

Authority: Item 1, Planning and Economic
Development Committee
Report; 05-012
CM: May 25, 2005

Bill No. 200

CITY OF HAMILTON

BY-LAW No. 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 this By-law;

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

AND WHEREAS the said new comprehensive Zoning By-law will be enacted and come into force and effect in several stages;

AND WHEREAS this By-law is the first stage and is applicable to the Downtown area of the City, as hereinafter described and depicted;

AND WHEREAS this By-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982 as amended by Official Plan Amendment No.200 as adopted by the City of Hamilton by By-law No. 05-153.

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

a) 1.1 TITLE OF BY-LAW

By-law 05-200 shall be cited as the Zoning By-law of the City of Hamilton, and herein may be referenced as “this By-law”.

1.2 EFFECTIVE DATE

This By-law 05-200 shall be deemed to have come into effect on the date of the passing thereof by the Council of the City of Hamilton, subject to Final Approval of Official Plan Amendment No. 200

1.3 AREA TO WHICH BY-LAW APPLIES

The provisions of this By-law shall apply throughout the City to the extent of all lands contained within the limits of the zone boundaries, as shown on the Zoning Maps forming Schedule “A” of this By-law.

1.4 SCOPE OF BY-LAW

Within the area to which this By-law applies, no person shall erect, alter, enlarge or use any building or structure in whole or in part, nor use any land in whole or in part, except in accordance with the provisions of this By-law.

1.5 VALIDITY

Should any section, cause or provision of this By-law including any notation on the Zoning Maps, be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the part so declared to be invalid.

1.6 COMPLIANCE WITH APPLICABLE LAW

Nothing in this By-law shall relieve any person from the obligation to comply with any applicable Federal or Provincial statute, regulation or By-law of the City in force from time to time, or the obligation to obtain any license, permit, authority or approval required under any By-law of the City.

1.7 REPEAL OF EXISTING BY-LAWS

All the provisions of By-law No. 6593 of the former City of Hamilton, and all of the provisions of By-law No. 87-57 of the former Town of Ancaster, and all of the provisions of By-law No. 3581-86 of the former Town of Dundas, and all of the provisions of By-law No. 90-145-Z of the former Town of Flamborough, and all of the provisions of By-law No. 3692-92 of the former City of Stoney Creek, and all of the provisions of By-law No. 464 of the former Township of Glanbrook, and all subsequent amendments to any of said By-laws referenced hereto, insofar as they affect those lands within the limits of the zone boundaries so indicated in Schedule “A” of this By-law, shall be and the same are hereby repealed.

1.8 ADMINISTRATION

This By-law shall be administered by the City’s General Manager of Planning and Economic Development.

1.9 ENFORCEMENT AND PENALTIES

- a) This By-law shall be enforced by persons appointed by By-law of the City;
- b) Every person who uses any land or erects or uses any building in any manner contrary to any requirement of this By-law, or who causes or permits such use or erection, or who violates any provision of this By-law or causes or permits a violation, is guilty of an offence and on conviction pursuant to the Provincial Offences Act is liable;
 - i) On a first conviction to a fine of not more than \$25,000.00; and,
 - ii) On a subsequent conviction to a fine of not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted; and,
- c) Where a corporation is convicted under Section 1, Subsection 1.9 (b) of this By-law, the maximum penalty that may be imposed shall be:
 - i) On a first conviction a fine of not more than \$50,000.00; and,
 - ii) On a subsequent conviction a fine of not more than \$25,000.00 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted and not as provided for in Section 1, Subsection 1.9 (b) of this By-law.

110 REMEDIES

The contravention of any requirement of this By-law may be restrained by action of any ratepayer of the City pursuant to the provisions of the Municipal Act.

1.11 LEGAL NON-CONFORMING USES

No person shall use, cause or permit the use of any land, building or structure or part thereof, or erect, repair, or alter, or cause or permit the erection, repairing or altering of any building or structure which is not in conformity with the provisions of this By-law, EXCEPT as follows:

- a) The erection or use for a purpose prohibited by the By-law of any building for which a permit is required by and issued under the Building Code Act, prior to the effective date of this By-law, so long as the building when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under the Building Code Act;
- b) Where a building permit has been lawfully issued for the construction of a building prior to the effective date of this By-law and where the yard requirements for said building are found to be in contravention by no more than 0.03 m, the non-conforming yard shall be deemed to conform with the requirements of this By-law; and,
- c) The repair or restoration of any existing building, or part thereof, to a safe condition provided that such repair or restoration will not increase the height, area or volume, or site coverage of such building and that the building continues to be used for the same purpose and in the same manner as it was used on the effective date of this By-law.

SECTION 2: INTERPRETATION

2.1 ESTABLISHMENT OF CLASSIFICATIONS AND ZONES

For the purpose of this By-law, the following land use classifications and zones are hereby established:

a) Downtown Classification	
<u>Zones</u>	<u>Zone Symbol</u>
Downtown Central Business District Zone	D1
Downtown Prime Retail Zone	D2
Downtown Mixed Use Zone	D3
Downtown Local Commercial Zone	D4
Downtown Residential Zone	D5
Downtown Multiple Residential Zone	D6

2.2 USE OF ZONE SYMBOLS

The zone symbols as set out in Subsection 2.1 may be used in text or appear on the Schedule "A" - Zoning Maps to represent the Zones.

2.3 INCORPORATION OF ZONING MAPS

The location, extent and boundaries of all the said Zones are shown in Schedule "A" - Zoning Maps. Maps numbered 909, 910, 911, 951, 952, 953, 994 and 995 inclusive, and all notations, references and other information shown thereon, are all hereby incorporated in and are declared to form part of this By-law. Notwithstanding the provisions of this Section, municipal addresses, shown on the Schedule "A" - Zoning Maps, may be changed without an amendment to this By-law being required. The Key Maps inserted before Schedule "A" - Zoning Maps shall not constitute part of this By-law and have been included for reference only.

2.4 INCORPORATION OF SCHEDULES

Schedule "A", Schedule "B", Schedule "C", Schedule "D", Schedule "E" and Schedule "F" attached hereto, are hereby incorporated in and declared to form part of this By-law.

- a) Schedule "A" – Zoning Maps
- b) Schedule "B" – Property Details

Where a numerical reference enclosed by a triangle appears in Schedule "A" - Zoning Maps, reference shall be made to Schedule "B" – Property Details, which detail more particularly shows the boundary of the zone and the lands affected by such zone boundary. The said numerical reference represents the map number annexed within Schedule "B" – Property Details.

- c) Schedule "C" – Special Exceptions

Where a numerical reference enclosed by a circle appears in Schedule "A" - Zoning Maps, the Special Exception provisions as set out in Schedule "C" – Special Exceptions apply to all of the lands encompassed within the zone boundary denoted with the arrow indicator. The circled numerical reference represents the subsection number in Schedule "C" – Special Exceptions with the special By-law provisions as set out thereunder.

- d) Schedule "D" – Holding Provisions

Where a circled numerical reference followed by an "H" appears in Schedule "A" - Zoning Maps, the holding provisions apply to all of the lands encompassed within the zone boundary denoted with the arrow indicator. The circled numerical reference represents the subsection number in Schedule "D" with the holding provisions set out thereunder.

Until the "H" provision is removed from the lands through an amendment to this By-law, pursuant to the provisions of the Official Plan, and following completion of the matters as set out in the relevant Subsection of Schedule "D" – Holding Provision, permitted uses shall be restricted to only those uses referenced in said Subsection. Upon removal of the "H", the lands may be used in accordance with the provisions of the zone applicable to the lands.

e) Schedule “E” – Temporary Use Provision

Where a circled numerical reference followed by a “T” appears in Schedule “A” - Zoning Maps, the temporary use provisions apply to all of the lands encompassed within the zone boundary denoted with the arrow indicator. The circled numerical reference represents the Subsection number in Schedule “E” – Temporary Use Provision with the temporary use provisions set out thereunder.

Upon the expiry of the time period authorized by the Temporary Use By-law as set out in the relevant Subsection, the temporary use of the land permitted under said By-law shall cease.

f) Schedule “F” – Special Figures

Schedule “F” – Special Figures exists where figures referenced in the text provisions of this By-law are used to more clearly identify the properties affected by the area applicable regulations required by this By-law.

2.5 INTERPRETATION OF ZONE BOUNDARIES

Where any uncertainty exists as to the location of any boundary of any zone shown in Schedule “A” – Zoning Maps, the following principles shall apply to the interpretation of such boundary:

- a) Unless otherwise shown, a street, laneway, railway right-of-way or watercourse shall be included within the zone of the adjoining lot(s) on the sides thereof, and where such street, laneway, railway right-of-way or watercourse serves as a boundary between two or more zones, the centre line of such street, laneway, right-of-way or watercourse shall be deemed to be the boundary between zones;
- b) Where a zone boundary is intercepted by a street name, shown in Schedule “A” – Zoning Maps, the zone boundary line shall be deemed to be a continuous zone boundary through the street name reference;
- c) Where any zone boundary is not shown to be following a street, laneway, railway right-of-way or watercourse and where the boundary appears to follow the limit of a lot as existing as of the effective date of this By-law or any relevant amending by-law, such lot limit shall be deemed to be the zone boundary;
- d) Where any zone boundary is left uncertain after reference to Schedule “A” – Zoning Maps or Schedule “B” – Property Details, or the application of Subsections 2.5(a), 2.5(b) or 2.5(c) of this By-law, and the distance from existing lot lines or streets is not indicated on Schedule “A” – Zoning

Maps or Schedule "B" – Property Details, such zone boundary shall be determined by the use of the scale of the Zoning Maps referenced Schedule "A" of this By-law;

- e) Wherever it may occur, the City Limit is the boundary of the zone adjacent to it; and,
- f) Where a lot is divided into more than one zone, each such portion of the lot shall be used in accordance with the provisions of this By-law for each of the applicable zones.

SECTION 3: DEFINITIONS

In this By-law, unless the contrary intention appears, words importing the singular number shall include more persons, parties or things of the same kind than one, and the converse. In this By-law, the word “shall” is to be construed as being always mandatory and not discretionary.

Accessory

Shall mean, when used to describe a use of land, building or structure, shall mean a use which is commonly incidental, subordinate and exclusively devoted to the main use or main building situated on the same lot.

Adult Entertainment Parlour

Shall mean a use which provides entertainment or services that are designed to appeal to erotic or sexual appetites or inclinations provided on the premises and shall include a Body Rub Parlour.

Amenity Area

Shall mean the area of a residential lot intended for recreational purposes, and shall include areas that are landscaped, patios, privacy areas, balconies, communal lounges, swimming pools, play areas and similar uses, located on the same lot, but shall not include a building's service areas, parking lots, aisles or access driveways.

Amusement Arcade

Shall mean an establishment containing more than three pinball machines, or other mechanical game machines, or electronic game machines provided for public amusement.

Basement

Shall mean that portion of a building which is partially below grade but which has more than one half of its height, from the floor to the underside of the finished ceiling located above grade.

Bed and Breakfast Establishment

Shall mean an establishment operated as an accessory use to a detached or semi-detached dwelling unit where guestrooms are made available for the temporary accommodation of the travelling public and where meals may be offered to the occupants of the guestrooms.

Beverage Making Establishment

Shall mean a commercial establishment where individuals produce beverages for personal use and consumption off the premises.

Body Rub Parlour	Shall mean a use which includes kneading, manipulating, rubbing, massaging, touching or stimulating, by any means, of a person's body or part thereof, performed, offered or solicited in pursuance of a trade, calling, business, but shall not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered.
Building	Shall mean a structure, whether permanent or temporary, with walls or a roof or part thereof, used or intended to be used for shelter, accommodation or enclosure of persons, animals, goods or chattels. For the purposes of this By-law, a shipping storage container shall be construed to be a building when located on a lot.
Building Code Act	Shall mean the <u>Building Code Act</u> , 1992, S.O. 1992, c.23, or any amendments thereto.
Building Height	Shall mean the vertical distance from grade to the uppermost point of the building but not including any mechanical penthouse or any portion of a building designed, adapted or used for such features as a chimney, smokestack, fire wall, stair tower, fire tower, water tower, tank, elevator bulkhead, ventilator, skylight, cooling tower, derrick, conveyor, antenna, or any such requisite appurtenance, or a flagpole, display sign, ornamental figure or other similar structure. Provided, however, where this By-law requires building height to be calculated to determine a minimum rear yard or a minimum side yard requirement, building height shall mean the vertical distance between the lowest finished grade elevation along the lot line related to such required yard at that point closest to the building and the horizontal extension of the uppermost point of the building.
Catering Service	Shall mean a use where food and beverages are prepared for consumption off-site, but are not served on the premises or for immediate take-out consumption.
Cellar	Shall mean that portion of a building which is partly below grade but which has one half or less of its height, from the underside of the finished ceiling, above grade.
City	Shall mean the City of Hamilton.
Commercial Entertainment	Shall mean a use of an establishment for the general purpose of providing entertainment or amusement for a fee and shall include, for example, but not be limited to cinemas, performing arts theatres, bingo halls, cultural events but shall not include an amusement arcade or adult entertainment parlour.
Commercial Parking Facility	Shall mean all or part of a parcel of land or building, other than a street or laneway, used for the parking of motor vehicles for compensation, but shall not include an accessory parking lot to a principal use of the property

located on the same lot. Parking spaces may be designed to include the use of stacked parking where a parking attendant is on site or a valet service is provided.

Commercial Recreation

Shall mean the use of an establishment, for a fee, for the provision of athletic and amusement facilities involving the active participation of the user-public in a sports-related activity and shall include but not be limited to such facilities as racquet courts, fitness clubs, billiard parlour, bowling alley, golf course, driving range, skating or curling surfaces, riding stables, water sports, go-kart track or amusement parks, but shall not include an amusement arcade.

Commercial School

Shall mean a school where academic, vocational or technical subjects are taught and which is operated on a financial profit basis but shall not include an educational establishment.

Condominium Act

Shall mean the Condominium Act, S.O. 1998, Chapter 19, and any amendments thereto.

Conference or Convention Centre

Shall mean an establishment, which is not a hotel, where facilities are provided for meetings, seminars, workshops and other similar activities including an exhibition facility, all which may include dining facilities for the exclusive use of conference or convention participants.

Correction Facility

Shall mean a facility used as a secure facility for people who are on remand, serving a sentence or awaiting transfer to another correctional facility and which facility is owned, operated, funded or supervised by the Province of Ontario or the Federal Government, but shall not include a corrections residence.

Corrections Residence

Shall mean a group living arrangement in a secure facility, for people who have been placed on probation, who have been released on parole, or who are admitted to the facility for correctional or rehabilitation purposes, and live together with the requirements of its residents and accepted standards for secure detention. A corrections residence is licensed, funded, approved or has a contract or agreement with the Province of Ontario or Federal Government, but shall not include a correctional facility, emergency shelter, or a residential care facility.

Craftsperson Shop

Shall mean an establishment used for the creation, finishing, refinishing or similar production of custom or hand-made commodities, together with the retailing of such commodities.

Daylight Triangle

Shall mean a triangular area formed within a corner lot by the intersecting street lines or the projections thereof and a straight line connecting them from their point of intersection.

Day Nursery

Shall mean a facility licensed under the Day Nurseries Act which receives more than 5 children who are not of common parentage, primarily for the purpose of providing temporary care and/or guidance for a continuous period not exceeding 24 hours, where children are,

- a) Under eighteen years of age in the case of a day nursery for children with a development disability, and
- b) Under ten years of age in all other cases, but shall not include part of a school provided for under the Education Act;

Deck

Shall mean a structure accessory to a dwelling with or without roof or walls, which may include visual partitions and railings, and is constructed on piers or a foundation at a minimum of 0.15 metres above-grade.

Drive-Through Facility

Shall mean a facility that is designed to allow drivers to remain in their vehicles before and during an activity on the site, and may include drive-in or drive-through restaurants, retail and service uses, but shall not include a carwash.

Dry Cleaning Plant

Shall mean a building where dry cleaning, dry dyeing, washing or pressing of articles of clothing is conducted.

Dwelling

Shall mean a building used or intended to be used for human habitation but shall not include a recreational vehicle or tent.

Dwelling Unit - shall mean a room or suite of rooms used or intended to be used by one or more persons living together as one household, in which cooking and sanitary facilities are provided for the exclusive use of the household, and to which an independent entrance is provided from outside the building or from a common interior hallway, vestibule or stairway.

Duplex Dwelling – shall mean a building containing two dwelling units, but shall not include a semi-detached dwelling.

Multiple Dwelling – shall mean a building or part thereof containing three or more dwelling units but shall not include a street townhouse dwelling or semi-detached dwelling.

Semi-Detached Dwelling – shall mean a building divided vertically into two dwelling units, by a common wall which prevents internal access between semi-detached dwelling units and extends from the base of the foundation to the roof line and for a horizontal distance of not less than 35% of the horizontal depth of the building. Each semi-detached dwelling unit shall be designed to be located on a separate lot having access to and frontage on a street.

Single Detached Dwelling - shall mean a separate dwelling containing one dwelling unit.

Street Townhouse Dwelling – shall mean a building divided vertically into three or more dwelling units, by common walls which prevent internal access between units and extend from the base of the foundation to the roof line and for a horizontal distance of not less than 35 percent of the horizontal depth of the building. Each townhouse shall be designed to be on a separate lot having access to and frontage on a street, laneway or common condominium driveway.

Education Act

Shall mean the Education Act, R.S.O. 1990, c.E.2 and any amendments thereto.

Educational Establishment

Shall mean a Provincially approved institution for academic instruction and shall include a public, private or separate school, college or university.

Emergency Shelter	Shall mean a fully detached building used for persons in a crisis situation requiring shelter, protection, assistance and counselling or support which is intended to be short term accommodation of a transient nature. An emergency shelter shall not include a residential care facility, a lodging house, a corrections residence, a correctional facility, or any other residential facility which is licensed, approved or regulated under any general or special Act.
Erect	Shall mean, with reference to a building or structure, to build, construct, enlarge, reconstruct or alter, and shall include the moving of a building or structure from one location to another; and “erected” and “erection” shall have the same corresponding meaning.
Exhibition Facility	Shall mean a place which is used to house an exhibition, operated over the duration of four consecutive weeks or less and limited to only those exhibitors registered with the organization holding the exhibition. The retailing of goods, materials or services, including motor vehicles and major recreational equipment, associated with the exhibition may be permitted in such a facility subject to municipal licensing requirements where applicable. An exhibition facility shall in no way be construed to include a conference or convention centre.
Existing	Shall mean legally established on the effective date of this By-law or applicable amendments thereto.
Façade	Shall mean a building wall or series of building walls facing a street.
Façade Height	Shall mean the vertical distance between the base of the façade at finished grade level and the lowest point of the top of the façade.
Financial Establishment	Shall mean a use where money is deposited, kept, lent and exchanged, and shall include but not be limited to banks, credit unions, trust companies or other similar banking services.
Floor Area Ratio	Shall mean the figure obtained when the gross floor area on a lot is divided by the lot area.
Garden Centre	Shall mean a use where plant materials such as seeds, plants, flowers, bushes and trees and associated supplies are offered for sale together with accessory items, and shall include but not be limited to, garden equipment, garden chemicals, garden furniture, swimming pool supplies and seasonal outdoor storage of bulk garden items.
Grade	Shall mean the average level of the proposed or finished ground adjoining a building calculated along the perimeter of all exterior walls.

Gross Floor Area	Shall mean the aggregate horizontal area measured from the exterior faces of the exterior walls of all floors of a building (excluding any cellar or floor area having a ceiling height of 2.0 metres or less or devoted exclusively to parking) within all buildings on a lot.
Habitable	Shall mean any room used for living, eating or sleeping, but does not include a bathroom, laundry, corridor, cellar or other space not used frequently or for extended periods.
Health Professional	Shall mean an individual who practices any of the health disciplines regulated under a Provincial Act, such as, but not limited to, physicians, dentists, optometrists, pharmacists, physiotherapists, chiropractors and psychologists.
Highway Traffic Act	Shall mean the <u>Highway Traffic Act</u> , R.S.O. 1990, c. H.8 or any amendments thereto.
Home Business	Shall mean a use conducted as a business in a dwelling unit which is secondary to the use of the dwelling unit as a private residence.
Hotel	Shall mean a commercial establishment used for temporary rental sleeping accommodation for travellers and which may offer other facilities such as personal service establishments, restaurants, retail stores, conference or convention facilities, exhibition facilities, commercial entertainment or commercial recreation and for the purposes of this By-law a motel, motor hotel or an apartment hotel shall be deemed to be a "hotel".
Household	Shall mean one or more persons living together as a single, non-profit housekeeping unit, sharing all areas of the dwelling unit and may, in addition, be designed to accommodate lodging units containing less than four residents.
Kennel	Shall mean a commercial establishment for the keeping, breeding, boarding or training of domestic animals.

Landscaped Area	<p>Shall mean any portion of a lot which:</p> <ul style="list-style-type: none">a) Has no building thereon;b) Is not used for parking, access to parking, driveways or loading space;c) Is not less than 28 square metres; and,d) Is used for the purpose of landscaping.
Landscaping	<p>Shall mean outdoor space for use, enjoyment and recreation and shall include natural vegetation areas and constructed areas such as patios, decks, playgrounds, pathways and outdoor recreational amenities.</p>
Laneway	<p>Shall mean a public highway or road allowance having a width of less than 12.0 metres.</p>
Liquor Licence Act	<p>Shall mean the <u>Liquor Licence Act</u>, R.S.O.1990 c. L.19 and any amendments thereto.</p>
Lodging House	<p>Shall mean a dwelling containing one or more lodging units designed to accommodate four or more residents. The residents may share common areas of the dwelling other than the lodging units, and do not appear to function as a household. This shall not include a long term care facility, hospital, hotel or any residential care facility licensed; approved or supervised under any general or specific Act. This shall include but not be limited to, student residences and convents.</p>
Lodging Unit	<p>Shall mean a room or set of rooms located in a lodging house designed or intended to be used for sleeping and living accommodation, which:</p> <ul style="list-style-type: none">a) Is designed for the exclusive use of the resident or residents of the unit;b) Is not normally accessible to persons other than the resident or residents of the unit; and,c) May contain either a bathroom or full kitchen but does not contain both for the exclusive use of the resident or residents of the unit.
Long Term Care Act	<p>Shall mean the <u>Long Term Care Act</u>, 1994, S.O. 1994, c. 26 and any amendments thereto.</p>
Long-Term Care Facility	<p>Shall mean an institutional care facility as licensed under the <u>Long Term Care Act</u>.</p>
Lot	<p>Shall mean a parcel of land which can be legally conveyed pursuant to the provisions of the <u>Planning Act</u>.</p> <p>Corner Lot - shall mean,</p>

- a) A lot situated at the intersection of two or more streets or a lot abutting on one or more parts of the same street where such intersections have an angle of intersection of 135 degrees or less; or,
- b) A lot located on the curve of a street where the angle of intersection of the projected tangents of the street line does not exceed 135 degrees.

Interior Lot - shall mean a lot with frontage on a street excluding a corner lot..

Through Lot - shall mean an interior lot having frontage on two streets.

Lot Area

Shall mean the total horizontal area within the lot lines of a lot.

Lot Coverage

Shall mean the percentage of the lot covered by all buildings, but shall not include swimming pools and decks.

Lot Line

Shall mean the boundary of a lot including the vertical projection thereof.

Flankage Lot Line - shall mean a lot line other than a front lot line that abuts a street.

Front Lot Line – shall mean any lot line of the lot abutting a street, and:

- a) With reference to a corner lot, shall mean the shorter of the lot lines abutting the streets; or,
- b) With reference to a through lot shall mean either of the lot lines abutting a public street.

Rear Lot Line - shall mean the lot line farthest and opposite to the front lot line and whereas in the case of a triangular shaped lot, the rear lot line will be the intersection point of the side lot lines.

Side Lot Line - shall mean any lot line other than a front or rear lot line.

Lot Width	<p>Shall mean the horizontal distance between the side lot lines of a lot measured at the required front yard. Provided, however, that in the case of a lot which has a required front yard of less than 6.0 metres, the lot width shall be measured at the 6.0 metre front yard distance.</p> <p>Provided, however, where a corner lot has a partially curved street line, the lot width shall be measured between the point of the connections of the projections of the street lines a distance of 6.0 metres back from the front lot line along the side lot line.</p>
Major Recreational Equipment	<p>Shall mean either a portable structure designed and built to be carried by a motor vehicle, or a unit designed and built to be transported on its own wheels, for purposes of providing temporary living accommodation or recreational enjoyment for travel, and shall include, for example, motor homes, travel trailers, tent trailers, boats, boat trailers, motorized snow vehicles or other like or similar equipment, excluding bicycles.</p>
Medical Clinic	<p>Shall mean a building or part thereof which is used jointly by three or more health professionals for the purpose of consultation, diagnosis and/or treatment of persons. It may include ancillary administrative offices, waiting rooms, treatment rooms laboratories, dispensaries or other similar facilities but shall not include accommodation for in-patient care or facilities for major surgical practice.</p>
Medical Office	<p>Shall mean a building or part thereof in which a maximum of two health professionals provide consultative, diagnostic and treatment services.</p>
Mobile Home	<p>Shall mean any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include major recreation equipment such as a travel trailer or tent trailer.</p>
Model Home	<p>Shall mean a single detached dwelling, semi-detached dwelling or a block of townhouse dwelling units used in the interim for the sole purpose of an office and/or show room and/or sales centre each of which shall promote the sale of residential units within a draft approved plan of subdivision.</p>
Motor Vehicle	<p>Shall mean an automobile, motorcycle, motor assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power.</p>
Motor Vehicle - Commercial	<p>Shall mean a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, buses, tractors and tow trucks used for hauling purposes on the highways, but does not include:</p>

- a) A commercial motor vehicle, other than a bus, having a gross weight or registered gross weight of not more than 4,500 kilograms;
- b) A commercial motor vehicle leased for no longer than thirty days by an individual for the transportation of goods kept for that individual's personal use or the gratuitous carriage of passengers,
- c) A commercial motor vehicle operated under the authority of an In-Transit permit, and

Motor Vehicle Rental Establishment

Shall mean a premises where motor vehicles are stored and rented to the public.

Municipal Act

Shall mean the Municipal Act, 2001, S.O. 2001, c. 25 and any amendments thereto.

Office

Shall mean a building or part of a building in which management, clerical, administrative, consulting, advisory or training services are offered or performed but shall not include a medical clinic or medical office.

Outdoor Commercial Patio

Shall mean any outdoor area used in conjunction with any establishment licensed under the Liquor Licence Act, where meals or refreshments are served to the public for consumption on the premises.

Parking Lot

Shall mean an area located on a lot which contains five or more parking spaces.

Parking Space

Shall mean an area on which a motor vehicle may be parked and which has access directly or by way of an aisle or ramp, to a laneway or to a street without the necessity of moving any other motor vehicle.

Personal Services

Shall mean the provision of services involving the health, beauty or grooming of a person or the maintenance or cleaning of apparel, but shall not include a Dry Cleaning Plant or a Body Rub Parlour.

Place of Worship

Shall mean a building used by any religious organization for public worship or other ecclesiastical functions and may include accessory or ancillary uses which shall include by not be limited to an assembly hall, auditorium, convent, monastery, rectory, cemetery, day nursery and educational or recreational uses.

Planning Act

Shall mean the Planning Act, R.S.O. 1990, c. P.13 and any amendments thereto.

Privacy Area

Shall mean an open area:

- a) Located on the same lot and accessory to a particular dwelling unit, access to which area is directly provided through a doorway to the habitable portion of the unit; and,

- b) That is separate from and not included with walkways, play areas or any other communal or common area.

Private Club or Lodge

Shall mean a building or part of a building used for social, literary, cultural, political, educational or recreational purposes which is operated for the exclusive use of members and their guests and not open to the general public on an equal basis.

Private Home Day Care

Shall mean temporary care for a fee of 5 children or fewer at any one time, in a dwelling unit other than the home of a parent or guardian of any such child for a continuous period of time not exceeding twenty-four hours and may include outdoor play areas for the children.

Provincial Offences Act

Shall mean the Provincial Offences Act, R.S.O. 1990, c. P.33 and any amendments thereto.

Repair Service

Shall mean the provision of maintenance or repair services for goods or equipment, excluding motor vehicles and major recreational equipment.

Residential Care Facility

Shall mean a group living arrangement, within a fully detached residential building occupied wholly by a minimum of four supervised residents and a maximum number of supervised residents as permitted by the zone, exclusive of staff, residing on the premises because of social, emotional, mental or physical handicaps or personal distress and which residential setting is developed for the well being of its residents through the provision of self-help, guidance, professional care and supervision not available within the resident's own family, or in an independent living situation or if:

- a) The resident was referred to the facility by a hospital, court or government agency; or
- b) The facility is licensed, funded, approved by a contract or agreement with the Federal, Provincial or Municipal Governments.

A residential care facility shall include a children's residence and group home but shall not include an emergency shelter, lodging house, corrections residence or correctional facility.

Restaurant

Shall mean a building where food and/or drink is prepared and sold for immediate consumption, either on or off site, and which may offer commercial entertainment only if the premises are licensed under the Liquor Licence Act.

Retail

Shall mean the sale or rental of goods or materials to the ultimate consumer including "convenience retail" goods, but shall not include a restaurant or the sale or rental of

motor vehicles, motor vehicle fuel or major recreational equipment.

Retirement Home

Shall mean a multiple dwelling where all dwelling units do not contain full kitchens but where the building provides communal facilities such as kitchen/dining facilities, laundry facilities, lounges and where the residents are supervised in their daily living activities. A retirement home shall be licensed by the municipality and shall not be considered a long term care facility, emergency shelter; lodging home, residential care facility or any other facility which is licensed, approved or regulated under any general or special Act.

Setback

Shall mean the minimum distance between a lot line and the nearest part of any building or specified structure exclusive of any permitted yard projections on the lot.

Social Services Establishment

Shall mean a building in which non-profit services intended to promote and improve the independence, economic self-sufficiency, social and health development of citizens are provided and shall include but not be limited to clerical, administrative, consulting, counselling, office and recreational functions for a non-profit agency but shall not include facilities in which overnight accommodation is provided.

Storey

Shall mean that portion of a building or structure, other than a cellar, included between the surface of any floor and the surface of the floor, roof deck or ridge next above it, except an attic storey.

Storey - Attic

Shall mean that unfinished portion of a building between the roof and the ceiling of the top storey.

Street

Shall mean a public highway or road allowance having a minimum width of 12.0 metres.

Street Line

Shall mean any lot line that divides a lot from a street.

Structure

Shall mean anything constructed or erected, the use of which requires location in or on the ground or attachment to something having location on the ground.

Studio

Shall mean an establishment used for the study or instruction of a performing or visual art, such as but not limited to, dancing, singing, acting or modelling, or the workplace with accessory retail, of a painter, sculptor or photographer, or an establishment used for the making or transmission of motion pictures, radio or television programs.

Tradesperson's Shop

Shall mean a building in which is provided to the public a non-personal service or trade, and shall include but not be limited to, a carpenter's shop, contractor's shop, electrician shop, painter's shop, plumber's shop and other shops that provide an installation service.

Transportation Depot

Shall mean the use of land where commercial motor vehicles pick up and discharge fare-paying passengers or dispatch vehicles for such purpose and shall also include courier service facilities.

Use

Shall mean the purpose for which the land, building or part thereof is used, occupied or intended to be used or designed to be used or occupied.

Veterinary Service

Shall mean a use within a wholly enclosed building or part thereof, where domestic animals or household pets are provided treatment by a veterinarian and may include temporary indoor accommodation related to treatment and/or recovery and pet grooming but shall not include a kennel

Window

Shall mean an opening which is framed and spanned with glass, and may be mounted as to permit opening and closing to light or ventilate an enclosed space.

Yard

Shall mean a space between a building on a lot and the lot lines of the lot which shall be open, uncovered and unoccupied by buildings except for such buildings as are specifically permitted in this By-law. Any yard requirements shall be the minimum horizontal linear distance from the lot line to the nearest part of the main building on the lot as measured perpendicular to such lot line.

Flankage Yard - shall mean a yard extending from the front yard to the rear yard of a lot along a lot line which abuts a street measured to the nearest part of a building on the lot.

Front Yard - shall mean a yard extending across the full width of a lot measured between the front lot line and the nearest part of a building on the lot.

Rear Yard - shall mean a yard extending across the full width of a lot measured between the rear lot line and the nearest part of a building on the lot.

Side Yard - shall mean a yard extending from the front yard to the rear yard measured between the side lot line and the nearest part of a building on the lot.

SECTION 4: GENERAL PROVISIONS

Unless specifically exempted or regulated elsewhere in this By-law, the following regulations shall apply to all lands covered by this By-law.

4.1 PROHIBITED USES

With respect to any lands to which this By-law applies, all uses are prohibited unless specifically permitted in this By-law.

4.2 HUMAN HABITATION NOT WITHIN MAIN BUILDINGS

No truck, bus, coach, street car body, railway car, major recreational equipment or other motor vehicle shall be used for human habitation whether or not the same is mounted on wheels or other forms of mounting or foundations, except for a mobile home where specifically permitted in this By-law.

4.3 FRONTAGE ON A STREET

- a) No lot shall have built upon it a building for any purpose in any zone unless the lot abuts a street for a minimum of 4.5 metres. Provided, however, that where a lot is separated from a street by land owned by the City or the Province of Ontario which land is held by such public agency for future road widening purposes or as a 0.3 metre reserve, a building may be erected upon such lot if registered rights-of-way giving access to a street have been granted and such access scheme is part of a Development Agreement pursuant to the Planning Act.
- b) Where a building is developed abutting a driveway constituting a common area or common element as part of a condominium registered under the Condominium Act such driveway shall be deemed to be a street for purposes of applying the provisions of this By-law.

4.4 PUBLIC USES PERMITTED IN ALL ZONES

Notwithstanding anything else in this By-law, a utility company, a communication company, the City or any of its local boards as defined in The Municipal Act, any communications or transportation system owned or operated by or for the City and any agency of the Federal or Provincial Government, including Hydro One, may, for the purposes of the public service, use any land or erect or use any building in any zone subject to the use or building being in compliance with the most restrictive regulations contained in such zone for any use and the parking requirements of Section 5 of this By-law, for such use and subject to there being no outdoor storage of goods, materials or equipment in any yard abutting a Residential Zone or a Downtown D5 or Downtown D6 Zone. Any buildings

erected or used in a Residential Zone or a Downtown D5 or Downtown D6 Zone under the provisions of this Section, shall be designed so as not to intrude into the residential character of the area. This exemption for use in any zone shall not apply to any use, land or building used by Hamilton Hydro, Hydro One or any communication company or utility company for executive or administrative offices, or retail purposes, or any land or building used by any local School Board, University or College.

4.5 NUMBER OF DWELLINGS PER LOT

- a) Unless otherwise provided for in this By-law, in any zone where a single detached dwelling, semi-detached dwelling or duplex dwelling is permitted, no more than one such dwelling shall be erected on a lot.
- b) Notwithstanding a) above, on a lot against which a Part Lot Control Exemption By-law is registered, those parts shown on a deposited reference plan which are intended to constitute a future lot shall be deemed to be a lot for the purposes of this By-law, provided that such parts are in compliance with all applicable regulations of this By-law.

4.6 PERMITTED YARD ENCROACHMENTS

No part of any required yard shall be obstructed except as follows:

- a) The usual projections of window sills, chimney breasts, belt courses, cornices, eaves, eavestroughs and other similar architectural features may be permitted in any required yard, provided that no such feature shall project more than 0.6 metres into the required yard, to a maximum of half the distance of the required yard;
- b) A fire escape or exterior staircase may encroach into a required side or rear yard to a maximum of 1.5 metres, to a maximum of half the distance of the required yard;
- c) An unenclosed ramp for wheelchair access may encroach into any required yard;
- d) A porch, deck or canopy may encroach into any required yard to a maximum of 1.5 metres, to a maximum of half the distance of the required yard; and,
- e) A balcony may encroach into any required yard to a maximum of 1.0 metres, except into a required side yard of not more than one-third of its width or 1.0 metres, whichever is less.

4.7 REDUCTION OF YARDS FOR NON-CONFORMING LOTS

Where a lot was legally established prior to the effective date of this By-law without sufficient lot width or lot area to meet the minimum requirements of this By-law, a residential building or dwelling, where permitted in the zone applied to the property, may be erected upon it subject to compliance with all other requirements of this By-law, provided however, that each side yard or flankage yard has a width of at least 10% of the width of the lot but in no case less than 0.9 metres, and that the rear yard has a depth of no less than 3.0 metres.

4.8 ACCESSORY BUILDINGS IN RESIDENTIAL ZONES, DOWNTOWN D5 AND DOWNTOWN D6 ZONES

- a) Unless otherwise provided for in this By-law, no accessory building shall be used for human habitation;
- b) No accessory building shall be located within a front yard;
- c) 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;
- d) Accessory buildings having a maximum gross floor area, including areas devoted exclusively to parking, 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;
- e) 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;

- f) The following regulations shall apply to buildings accessory to a residential use which have a gross floor area, including areas devoted exclusively to parking, 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 0.3 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.
- g) Notwithstanding Subsection e), a building accessory to a residential use which has a gross floor area, including areas devoted exclusively to parking, greater than 18.0 square metres, or having a building height greater than 5.0 metres, or contains a deck or patio on the top thereof, shall comply with all regulations for the dwelling type in the zone in which it is located; and,
- h) A building accessory to a residential use located on a corner lot in the required rear yard shall not be located closer to the street line than the minimum front yard requirement for the lot abutting the rear lot line.

4.9 AIR CONDITIONERS AND PUMPS

Air conditioners and pumps (including heat pumps and swimming pool pumps) and other similar mechanical equipment shall be located only in accordance with the following regulations:

- a) Within a required front yard or a required flankage 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.

4.10 SATELLITE DISHES

Satellite dishes shall be permitted in all zones. Satellite dishes within a Residential Zone, Downtown D5 or Downtown D6 Zone that are greater than 1.0 metre in diameter shall be subject to the following:

- a) Only one such satellite dish shall be permitted on any lot;
- b) Shall not be located in any front yard;
- c) Shall not be located beyond the distance of any minimum side yard or minimum rear yard required by this By-law;
- d) May be located on the roof-top of a multiple dwelling provided the satellite dish is less than 3.7 metres in diameter; and,
- e) Shall be restricted to a maximum height of 4.5 metres measured from the base to the uppermost point of the satellite dish.

4.11 SWIMMING POOLS AND HOT TUBS/SPAS

An outdoor swimming pool or hot tub/spa may be located in any yard except the required front yard and shall be located a minimum of 1.25 metres from any lot line, measured from the water's edge to the lot line.

4.12 VACUUM CLAUSE

- a) Downtown D5 or Downtown D6 Zone
 - i) Notwithstanding any other provisions of this By-law, any lot within any Downtown D5 or Downtown D6 Zone and the location thereon of any residential building or building accessory thereto, existing on the effective date of this By-law, shall be deemed to comply with the regulations for any required setbacks, front yard, side yard, rear yard, lot width and building height relative only to the use existing on the effective date of this By-law and subject to such existing use being permitted by this By-law;
 - ii) Nothing in Subsection a) (i) shall apply to any satellite dish, air-conditioning-unit, heat pump unit, swimming pool, hot tub/spa or to any fence in contravention of the City's Fence By-law and Swimming Pool Enclosure By-law;
 - iii) Notwithstanding any other provisions of this By-law, any lot within any Downtown D5 or Downtown D6 Zone upon which a residential building exists on the effective date of this By-law, such lot shall be

deemed to comply with the lot area regulation relative only to the use existing on the effective date of this By-law provided that:

1. Such existing use is permitted by this By-law; and.
 2. The lot area is not less than 90% of that otherwise required by this By-law;
- iv) Nothing in Subsection a) (iii) shall permit a reduction in a lot area from that existing on the effective date of this By-law, to a lot area which is less than that prescribed by the relevant minimum lot area regulation;
- b) Notwithstanding any of the provisions of the Downtown Zones of this By-law, building heights existing on the effective date of this By-law shall be deemed to comply with the regulations for building heights and are permitted by this By-law.

4.13 REDUCTION IN REGULATIONS RESULTING FROM STREET WIDENING

No person shall have deemed to have contravened any provisions of this By-law by reason only of the fact that a part or parts of any lot has or have been conveyed to, or acquired by the City of Hamilton or the Government of Ontario for public road allowance purposes.

4.14 LANEWAYS DEEMED TO BE STREETS

The following laneways are deemed to be streets for the purposes of applying the provisions of this By-law;

Wesanford Place
Spring Street

4.15 MODEL HOMES IN DRAFT PLANS OF SUBDIVISION

Notwithstanding any other provisions of this By-law, where a subdivision agreement has been executed (signed) by the owner, more than one single detached dwelling, semi-detached dwelling, street townhouse dwelling or multiple dwelling or a townhouse block may be constructed on a lot prior to registration of the plan of subdivision subject to the following restrictions:

- a) The use shall be permitted in the zone in which the dwelling is to be located;
- b) Each dwelling unit shall be used for the purpose of a model home only and shall not be occupied as a dwelling unit prior to the date of the registration of the subdivision plan;
- c) For the purpose of this Section, a “multiple dwelling” shall only include that form of housing type commonly described as a block or cluster townhouse;
- d) The maximum number of model homes shall not exceed 10% of the total number of lots intended for single detached dwellings, semi-detached dwellings or townhouse purposes within the plan of subdivision proposed for registration, to a maximum of 20 dwelling units;
- e) The model home shall comply with all other provisions of this By-law, as though the dwellings and/or units were constructed on the lot within the future registered plan of subdivision; and,
- f) The model home shall comply with all applicable terms and conditions of the said subdivision agreement.

4.16 REGULATION FOR CONSOLIDATED LOT DEVELOPMENT

- a) Where two or more abutting lots under one identical ownership are consolidated for the purpose of development, the internal lot lines of the original lots shall not be construed to be lot lines for the purposes of any zoning regulations provided that all applicable regulations of this By-law relative to the consolidated lot development and its external lot lines are complied with.
- b) Where a comprehensive condominium plan of subdivision has received draft plan approval, as well as any required site plan approval, and where registration of the plan is intended to occur in phases and/or stages, the lands to which the draft approved plan of condominium is to be located, shall be deemed to be one lot for the purposes of applying the provisions of the By-law. Zoning provisions shall apply only to the external lot lines

of the overall condominium plan, not to internal lot lines resulting from the registration of any condominium phase.

4.17 AIRPORT

All development in the City of Hamilton shall comply with the Hamilton Airport Zoning (Height) Regulations established by Transport Canada, which are registered at the local Land Titles Office and which may be amended from time to time.

4.18 TEMPORARY USES

Nothing in this By-law shall prevent the use of any land or erection or use of any building for:

- a) A construction camp, construction trailer, work camp, tool shed, scaffold or other temporary building incidental to and accessory for construction work on the premises, but only for so long as may be reasonably necessary to complete such construction;
- b) A temporary sales office in a residential subdivision incidental to the sale of houses shall comply with all regulations for any dwelling type required by the zone in which it is located; or,
- c) The retailing of flowers over a maximum period of 2 consecutive days, seasonal garden centres and retailing of Christmas trees in a Commercial Zone or Downtown D1, D2, D3 or D4 Zone subject to the applicable retail regulations of the zone in which it is located.

4.19 VISUAL BARRIER

Where in any zone a visual barrier is required to be provided and maintained, such barrier shall act as a screen between uses and be constructed to a minimum height of 1.8 metres and shall consist of the following:

- a) A wall, fence;
- b) A continuous planting of suitable trees or shrubs, together with a reserved width of planting area appropriate for healthy plant growth;
- c) Earth berms; or,
- d) Any combination of the above.

4.20 OUTDOOR COMMERCIAL PATIOS

Notwithstanding any provisions of this By-law, every outdoor commercial patio shall comply with the following:

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.

b) Location Requirements:

- i) Except as provided in Subsection b) (ii) below, no outdoor patio shall be permitted on a lot where any lot line abuts a Residential Zone, Downtown D5 or Downtown D6 Zone or where such lot is separated from a Residential Zone, Downtown D5 or Downtown D6 Zone by a laneway; and,
- ii) Where only the rear lot line abuts a Residential Zone, Downtown D5 or Downtown D6 Zone or the lot is separated from the Residential Zone, Downtown D5 or Downtown D6 Zone by a laneway, an outdoor patio shall be permitted in the front yard.

c) Prohibition of Commercial Entertainment and Recreation:

That portion of a lot on which the outdoor patio is permitted shall not be used for commercial entertainment or commercial recreation including live or recorded music or dance facilities.

4.21 HOME BUSINESS

No person shall conduct a home business except as permitted herein and in accordance with the regulations of Subsection b):

a) Home Businesses permitted in Single Detached Dwellings and Semi-Detached Dwellings:

- i) Academic Instruction (not more than one student at a time);
- ii) Studio, excluding accessory retail or an establishment used for the making or transmission of motion pictures, radio or television programs;
- iii) Office;
- iv) Personal Service;

- v) Catering business, excluding any on-site retail;
 - vi) Private Home Day Care;
 - vii) Repair service;
 - viii) Bed and Breakfast Establishment with a maximum of 3 guestrooms; and,
 - ix) Craftsperson Shop, excluding accessory retail.
- b) Regulations for Home Businesses in Single Detached Dwellings and Semi-Detached Dwellings:
- i) Except in addition to an office, not more than one home business per dwelling unit shall be permitted;
 - ii) No more than one non-resident employee shall be permitted;
 - iii) Parking shall be provided at a rate of one space for each dwelling unit; one space for the non-resident employee; and one space for each home business, except as follows:
 - 1. For an office conducted in such a manner so as not to attract customers or clients directly to the dwelling unit, there shall be provided only one space for each dwelling unit and one space for any non-resident employee; and,
 - 2. For a Bed and Breakfast Establishment, there shall be provided one space for each dwelling unit, one space for any non-resident employee and one space for each guestroom.
 - 3. Notwithstanding anything else in this By-law, parking spaces required for a home business and the dwelling shall be permitted in the form of stacked parking.
 - iv) No outdoor storage shall be permitted;
 - v) There shall be no display of product to indicate to persons outside the premises that any part of the premises is being used for any purpose other than that of a dwelling;
 - vi) The total floor area used for a home business, excluding a Bed and Breakfast Establishment, shall not exceed 25% of the gross floor area of the dwelling unit or 50 square metres, whichever is the lesser amount. This requirement shall apply whether the home

business is carried out in the dwelling unit or in an accessory building, or both;

- vii) No noise, vibration, fumes, odour, dust or glare emitted to the environment outside of the building shall be permitted, beyond which is normally associated with a dwelling unit;
 - viii) No repair of equipment having a combustion engine shall be permitted nor shall any such equipment be used in the process of conducting any home business;
 - ix) No repair of parts or accessories for motor vehicles or major recreational equipment shall be permitted;
 - x) No repair service shall be conducted in an accessory building, except for the purpose of indoor storage accessory to the repair service;
 - xi) Not more than one parking space required for, or associated with, a home business may be located in the rear yard, except in the case of a corner lot or a lot abutting a laneway; and,
 - xii) A hair dresser or barber shall be limited to a maximum of one hair washing sink and one styling station;
- c) Home Businesses permitted in Duplex Dwellings, Multiple Dwellings and Street Townhouses:
- i) Academic instruction (no more than one student at a time);
 - ii) Craftsperson Shop (excluding accessory retail);
 - iii) Office
- d) Regulations for Home Businesses in Duplex Dwellings, Multiple Dwellings and Street Townhouses:
- i) A home business shall only be conducted by the person or persons residing in the dwelling unit;
 - ii) Only one home business shall be permitted for each dwelling unit and the gross floor area of such use shall not exceed 15.0 square metres;
 - iii) No noise, vibration, fumes, odour, dust or glare emitted to the environment outside of the building shall be permitted, beyond which is normally associated with a dwelling unit;

- iv) No outdoor storage shall be permitted;
- v) There shall be no display of product to indicate to persons outside the premises that any part of the premises is being used for any purpose other than that of a dwelling; and,
- vi) No additional parking is required for the home business.

SECTION 5: PARKING

Where this By-law requires the provision of parking facilities, no lands shall be used and no building shall be used or erected in any zone unless there are provided and maintained facilities for parking in accordance with the following regulations and Parking Schedules, unless otherwise specifically provided for in this By-law.

5.1 LOCATION

a) All Uses

- i) Required parking facilities shall be located on the same lot as the use requiring the parking.
- ii) Notwithstanding Subsection i) above, where the provision of parking on the same lot as the use requiring such parking is not possible, or not practical, such parking facilities may be located on another lot within 300.0 metres of the lot containing the use requiring the parking. Such alternate parking shall only be situated in a Commercial, Industrial or Downtown Zone or within the same zone as the use requiring such parking, and shall be subject to Subsection iii) herein.
- iii) Where the required parking is provided in accordance with Subsection ii) above, the owners of both lots shall enter into an agreement with the City to be registered against the title of both the lot upon which parking is to be provided and the lot containing the use requiring the parking. The lot upon which the parking is located, pursuant to the agreement, shall continue to be so used only for such purposes until alternate parking spaces in conformity with the regulations of this By-law are provided.
- iv) Parking as provided for in Subsection iii) may be transferred to another lot in accordance with Subsection ii), provided that an agreement as required by Subsection iii) is registered on title of said other lot.
- v) Unless otherwise regulated in this By-law, parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall not be located within 3.0 metres of a street line.
- vi) Within any Downtown Zone, no new surface parking lots shall be permitted except where the parking is accessory to the main use on the same lot.

b) Single Detached Dwellings, Semi-Detached Dwellings and Duplex Dwellings

On a lot containing a single detached dwelling, semi-detached dwelling or duplex dwelling:

- i) The required parking spaces for such dwellings shall be located a minimum distance of 6.0 metres from the street line;
- ii) A driveway shall be located so as to lead directly from a street or laneway to a required parking space, either within a garage or outside, with such driveway having a minimum width of 2.7 metres;
- iii) The width of a driveway may not exceed the width of an attached garage;
- iv) Notwithstanding Subsection iv) above, on a lot having an attached garage less than 5.0 metres in width, the driveway may extend beyond the width of the garage toward the side lot line to a maximum width of 5.0 metres and no closer than 0.6 metres to the side lot line, nearest to the garage;
- v) In the case of a dwelling unit without an attached garage, the driveway width shall not exceed 50% of the lot width or 8.0 metres, whichever is less;
- vi) Where the driveway is provided in the front yard, all other portions of the front yard shall be a landscaped area;
- vii) A maximum of one driveway shall be permitted for each dwelling unit, except in the case of:
 - 1. A corner lot where a maximum of one driveway may be permitted from each street frontage; or,
 - 2. On a lot having a minimum lot width of 30.0 metres, where a maximum of two driveways may be permitted;
- viii) On a corner lot, no access driveway shall be permitted through a daylight triangle;
- ix) No parking spaces shall be permitted in a required front yard or required flankage yard except as otherwise permitted for single detached, semi-detached and duplex dwellings; and,
- x) In the case of a duplex dwelling, the required parking may be stacked.

c) Street Townhouse Dwellings

On a lot containing a street townhouse dwelling:

- i) The required parking spaces for such dwelling shall be located a minimum distance of 6.0 metres from the street line to which the driveway is accessed;
- ii) A driveway shall be located so as to lead directly from a street or lane to a required parking space, either within a garage or outside, and shall have a minimum width of 2.7 metres;
- iii) A driveway may be widened to a maximum of 65% of the lot width or 6.0 metres, whichever is the lesser; and,
- iv) No parking shall be permitted in a required front yard or required flankage yard except as otherwise permitted for street townhouse dwellings.

d) Multiple Dwellings

On a lot containing a multiple dwelling:

- i) With the exception of any visitor parking required by Section 5.6, required parking for multiple dwellings shall not be located between the faqade and the front lot line or between the faqade and flankage lot line. In no case shall any parking be located within the required front yard or required flankage yard or within 3.0 metres of a street line.
- ii) Visitor parking may be permitted between the faqade and a street provided that no more than 50% of the front yard shall be used for visitor parking and access to such parking.

5.2 DESIGN STANDARDS

- a) Where a parking lot is situated on a lot which abuts a Residential Zone, Downtown D5 or Downtown D6 Zone, a visual barrier shall be provided and maintained along such abutting lot line in accordance with Section 4.19 of this By-law;
- b) No parking space shall be less than 2.6 metres in width by 5.5 metres in length, unless otherwise provided for in this By-law;
- c) All required parking shall be provided with adequate means of ingress and egress to and from the street or laneway and shall be arranged so as not to interfere with normal public use of the street or laneway. Any parking lot shall provide for ingress and egress of vehicles to and from a street in a forward motion only;
- d) Notwithstanding Subsection b) herein, in the case of parallel parking:
 - i) Each parallel parking space shall have a minimum width of 2.4 metres and a minimum length of 6.7 metres. End spaces which have a clear, unobstructed approach, shall have a minimum length of 5.5 metres; and,
 - ii) The aisle giving access to a parallel parking space shall have a minimum width of 3.6 metres for one-way traffic and a minimum width of 6.0 metres for two-way traffic.
- e) Parking spaces, driveways and any widening(s) thereof shall be provided and maintained with stable surfaces such as asphalt, concrete or other hard surfaced material, crushed stone or gravel, and shall be maintained in a dust free condition. Parking lots shall be designed and maintained with stable surfaces such as asphalt, concrete or other hard-surfaced material;
- f) Notwithstanding Subsection b) herein, in the case of a barrier free parking, each parking space shall have a minimum width of 4.4 metres and a minimum length of 5.5 metres; and,
- g) In the case of Hotels, required parking provided in accordance with Section 5.6 may be arranged as tandem or stacked parking, provided there is the continued use of a valet service.

5.3 COMMERCIAL MOTOR VEHICLES

In any Residential Zone, Downtown D5 or Downtown D6 Zone, Commercial Motor Vehicles:

- a) Shall not be stored or parked except within a fully enclosed building; and,
- b) Notwithstanding Subsection a), any commercial motor vehicle may attend residential properties for the purpose of delivery or service only.

5.4 MAJOR RECREATIONAL EQUIPMENT

In any Residential Zone, Downtown D5 or Downtown D6 Zone, Major Recreational Equipment;

- a) May be stored in a garage;
- b) Shall not be stored in the front yard or flankage yard;
- c) May be stored in a rear yard provided that it is screened from the view of a street and abutting properties zoned Residential or Downtown D5 or Downtown D6 with a visual barrier in accordance with Section 4.19 of this By-law;
- d) May be stored in a carport or side yard provided that the Major Recreational Equipment is screened with a visual barrier in accordance with Section 4.19 of this By-law, and has a minimum setback of 1.2 metres from the side lot line; and,
- e) Notwithstanding Subsections b), c) and d) herein, Major Recreational Equipment may be parked on a driveway wholly inside the lot line between May 1st and October 31st in each year.

5.5 BARRIER FREE PARKING

Where 10 or more parking spaces are required by Section 5.6 “Parking Schedules” for all uses on a lot within a Residential Zone, Downtown D5 Zone, Downtown D6 Zone, Commercial Zone, Institutional Zone or Industrial Zone, barrier free parking shall be designated and provided as part of the required parking spaces, in accordance with the following requirements:

Required Parking Spaces	Designated Barrier Free Parking Spaces
10 – 50 spaces	Minimum 1 space
50 – 100 spaces	Minimum 2 spaces
100 or more spaces	Minimum 2 spaces plus for every additional 100 required spaces, 1 additional barrier free spaces shall be provided.

5.6 PARKING SCHEDULES

Parking spaces shall be provided in the minimum quantity specified in Column 2 hereunder for each use listed in Column 1, subject to the provisions of Subsection b) herein:

a) Parking Schedule for All Downtown Zones

<u>Column 1</u>	<u>Column 2</u>
i. Residential Uses	
Single Detached Dwelling, Semi-Detached Dwelling, Duplex Dwelling Dwelling Unit	1 for each dwelling unit
Multiple Dwelling Street Townhouse Dwelling	1 for each dwelling unit, except where a dwelling unit is 50 square metres in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 spaces for each such unit.
Residential Care Facility, Emergency Shelter, Corrections Residence, Lodging House, Retirement Home	1 for each 3 persons accommodated or designed for accommodation.
ii. Institutional	
Long Term Care Facility	1 for each 3 patient beds.
Day Nursery	1 for each 125.0 square metres of gross floor area which accommodates such use.

Place of Worship	1 for every classroom plus 1 for each 7 seat capacity in that part of the building used for worship <u>or</u> 1 for every classroom plus 1 for each 23.0 square metres of floor area used for hall, auditorium or similar use involving the assembly of persons not including the place of worship, whichever results in the greater requirement.
iii. Educational Uses	
a) Elementary School	1.25 for each classroom.
b) Secondary School	3 for each classroom plus 1 for each 7 seat capacity in an auditorium, theatre or stadium
c) University, College	5 for each classroom plus 1 for every 7 seat capacity in an auditorium, theatre or stadium <u>or</u> 5 spaces for every classroom plus 1 space for each 23 square metres of the gross floor area which accommodates the auditorium, theatre or stadium, whichever results in greater requirement.
d) Commercial School	1 space per 50 square metres of gross floor area in excess of 450 square metres, which accommodates such use.
iv. Commercial	
Financial Establishment	1 for each 50 square metres of gross floor area in excess of 450 square metres, which accommodates such use.
Hotel	1 for each guest room.

Conference or Convention Centre	1 for each 50 square metres of gross floor area in excess of 450 square metres, which accommodates such use.
Medical Clinic, Medical Office	1 for each 50 square metres of gross floor area in excess of 450 square metres, which accommodates such use.
Office	1 for each 50 square metres of gross floor area in excess of 450 square metres, which accommodates such use.
Private Club or Lodge	1 for each 50 square metres of gross floor area in excess of 450 square metres, which accommodates such use.
Veterinary Service	1 for each 50 square metres of gross floor area in excess of 450 square metres, which accommodates such use.

- b) Notwithstanding Subsection a) herein, for any permitted use within any Downtown Zone located in all or part of a building existing on the effective date of this By-law, no parking spaces are required provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained.

SECTION 6: DOWNTOWN ZONES

6.1 Downtown Central Business District (D1) Zone

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Downtown D1 Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

6.1.1 PERMITTED USES

- Commercial Entertainment
- Commercial Parking Facility
- Commercial Recreation
- Commercial School
- Conference or Convention Centre
- Craftsperson Shop
- Day Nursery
- Dwelling Unit
- Educational Establishment
- Exhibition Facility
- Financial Establishment
- Home Business
- Hotel
- Laboratory
- Medical Clinic
- Medical Office
- Motor Vehicle Rental Establishment
- Multiple Dwelling
- Office
- Personal Services
- Place of Worship
- Printing Establishment
- Private Club or Lodge
- Restaurant
- Retail
- Social Services Establishment
- Studio
- Transportation Depot
- Veterinary Service

6.1.2 PROHIBITED USES

Notwithstanding Section 6.1.1, the following uses are prohibited, even as an accessory use:

Drive-Through Facility
Dry Cleaning Plant

6.1.3 REGULATIONS

- | | |
|-----------------------------------|---|
| a) Maximum Front Yard | <ul style="list-style-type: none"> i) 2.0 metres for the first storey; ii) 0.5 metres for the second and third storeys. |
| b) Building Height | <ul style="list-style-type: none"> i) Minimum 7.5 metres; and, ii) Maximum building height shall be in accordance with reference to the lot location and applicable building height maximum indicated on Figure 1 of Schedule "F" – Special Figures. |
| c) Built Form for New Development | <p>In the case of buildings constructed after the effective date of this By-law or for alterations to buildings existing as of the effective date of this By-law:</p> <ul style="list-style-type: none"> i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street; and, ii) The minimum width of the ground floor façade shall be equal to 75% or more of the measurement of the front lot line. |
| d) Parking | <p>In accordance with the requirements of Section 5.</p> |

- e) Outdoor Storage No outdoor storage of goods, materials or equipment shall be permitted. This shall not, however, prevent the display of goods or materials for retail purposes.

- f) New Commercial Parking Facility In the case of a commercial parking facility developed after the effective date of this By-law, such facility:
 - i) Shall only be contained within a building; and,
 - ii) 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, other than parking.

- g) Motor Vehicle Rental Establishment Any motor vehicles that are stored or parked for rental purposes shall only be located in an enclosed parking structure or enclosed parking facility.

- h) Multiple Dwelling in a Mixed Use Building The gross floor area of a multiple dwelling shall not exceed the gross floor area of all other non-residential use located within the same building on a lot.

6.2 Downtown Prime Retail Streets (D2) Zone

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Downtown D2 Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

6.2.1 PERMITTED USES

- Beverage Making Establishment
- Catering Service
- Commercial Entertainment
- Commercial Parking Facility
- Commercial Recreation
- Commercial School
- Conference or Convention Centre
- Craftsperson Shop
- Day Nursery
- Dwelling Unit
- Educational Establishment
- Financial Establishment
- Home Business
- Hotel
- Laboratory
- Lodging House
- Medical Clinic
- Medical Office
- Multiple Dwelling
- Office
- Personal Services
- Place of Worship
- Printing Establishment
- Private Club or Lodge
- Repair Service
- Restaurant
- Retail
- Studio
- Tradesperson's Shop
- Veterinary Service

6.2.2 PROHIBITED USES

Notwithstanding Section 6.2.1, the following uses are prohibited, even as an accessory use:

Drive-Through Facility
Dry Cleaning Plant

6.2.3 REGULATIONS

- | | |
|-----------------------------------|--|
| a) Maximum Front Yard | <ul style="list-style-type: none"> i) 2.0 metres for the ground floor; ii) 0.5 metres for the second and third storeys. |
| b) Building Height | <ul style="list-style-type: none"> i) Minimum 7.5 metres; ii) Maximum building height shall be in accordance with reference to the lot location and applicable building height maximum indicated on Figure 1 of Schedule "F" – Special Figures. |
| c) Built Form for New Development | <p>In the case of buildings constructed after the effective date of this By-law or for alterations to buildings existing as of the effective date of this By-law:</p> <ul style="list-style-type: none"> i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street; ii) The minimum width of the ground floor faqade shall be equal to 75% or more of the measurement of the front lot line; iii) For the lots delineated as a Heritage Character Zone on Figure "2" of Schedule "F" – Special Figures, the following regulations shall also apply: <ul style="list-style-type: none"> 1. A minimum of 80% of the area of the ground floor faqade shall be composed of windows and doors; 2. A minimum of 25% and a maximum of 40% of the faqade of the second and third storeys shall |

be composed of windows;

3. The ground floor storey shall be no less than 3.6 metres in height and no greater than 4.5 metres in height. The second and third storeys shall each be no less than 3.0 metres in height and no greater than 4.0 metres in height; and,

4. Exterior building cladding for the first 3 storeys shall be of either one or a combination of no more than two of the following materials:

- brick;
- concrete panels;
- stone block, stone veneer or artificial stone;
- stucco; or,
- metal and metal panels, excluding aluminum siding or any metal variant thereof.

iv) Notwithstanding the above, for properties designated under the Ontario Heritage Act, any alternative building design or building materials approved through the issuance of a Heritage Permit shall be deemed to comply with this Section.

d) Parking

In accordance with the requirements of Section 5.

- e) Restriction of Uses within a Building
 - i) The following uses shall not be permitted in any portion of the building except within the ground floor facing the street:
 - Beverage Making Establishment
 - Commercial Entertainment
 - Commercial Recreation
 - Craftsperson Shop
 - Place of Assembly
 - Repair Service
 - Restaurant
 - Retail
 - Studio
 - Veterinary Service
 - ii) The following use shall only be permitted above the ground floor, except for access:
 - Multiple Dwelling
- f) Outdoor Storage

No outdoor storage of goods, materials or equipment shall be permitted. This shall not, however, prevent the display of goods or materials for retail purposes.
- g) Commercial Parking Facility

In the case of a commercial parking facility developed after the effective date of this By-law, such facility:

 - i) Shall only be contained within a building; and,
 - ii) 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, other than parking.

6.3 Downtown Mixed Use (D3) Zone

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Downtown D3 Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

6.3.1 PERMITTED USES

Beverage Making Establishment
 Catering Service
 Commercial Entertainment
 Commercial Parking Facility
 Commercial Recreation
 Commercial School
 Conference or Convention Centre
 Craftsperson Shop
 Day Nursery
 Dwelling Unit
 Educational Establishment
 Emergency Shelter
 Financial Establishment
 Home Business
 Hotel
 Laboratory
 Lodging House
 Long Term Care Facility
 Medical Clinic
 Medical Office
 Motor Vehicle Rental Establishment
 Multiple Dwelling
 Office
 Personal Services
 Place of Worship
 Printing Establishment
 Private Club or Lodge
 Repair Service
 Residential Care Facility
 Restaurant
 Retail
 Retirement Home
 Social Services Establishment
 Studio
 Tradesperson's Shop
 Transportation Depot
 Veterinary Service

6.3.2 PROHIBITED USES

Notwithstanding Section 6.3.1, the following uses are prohibited, even as an accessory

use:

Drive-Through Facility
Dry Cleaning Plant

6.3.3 REGULATIONS

- | | |
|-----------------------------------|--|
| a) Maximum Front Yard | <ul style="list-style-type: none"> i) 2.0 metres for the ground floor; ii) 0.5 metres for the second and third storeys. |
| b) Building Height | <ul style="list-style-type: none"> i) Minimum 7.5 metres; ii) Maximum building height shall be in accordance with reference to the lot location and applicable building height maximum indicated on Figure 1 of Schedule “F” – Special Figures. |
| c) Built Form for New Development | <p>In the case of buildings constructed after the effective date of this By-law or for alterations to buildings existing as of the effective date of this By-law:</p> <ul style="list-style-type: none"> i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street; ii) The minimum width of the ground floor façade shall be equal to 75% or more of the measurement of the front lot line; iii) For the lots delineated as a Heritage Character Zone on Figure “2” of Schedule “F” – Special Figures, the following regulations shall also apply: <ul style="list-style-type: none"> 1. A minimum of 80% of the area of the ground floor façade shall be composed of windows and doors; 2. A minimum of 25% and a maximum of 40% of the façade of the second and third storeys shall be composed of windows; |

3. The ground floor storey shall be no less than 3.6 metres in height and no greater than 4.5 metres in height. The second and third storeys shall each be no less than 3.0 metres in height and no greater than 4.0 metres in height; and,
4. Exterior building cladding for the first 3 storeys shall be of either one or a combination of no more than two of the following materials:
 - brick;
 - concrete panels;
 - stone block, stone veneer or artificial stone;
 - stucco; or,
 - metal and metal panels, excluding aluminum siding or any metal variant thereof.

- iv) Notwithstanding the above, for properties designated under the Ontario Heritage Act, any alternative building design or building materials approved through the issuance of a Heritage Permit shall be deemed to comply with this Section.

d) Visual Barrier

A visual barrier shall be required along any lot line abutting a Downtown D5 Zone or Downtown D6 Zone in accordance with the requirements of Section 4.19 of this By-law.

e) Parking

In accordance with the requirements of Section 5.

- f) Outdoor Storage No outdoor storage of goods, materials or equipment shall be permitted. This shall not, however, prevent the display of goods or materials for retail purposes.

- g) Commercial Parking Facility In the case of a commercial parking facility developed after the effective date of this By-law, such facility:
 - i) Shall only be contained within a building; and,
 - ii) 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, other than parking.

- h) Location of Emergency Shelter and Residential Care Facility
 - i) Except as provided for in Subsection ii), herein, every Emergency Shelter and Residential Care Facility shall be situated on a lot having a minimum radial separation distance of 300 metres from any lot line of such lot measured to the lot line of any other lot occupied by a Residential Care Facility, Emergency Shelter, Corrections Residence or Correctional Facility.
 - ii) Where the radial separation distance from the lot line of an Emergency Shelter or Residential Care Facility existing as of the effective date of this By-law, is less than 300 metres to the lot line of any other lot occupied by an existing Residential Care Facility, Emergency Shelter, Corrections Residence or Correctional Facility, either of the existing Residential Care Facility or Emergency Shelter may be expanded or redeveloped to accommodate not more than the permitted number of residents permitted by the Zone in which it is located.
 - iii) Notwithstanding Subsection 6.3.1, within the lands bounded by Queen Street, Hunter Street, James Street and Main

Street, no new Residential Care Facility
or Emergency Shelter shall be permitted.

- i) Emergency Shelter Capacity Shall not exceed 50 residents.
- j) Residential Care Facility Capacity Shall not exceed 20 residents.

6.4 Downtown Local Commercial (D4) Zone

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Downtown D4 Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

6.4.1 PERMITTED USES

Beverage Making Establishment
 Catering Service
 Craftsperson Shop
 Day Nursery
 Dwelling Unit
 Educational Establishment
 Emergency Shelter
 Financial Establishment
 Home Business
 Lodging House
 Long Term Care Facility
 Medical Clinic
 Medical Office
 Multiple Dwelling
 Office
 Personal Services
 Place of Worship
 Repair Service
 Residential Care Facility
 Restaurant
 Retail
 Retirement Home
 Studio
 Tradesperson's Shop
 Veterinary Service

6.4.2 PROHIBITED USES

Notwithstanding 6.4.1, the following uses are prohibited, even as an accessory use:

Drive-Through Facility
 Dry Cleaning Plant

6.4.3 REGULATIONS

- | | |
|--------------------------------|---|
| a) Maximum Front Yard | <ul style="list-style-type: none"> i) 2.0 metres for the ground floor; ii) 0.5 metres for the second and third storeys. |
| b) Building Height | <ul style="list-style-type: none"> i) Minimum 7.5 metres; iii) Maximum building height shall be in accordance with reference to the lot location and applicable building height maximum indicated on Figure 1 of Schedule “F” – Special Figures. |
| c) Built Form | <p>In the case of buildings constructed after the effective date of this By-law or for alterations to buildings existing as of the effective date of this By-law:</p> <ul style="list-style-type: none"> i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street; and, ii) The minimum width of the ground floor façade shall be equal to 75% or more of the measurement of the front lot line. |
| d) Visual Barrier Requirements | <p>A visual barrier shall be required along any lot line abutting a Downtown D5 Zone or Downtown D6 Zone in accordance with the requirements of Section 4.19 of this By-law.</p> |
| e) Parking Requirements | <p>In accordance with the requirements of Section 5.</p> |
| f) Outdoor Storage | <p>No outdoor storage of goods, materials or equipment shall be permitted in any front yard or flankage yard. This shall not, however, prevent the display of goods or materials for retail purposes.</p> |

- | | |
|--|---|
| g) Location of Emergency Shelter and Residential Care Facility | <p>i) Except as provided for in Subsection ii), herein, every Emergency Shelter and Residential Care Facility shall be situated on a lot having a minimum radial separation distance of 300 metres from any lot line of such lot measured to the lot line of any other lot occupied by a Residential Care Facility, Emergency Shelter, Corrections Residence or Correctional Facility.</p> <p>ii) Where the radial separation distance from the lot line of an Emergency Shelter or Residential Care Facility existing as of the effective date of this By-law, is less than 300 metres to the lot line of any other lot occupied by an existing Residential Care Facility, Emergency Shelter, Corrections Residence or Correctional Facility, either of the existing Residential Care Facility or Emergency Shelter may be expanded or redeveloped to accommodate not more than the permitted number of residents permitted by the Zone in which it is located.</p> <p>iii) Notwithstanding Subsection 6.3.1, within the lands bounded by Queen Street, Hunter Street, James Street and Main Street, no new Residential Care Facility or Emergency Shelter shall be permitted.</p> |
| h) Emergency Shelter Capacity | Shall not exceed 50 residents. |
| i) Residential Care Facility Capacity | Shall not exceed 20 residents. |

6.5 Downtown Residential (D5) Zone

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Downtown D5 Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

6.5.1 PERMITTED USES

Duplex Dwelling
Educational Establishment
Emergency Shelter
Home Business
Lodging House
Long Term Care Facility
Place of Worship
Residential Care Facility
Retirement Home
Semi-Detached Dwelling
Single Detached Dwelling
Street Townhouse

6.5.2 REGULATIONS

6.5.2.1 SINGLE DETACHED DWELLING AND DUPLEX DWELLING REGULATIONS

- | | |
|----------------------|---|
| a) Minimum Lot Area | 225.0 square metres |
| b) Minimum Lot Width | 9.0 metres |
| c) Front Yard | i) Maximum 3.0 metres; and,
ii) Minimum 6.0 metres for a garage only. |
| d) Side Yard | i) Minimum 0.9 metres on one side and minimum of 1.2 metres on the opposite side; and,
ii) Minimum 0.6 metres to an attached garage where the opposite side yard is a minimum of 1.2 metres. |
| e) Minimum Rear Yard | 7.0 metres |
| f) Building Height | i) Minimum 9.0 metres; |

- ii) Maximum building height shall be in accordance with reference to the lot location and applicable building height maximum indicated on Figure 1 of Schedule “F” – Special Figures.

g) Parking

In accordance with the requirements of Section 5.

6.5.2.2 SEMI-DETACHED DWELLING REGULATIONS

a) Minimum Lot Area for Unit

185.0 square metres for each semi-detached dwelling unit.

b) Minimum Lot Width for Unit

7.5 metres for each dwelling unit in each semi-detached dwelling.

c) Front Yard

i) Maximum 3.0 metres for the dwelling; and,

ii) Minimum 6.0 metres for a garage only.

d) Side Yard

Minimum 1.2 metres except for the side yard related to the common wall of the dwelling unit, which shall have a minimum 0 metre side yard.

e) Minimum Rear Yard

7.0 metres

f) Building Height

i) Minimum 9.0 metres;

ii) Maximum building height shall be in accordance with reference to the lot location and applicable building height maximum indicated on Figure 1 of Schedule “F” – Special Figures.

g) Parking

In accordance with the requirements of Section 5.

6.5.2.3 STREET TOWNHOUSE

DWELLING REGULATIONS

- | | | |
|----|----------------------------|---|
| a) | Minimum Lot Area for Unit | 150.0 square metres for each dwelling unit |
| b) | Minimum Lot Width for Unit | 5.5 metres for each dwelling unit |
| c) | Front Yard | <ul style="list-style-type: none"> i) Maximum 3.0 metres for the dwelling; and, ii) Minimum 6.0 metres for a garage only. |
| d) | Minimum Side Yard | <ul style="list-style-type: none"> i) Minimum 1.2 metres except for the side yard related to the common wall of the dwelling unit, which shall have a minimum 0 metre side yard; and, ii) 3.0 metres to a flankage yard. |
| e) | Minimum Rear Yard | 7.0 metres |
| f) | Building Height | <ul style="list-style-type: none"> i) Minimum 9.0 metres; ii) Maximum building height shall be in accordance with reference to the lot location and applicable building height maximum indicated on Figure 1 of Schedule "F" – Special Figures. |
| g) | Parking | In accordance with the requirements of Section 5. |

**6.5.2.4 EMERGENCY
SHELTER, LODGING
HOUSE, LONG TERM
CARE FACILITY,
RESIDENTIAL CARE
FACILITY AND
RETIREMENT HOME
REGULATIONS**

- | | | |
|----|-------------------|---|
| a) | Minimum Lot Area | 300.0 square metres |
| b) | Minimum Lot Width | 12.0 metres |
| c) | Front Yard | i) Maximum 3.0 metres for the dwelling; and,

ii) Minimum 6.0 metres for a garage only. |
| d) | Side Yard | i) Minimum 0.9 metres on one side and minimum of 1.2 metres on the opposite side; and,

ii) Minimum 0.6 metres to an attached garage where the opposite side yard is a minimum of 1.2 metres. |
| e) | Minimum Rear Yard | 7.0 metres |
| f) | Building Height | i) Minimum 9.0 metres;

ii) Maximum building height shall be in accordance with reference to the lot location and applicable building height maximum indicated on Figure 1 of Schedule "F" – Special Figures. |
| g) | Parking | In accordance with the requirements of Section 5. |

- | | |
|--|--|
| h) Maximum Capacity for
Emergency Shelter,
Long Term Care
Facility and Residential
Care Facility | The maximum capacity shall not
exceed 6 residents. |
| i) Distance Separation | <p>i) Except as provided for in
Subsection ii), herein, every
Emergency Shelter and
Residential Care Facility shall be
situated on a lot having a
minimum radial separation
distance of 300 metres from any
lot line of such lot measured to
the lot line of any other lot
occupied by a Residential Care
Facility, Emergency Shelter,
Corrections Residence or
Correctional Facility.</p> <p>ii) Where the radial separation
distance from the lot line of an
Emergency Shelter or Residential
Care Facility existing as of the
effective date of this By-law, is
less than 300 metres to the lot
line of any other lot occupied by
an existing Residential Care
Facility, Emergency Shelter,
Corrections Residence or
Correctional Facility, either of the
existing Residential Care Facility
or Emergency Shelter may be
expanded or redeveloped to
accommodate not more than the
permitted number of residents
permitted by the Zone in which it
is located.</p> |

- | | |
|---|--|
| j) Prohibition of Residential Care Facility and Emergency Shelter | Notwithstanding Subsection 6.5.1, within the lands bounded by Queen Street, Hunter Street, James Street and Main Street, no new Residential Care Facility or Emergency Shelter shall be permitted. |
|---|--|

6.5.2.5 PLACE OF WORSHIP REGULATIONS

- | | |
|--------------------------|--|
| a) Minimum Lot Width | 12.0 metres |
| b) Maximum Front Yard | 3.0 metres |
| c) Maximum Flankage Yard | 3.0 metres |
| d) Maximum Side Yard | 7.5 metres |
| e) Minimum Rear Yard | 3.0 metres |
| f) Building Height | <p>i) Minimum 9.0 metres;</p> <p>ii) Maximum building height shall be in accordance with reference to the lot location and applicable building height maximum indicated on Figure 1 of Schedule “F” – Special Figures.</p> |
| g) Parking Requirements | <p>iii)</p> <p>In accordance with the requirements of Section 5.</p> |
| h) Visual Barrier | A visual barrier shall be required along any side or rear lot line abutting a Downtown D1, D2, D3 or D4 Zone in accordance with the requirements of Section 4.19 of this By-law. |

6.6 Downtown Multiple Residential (D6) Zone

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Downtown D6 Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

6.6.1 PERMITTED USES

Educational Establishment
Emergency Shelter
Lodging House
Multiple Dwelling
Place of Worship
Residential Care Facility
Retirement Home
Street Townhouse

6.6.2 REGULATIONS

6.6.2.1 EMERGENCY SHELTER, LODGING HOUSE, MULTIPLE DWELLING, PLACE OF WORSHIP, RESIDENTIAL CARE FACILITY AND RETIREMENT HOME REGULATIONS

- | | |
|--------------------------|-------------|
| a) Minimum Lot Width | 12.0 metres |
| b) Maximum Front Yard | 3.0 metres |
| c) Maximum Flankage Yard | 3.0 metres |
| d) Maximum Side Yard | 7.5 metres |

- | | |
|--|--|
| e) Minimum Rear Yard | 3.0 metres |
| f) Building Height | <p>i) Minimum 9.0 metres;</p> <p>ii) Maximum building height shall be in accordance with reference to the lot location and applicable building height maximum indicated on Figure 1 of Schedule “F” – Special Figures.</p> |
| g) Parking Requirements | In accordance with the requirements of Section 5. |
| h) Minimum Floor Area Ratio for New Multiple Dwellings | 0.6 |
| i) Minimum Landscaped Area for Multiple Dwellings | Not less than 10% of the lot area shall be landscaped area. |
| j) Visual Barrier | A visual barrier shall be required along any side or rear lot line abutting a Downtown D1, D2 , D3 or D4 Zones in accordance with the requirements of Subsection 4.19 of this By-law. |
| k) Location of Emergency Shelter and Residential Care Facility | <p>i) Except as provided for in Subsection ii), herein, every Emergency Shelter and Residential Care Facility shall be situated on a lot having a minimum radial separation distance of 300 metres from any lot line of such lot measured to the lot line of any other lot occupied by a Residential Care Facility, Emergency Shelter, Corrections Residence or Correctional Facility.</p> <p>ii) Where the radial separation distance from the lot line of an Emergency Shelter or Residential Care Facility existing as of the effective date of this By-law, is less than 300 metres to the lot line of any other lot occupied by an existing Residential Care Facility, Emergency Shelter, Corrections Residence or Correctional Facility, either of the existing Residential Care</p> |

Facility or Emergency Shelter may be expanded or redeveloped to accommodate not more than the permitted number of residents permitted by the Zone in which it is located.

- iii) Notwithstanding Subsection 6.6.1, within the lands bounded by Queen Street, Hunter Street, James Street and Main Street, no new Residential Care Facility or Emergency Shelter, shall be permitted.

- l) Maximum Capacity for Emergency Shelter and Residential Care Facility

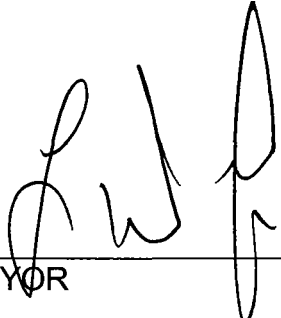
Shall not exceed 6 residents.

6.6.2.2 STREETTOWNHOUSE REGULATIONS


- a) Minimum Lot Area 150.0 square metres for each dwelling unit
- b) Minimum Lot Width for Unit 5.5 metres for each dwelling unit
- c) Front Yard
 - i) Maximum 3.0 metres for the dwelling; and,
 - ii) Minimum 6.0 metres for a garage only.

- d) Minimum Side Yard
 - i) Minimum 1.2 metres except for the side yard related to the common wall of the dwelling unit, which shall have a minimum 0 metre side yard; and,
 - ii) 3.0 metres to a flankage yard.
 - e) Minimum Rear Yard
 - 7.0 metres
 - f) Building Height
 - i) Minimum 9.0 metres;
 - ii) Maximum building height shall be in accordance with reference to the lot location and applicable building height maximum indicated on Figure 1 of Schedule "F" – Special Figures.
 - g) Parking
 - In accordance with the requirements of Section 5.
- b) The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of Official Plan Amendment No. 200 and Zoning By-law No. 05-200, in accordance with the Planning Act.

PASSED and ENACTED this 25th day of May, 2005.



MAYOR



A CLERK

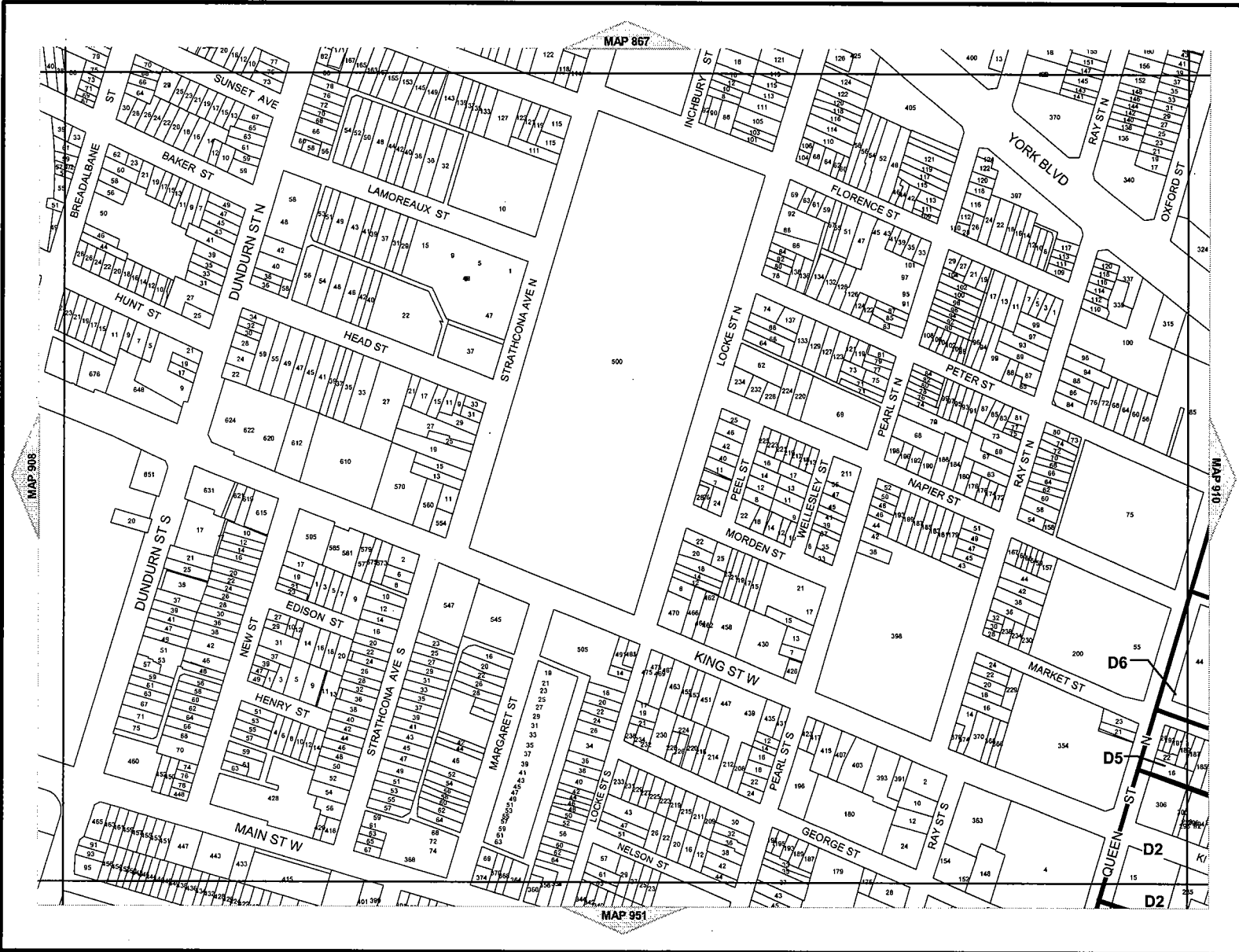


Hamilton
City of Hamilton
Zoning By-Law

Map Reference Number	By-Law Number	Effective Date of By-Law



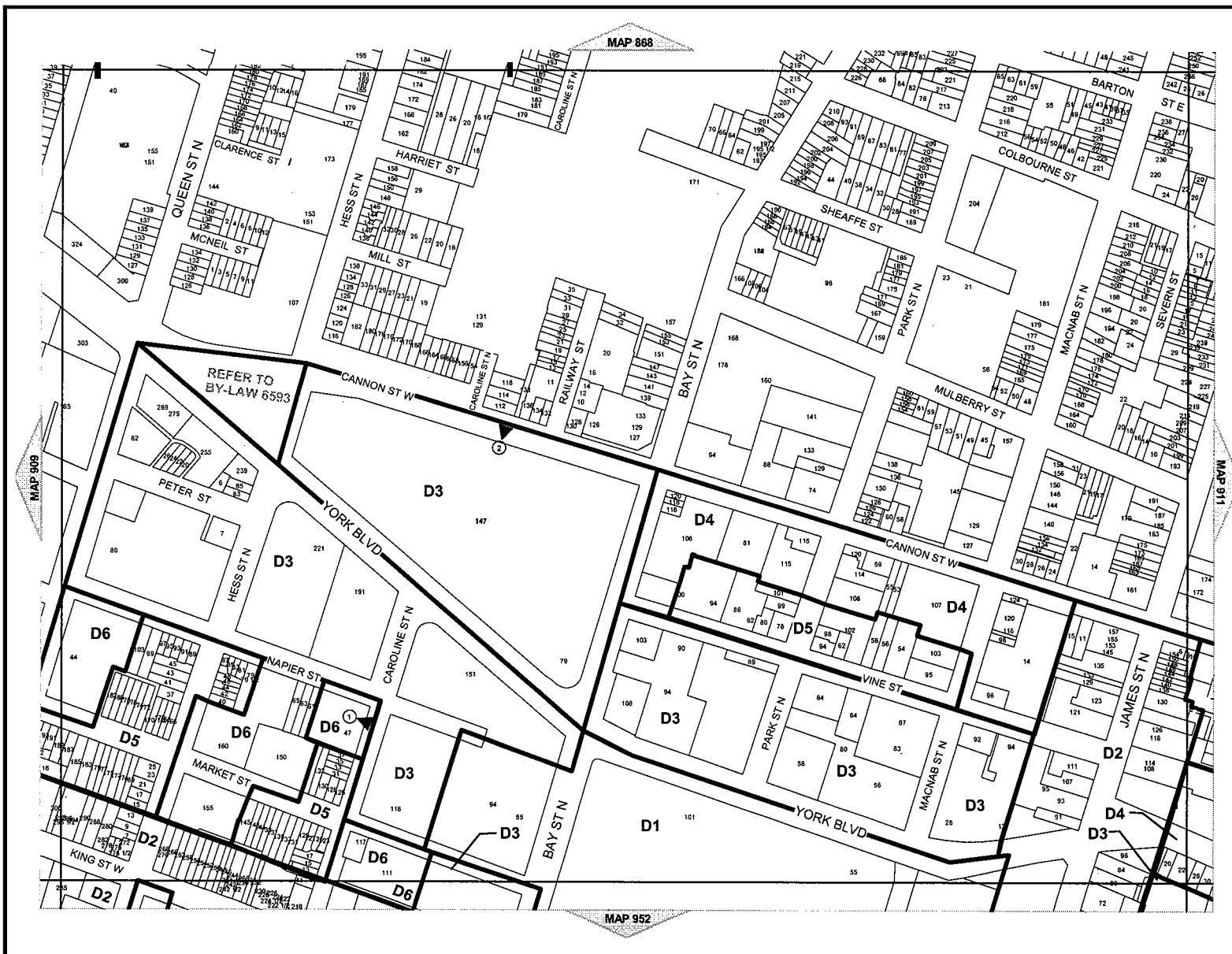
MAP 909 of Schedule 'A'
Revised April 2005



Map Reference Number	By-Law Number	Effective Date of By-Law



MAP 910 of Schedule 'A'
 Revised April 2005



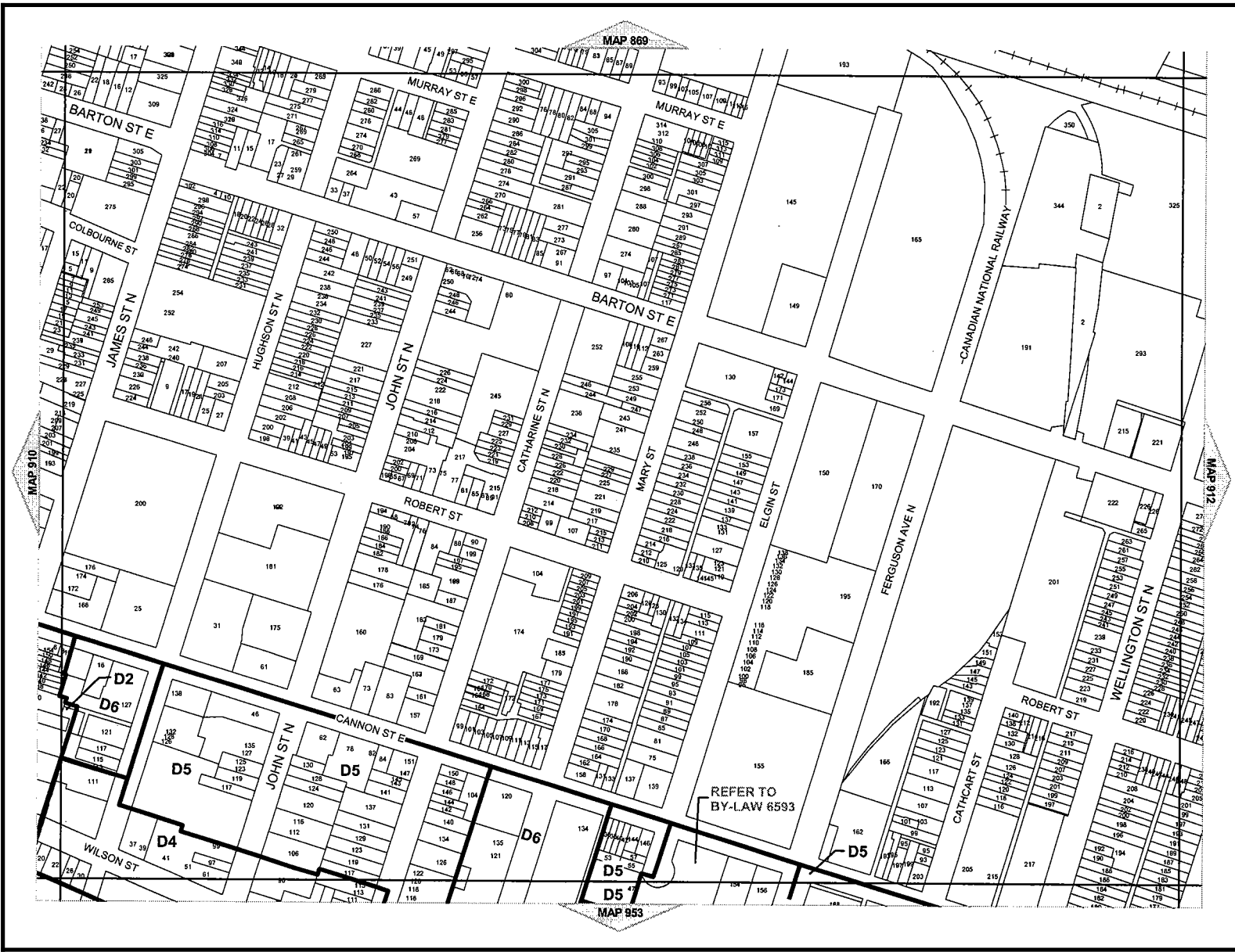


Hamilton
City of Hamilton
Zoning By-Law

Map Reference Number	By-Law Number	Effective Date of By-Law



MAP 911 of Schedule 'A'
Revised 2006



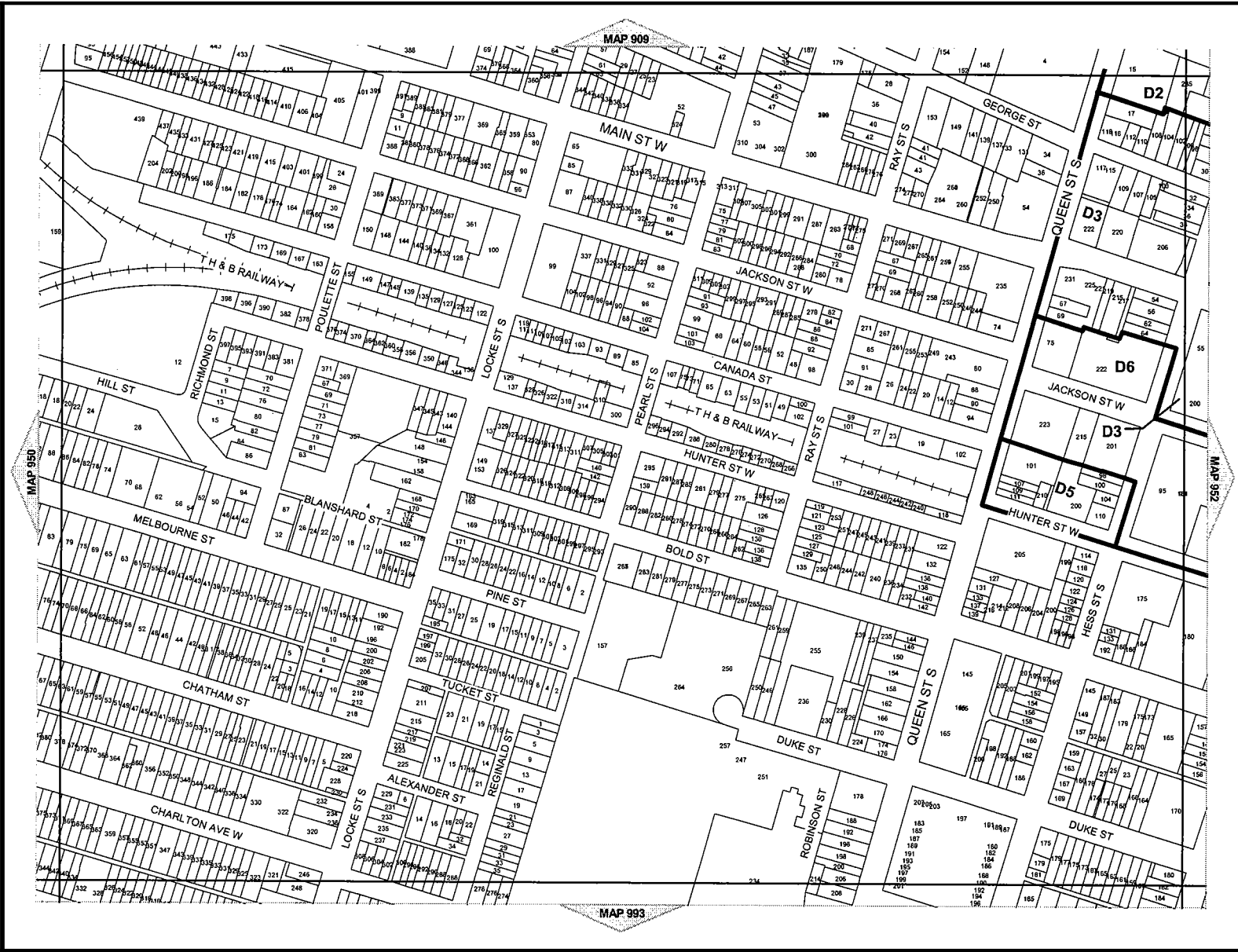


Hamilton
City of Hamilton
Zoning By-Law

Map Reference Number	By-Law Number	Effective Date of By-Law



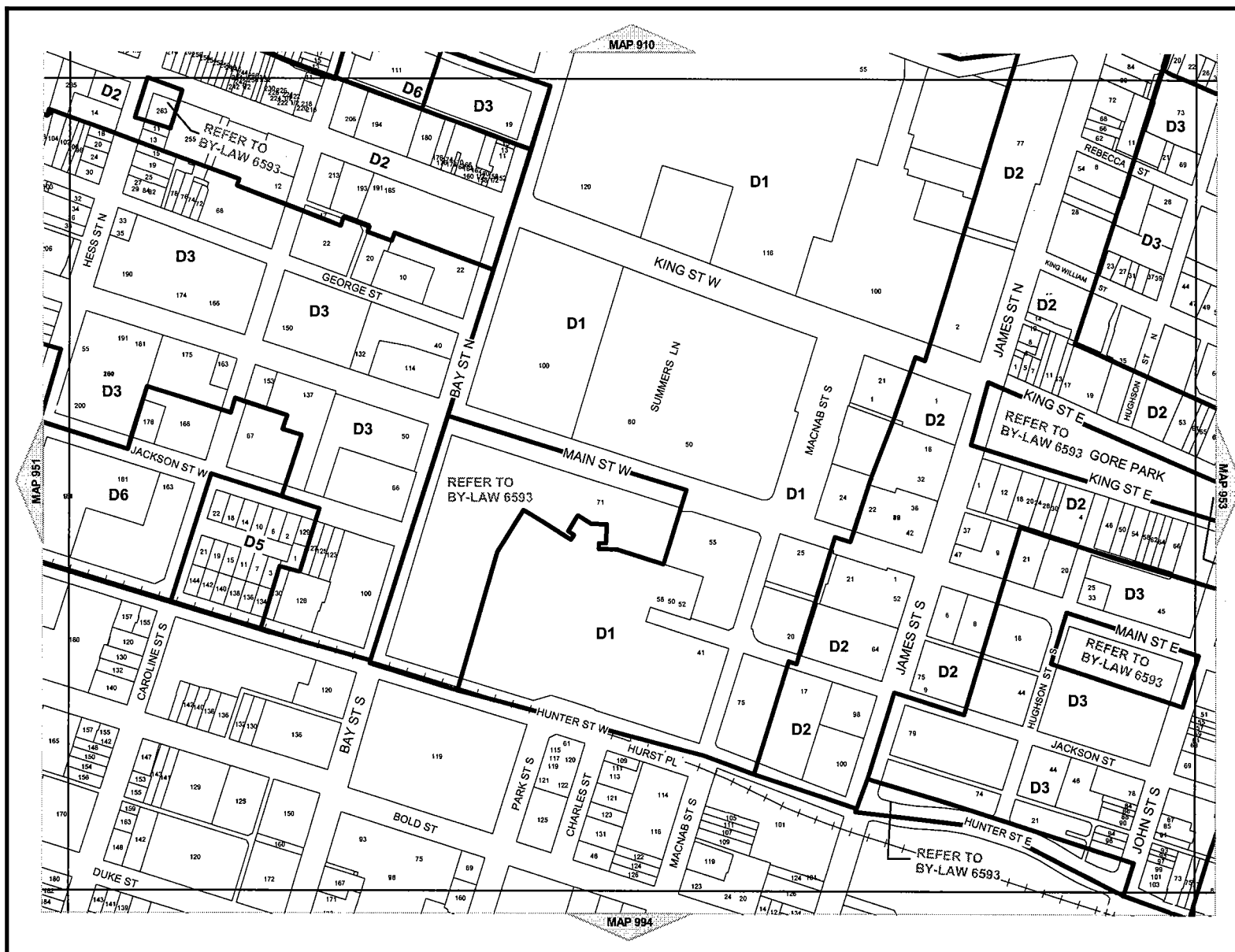
MAP 951 of Schedule 'A'
Revised April 2005





Hamilton
City of Hamilton
Zoning By-Law

Map Reference Number	By-Law Number	Effective Date of By-Law



MAP 952 of Schedule 'A'
Revised April 2005

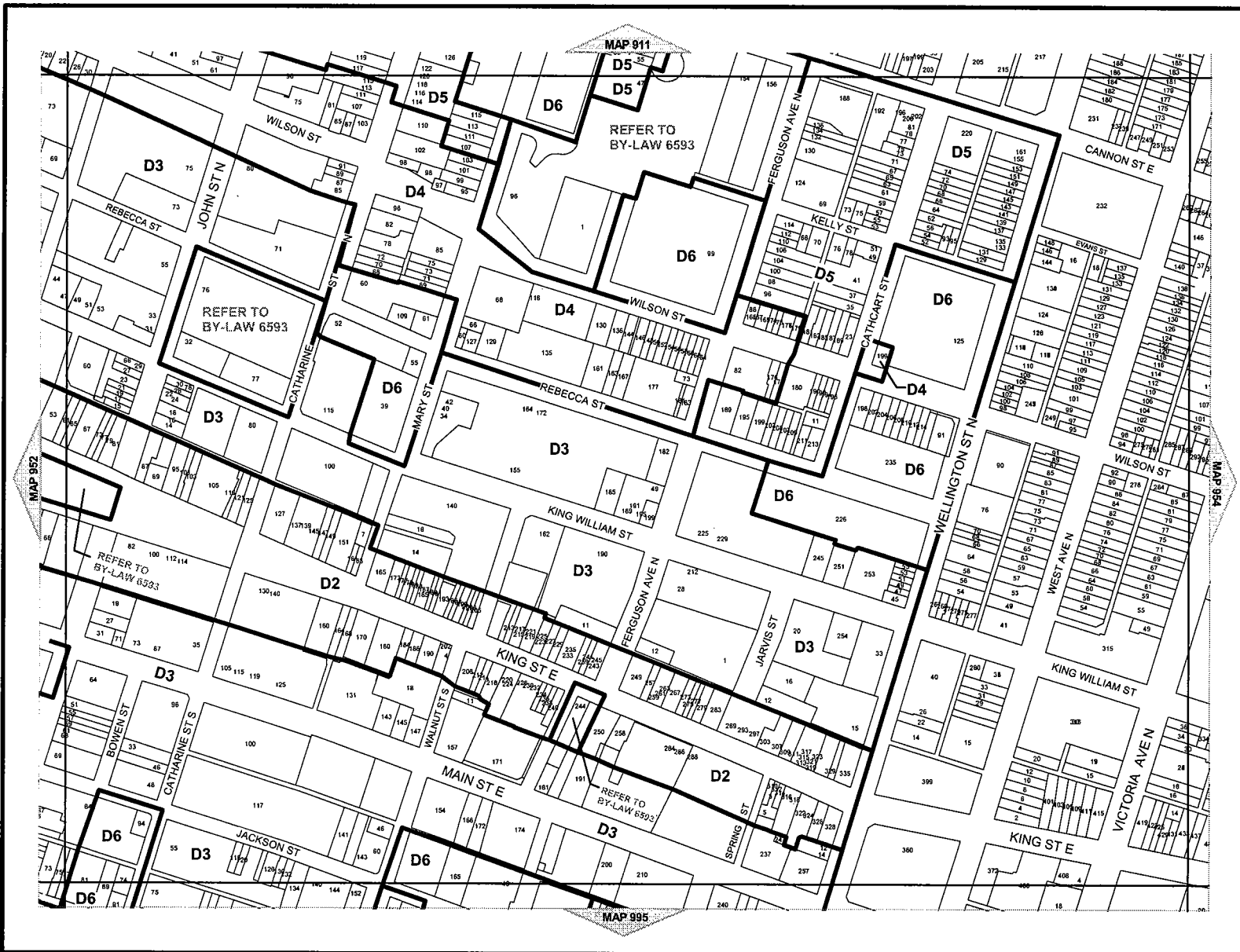


City of Hamilton
Zoning By-law

Map Reference Number	By-Law Number	Effective Date of By-Law



MAP 952 of Schedule 'A'





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Zoning By-Law

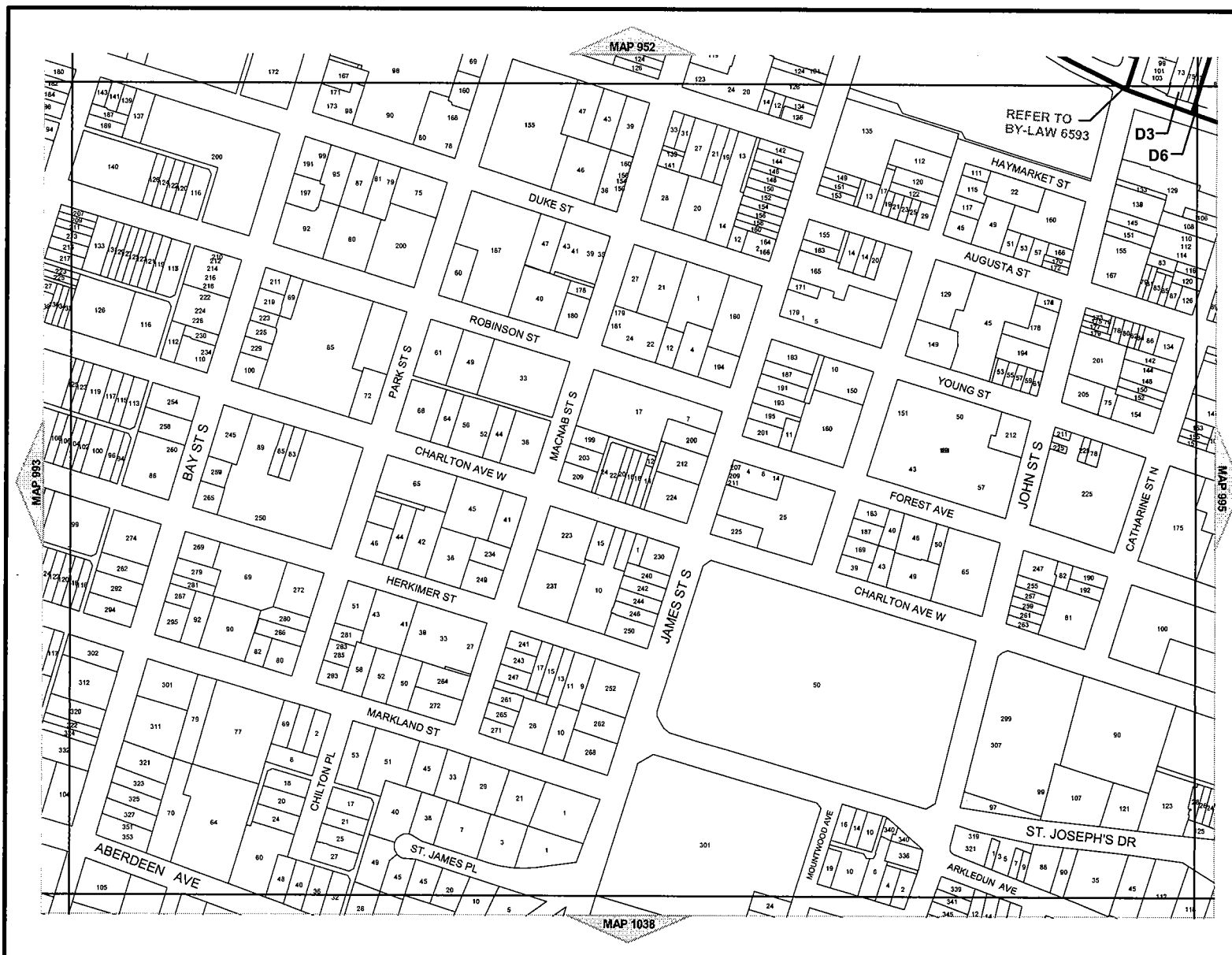
Map Reference Number	By-Law Number	Effective Date of By-Law



MAP 994 of Schedule 'A'
Revised April 2005

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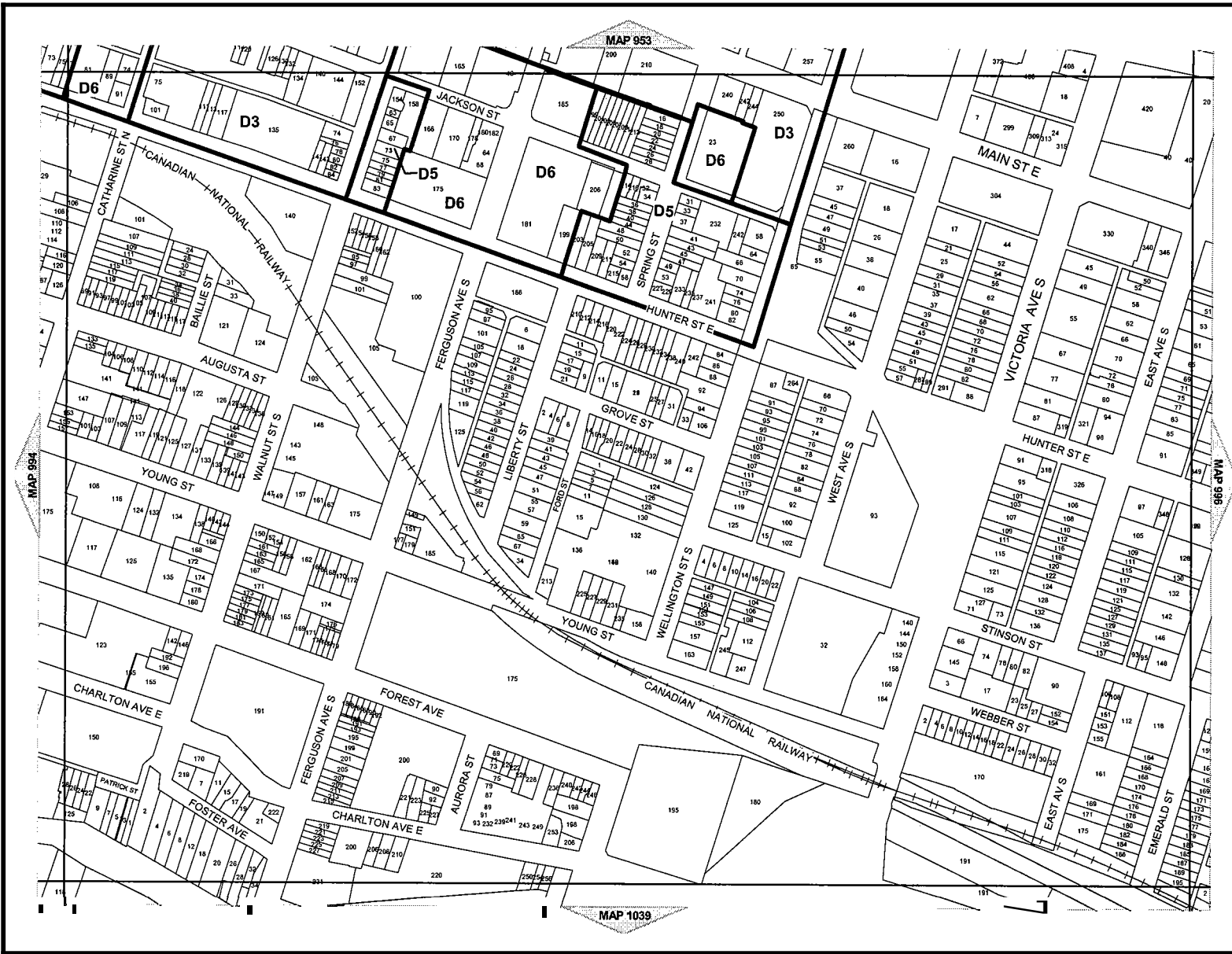


Hamilton
City of Hamilton
Zoning By-Law

Map Reference Number	By-Law Number	Effective Date of By-Law

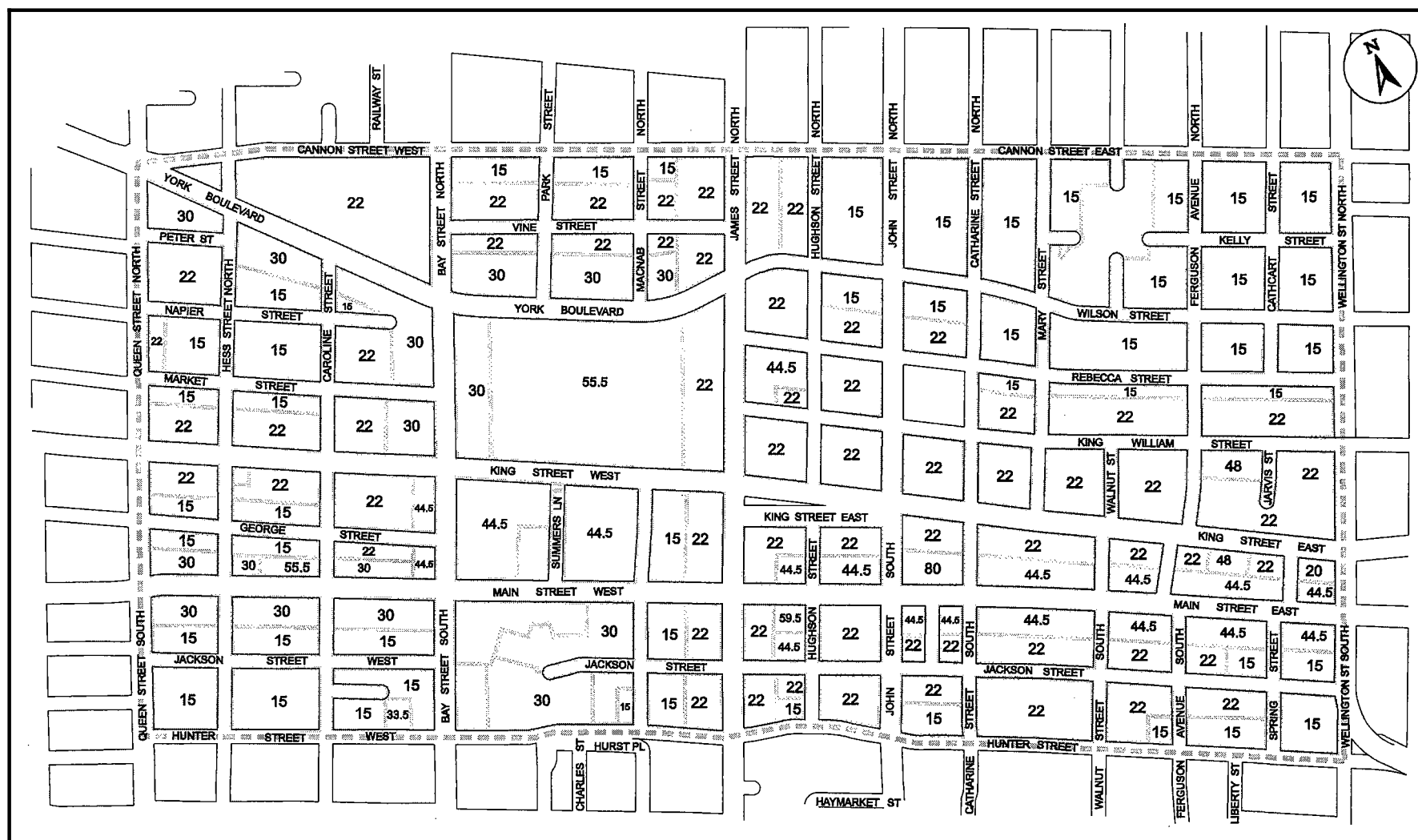


MAP 995 of Schedule 'A'



SCHEDULE "C" - SPECIAL EXCEPTIONS FOR SPECIFIC LANDS

1. Notwithstanding Section 6.6.2 of this Bylaw, within the lands zoned Downtown D6 Zone, identified on Map 910 of Schedule "A – Zoning Maps and described as 47 Caroline Street North, a multiple dwelling is permitted subject to the following:
 - a. The height of the building shall not exceed 18.0 metres in height;
 - b. A minimum front yard of 2.9 metres shall be required for the fourth, fifth and sixth floors;
 - c. A minimum northerly side yard of 3.2 metres shall be required for the fourth, fifth and sixth floors;
 - d. A minimum southerly side yard of 3.0 metres shall be required for the second, third, fourth, fifth and sixth floors;
 - e. A minimum rear yard of 2.1 metres shall be provided and maintained for the first and second floors;
 - f. A minimum rear yard of 3.5 metres shall be required for the second, third, fourth, fifth and sixth floors;
 - g. A maximum gross floor area of 4,800 square metres shall be permitted;
 - h. A minimum of 14% of the ground area of the lot shall be provided and maintained as landscaped area; and,
 - i. A minimum of 24% of the lot area shall be provided and maintained as amenity area on the second and fourth floors.
2. Notwithstanding Section 6.3.1 of this By-law, within the lands zoned Downtown D3 Zone, identified on Map 910 of Schedule "A and described as 147 Cannon Street West and 79 Bay Street North (Sir John A. McDonald Secondary School – District Energy), a utility plant for the generation and transmission of heat, steam and electricity shall also be permitted.



Legend

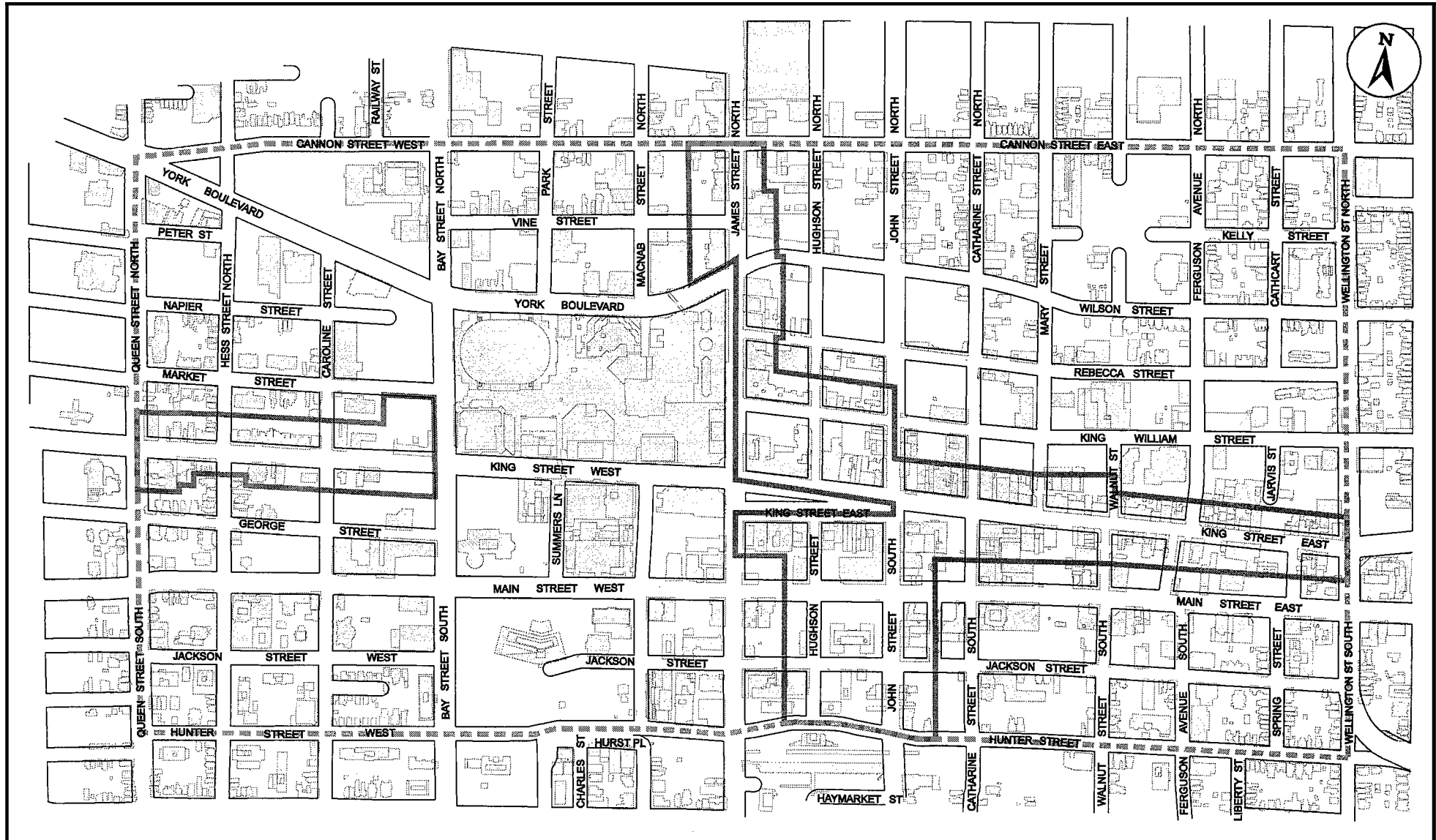
 Planning Boundary

Note: Building heights are represented by the number illustrated on the map. All Building Heights are in metres


N:\11&c11.Downtown_Renewal_Division\Downtown zoning by-law\Maximum Building Heights.cdr

Figure 1:
Maximum Building Heights

May 25, 2005



Legend

 Planning Boundary

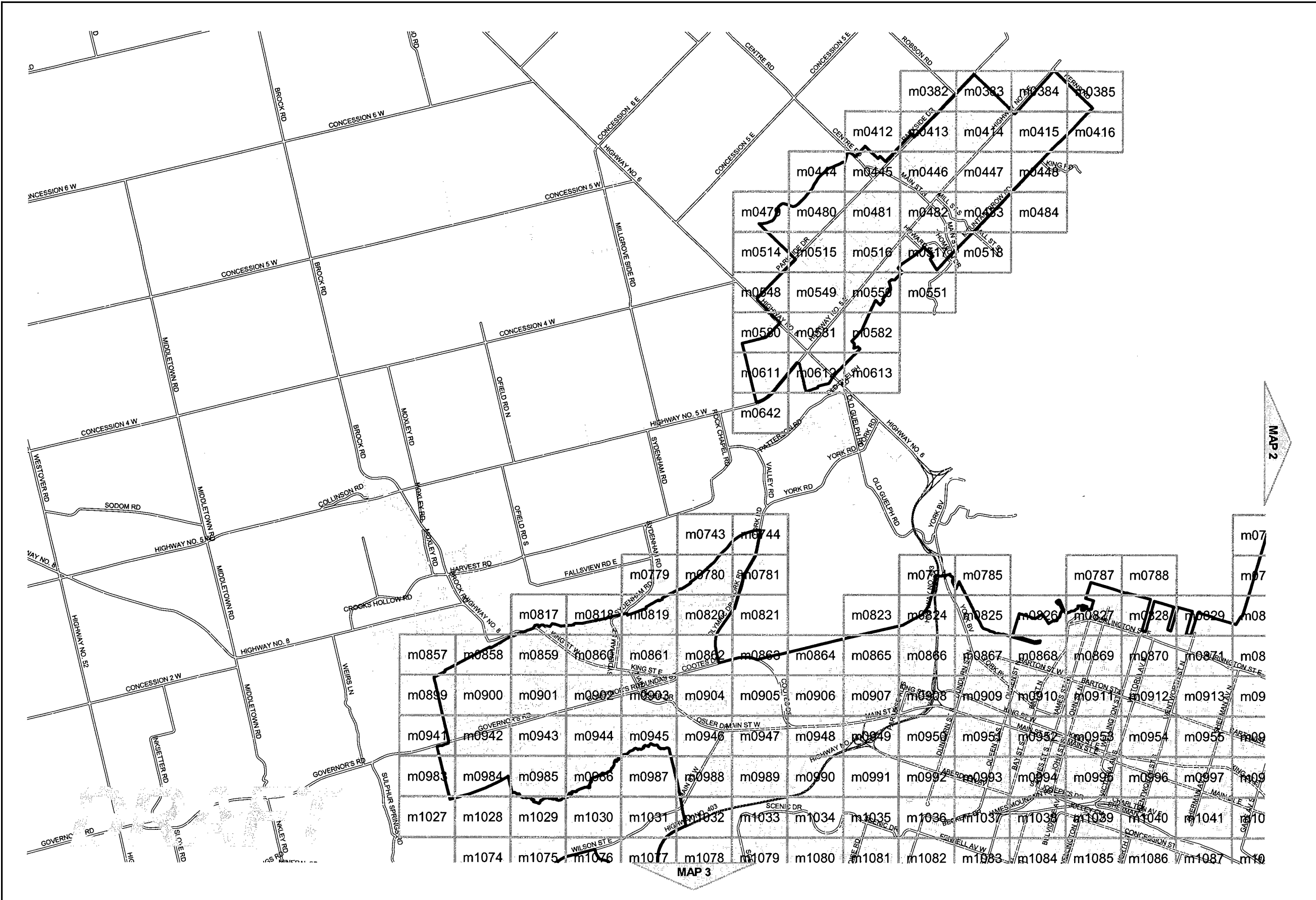
 Heritage Character Zone

Note, The **blocks** shown represents the Right of Way and does not illustrate the actual road width

Figure 2:
Heritage Character Figure



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KEY MAP - URBAN GRID THE CITY OF HAMILTON

MAP 1 of 5

Legend

- Urban Map Grid
- Limits of Urban Area



NORTH

Scale 1:60000

DRAFT



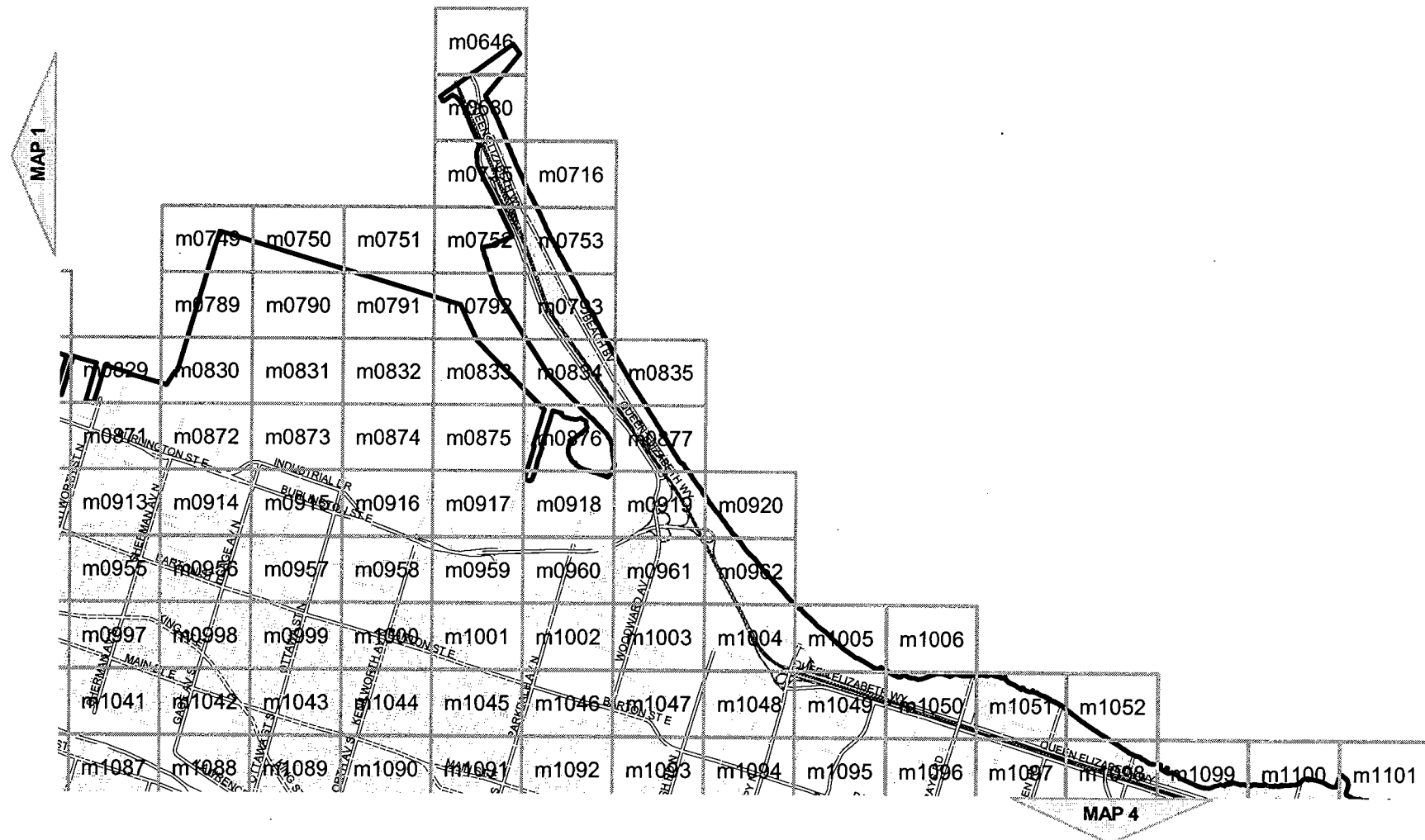
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KEY MAP - URBAN GRID THE CITY OF HAMILTON

MAP 2 of 5
Legend
Urban Map Grid
Limit of Urban Area



NORTH
Scale 1:6000

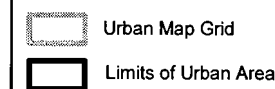




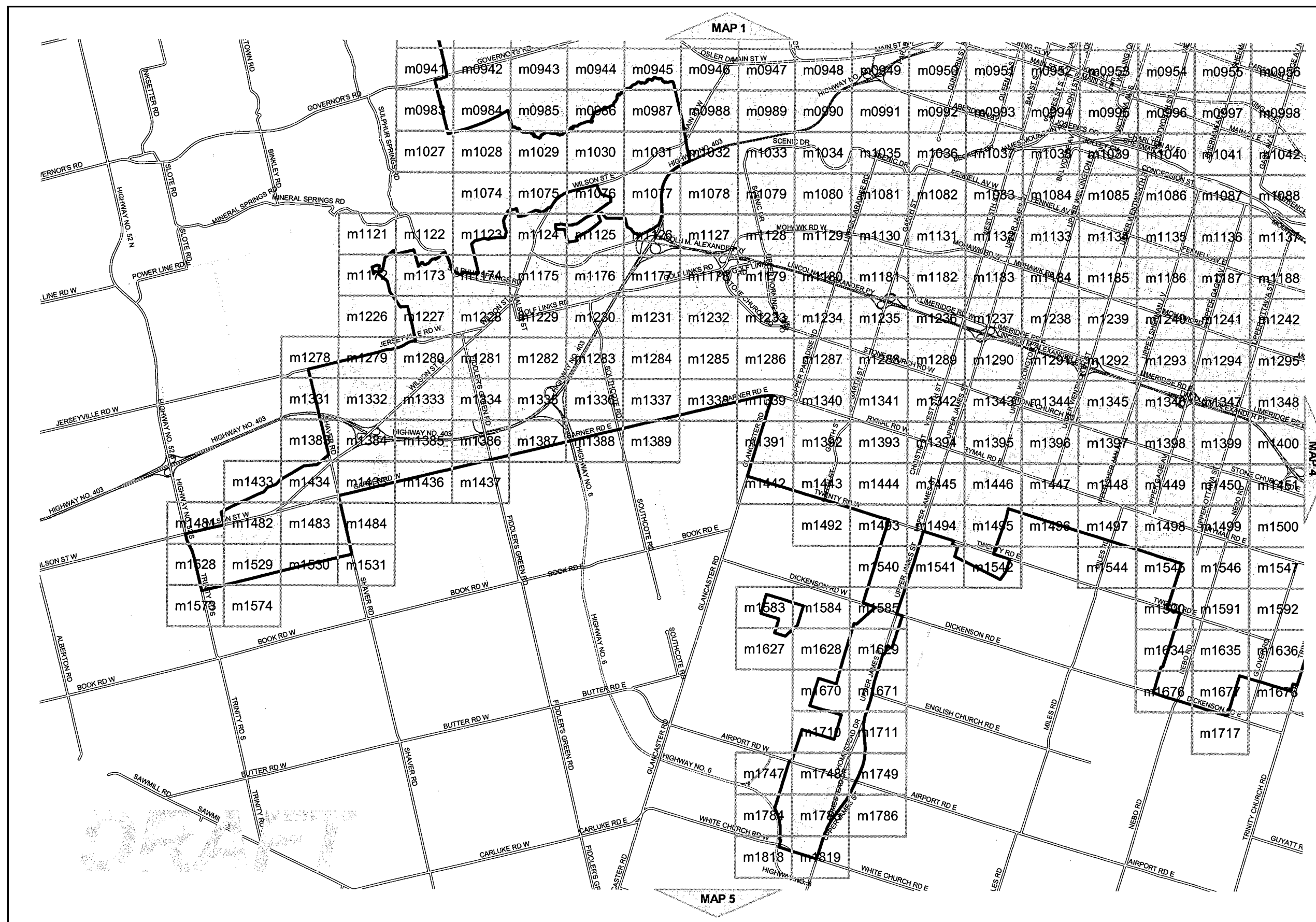
KEY MAP - URBAN GRID

THE CITY OF HAMILTON

MAP 3 of 5



Scale 1:60000





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KEY MAP - URBAN GRID THE CITY OF HAMILTON

Legend MAP 4 of 5

- Urban Map Grid
- Limits of Urban Area

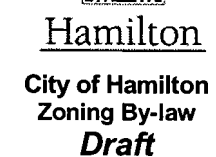


NORTH
Scale 1:60000

MAP 2

MAP 5





KEY MAP - URBAN GRID

THE CITY OF HAMILTON

MAP 5 of 5

Legend

 In'Jrba Ma ip Grid

☐ Limit of Urban Area

