_____ 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 _____ , 2018

F. Eisenberger
Mayor

Janet Pilon
Acting City Clerk

UHOPA-18-018 and ZAR-17-074

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<p>This is Schedule "A" to By-law No. 18-</p> <p>Passed the day of, 2018</p>	<p>----- Mayor</p> <p>----- Clerk</p>
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<p>Schedule "A"</p> <p>Map Forming Part of By-law No. 18-_____</p> <p>to Amend By-law No. 05-200 Maps 953 & 995</p>	<p>Subject Property 154 Main Street East & 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	
Date: July 26, 2017	Planner/Technician: DB/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

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For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? No

Committee: Chair and Members Report No.: PED18196 Date: 09/04/2018

Ward(s) or City Wide: Ward: 2 (MM/DD/YYYY)

Prepared by: Daniel Barnett

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