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Hamilton

September 19, 2023

1000033959 Ontario Ltd. c/o Ian Ladd
69 Kelly Street
Hamilton ON L8R 1G1

UrbanSolutions Planning & Land Development Consultants Inc.
3 Studebaker Place, Unit 1
Hamilton ON L8L 0C8

**Re: Passage of Urban Hamilton Official Plan Amendment No. 187 (By-law 23-145) and Zoning By-law 23-146
1093 Fennell Avenue East, Hamilton**

Please find enclosed a copy of the Statutory Declaration and By-law for the above-mentioned property. The By-law is now final and binding.

Yours truly,

A handwritten signature in black ink, appearing to read "Kelsey".

For Lisa Kelsey
Legislative Coordinator
Planning Committee

Attachments

Copies to:

Steve Robichaud
Heather Travis
Nada Belair
Christine Newbold
David Janaszek
MPAC
Mark Michniak

**UHOPA-22-019
ZAC-22-045**

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. 145

CITY OF HAMILTON

BY-LAW NO. 23-145

To Adopt:

**Official Plan Amendment No. 187 to the
Urban Hamilton Official Plan**

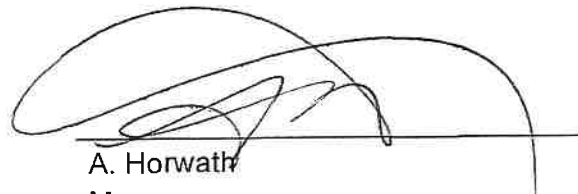
Respecting:

1093 Fennell Avenue East

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

1. Amendment No. 187 to the Urban Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 18th day of August, 2023.


A. Horwath
Mayor


A. Holland
City Clerk

Urban Hamilton Official Plan Amendment No. 187

The following text, together with Appendix "A" attached hereto, constitutes Official Plan Amendment No. 187 to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to redesignate the subject lands from "District Commercial" to "Mixed Use – Medium Density" to permit a mixed use building with a maximum height of 12 storeys.

2.0 Location:

The lands affected by this Amendment are known municipally as 1093 Fennell Avenue East, in the former City of Hamilton.


3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development supports the policies of the Urban Hamilton Official Plan, as it contributes to the range of housing forms and the efficient use of land and infrastructure;
- The proposed development is compatible with existing adjacent development and creates residential units adjacent to existing commercial uses and in proximity to existing transit;
- The proposed development supports the Residential Intensification policies of the Urban Hamilton Official Plan; and,
- The proposed Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan

Urban Hamilton Official Plan Amendment No. 187	Page 1 of 2	
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Schedules and Appendices

4.1.1 Schedule

- a. That Volume 1: Schedule E-1 – Urban Land Use Designations be amended by redesignating the subject lands from “District Commercial” to “Mixed Use – Medium Density”, as shown on Appendix “A”, attached to this Amendment.

5.0 Implementation:

An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule “1” to By-law No. 23-145 passed on the 18th day of August, 2023.

**The
City of Hamilton**



A. Horwath
Mayor



A. Holland
City Clerk



**Appendix A
APPROVED Amendment No. 187
to the Urban Hamilton Official Plan**

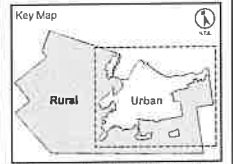
Lands to be redesignated from "District Commercial" to "Mixed Use - Medium Density"
(1003 Ferndale Avenue East, Hamilton)

Date: July 17, 2023	Revised By: MM/NB	Reference File No.: OPA-187(H)
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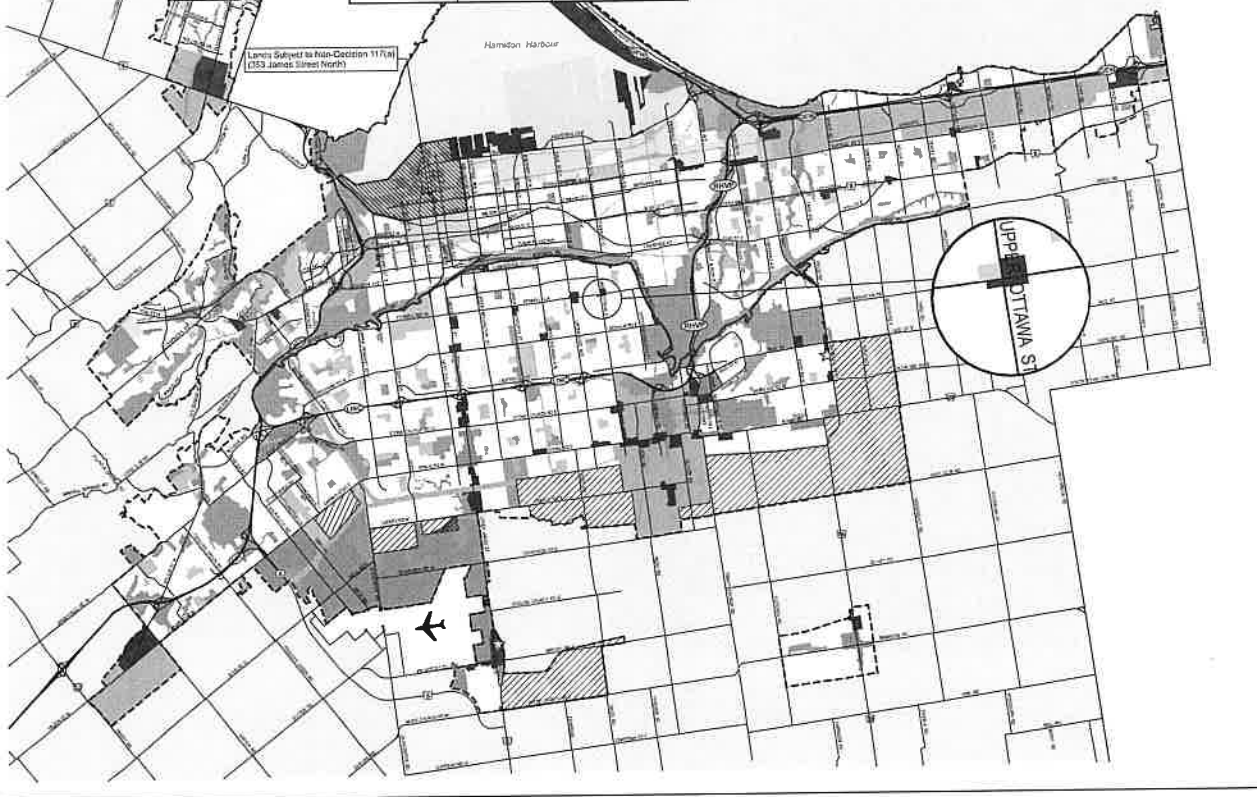
APPEALS

UHOPA NO. 69 APPEALS - PL171450

☆ - 3011 Homestead Drive (Glarbrook), Appellant # 4
☆ - 237 Upper Centennial Parkway (Stoney Creek), Appellant # 14



Note: For Rural Land Use Designations, refer to Schedule D of the Rural Hamilton Official Plan.



- Legend**
- Neighbourhoods
 - Open Space
 - Institutional
 - Utility
 - Urban Expansion Area - Neighbourhoods
 - Urban Expansion Area - Employment
- Commercial and Mixed Use Designations**
- Downtown Mixed Use Area
 - Mixed Use - High Density
 - Mixed Use - Medium Density
 - District Commercial
 - Anneal Commercial
- Employment Area Designations**
- Industrial Land
 - Business Park
 - Airport Employment Growth District
 - Shipping & Navigation
- Other Features**
- Rural Area
 - John C. Munro Hamilton International Airport
 - Niagara Escarpment
 - Urban Boundary
 - Municipal Boundary
 - Lands Subject to N13 Decision 113 West Harbour Setting Plan

Council Adoption: July 9, 2009
Ministerial Approval: March 16, 2011
Effective Date: August 16, 2013

**Urban Hamilton Official Plan
Schedule E-1
Urban Land Use Designations**

Date: June 2023

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

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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,
 2. Notwithstanding 1. above, for any building greater than 9.0 metres in height, 50.0 metres shall be provided.
- ii) Minimum Interior Side Yard
 1. 4.5 metres; and,

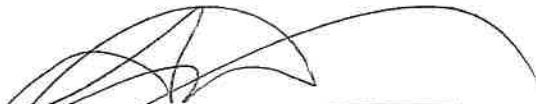
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|------|---|---|
| | | 2. Notwithstanding 1. above, for any building greater than 9.0 metres in height, 45.0 metres shall be provided. |
| iii) | Building Height | Maximum 44.0 metres. |
| iv) | Minimum Gross Floor Area for Commercial Uses | 2,030.0 square metres. |
| v) | Minimum Separation Distance for Multiple Dwellings | 1. 5.25 metres between end walls;
2. 10.0 metres between front façade and end wall; and,
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,
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 18th day of August, 2023.



A. Horwath
Mayor



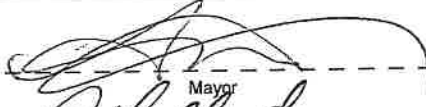

A. Holland
City Clerk



ZAC-22-045



This is Schedule "A" to By-law No. 23-146
Passed the 16th 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	 Hamilton
Date: April 17, 2023	Planner/Technician: MM/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		