

Authority: Item 26, Planning and Economic
Development Committee
Report 06-019 (PED06385)
CM: October 25, 2006

Bill No. 324

CITY OF HAMILTON

BY-LAW No. 06-324

Housekeeping Amendments to By-law 05-200

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 05-200;

AND WHEREAS it is desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

AND WHEREAS the first stage of the Zoning By-law, being By-law 05-200, came into force on May 25, 2005;

AND WHEREAS this By-law provides for housekeeping amendments to By-law 05-200, as hereinafter described and depicted;

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

1. The definition of "Conference of Convention Centre" in Section 3 of By-law 05-200 is amended by adding the words "social gatherings" between "workshops" and "and".
2. The definition of "Commercial Entertainment" in Section 3 of By-law 05-200, is amended by adding the words "dance club" between the words "bingo halls" and "cultural events".
3. The definition of "Medical Clinic" in Section 3 of By-law 05-200 is amended by deleting the word "ancillary" and replacing it with "accessory".

4. The definition of “Place of Worship” in Section 3 of By-law 05-200 is amended by deleting the word “by” between “shall include” and “not be limited” and replacing it with “but”.
5. The definition of “Private Club or Lodge” in Section 3 of By-law 05-200 is amended by adding the phrase “but shall not include a fitness club” after “equal basis”.
6. The Definition of “Retirement Home” in Section 3 of By-law 05-200 is amended by deleting the second sentence and replacing it with the following new sentence:

“A retirement home may be licensed by the municipality and shall not be considered a long term care facility, emergency shelter, lodging house, residential care facility or any other facility which is licensed, approved or regulated under any general or special Act.”

7. Section 4.8 of By-law 05-200 is deleted and replaced with the following new Section:

“4.8 ACCESSORY BUILDINGS IN ALL ZONES

Unless otherwise provided for in this By-law, no accessory building shall be used for human habitation.

4.8.1 RESIDENTIAL ZONES DOWNTOWN D5 AND DOWNTOWN D6 ZONES

- a) No accessory building shall be located within a front yard.
- b) All buildings accessory to a residential use shall not exceed a gross floor area, including areas devoted exclusively to parking, of 97 square metres, or exceed 30% lot coverage of the yard in which the accessory buildings are located. This regulation shall not apply to an inground swimming pool.
- c) Accessory buildings having a maximum gross floor area of less than 10.0 square metres and a maximum building height of 3.0 metres may be located in a required rear yard or a required side yard.
- d) Buildings accessory to a residential use shall have a maximum building height of 5.0 metres. The maximum height of the underside of any fascia eaves, overhang or the

lower ends of the roof joists, rafters or trusses shall be 3.0 metres.

- e) The following regulations shall apply to buildings accessory to a residential use which have a gross floor area between 10.0 square metres and 18 square metres:
 - i) Side Yard 0.6 metres
 - ii) Rear Yard 0.6 metres
 - iii) In no case shall an eave or gutter extend more than .3 metres into a required yard; and,
 - iv) Where such accessory building is designed and intended for parking of motor vehicles, such accessory building shall be set back a minimum of 6.0 metres from any street line.
- f) Accessory buildings greater than 18 square metres in gross floor area shall conform to the regulations required for dwelling type to which the building is accessory to.”

8. Subsections 4.9 a) and b) of By-law 05-200 are deleted and replaced with the following new Subsections:

- “a) Within a required front yard, provided such equipment shall have a minimum setback of 3.0 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping; and,
- b) Within a required side yard or required rear yard provided such equipment has a minimum setback of 0.6 metres from the side lot line or rear lot line.”

9. Subsection 4.20(a) of By-law 05-200 is deleted and replaced with the following new Subsection:

“a) Seating Capacity Requirements:

No outdoor patio shall provide for:

- i) More than 50% of the seating accommodation permitted under the Liquor Licence Act to the restaurant with which the outdoor commercial patio is associated; or

- ii) Seating accommodation for more than 50 persons
whichever is the greater.”

10. Subsection 5.1 b) i) of By-law 05-200 is amended by deleting the number “6.0” and replacing it with “5.8”.
11. Subsection 5.1 c) i) of By-law 05-200 is amended by deleting the number “6.0” and replacing it with “5.8”.
12. Subsection 5.2 a) of By-law 05-200 is amended by deleting the phrase “such abutting lot line” and replacing it with “that portion of the lot line that abuts a Residential Zone, Downtown D5 Zone or Downtown D6 Zone,”.
13. Section 5.5 of By-law 05-200, is amended by deleting the following phrase:

“within a Residential Zone, Downtown D5 Zone, Downtown D6 Zone, Commercial Zone, Institutional Zone or Industrial Zone.”
14. Subsection 5.6 a) iii of By-law 05-200 is amended by deleting the word “Uses” in the heading and replacing it with “Establishments”.
15. Subsection 5.6 b) of By-law 05-200 is amended by adding the following sentence after the word “maintained”:

“Where an addition, alteration or expansion of an existing building is proposed, the parking requirements of Section 5.6 a) above, shall only apply to the increased gross floor area of the building.”
16. Subsection 6.1.1 of By-law 05-200 is amended by deleting the words “Dwelling Unit” and replacing them with “Dwelling Unit(s)”.
17. Subsection 6.1.3 a) of By-law 05-200 is deleted and replaced with the following new Subsection:

“a) Maximum Building Setback
 - i) 2.0 metres for the first storey, except where a visibility triangle shall be provided for a driveway access;
 - ii) 0.5 metres for the second and third storeys;
 - iii) 6.0 metres for that portion of a building providing an access driveway to a garage.”

18. Subsection 6.1.3 b) i) of By-law 05-200 is deleted and replaced by the following new Subsection:
 - “i) Minimum 7.5 metres facade height, for any portion of a building along a street line.”
19. Subsection 6.1.3 d) of By-law 05-200 is amended by adding the phrase “of this By-law” after the words “Section 5”.
20. Subsection 6.1.3 of By-law 05-200 is amended by adding the following new Subsections:
 - “i) Home Business Regulations
In accordance with the requirements of Section 4.21 of this By-law.
 - j) Accessory Buildings
In accordance with the requirements of Section 4.8.1 of this By-law.”
21. Subsection 6.2.1 of By-law 05-200 is amended by deleting the words “Dwelling Unit” and replacing them with “Dwelling Unit(s)”.
22. Subsection 6.2.3 a) of By-law 05-200 is deleted and replaced with the following new Subsection:
 - “a) Maximum Building Setback
 - i) 2.0 metres for the first storey, except where a visibility triangle is required to be provided for a driveway access;
 - ii) 0.5 metres for the second and third storeys;
 - iii) 6.0 metres for that portion of a building providing an access driveway to a garage.”
23. Subsection 6.2.3 b) i) of By-law 05-200 is deleted and replaced by the following new Subsection:
 - “i) Minimum 7.5 metres facade height, for any portion of a building along a street line.”

24. Subsection 6.2.3 c) iii) 4 of By-law 05-200 is amended by adding the phrase “except decorative architectural features/accessories” after the word “cladding”.
25. Subsection 6.2.3 d) of By-law 05-200 is amended by adding the phrase “of this By-law” after the words “Section 5”.
26. Subsection 6.2.3 e) i) of By-law 05-200 is amended by adding the words “Lodging House” between the words “Craftsperson Shop” and “Place of Assembly”.
27. Subsection 6.2.3 e) ii) of By-law 05-200 is amended by adding the phrase “, accessory office and utility areas” after the word “access” and by adding the words “Dwelling Unit(s)” above “Multiple Dwelling”.
28. Subsection 6.2.3 of By-law 05-200 is amended by adding the following new Subsections:
 - “h) Home Business Regulations
In accordance with the requirements of Section 4.21 of this By-law.
 - i) Accessory Buildings
In accordance with the requirements of Section 4.8.1 of this By-law.”
29. Subsection 6.3.1 of By-law 05-200 is amended by deleting the words “Dwelling Unit” and replacing them with “Dwelling Unit(s)”.
30. Subsection 6.3.3 a) of By-law 05-200 is deleted and replaced with the following new Subsection:
 - “a) Maximum Building Setback
 - i) 2.0 metres for the first storey, except where a visibility triangle is required to be provided for a driveway access;
 - ii) 0.5 metres for the second and third storeys;
 - iii) 6.0 metres for that portion of a building providing an access driveway to a garage.”
31. Subsection 6.3.3 b) i) of By-law 05-200 is deleted and replaced with the following new Subsection:

- “i) Minimum 7.5 metres facade height, for any portion of a building along a street line.”
32. Subsection 6.3.3 c) iii) 4. of By-law 05-200 is amended by adding the phrase “except decorative architectural features/accessories” after the word “cladding”.
33. Subsection 6.3.3 e) of By-law 05-200 is amended by adding the phrase “of this By-law” after the words “Section 5”.
34. Subsection 6.3.3 g) ii) of By-law 05-200 is amended by adding the phrase “that portion of” between “parking facility” and “the ground floor”.
35. Subsection 6.3.3 i) of By-law 05-200 is amended by deleting the word “Capacity” after “Shelter” and by adding the phrase “Maximum Capacity for” before “Emergency”.
36. Subsection 6.3.3 j) of By-law 05-200 is amended by deleting the word “Capacity” after “Facility” and by adding the phrase “Maximum Capacity for” before “Residential”.
37. Subsection 6.3.3 of By-law 05-200 is amended by adding the following new Subsections:
- “k) Home Business Regulations
- In accordance with the requirements of Section 4.21 of this By-law.
- i) Accessory Buildings
- In accordance with the requirements of Section 4.8.1 of this By-law.”
38. Subsection 6.4.1 of By-law 05-200 is amended by deleting the words “Dwelling Unit” and replacing them with “Dwelling Unit(s)”.
39. Subsection 6.4.2 of By-law 05-200 is amended by adding the word “Subsection” between “Notwithstanding” and “6.4.1”.
40. Subsection 6.4.3 a) of By-law 05-200 is deleted and replaced with the following new Subsection:
- “a) Maximum Building Setback i) 2.0 metres for the first storey, except where a visibility triangle is required to be provided for a driveway access;

- ii) 0.5 metres for the second and third storeys;
 - iii) 6.0 metres for that portion of a building providing an access driveway to a garage.”
41. Subsection 6.4.3 b) i) of By-law 05-200 is deleted and replaced by the following new Subsection:
- “i) Minimum 7.5 metres facade height, for any portion of a building along a street line.”
42. Subsection 6.4.3 e) of By-law 05-200 is amended by adding the phrase “of this By-law” after “Section 5”.
43. Subsection 6.4.3 h) of By-law 05-200 is amended by deleting the word “Capacity” after “Shelter” and by adding the phrase “Maximum Capacity for” before “Emergency”.
44. Subsection 6.4.3 i) of By-law 05-200 is amended by deleting the word “Capacity” after “Facility” and by adding the phrase “Maximum Capacity for” before “Residential”.
45. Subsection 6.4.3 of By-law 05-200 is amended by adding the following new Subsections:
- “j) Home Business Regulations
 - In accordance with the requirements of Section 4.21 of this By-law.
 - i) Accessory Buildings
 - In accordance with the requirements of Section 4.8.1 of this By-law.”
46. Subsection 6.5.2.1 c) ii) of By-law 05-200 is amended by deleting the number “6.0” and replacing it with 5.8”.
47. Subsection 6.5.2.1 g) of By-law 05-200 is amended by adding the phrase “of this By-law” after the words “Section 5”.
48. Subsection 6.5.2.1 of By-law 05-200 is amended by adding the following new Subsections:
- “j) Home Business Regulations

In accordance with the requirements of Section 4.21 of this By-law.

i) Accessory Buildings

In accordance with the requirements of Section 4.8.1 of this By-law.”

49. Subsection 6.5.2.2 c) ii) of By-law 05-200 is amended by deleting the number “6.0” and replacing it with “5.8”.

50. Subsection 6.5.2.2 g) of By-law 05-200 is amended by adding the phrase “of this By-law” after the words “Section 5”.

51. Subsection 6.5.2.2 of By-law 05-200 is amended by adding the following new Subsections:

“j) Home Business Regulations

In accordance with the requirements of Section 4.21 of this By-law.

i) Accessory Buildings

In accordance with the requirements of Section 4.8.1 of this By-law.”

52. Subsection 6.5.2.3 c) ii) of By-law 05-200 is amended by deleting the number “6.0” and replacing it with “5.8”.

53. Subsection 6.5.2.3 g) of By-law 05-200 is amended by adding the phrase “of this By-law” after “Section 5”.

54. Subsection 6.5.2.3 of By-law 05-200 is amended by adding the following new Subsections:

“j) Home Business Regulations

In accordance with the requirements of Section 4.21 of this By-law.

i) Accessory Buildings

In accordance with the requirements of Section 4.8.1 of this By-law.”

55. Subsection 6.5.2.4 c) ii) of By-law 05-200 is amended by deleting the number “6.0” and replacing it with “5.8”.

56. Subsection 6.5.2.4 g) of By-law 05-200 is amended by adding the phrase “of this By-law” after “Section 5”.
57. Subsection 6.5.2.4 i) of By-law 05-200 is amended by deleting the words “Distance Separation” and replacing them with “Location of Emergency Shelter, Long Term Care Facility and Residential Care Facility”.
58. Subsection 6.5.2.4 of By-law 05-200 is amended by adding the following new Subsection:

“k) Accessory Buildings

 In accordance with the requirements of Section 4.8.1 of this By-law.”
59. Subsection 6.5.2.5 of By-law 05-200 is amended by adding the words “EDUCATIONAL ESTABLISHMENT” in the heading between “PLACE OF WORSHIP” and “REGULATIONS”.
60. Section 6.5.2.5 f) of By-law 05-200 is amended by deleting subsection iii).
61. Subsection 6.5.2.5 g) of By-law 05-200 is amended by adding the phrase “of this By-law” after “Section 5”.
62. Subsection 6.5.2 of By-law 05-200 is amended by adding the following new Subsections:

“**6.5.2.6 Home Business Regulations**

 In accordance with the requirements of Section 4.21 of this By-law.

6.5.2.7 Accessory Building Regulations

 In accordance with the requirements of Section 4.8.1 of this By-law.”
63. Subsection 6.6.1 of By-law 05-200 is amended by adding the words “Home Business” between “Emergency Shelter” and “Lodging House”.
64. Subsection 6.6.2.1 g) of By-law 05-200 is amended by adding the phrase “of this By-law” after “Section 5”.
65. Subsection 6.6.2.2 b) of By-law 05-200 is amended by deleting the phrase “Minimum Lot Width for Unit” and replacing it with “Minimum Unit Width”.

66. Subsection 6.6.2.2 g) of By-law 05-200 is amended by adding the phrase "of this By-law" after "Section 5".

67. Subsection 6.6.2 of By-law 05-200 is amended by adding the following new Subsections:

"6.6.2.6 Home Business Regulations

In accordance with the requirements of Section 4.21 of this By-law.

"6.6.2.7 Accessory Building Regulations

In accordance with the requirements of Section 4.8.1 of this By-law."

68. Maps 910, 911, 952 and 953 of Schedule "A" of By-law 05-200 are amended by changing the zoning for lands as marked on a plan, showing the location, extent and boundaries of the lands, attached to this By-law as Schedule "1" from "Downtown Local Commercial (D4) Zone" to "Downtown Mixed Use (D3) Zone".

69. 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 and ENACTED this 25th day of October, 2006.

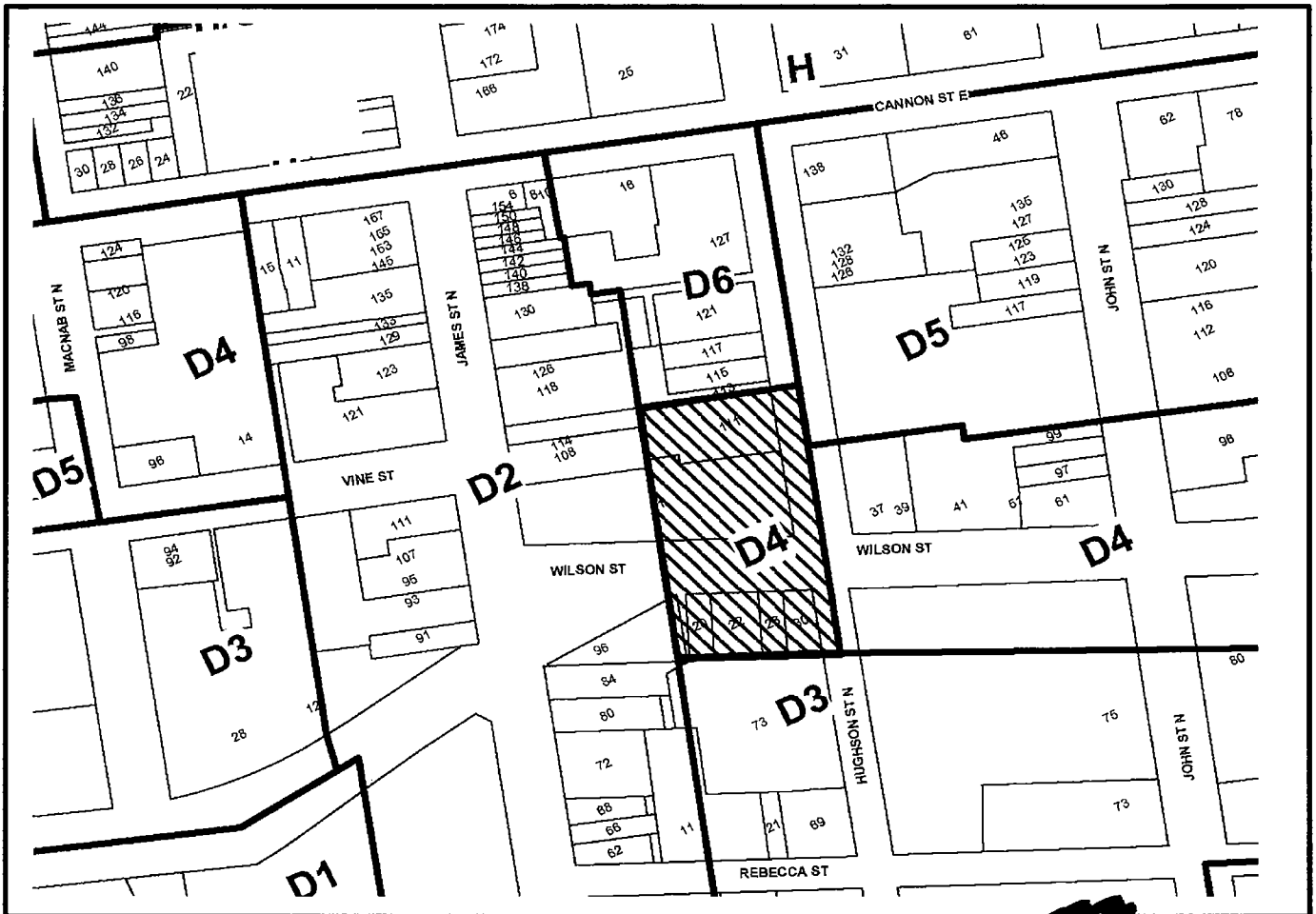


MAYOR



CLERK

CI-06-G



This is Schedule "A" to By-Law No. 06- 324

Passed the25th..... day ofOctober....., 2006

 Clerk

 Mayor

Schedule "A"

Map Forming Part of By-Law No. 06- 324

to Amend By-law No. 05-200



Subject Property

Change in Zoning from "D4" Zone to "D3"Zone.

Scale:
N.T.S.

File Name/Number:
CI-05-G

Date:
Sept 13, 2006

Planner/Technician:
AF/LC



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT