Authority: Item 20, Economic Development and Planning Committee Report 07-003 (PED06405a) CM: February 14, 2007

Bill No. 101

CITY OF HAMILTON

BY-LAW NO. 07-101

To Amend By-law 05-200 to create new Institutional Zones for the City of Hamilton

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

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law 05-200;

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

AND WHEREAS the said new comprehensive Zoning By-law is being enacted and is coming into force and effect in several stages;

AND WHEREAS, the first stage of the Zoning By-law, being By-law 05-200, came into force on May 25, 2005, and the second stage of the Zoning By-law, being By-law 06-166 to amend By-law 05-200, passed by Council on June 14, 2006 is under appeal;

AND WHEREAS this By-law is the third stage of the Zoning By-law: amending certain provisions of By-law 05-200 not including those provisions which may be affected by the appeal of By-law 06-166; and, applying to the Institutional lands within the Urban Area of the City, as hereinafter described and depicted;

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

- 1. The fourth recital of By-law 05-200 is amended by deleting the phrase "will be enacted and come into force and effect" and replacing it with the phrase "is being enacted and is coming into force and effect".
- 2. The fifth and sixth recitals of By-law 05-200 are deleted.

- 3. Section 2.1 of By-law 05-200 is amended by adding the following new subsection:
 - "c) Institutional Classification

Zones	Zone Symbol
Neighbourhood Institutional Zone	I1
Community Institutional Zone	I2
Major Institutional Zone	I3 "

- 4. Schedule "A" of By-law 05-200 is amended by incorporating the Institutional Zone boundaries as shown on the Maps numbered 445, 481-482, 515-516, 817, 819-820, 825, 827, 859-861, 863-864, 866-867, 869, 871, 877, 901-902, 906-912, 919, 942-943, 945, 948, 951-956, 960-962, 989-990, 992-996, 998-1001, 1003, 1036-1047, 1079-1087, 1090-1093, 1128, 1131-1137, 1140, 1144-1145, 1174-1176, 1180-1188, 1190, 1192-1198, 1228-1231, 1234-1236, 1238-1243, 1245, 1247-1253, 1279-1281, 1287-1294, 1299, 1301-1306, 1332-1334, 1339-1346, 1348, 1364, 1385-1387, 1392, 1395-1396, 1398-1399, 1403, 1436, 1447-1451, 1454-1455, 1502-1504, 1550-1551, 1596 attached in Schedule "1" of this By-law into the Maps with the same numbers attached in Schedule "A" of By-law 05-200.
- Section 2.3 of By-law 05-200 is amended by adding Map numbers 444, 446, 480, 865, 903, 905, 947, 949, 988, 997, 1089, 1127, 1129, 1130, 1138, 1139, 1141, 1143, 1146, 1179, 1189, 1199, 1232, 1233, 1237, 1246, 1295, 1397, 1435, 1445, 1453, 1549, 1552, 1748, 1749.
- Schedule "A" of By-law 05-200 is amended by adding the following Maps numbered 444, 446, 480, 903, 947, 949, 988, 997, 1089, 1127, 1129, 1130, 1138, 1139, 1141, 1143, 1146, 1179, 1189, 1199, 1232, 1233, 1237, 1246, 1295, 1397, 1435, 1445, 1453, 1549, 1552, 1748, 1749
- 7. The definition of "building height" in Section 3 of By-law 05-200 is amended by adding the words "bell tower" between "ornamental figure" and "or".
- Section 4.8 of By-law 05-200 is amended by deleting the phrase "RESIDENTIAL DOWNTOWN D5 AND DOWNTOWN D6 ZONES" in the heading and replacing it with the phrase "RESIDENTIAL DOWNTOWN D5, DOWNTOWN D6 AND INSTITUTIONAL ZONES.
- 9. Section 4.10 of By-law 05-200 is amended by deleting the phrase "Downtown D5 or Downtown D6 Zone" and replacing it with the phrase "Downtown D5 Zone, Downtown D6 Zone or Institutional Zone.
- 10. Subsection 4.12 b) of By-law 05-200 is amended by adding the phrase "and Institutional Zones" between "Downtown Zones" and "of".

11. Section 5.6 of By-law 05-200 is amended by adding the following new subsection:

<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 Uses	
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 or 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.
Hospital	1 for each 100.0 square metres of which gross floor area which

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"c) Parking Schedule for All Zones, except the Downtown Zones

	accommodates such use.
iii. Educational Uses	
Elementary School	1.25 for each classroom.
Secondary School	3 for each classroom plus 1 for each 7 seat capacity in an auditorium, theatre or stadium
University, College	5 for each classroom plus 1 for every 7 seat capacity in an auditorium, theatre or stadium or 5 spaces for every classroom plus 1 space for each 23.0 square metres of the gross floor area which accommodates the auditorium, theatre or stadium, whichever results in greater requirement.
iv. Commercial Uses	
Medical Clinic, Medical Office	1 for each 16 square metres of gross floor area

- 12. Section 5.6, of By-law 05-200, is amended adding the following new subsection:
 - "d) Notwithstanding Subsection c) herein, for a hospital or Place of Worship use within any 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. Where an addition, alteration or expansion of an existing building is proposed, the parking requirements of Section 5.6 c) above, shall only apply to the increased gross floor area of the building."
- 13. By-law 05-200 is amended by adding the following new Section 8:

"SECTION 8: INSTITUTIONAL ZONES

8.1 NEIGHBOURHOOD INSTITUTIONAL (I1) 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 Neighbourhood Institutional (I1) 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:

- 8.1.1 PERMITTED Day Nursery USES Duplex Dwelling Educational Establishment Emergency Shelter Home Business Museum Place of Worship Residential Care Facility Retirement Home Semi-Detached Dwelling Single Detached Dwelling
- 8.1.2 **PROHIBITED** Educational Establishment consisting of a USES Secondary School, College or University
- 8.1.3 **REGULATIONS**
- 8.1.3.1 EMERGENCY SHELTER, RESIDENTIAL CARE FACILITY, PLACE OF WORSHIP AND RETIREMENT HOME REGULATIONS
 - a) Minimum Lot Area 330.0 square metres
 - b) Maximum Lot Area for a 1.0 hectare Place of Worship
 - c) Minimum Lot Width 12.0 metres
 - d) Minimum Front Yard 6.0 metres
 - e) Minimum Side Yard 1.2 metres
 - f) Minimum Flankage Yard 3.0 metres
 - g) Minimum Rear Yard 7.0 metres
 - h) Maximum Building Height 10.5 metres
 - i) Maximum Capacity for Shall not exceed 15 residents Residential Care Facility and Retirement Home

i) Location Emergency i) of Residential Shelter and Care Facility

Except as provided for in Subsection ii), herein, every Emergency Shelter or 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 anv other lot occupied by a Residential Care Facility. Emergency Shelter. Corrections Residence or Correctional Facility.

- Where the radial separation ii) 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, the existing Residential Care Facility may be expanded redeveloped or to accommodate not more than the permitted number of residents permitted by the Zone in which it is located.
- with In accordance the requirements of Section 5 of this By-law.
 - accordance with the Accessory Buildings In requirements of Section 4.8 of this By-law.
- k) Parking

1)

8.1.3.2 EDUCATIONAL ESTABLISHMENT AND MUSEUM REGULATIONS

- 6.0 metres where property line a) Minimum Yard abuts a Residential Zone property line.
- 10.5 metres; b) Maximum Building Height i)
 - In addition to i) above, ii) maximum building height equivalently be may increased as yard increases minimum bevond vard requirement, established in 8.1.3.2 a) above.

accordance with the In requirements of Section 5 of this By-law.

accordance with the In requirements of Section 4.8 of this By-law.

8.1.3.3 SINGLE DETACHED **DWELLING, DUPLEX DWELLING AND DAY** NURSERY REGULATIONS

a) Minimum Lot Area

- 330.0 square metres; i)
- Notwithstanding i) above, ii) 360.0 square metres shall be required for a corner lot.
- i) 12.0 metres b) Minimum Lot Width
 - 15.0 metres for a corner lot ii)
- 4.5 metres; and, c) Minimum Front Yard i)

- c) Parking
- d) Accessory Buildings

- ii) 5.8 metres for an attached garage.
- d) Minimum Side Yard 1.2 metres
- e) Minimum Flankage Yard 3.0 metres
- f) Minimum Rear Yard 7.0 metres
- g) Maximum Building Height 10.5 metres
- h) Parking In accordance with the requirements of Section 5 of this By-law.
- i) Accessory Building In accordance with the requirements of Section 4.8 of this By-law.

8.1.3.4 SEMI-DETACHED DWELLING REGULATIONS

- a) Minimum Lot Area each dwelling unit.
 - ii) Notwithstanding i) above, 240.0 square metres shall be required for a corner lot.
- b) Minimum Lot Width for Unit
- i) 7.5 metres for each dwelling unit in each semidetached dwelling.
 - ii) Notwithstanding i) above,9.3 metres shall be required for a corner unit.

- c) Minimum Front Yard i) 4.5 metres; and, ii) 5.8 metres for an attached garage. d) Minimum Side Yard 1.2 metres, except for the side yard related to the common wall of the semi-detached dwelling unit, in which case a minimum 0 metre side yard shall be permitted. e) Minimum Flankage Yard 3.0 metres f) Minimum Rear Yard 7.0 metres g) Maximum Building Height 10.5 metres h) Parking accordance In with the requirements of Section 5 of this By-law.
 - i) Accessory Building In accordance with the requirements of Section 4.8 of this By-law.

8.1.3.5 HOME BUSINESS REGULATIONS

In accordance with the requirements of Section 4.21 of this Bylaw.

8.2 COMMUNITY INSTITUTIONAL (I2) 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 Community Institutional (I2) 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:

8.2.1	PERMITTED USES	Day Nursery Duplex Dwelling Educational Establishment Emergency Shelter Home Business Museum Recreation Place of Worship Residential Care Facility Retirement Home Semi-Detached Dwelling Single Detached Dwelling Social Services Establishment Street Townhouse Dwelling	
8.2.2	PROHIBITED USES	Educational Establishment consisting of a College or University.	
8.2.3	REGULATIONS		
8.2.3.1	EMERGENCY SHELTER, PLACE OF WORSHIP, RESIDENTIAL CARE FACILITY, RETIREMENT HOME AND SOCIAL SERVICES ESTABLISHMENT REGULATIONS		
a)	Minimum Lot Width	30.0 metres	
b)	Minimum Front Yard	3.0 metres	
c)	Minimum Side Yard and Flankage Yard	6.0 metres	
d)	Minimum Rear Yard	7.0 metres	
e)	Maximum Building Height	10.5 metres	
f)	Minimum Landscaped Area	10% of the lot area	

g) Maximum Capacity for Emergency Shelter, Residential Care Facility and Retirement Home

h) Location of Emergency Shelter and Residential Care Facility

Shall not exceed 50 residents

- Except as provided for in ii) Subsection ii), herein, every Emeraencv Shelter or 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.
- Where the radial separation iii) distance from the lot line of an Shelter. Emergency 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 Residential existina Care Facility, Emergency Shelter, Corrections Residence or Facility, Correctional the Residential Care existina Facility may be expanded or redeveloped to accommodate not more than the permitted number of residents permitted by the Zone in which it is located.

i) Parking In accordance with the requirements of Section 5 of this By-law.

j) Accessory Building In accordance with the requirements of Section 4.8 of this By-law.

8.2.3.2 EDUCATIONAL ESTABLISHMENT, MUSEUM AND RECREATION REGULATIONS

a) Minimum Yard

6.0 metres where property line abuts a Residential Zone property line.

b) Maximum Building Height

i) 10.5 metres;

 ii) In addition to i) above, maximum building height may be equivalently increased as yard increases beyond minimum yard requirement, established in 8.2.3.2 a) above.

In accordance with the requirements of Section 5 of this By-law.

In accordance with the requirements of Section 4.8 of this By-law.

8.2.3.3 SINGLE DETACHED DWELLING, DUPLEX DWELLING AND DAY NURSERY REGULATIONS

d) Accessory Building

a) Minimum Lot Area

c) Parking

- i) 330.0 square metres;
- ii) Notwithstanding i) above, 360.0 square metres shall be required for a corner lot.
- b) Minimum Lot Width
- iii) 12.0 metres;
- iv) Notwithstanding i) above, 15.0 metres shall be required for a corner lot.

c)	Minimum Front Yard	i)	4.5 metres; and,
		ii)	5.8 metres for an attached garage.
d)	Minimum Side Yard	1.2 me	tres
e)	Minimum Flankage Yard	3.0 metres	
f)	Minimum Rear Yard	7.0 metres	
g)	Maximum Building Height	10.5 m	etres
h)	Parking		ordance with the requirements ion 5 of this By-law.
i)	Accessory Building		ordance with the requirements ion 4.8 of this By-law.
8.2.3.4	SEMI-DETACHED DWELLING REGULATIONS		
a)	Minimum Lot Area for Unit	i)	210.0 square metres for each semi-detached dwelling unit.
		ii)	Notwithstanding i) above, 240.0 square metres shall be required for a corner lot.
b)	Minimum Lot Width for Unit	i)	7.5 metres for each dwelling unit in a semi-detached dwelling.
		ii)	Notwithstanding i) above, 9.3 metres shall be required for a corner unit.
c)	Minimum Front Yard	i)	4.5 metres; and,

ii) 5.8 metres for an attached garage.

- d) Minimum Side Yard
 1.2 metres, except for the side yard related to the common wall of the semi-detached dwelling unit, in which case a minimum 0 metre side yard shall be permitted.
- e) Minimum Flankage Yard 3.0 metres
- f) Minimum Rear Yard 7.0 metres
- g) Maximum Building Height 10.5 metres
 - In accordance with the requirements of Section 5 of this By-law.
- i) Accessory Building In accordance with the requirements of Section 4.8 of this By-law.

8.2.3.5 STREET TOWNHOUSE DWELLING REGULATIONS

c) Minimum Front Yard

d)

h) Parking

- a) Minimum Lot Area for Unit i) 165.0 square metres for each dwelling unit.
 - ii) Notwithstanding i) above, 195.0 square metres shall be

required for a corner lot.

- b) Minimum Unit Width 6.0 metres
 - i) 4.5 metres; and,
 - ii) 5.8 metres for an attached garage.
 - Minimum Side Yard 1.2 metres except for the side yard related to the common wall of the street townhouse dwelling unit, in which case a minimum 0 metre side yard shall be permitted.
- e) Minimum Flankage Yard 3.0 metres
- f) Minimum Rear Yard 7.0 metres

g)	Maximum Building Height	10.5 metres
h)	Parking	In accordance with the requirements of Section 5 of this By-law.
i)	Accessory Building	In accordance with the requirements of Section 4.8 of this By-law.

8.2.3.6 HOME BUSINESS REGULATIONS

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

8.3 MAJOR INSTITUTIONAL (I3) ZONE

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No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Major Institutional (I3) 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:

8.3.1 PERMITTED USES

Day Nursery Educational Establishment **Emergency Shelter Home Business** Hospital Lodging House Long Term Care Facility Medical Clinic **Medical Office** Multiple Dwelling Place of Worship Recreation **Residential Care Facility Retirement Home** Social Services Establishment Street Townhouse Dwelling

- 8.3.2 **REGULATIONS**
- 8.3.2.1 EMERGENCY SHELTER, LONG TERM CARE FACILITY, PLACE OF WORSHIP, RESIDENTIAL CARE FACILITY, RETIREMENT HOME AND SOCIAL SERVICES ESTABLISHMENT REGULATIONS
 - a) Minimum Lot Width 30.0 metres
 - b) Minimum Side and Rear 7.0 metres Yard
 - c) Maximum Building Height 18.0 metres
 - d) Minimum Landscaped 10% of the lot area Area
 - e) Maximum Capacity for Residential Care Facility
 - f) Location of Emergency Shelter and Residential Care Facility
- Except as provided for in iv) Subsection ii), herein, every Emergency Shelter or Residential Care Facility shall be situated on a lot having a separation minimum radial 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.

Shall not exceed 50 residents

 v) 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 existina by an Residential Facility, Care **Emergency Shelter, Corrections** Residence Correctional or Facility, the existing Residential Care Facility may be expanded or redeveloped to accommodate not more than the permitted number of residents permitted by the Zone in which it is located.

- In accordance with the requirements of Section 5 of this By-law.
- h) Accessory Building In accordance with the requirements of Section 4.8 of this By-law.
- 8.3.2.2 EDUCATIONAL **ESTABLISHMENT**, **HOSPITAL, LODGING** HOUSE, MEDICAL CLINIC, MEDICAL OFFICE, MULTIPLE **DWELLING AND** RECREATION REGULATIONS
 - a) Minimum Side and Rear Yard
 - b) Maximum Building Height
- 6.0 metres where property line abuts a Residential Zone property line.
- i) 18.0 metres;
- In addition to i) above, maximum ii) building height may be equivalently increased as yard increases beyond minimum yard requirement, established in 8.3.2.2 a) above
- Shall only be permitted on the same Multiple c) Location of lot as an Educational Establishment Dwelling Lodging and House

g) Parking

- d) Parking In accordance with the requirements of Section 5 of this By-law.
- e) Accessory Building In accordance with the requirements of Section 4.8 of this By-law.

8.3.2.3 STREET TOWNHOUSE DWELLING REGULATIONS

- a) Minimum Lot Area for Unit i) 165.0 square metres for each dwelling unit.
 - ii) Notwithstanding i) above, 195.0 square metres shall be required for a corner lot.
- b) Minimum Unit Width 6.0 metres
- c) Minimum Front Yard i) 4.5 metres; and,
 - ii) 5.8 metres for an attached garage.
- d) Minimum Side Yard
 1.2 metres except for the side yard related to the common wall of the street townhouse dwelling unit, in which case a minimum 0 metre side yard shall be permitted.
- e) Minimum Flankage Yard 3.0 metres
- f) Minimum Rear Yard 7.0 metres
- g) Maximum Building Height 10.5 metres

h)

- Parking In accordance with the requirements of Section 5 of this By-law.
- i) Accessory Building In accordance with the requirements of Section 4.8 of this By-law.

8.3.2.4 DAY NURSERY REGULATIONS

a) Minimum Lot Area 330.0 square metres i) ii) Notwithstanding i) above. 360.0 square metres shall be required for a corner lot. b) Minimum Front Yard i) 4.5 metres; and, ii) 5.8 metres for an attached garage c) Minimum Side Yard 1.2 metres d) Minimum Flankage Yard 3.0 metres e) Minimum Rear Yard 7.0 metres 10.5 metres f) Maximum Building Height In accordance with the requirements g) Parking of Section 5 of this By-law. In accordance with the requirements h) Accessory Building of Section 4.8 of this By-law.

8.3.2.5 HOME BUSINESS REGULATIONS

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

- 14. Schedule "C" of, By-law 05-200, is amended by adding additional special exceptions as follows:
 - "4. Notwithstanding section 8.1.3.1 i) of this By-law, the following Maximum Capacity shall be permitted for the respective property.
 - i) 12 Melville Street, as identified on Map 861 of Schedule "A" Zoning Maps, 24 residents
 - ii) 46 West Avenue South, as identified on Map 995 of Schedule "A" – Zoning Maps, 20 residents
 - iii) 160 Park Street South, as identified on Map 952, 994 of Schedule "A" Zoning Maps, 20 residents

- iv) 65 East Avenue South, as identified on Map 995, 996 of Schedule "A" Zoning Maps, 20 residents
- v) 7 Blake Street, as identified on Map 997, 1041 of Schedule "A" – Zoning Maps, 40 residents
- 5. Notwithstanding section 8.2.3.1 g) of this By-law, the Maximum Capacity for 1320-1322 King Street East shall be 64 residents."
- 15. The Clerk be hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the <u>Planning</u> <u>Act</u>.
- 16. This By-law No. 07-101 shall come into force and be deemed to come into force in accordance with subsection 34(21) of the <u>Planning Act</u> either upon the date of passage of this By-law or as otherwise provided by the said subsection.

PASSED and ENACTED this 28th day of March, 2007.

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Fred Eisenberger Mayor

Kevin C. Christenson City Clerk