

CITY OF HAMILTON

BY-LAW NO. 22-163

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 1107 Main Street West**

WHEREAS Council approved Item 7 of Report 22-009 of the Planning Committee, at the meeting held on June 8, 2022;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan upon adoption of Official Plan Amendment No. 168;

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

1. That Map 949 of Schedule "A" – Zoning Maps, appended to and forming part of By-law No. 05-200, is amended by changing the zoning from the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone to the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 772, H75) Zone for the extent and boundaries more particularly described in Schedule "A" annexed hereto forming part of this By-law.
2. That Schedule "C" - Special Exceptions of Zoning By-law No. 05-200, is hereby amended by adding the following new Special Exception:

"772. Within the lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone, identified on Map 949 of Schedule "A" - Zoning Maps and described as 1107 Main Street West, the following special provisions shall apply:

- a) Notwithstanding Section 4.8 (b) and (g) and Section 4.27 the following special provisions shall apply:

i)	An accessory building (landscape feature) shall be permitted to be located within a front or flankage yard;
ii)	An accessory building (landscape feature) shall have a maximum height of 9.7 metres; and,
iii)	A community garden shall be permitted to be located within a front or flankage yard.

- b) In addition to Section 11.1.1 and 11.1.3 b) and notwithstanding Sections 11.1.1.1 i) 1., 11.1.3 a) ii), d) ii) and iii), g) v) and i) i) and 11.1.8 a) the following special provisions shall apply:

- i) A Community Garden shall also be permitted.
- ii) That an accessory building (landscape features) shall include a portion of the existing building façade and shall be required to be provided within the front yard.
- iii) Minimum Finished Floor Elevation of any dwelling unit 0.5 metres above grade;
- iv) Building Setback from a Street Line
1. Maximum 13.3 metres from Main Street West;
 2. Notwithstanding 1. above, a minimum 9.3 metres from Main Street West for any portion of the building exceeding 36.0 metres in height;
 3. Maximum 4.5 metres from Cline Avenue South and Dow Avenue;
 4. Notwithstanding 3. above, the following minimum setbacks shall apply from Cline Avenue South and Dow Avenue:
 - A. 5.0 metres for any portion of the building exceeding a height of 7.8 metres;
 - B. 6.5 metres for any portion of the building exceeding a height of 16.5 metres; and,
 - C. 14.3 metres for any portion of the building exceeding a height of 22.0 metres, except for an enclosed stairwell.
- v) Minimum Rear Yard
1. 14.5 metres for any portion of the building exceeding a height of 13.5 metres;
 2. 17.5 metres for any portion of the building exceeding a height of 18.0 metres; and,


3. 33.5 metres for any portion of the building exceeding a height of 22.0 metres, except for an enclosed stairwell.
- vi) Maximum Building Height 47.0 metres
- vii) Built Form for New Development
1. A maximum of two driveways shall be permitted;
 2. A driveway on Dow Avenue shall have a maximum width of 7.5 metres and a driveway on Cline Avenue South shall have a maximum width of 6.0 metres; and,
 3. A driveway on Main Street West shall not be permitted.
- viii) Visual Barrier A visual barrier shall be required along any lot line abutting an Institutional Zone and may include a gate.
- ix) Planning Strip A planting strip with a minimum width of 3.0 metres shall be provided along any lot line abutting an Institutional Zone, except for a walkway to a gate.
4. That Schedule "D" – Holding Provisions, of By-law No. 05-200, be amended by adding the additional Holding Provisions as follows:
- H75. Notwithstanding Section 11.1 of this By-law, within lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1, 772) Zone on Map No. 949 on Schedule "A" – Zoning Maps, and described as 1107 Main Street West, Hamilton, no development shall be permitted until such time as:
- a. A Pedestrian Wind Study has been submitted and implemented to the satisfaction of the Director of Planning and Chief Planner;
 - b. A Documentation and Salvage Report in accordance with the City's Guidelines for Documentation and Salvage Reports be submitted and implemented all to the satisfaction of the Director of Planning and Chief Planner prior to any demolition and the owner shall

demonstrate that a copy of this report shall be submitted by the owner to the Hamilton Public Library;

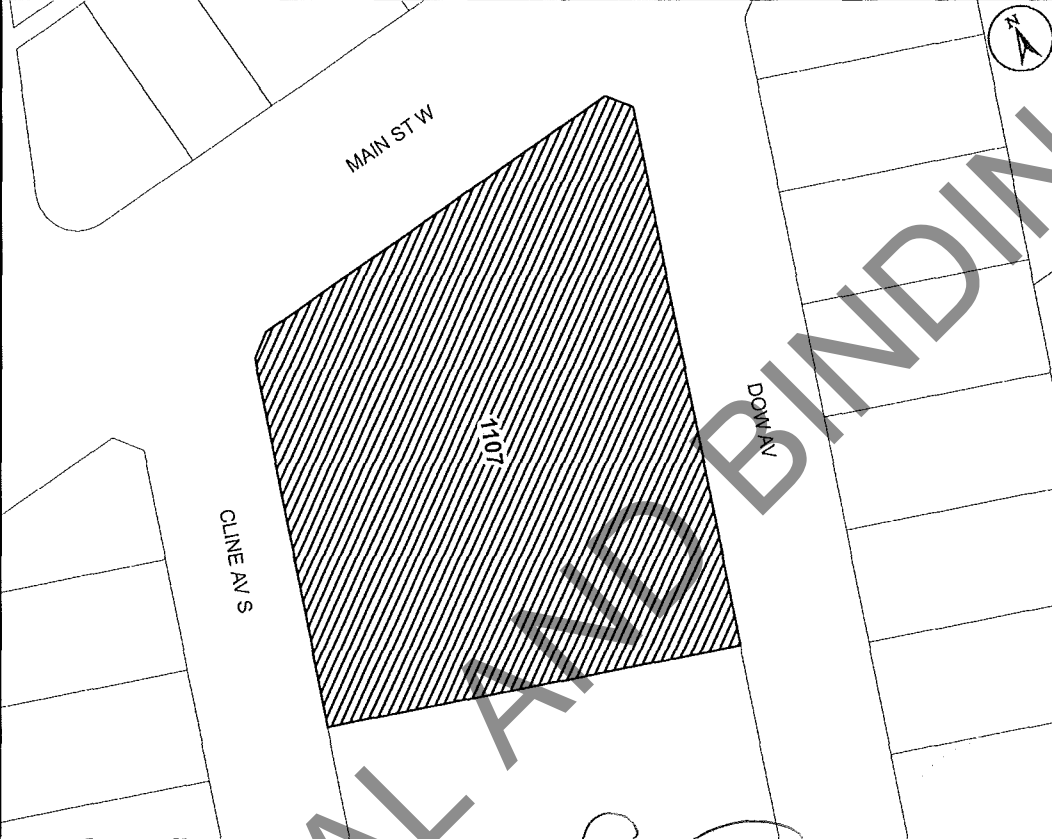

- c. That a Conservation Management Plan, which address the conservation strategy for the retained front façade, and incorporation of salvage materials into the proposed design be submitted, approved and implemented through a Site Plan Agreement, to the satisfaction of the Director of Planning and Chief Planner prior to any demolition; and,
 - d. That an updated Cultural Heritage Impact Assessment be submitted to the satisfaction of the Director of Planning and Chief Planner.
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. 22-163 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 22nd day of June, 2022.


F. Eisenberger
Mayor


A. Holland
City Clerk

ZAC-20-016

	
<p>This is Schedule "A" to By-law No. 22-163</p> <p>Passed the <u>22</u> day of <u>June</u>, 2022</p>	
<p><i>[Signature]</i> Mayor</p> <p><i>[Signature]</i> Clerk</p>	
<p>Schedule "A"</p> <p>Map forming Part of By-law No. 22-_____</p> <p>to Amend By-law No. 05-200 Map 949</p>	
<p>Subject Property</p> <p>1107 Main Street West, Hamilton</p> <p> Change in zoning from the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone to Transit Oriented Corridor Mixed Use Medium Density (TOC1, 772, H75) Zone</p>	
<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-20-016 & UHOPA-20-012</p>
<p>Date: March 14, 2022</p>	<p>Planner/Technician: DB/VS</p>
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	
