

**Authority:** Item 4, Planning Committee Report 23-011 (PED23114)  
CM: July 14, 2023  
Ward: 6  
Written approval of this by-law was given by  
Mayoral Decision MDE-2023-01 dated  
August 18, 2023  
**Bill No. 146**

## **CITY OF HAMILTON**

### **BY-LAW NO. 23-146**

#### **To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 1093 Fennell Avenue East, Hamilton**

**WHEREAS** Council approved Item 4 of Report 23-011 of the Planning Committee, at its meeting held on July 14, 2023;

**AND WHEREAS** this By-law conforms to the Urban Hamilton Official Plan upon the adoption of Urban Hamilton Official Plan Amendment No. 187;

**NOW THEREFORE** Council of the City of Hamilton enacts Zoning By-law No. 05-200 as follows:

1. That Map No. 1188 of Schedule "A" – Zoning Maps is amended by changing the zoning from the District Commercial (C6) Zone to the Mixed Use Medium Density (C5, 849, H147) Zone for the lands shown on Schedule "A" attached to this By-law.

2. That Schedule "C" – Special Exceptions is amended by adding the following new Special Exception:

"849. Within the lands zoned Mixed Use Medium Density (C5, 849, H147) Zone, identified on Map 1188 of Schedule "A" – Zoning Maps and described as 1093 Fennell Avenue East, the following special provisions shall apply:

a) Notwithstanding Section 10.5.3 b), 10.5.3 c), 10.5.3 d) ii) and iii), and in addition to 10.5.3 the following special provisions shall apply:

- |    |                   |  |
|----|-------------------|--|
| i) | Minimum Rear Yard | 1. 6.5 metres; and,<br><br>2. Notwithstanding 1. above, for any building greater than 9.0 metres in height, 50.0 metres shall be provided. |
|----|-------------------|--|

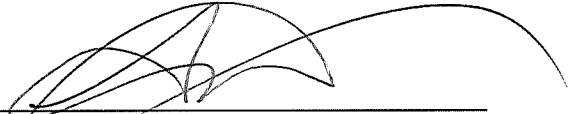
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| ii) | Minimum Interior Side Yard | 1. 4.5 metres; and, |
|-----|----------------------------|---------------------|


- |      |   |   |
|------|---|---|
|      |   | 2. Notwithstanding 1. above, for any building greater than 9.0 metres in height, 45.0 metres shall be provided.   |
| iii) | Building Height   | Maximum 44.0 metres.  |
| iv)  | Minimum Gross Floor Area for Commercial Uses  | 2,030.0 square metres.  |
| v)   | Minimum Separation Distance for Multiple Dwellings  | 1. 5.25 metres between end walls;<br>2. 10.0 metres between front façade and end wall; and,<br>3. 20.0 metres between front façade and a building greater than 9.0 metres in height.” |
| vi)  | Minimum Building Stepback from the building base façade above the 2nd storey adjacent to a street | 1. 3.0 metres; and,<br>2. Notwithstanding 1. above, 0.0 metres from a daylight triangle.  |
3. That That Schedule “D” – Holding Provisions be amended by adding the following new Holding Provision:
- “147. Notwithstanding Section 10.5 of this By-law, within lands zoned Mixed Use Medium Density (C5, 849) Zone, identified on Map 1188 of Schedule “A” – Zoning Maps and described as 1093 Fennell Avenue East, no development, demolition, grading, construction activities, landscaping,


staging, stockpiling or other soil disturbances shall be permitted until such time as:

- 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 the submission of the City of Hamilton's current RSC administration fee."
4. 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 Mixed Use Medium Density (C5, 849, H147) Zone, subject to the special requirements referred to in Sections No. 2 and 3 of this By-law.
5. 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 18<sup>th</sup> day of August, 2023.

  
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A. Horwath  
Mayor

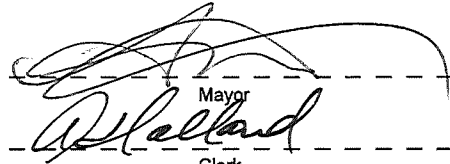

  
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A. Holland  
City Clerk




ZAC-22-045



This is Schedule "A" to By-law No. 23-146  
Passed the 18..... day of August....., 2023

  
 Mayor  
  
 Clerk

**Schedule "A"**  
Map forming Part of  
By-law No. 23-146  
to Amend By-law No. 05-200  
Map 1188

**Subject Property**  
1093 Fennell Avenue East, Hamilton  
 Change in Zoning from the District Commercial (C6)  
Zone to the Mixed Use Medium Density  
(C5, 849, H147) Zone

Scale: N.T.S	File Name/Number: ZAC-22-045
Date: April 17, 2023	Planner/Technician: MM/NB



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT