

Authority: Item 5, Planning Committee Report 24-010 (PED24112)

CM: July 12, 2024 Ward: 2

Written approval for this by-law was given by Mayoral Decision MDE-2024-16

Dated July 12, 2024

Bill No. 130

CITY OF HAMILTON

BY-LAW NO. 24-130

To Amend Zoning By-law No. 05-200, Respecting Lands Located at 101 Hunter Street East, in the City of Hamilton

WHEREAS Council approved Item 5 of Report 24-010 of the Planning Committee, at its meeting held on July 12, 2024;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. 206;

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

1. That Map Nos. 953 and 995 of Schedule “A” – Zoning Maps is hereby amended by changing the zoning from the Downtown Central Business District (D1) Zone to the Downtown Central Business District (D1, 846, H146) Zone for the lands shown on Schedule “A” to this By-law.
2. That Schedule C – Special Exceptions is amended adding the following new Special Exception:

“846. Within the lands zoned Downtown Central Business District (D1) Zone, identified on Map Nos. 953 and 995 of Schedule “A” – Zoning Maps and municipally described as 101 Hunter Street East, the following special provisions shall apply:

- a) Notwithstanding Sections 6.0 c) i), ii), and iii) 2., 6.1.1.1 i) 1. B., 6.1.3 b) ii) and e), the following regulations shall apply:
 - a) Building Base Façade Height
 - i) A) Notwithstanding Figure 15 – Schedule “F” Special Figures, a minimum 1.3 metre stepback at a height of 16.6 metres shall be provided for the Hunter Street East Building Base Façade Height.
 - B) Notwithstanding Figure 15 – Schedule “F” Special Figures a minimum 1.5 metre stepback at a height of 16.6

metres shall be provided for
the Catharine Street South
Building Base Façade Height.

C) Notwithstanding Figure 15 –
Schedule “F” Special Figures,
no minimum setback shall
be required from the
hypotenuse of a daylight
triangle.

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| b) Stepbacks | i) A minimum 9.5 metre setback shall be required for any portion of a building exceeding 16.6 metres in height from the northerly lot line.

ii) A minimum 8.3 metre setback shall be required to an enclosed balcony or 9.8 metres to a wall without an enclosed balcony for any portion of a building exceeding 16.6 metres in height from the easterly lot line. |
| c) Parking Facility | With the exception of an access driveway to the parking facility, the ground floor of the facility which faces any street shall only be used for permitted uses and bicycle parking storage, other than parking. |
| d) Maximum Building Height | 190.2 metres above sea level or 92.5 metres, whichever is the lesser. |
| e) Maximum Lot Coverage | 91% |
| f) Percentage of Two and Three Bedroom Units | A minimum of 16.8% of the Dwelling Units shall be units with two or more bedrooms and an additional minimum of 1.0% of the dwelling units shall be units with three or more bedrooms.” |

3. That Schedule “D” – Holding Provisions, of By-law No. 05-200, be amended by adding the additional Holding Provision as follows:

“H146. Notwithstanding Section 6.1 of this By-law, within lands zoned Downtown Central Business District (D1, 846) Zone on Map No. 952, 953, 994, and

995 on Schedule “A” – Zoning Maps, and municipally described as 101 Hunter Street East, no development shall be permitted until such time as:

- a. That the owner submits a signed Record of Site Condition to the satisfaction of the Director of Development Planning or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. The Record of Site Condition must include a notice of acknowledgement of the Record of Site Condition by the Ministry of the Environment, Conservation and Parks, and submission of the City of Hamilton’s current Record of Site Condition administration fee.
 - b. That the owner submits and receives approval of an updated Acoustical Study to confirm the appropriate mitigation measures and warning clauses, to the satisfaction of the Director of Development Planning.
 - c. That the owner agrees in a signed Site Plan Agreement, to provide notice to any subsequent owner, as well as any prospective purchasers or tenants that the dwellings are located in a Class 4 area, and to agree to register this notice and any / all warning clauses on title and include them in any purchase and sale and in any lease or rental agreement, to the satisfaction of the Director of Development Planning.
 - d. That the owner submits and receives approval of a Commemorative Strategy, to the satisfaction of the Director of Heritage and Urban Design.
 - e. That the owner submits and receives approval of either a signed permission from the adjacent property owner at 111 Hunter Street East to remove and/or impact trees on their property or an updated Tree Protection Plan demonstrating that trees on adjacent lands will not be impacted by the proposed development, all to the satisfaction of the Director of Development Planning.
4. That Schedule “F” – Special Figures, Figure 1, be amended by changing the maximum building height from 44.0 metres to 92.5 metres for the lands located at 101 Hunter Street East as shown on Appendix “B” to this By-law.
 5. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the provisions of the Downtown Central Business District (D1, 846, H146) Zone, subject to the special requirements referred to in Section No. 2, 3, and 4 of this By-law.

6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this 12th day of July, 2024.

A. Horwath
Mayor

M. Trennum
City Clerk

ZAC-21-014



This is Schedule "A" to By-law No. 24- Passed the day of, 2024	----- <p style="text-align: center;">Mayor</p> ----- ----- <p style="text-align: center;">Clerk</p>
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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. 24-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Map 953, 995</p>	<p>Subject Property</p> <p>101 Hunter Street East, Hamilton (Ward 2)</p> <p> Change in Zoning from the Downtown Central Business District (D1) Zone to the Downtown Central Business District (D1, 846, H146) Zone</p>
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Scale: N.T.S	File Name/Number: ZAC-21-014/UHOPA-21-007	
Date: May 8, 2024	Planner/Technician: DB/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		