

Authority: Item 7, Planning Committee
Report 22-013 (PED22139)
CM: August 12, 2022
Ward: 4

Bill No. 224

CITY OF HAMILTON

BY-LAW NO. 22-224

To Amend Zoning By-law No. 05-200, Respecting Lands Located at 1842 King Street East, in the City of Hamilton

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the *City of Hamilton Act*, 1999, S.O. 1999 Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

AND WHEREAS Zoning By-law No. 05-200 was enacted on the 25th day of May, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 7 of Report 22-013 of the Planning Committee at its meeting held on the 12th day of August, 2022, which recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. 174;

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

1. That Map No. 1139 of Schedule "A" – Zoning Maps is hereby amended by changing the zoning from the Major Institutional (I3) Zone to the Mixed Use Medium Density (C5, 812, H76, H77) 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:
 - "812. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map No. 1139 of Schedule "A" – Zoning Maps and described as 1842 King Street East, the following special provisions shall apply:
 - a) Notwithstanding Section 5.7 c) i) and 5.7 e) i), the following shall apply:
 - i. A minimum of 0.5 long term bicycle parking spaces per unit;
 - ii. A minimum of 0.05 short term bicycle parking spaces per unit.
 - b) Notwithstanding Sections 10.5.1.1 i) 1, 10.5.3 d) ii), iii), and in addition to 10.5.3.a) i) and ii) 10.5.3 c), 10.5.3 i) and 10.5.3 j) the following regulations shall apply:

- a) Minimum Building Setback from a Street Line
 - i) A minimum setback of 6.0 metres shall be provided for any portion of a building exceeding 7.5 metres in height.
 - ii) A minimum setback of 18.0 metres shall be provided along King Street East and Lawrence Road lot lines for any portion of a building exceeding 28.0 metres in height.
- b) Maximum Building Setback from a Street Line
 - In accordance with Figure 31 of Schedule F – Special Figures of Zoning By-law 05-200.
- c) Interior Side Yard Setback
 - i) Minimum 7.5 metres.
 - ii) Notwithstanding c) i) above, the following additional setbacks shall be provided:
 - A) A minimum setback of 9.0 metres shall be provided for any portion of a building exceeding 7.5 metres in height.
 - B) Notwithstanding c) i) A) above, a minimum setback of 7.5 metres shall be provided for any portion of a building setback more than 30.0 metres from a street line, up to a maximum height of 14.0 metres.
 - C) A minimum setback of 25.5 metres from the westerly lot line for any portion of the building exceeding 22.0 metres in height.
 - D) A minimum setback of 18.0 metres from the easterly lot

line for any portion of the building exceeding 22.0 metres in height.

E) A minimum setback of 65.0 metres from the westerly lot line for any portion of the building exceeding 28.0 metres in height.

F) A minimum setback of 55.0 metres from the easterly lot line for any portion of the building exceeding 28.0 metres in height.

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| d) Building Height | i) Maximum 44.0 metres. |
| e) Landscaped Area | Minimum 40% of the total lot area. |
| f) Planting Strip | Minimum 3.0 metre wide planting strip along the easterly and westerly side lot lines. |
| g) Visual Barrier | Minimum 1.8 metre high visual barrier along the easterly and westerly side lot line. |

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

H76 Notwithstanding Section 10.5 of this By-law, within lands zoned Mixed Use Medium Density (C5, 812) Zone on Map No. 1139 on Schedule “A” – Zoning Maps, and described as 1842 King Street East, Hamilton, no development shall be permitted until such time as:

- a. The Owner submit and receive completion of a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conversation and Parks (MECP) or enters into a conditional building permit agreement with respect to completing a Record of Site Condition. 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;
- b. That the Owner submit a Functional Servicing Report to demonstrate the stormwater management, sanitary flow and water supply demand (Water Hydraulic Analysis) resulting from this development has

adequate capacity in the existing municipal infrastructure system in accordance with City standards to accommodate the proposed development, to the satisfaction of the Director of Growth Management;

- c. That the Owner make satisfactory arrangements with City's Growth Management Division and enter into an external works agreement with the City for the design and construction of any improvements to the municipal infrastructure at the Owner's cost, should it be determined that upgrades are required to the infrastructure to support this development, according to the Functional Servicing Report, Traffic Impact Study (TIS) and Watermain Hydraulic Analysis Report, to the satisfaction of the Director of Growth Management;
- d. A Documentation and Salvage Report in accordance with the City's Guidelines for Documentation and Salvage Reports has been submitted and implemented all to the satisfaction of the Director or Planning and Chief Planner prior to any demolition and the Owner shall demonstrate that a copy of this report is submitted to the Hamilton Public Library; and,
- e. An updated Pedestrian Wind Study has been submitted and implemented to the satisfaction of the Director of Planning and Chief Planner.

H77 Notwithstanding Section 10.5 of this By-law, within lands zoned Mixed Use Medium Density (C5, 812) Zone on Map No. 1139 on Schedule "A" – Zoning Maps, and described as 1842 King Street East, Hamilton, development shall be restricted in accordance with the following:

a. Regulations

For such time as the Holding Provision is in place, these lands shall be subject to the regulations of the (C5, 812) Zones except where in conflict with the following:

- i) No development exceeding a maximum of 1,341 dwelling units.

b. Conditions for Holding Provision Removal

The Holding Provision shall, upon application by the landowner, be removed by way of an amendment Zoning By-law, from all or part of the lands subject to this provision when the following conditions have been satisfied:

- i) That the Owner submit and receive approval of an updated Transportation Impact Study where greater than 1,341 dwelling units are proposed, to the satisfaction of the Director of Transportation Planning.

- ii) That the Owner submit and receive approval of an updated Functional Servicing Report and Watermain Hydraulic Analysis Report, to the satisfaction of the Director of Growth Management.
4. That Schedule F: Special Figures of By-law 05-200 is hereby amended by adding Figure 31: Maximum Building Setbacks for 1842 King Street East.
5. The By-law No. 05-200 is amended by adding this by-law to Section No. 812 as Schedule "C";
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 August, 2022.

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAC-21-021



This is Schedule "A" to By-law No. 22- Passed the day of, 2022	----- <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: 5px 0;">Map forming Part of By-law No. 22- _____</p> <p style="margin: 5px 0;">to Amend By-law No. 05-200 Map 1139</p>	<p>Subject Property 1842 King Street East, Hamilton</p> <p> Change in Zoning from the Major Institutional (I3) Zone to Mixed Use Medium Density (C5, 812, H76, H77) Zone</p>
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Scale: N.T.S.	File Name/Number: ZAC-21-021/UHOPA-21-009	
Date: June 27, 2022	Planner/Technician: DB/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		



Special Figure 31: Maximum Building Setbacks for 1842 King Street East

Date:
July 11, 2022

Legend

-  Block 1 - Maximum 9.5m setback from King Street East and no maximum setback from Lawrence Road
-  Block 2 - Maximum 4.5m setback from Lawrence Road and no maximum setbacks from King Street East

