Authority: Item 11, Economic Development

and Planning Committee Report 08-017 (PED08194) CM: September 24, 2008

**Bill No. 227** 

#### CITY OF HAMILTON

#### **BY-LAW NO. 08-227**

#### Housekeeping Amendments to By-law 05-200

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

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

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

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

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 11 of Report 08-017 of the Economic Development and Planning Committee at its meeting held on the day of , 2008, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

**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.

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

- 1. That Section 4.6, of By-law 05-200, be amended by adding the following regulation:
  - "f) A bay window or alcove, without foundation, may encroach into any required yard to a maximum of 0.6 metres or half the distance of the required yard, whichever the lesser. No such feature shall have a width greater than 3.0 metres."

- 2. That Section 4.18 b), of By-law 05-200, be amended by deleting the words "in a residential subdivision" and replace the word "houses" with the words "dwelling unit(s)".
- 3. That Section 4.19, of By-law 05-200, be amended by deleting the words "in any zone a visual barrier is required" and replacing with the words "this By-law requires a visual barrier";
- 4. That Section 5.6 a), of By-law 05-200, be amended by deleting the following:

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.
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and replace it with the following:

Place of Worship	1 for every 10 square metres of gross floor area, inclusive of a basement or cellar, to accommodate such use.

5. That Section 5.6 c), of By-law 05-200, be amended by deleting the following:

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,
	including the place of worship,
	whichever results in the greater requirement.

and replace it with the following:

Place of Worship	1 for every 10 square metres of gross
·	floor area, inclusive of a basement or cellar, to accommodate such use.

- 6. That Section 6.1.3 a), of By-law 05-200, be amended by adding the words "from a Street Line" be added after the words "Maximum Building Setback";
- 7. That Section 6.1.3 a), of By-law 05-200, be amended to add the following:
  - "iv) Where a building(s) has been constructed and complies with section 6.1.3 c) ii) below, additional buildings constructed on the subject property shall not be subject to section 6.1.3 a) i) above, as it relates to the setback from a front lot line.
  - v) Rooftop mechanical penthouse, stair tower and elevator bulkhead shall not be subject to section 6.1.3 a) i) above.
  - vi) Accessory buildings and structures shall not be subject to 6.2.3 a) i) above."
- 8. That Section 6.2.3 a), of By-law 05-200, be amended by adding the words "from a Street Line" be added after the words "Maximum Building Setback";
- 9. That Section 6.2.3 a) of this By-law be amended to add the following:
  - "iv) Where a building(s) has been constructed and complies with section 6.2.3 c) ii) below, additional buildings constructed on the subject property shall not be subject to section 6.2.3 a) i) above, as it relates to the setback from a front lot line.
  - v) Rooftop mechanical penthouse, stair tower and elevator bulkhead shall not be subject to section 6.2.3 a) i) above.
  - vi) Accessory buildings and structures shall not be subject to 6.2.3 a) i) above."
- 10. That Section 6.3.3 a), of By-law 05-200, be amended by adding the words "from a Street Line" be added after the words "Maximum Building Setback";
- 11. That Section 6.3.3 a), of By-law 05-200, be amended to add the following:

- "iv) Where a building(s) has been constructed and complies with section 6.3.3 c) ii) below, additional buildings constructed on the subject property shall not be subject to section 6.3.3 a) i) above, as it relates to the setback from a front lot line.
- v) Rooftop mechanical penthouse, stair tower and elevator bulkhead shall not be subject to section 6.2.3 a) i) above.
- vi) Accessory buildings and structures shall not be subject to 6.2.3 a) i) above."
- 12. That Section 6.4.3 a), of By-law 05-200, be amended by adding the words "from a Street Line" be added after the words "Maximum Building Setback":
- 13. That Section 6.6.2.1, of By-law 05-200, be amended by adding the words "Educational Establishment" prior to the words "Emergency Shelter";
- 14. That Section 8.3.2.2, of By-law 05-200, be amended by adding the "Recreation" between "Medical Office" and "and Multiple Dwellings";
- 15. That Maps 817 and 859 of Schedule "A", of By-law 05-200, be amended by changing the zoning for lands located at the south-west corner Bond Street South and King Street West, the extent and boundaries of the lands, attached to this By-law as Schedule "A" from the "Neighbourhood Institutional (I1) Zone" to the "Neighbourhood Park (P1) Zone".
- 16. That Map 949 of Schedule "A", of By-law 05-200, be amended by changing the zoning for the property known as 125 Cline Avenue South, the extent and boundaries of the lands attached to this By-law as Schedule "B", from the "Neighbourhood Institutional (I1) Zone" to the "Neighbourhood Institutional (I1) Zone", modified by Special Exception 17.
- 17. That Map 866 of Schedule "A", of By-law 05-200, be amended by changing the zoning for the property known as 201 Paradise Road North, the extent and boundaries of the lands attached to this By-law as Schedule "C" from the "Neighbourhood Institutional (I1) Zone" to the "Neighbourhood Institutional (I1) Zone", modified by Special Exception 17.
- 18. That Map 866 of Schedule "A", of By-law 05-200, be amended by changing the zoning for the property known as 69 Sanders Boulevard, the extent and boundaries of the lands attached to this By-law as Schedule "D" from the "Community Institutional (I2) Zone" to the "Community Institutional (I2) Zone", modified by Special Exception 17.

- 19. That Maps 906 and 948 of Schedule "A", of By-law 05-200, be amended by changing the zoning for the property known as 1152 Main Street West the extent and boundaries of the lands attached to this By-law as Schedule "E", from the "Neighbourhood Institutional (I1) Zone" to the "Neighbourhood Institutional (I1) Zone", modified by Special Exception 17.
- 20. That Map 907 of Schedule "A", of By-law 05-200, be amended by changing the zoning for the property known as 1140 and 1155 King Street West, the extent and boundaries of the lands attached to this By-law as Schedule "F", from the "Neighbourhood Institutional (I1) Zone" to the "Neighbourhood Institutional (I1) Zone", modified by Special Exception 17.
- 21. That Map 907 of Schedule "A", of By-law 05-200, be amended by changing the zoning for the property known as 96-100 North Oval and 99 North Oval, the extent and boundaries of the lands attached to this By-law as Schedule "G", from the "Neighbourhood Institutional (I1) Zone" to the "Neighbourhood Institutional (I1) Zone", modified by Special Exception 17.
- 22. That Map 907 of Schedule "A", of By-law 05-200, be amended by changing the zoning for the property known as 215 Cline Avenue North, 900 King Street West and 2 Bond Street North, the extent and boundaries of the lands attached to this By-law as Schedule "H", from the "Neighbourhood Institutional (I1) Zone" to the "Neighbourhood Institutional (I1) Zone", modified by Special Exception 17.
- 23. That Map 948 of Schedule "A", of By-law 05-200, be amended by changing the zoning for the property known as 1349 Main Street West and 1355 Main Street West, the extent and boundaries of the lands attached to this By-law as Schedule "I", from the "Neighbourhood Institutional (I1) Zone" to the "Neighbourhood Institutional (I1) Zone", modified by Special Exception 17.
- 24. That Maps 988 and 989 of Schedule "A", of By-law 05-200, be amended by changing the zoning for the property known as 143 and 150 Lower Horning Road, the extent and boundaries of the lands attached to this By-law as Schedule "J", from the "Neighbourhood Institutional (I1) Zone" to the "Neighbourhood Institutional (I1) Zone", modified by Special Exception 17.
- 25. That Maps 988 and 989 of Schedule "A", of By-law 05-200, be amended by changing the zoning for the property known as 7 Butty Place, the extent and boundaries of the lands attached to this By-law as Schedule "K", from the "Neighbourhood Institutional (I1) Zone" to the "Neighbourhood Institutional (I1) Zone", modified by Special Exception 17.

- 26. That Maps 947 and 989 of Schedule "A", of By-law 05-200, be amended by changing the zoning for the property known as 80 and 84 Ewen Road, the extent and boundaries of the lands attached to this By-law as Schedule "L", from the "Neighbourhood Institutional (I1) Zone" to the "Neighbourhood Institutional (I1) Zone", modified by Special Exception 17.
- 27. That Map 989 of Schedule "A", of By-law 05-200, be amended to include additional zone boundaries, for the property known as 261 Whitney Avenue, the extent and boundaries of the lands attached to this By-law as Schedule "M", and be zoned "Neighbourhood Institutional (I1) Zone", modified by Special Exception 17.
- 28. That Map 989 of Schedule "A", of By-law 05-200, be amended by changing the zoning for the property known as 125 Rifle Range Road, the extent and boundaries of the lands attached to this By-law as Schedule "N", from the "Neighbourhood Institutional (I1) Zone" to the "Neighbourhood Institutional (I1) Zone", modified by Special Exception 17.
- 29. That Maps 947 and 989 of Schedule "A", of By-law 05-200, be amended by changing the zoning for the property known as 200 Whitney Avenue, the extent and boundaries of the lands attached to this By-law as Schedule "O", from the "Community Institutional (I2) Zone" to the "Community Institutional (I2) Zone", modified by Special Exception 17.
- 30. That Map 990 of Schedule "A", of By-law 05-200, be amended by:
  - a) changing the zoning for the property known as 235 Bowman Street and 29 Wilmont Court, the extent and boundaries of the lands attached to this By-law as Schedule "P", from the "Community Institutional (I2) Zone" to the "Community Institutional (I2) Zone", modified by Special Exception 17; and,
  - b) changing the zoning for the property known as 265 Bowman Street, the extent and boundaries of the lands attached to this By-law as Schedule "P", from the "Neighbourhood Institutional (I1) Zone" to the "Neighbourhood Institutional (I1) Zone", modified by Special Exception 17.
- 31. That Map 866 of Schedule "A", of By-law 05-200, be amended by changing the zoning for the property known as 100 Macklin Street North, the extent and boundaries of the lands attached to this By-law as Schedule "Q", from the "Community Institutional (I2) Zone" to the "Community Institutional (I2) Zone", modified by Special Exception 17.
- 32. That Map 862 of Schedule "A", of By-law 05-200, be amended to include additional zone boundaries, for the property known as 150 King Street

East, the extent and boundaries of the lands attached to this By-law as Schedule "R", and be zoned the "Conservation/Hazard Land (P5) Zone".

- 33. That Schedule "C" of By-law 05-200 is amended by adding an additional special exception as follows:
  - "17. Within the lands zoned Neighbourhood Institutional (I1) Zone and Community Institutional (I2) Zone, identified on Maps 886, 906, 907, 947, 948, 949, 988, 989 and 990 of Schedule "A" and described as addresses:

2 Bond Street North 235 Bowman Street 266 Bowman Street 7 Butty Place 125 Cline Avenue South 215 Cline Avenue North 80 Ewen Road 84 Ewen Road 900 King Street West 1140 King Street West 143 Lower Horning Road 150 Lower Horning Road 1152 Main Street West 1155 Main Street West 1349 Main Street West 1355 Main Street West 100 Macklin Street North 96-100 North Oval 99 North Oval 201 Paradise Road North 69 Sanders Boulevard 125 Rifle Range Road 200 Whitney Avenue 261 Whitney Avenue

as it relates to the following permitted uses:

Duplex Dwelling

28 Wilmont Court

- Semi-Detached Dwelling
- Single Detached Dwelling

the following special provisions shall apply:

- a) notwithstanding Sections 8.1.3.3 g) and 8.2.3.3 g), of By-law 05-200, no building or structure shall exceed 2 storeys or 9.0 metres in height:
- b) no building or structure shall have a gross floor area greater than the area within the zone of the lot on which it is situate, multiplied by the floor area ration factor of 0.45;

- c) notwithstanding Section 2, of By-law 05-200, for the purposes of this By-law gross floor area is the aggregate of the areas of the building or structure, including the basement or cellar, but shall not include:
  - i) an attached garage;
  - ii) a detached garage; and,
  - iii) the floor area occupied by heating, air conditioning and laundry equipment.
- d) for purposes of determining gross floor area for any portion of the dwelling where the ceiling height exceeds 4.6 metres, that portion of the dwelling shall be multiplied by 1.9;
- e) notwithstanding Section 5.6 c), of By-law 05-200 and for the purposes of this By-law, parking shall be calculated based on the following:

	1 for each dwelling unit, for the
Semi-Detached Dwelling	first 8 habitable rooms in the dwelling unit plus 0.5 for each
Single Detached Dwelling	additional habitable room.

where "habitable room" means any room of a residential building, used or capable of being used by one or more persons for living, eating or sleeping, or as a kitchen serving a dwelling unit; but does not include a bathroom, laundry, serving or storage pantry, corridor or other space not for use frequently or during extended periods."

34. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the <u>Planning Act</u>.

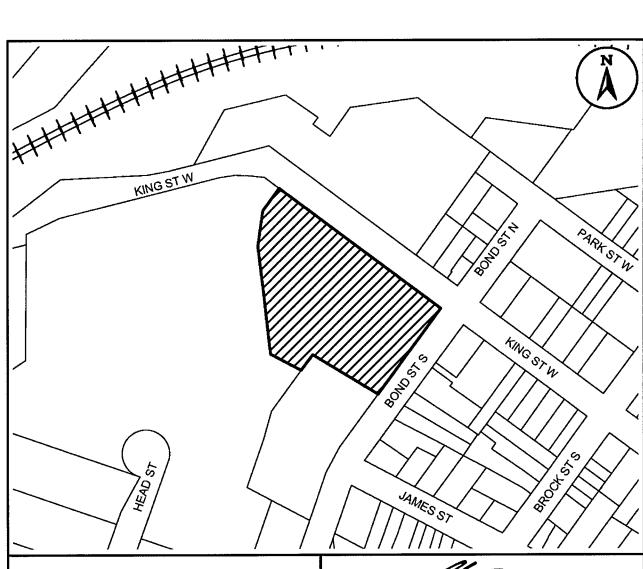
PASSED and ENACTED this 24th day of September, 2008.

Fred Eisenberger

Mayor

Kevin C. Christenson

City Clerk



This is Schedule "A" to By-Law No. 08-227

Passed the ......24. day of .Sep.tember..., 2008



## Schedule "A"

Map Forming Part of By-Law No. 08- 227

to Amend By-law No.05-200 (Maps 817 and 859)

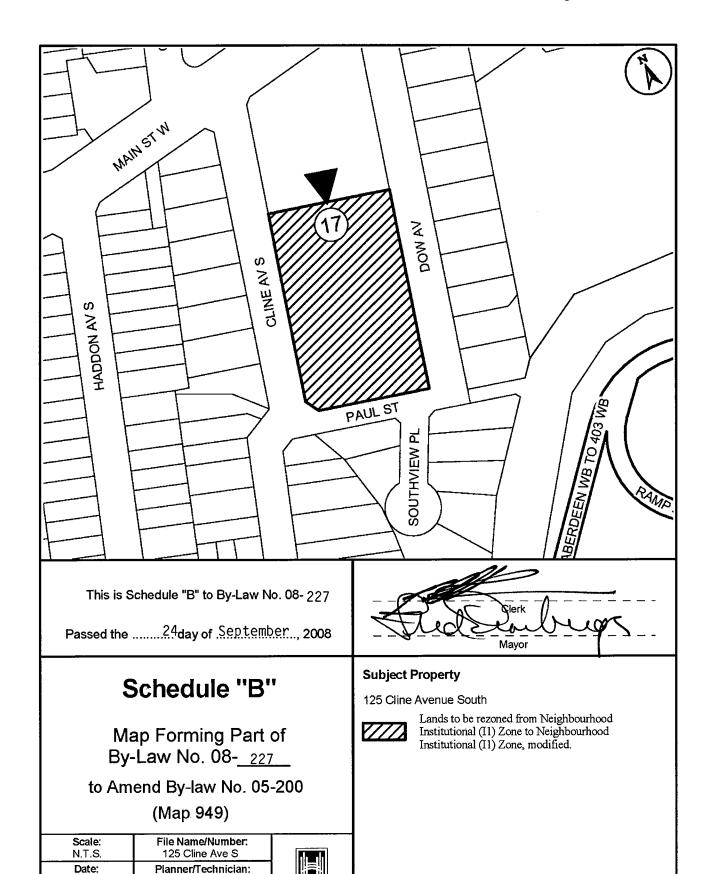
Scale:	File Name/Number:
N.T.S.	Schedule A I1 to P1
<b>Date:</b> July 28, 2008	Planner/Technician: AF/MC
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	



#### **Subject Property**



Lands to be rezoned from Neighbourhood Institutional (I1) Zone to Neighbourhood Park (P1) Zone

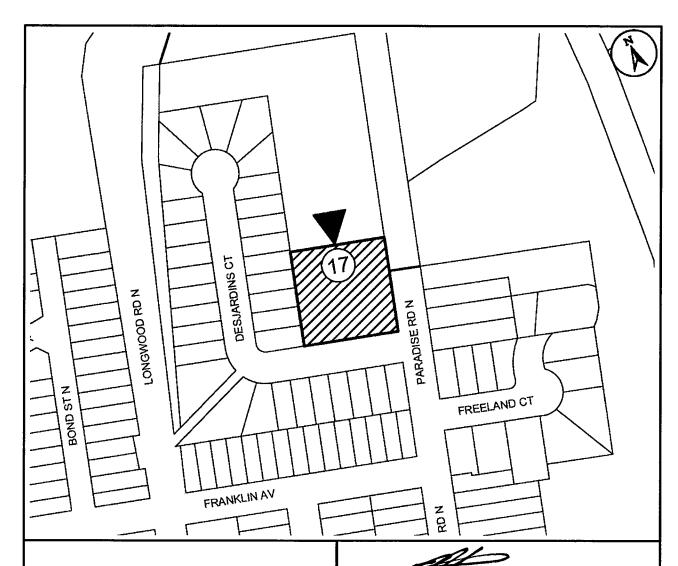


July 30, 2008

AF/DG

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

**Hamilton** 



This is Schedule "C" to By-Law No. 08- 227

Passed the ...24 day of September, 2008

## Schedule "C"

Map Forming Part of By-Law No. 08-\_\_227\_ to Amend By-law No. 05-200 (Map 866)

<b>Scale:</b>	File Name/Number:
N.T.S.	201 Paradise Road N
<b>Date:</b>	Planner/Technician:
July 30, 2008	AF/DG
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	



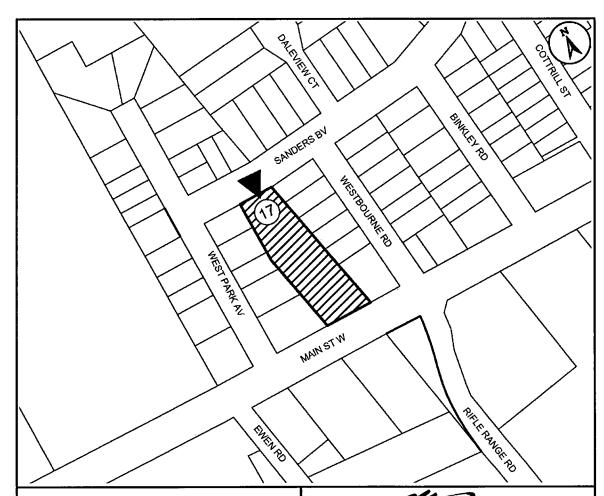
#### **Subject Property**

201 Paradise Road North



Lands to be rezoned from Neighbourhood Institutional (I1) Zone to Neighbourhood Institutional (I1) Zone, modified.

Mayor



This is Schedule "D" to By-Law No. 08- 227

Passed the ...24.... day of ..Sep.tember, 2008

## Slerk Mayor Mayor

### Schedule "D"

Map Forming Part of By-Law No. 08-\_227\_ to Amend By-law No. 05-200 (Map 866)

Scale:	File Name/Number:
N.T.S.	69 Sanders Blvd
<b>Date</b> : July 30, 2008	Planner/Technician: AF/DG
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

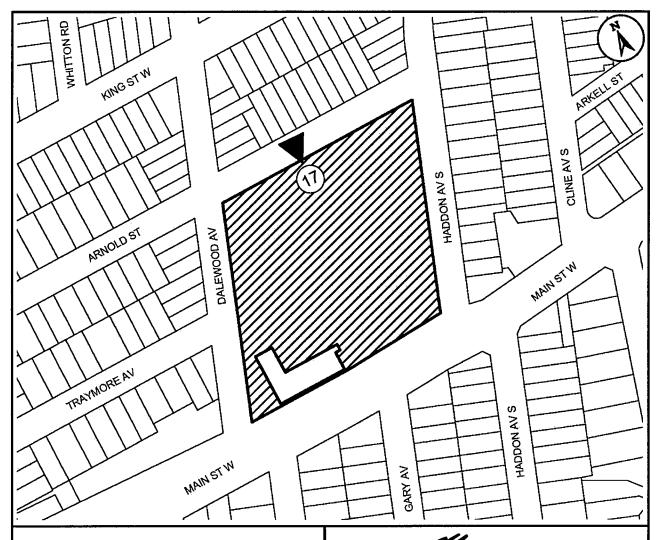


#### **Subject Property**

69 Sanders Boulevard

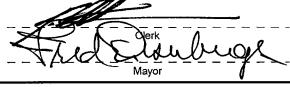


Lands to be rezoned from Community Institutional (I2) Zone to Community Institutional (I2) Zone, modified.



This is Schedule "E" to By-Law No. 08- 227

Passed the .....24 day of September, 2008



## Schedule "E"

Map Forming Part of By-Law No. 08-<u>227</u> to Amend By-law No. 05-200 (Map 906 and 948)

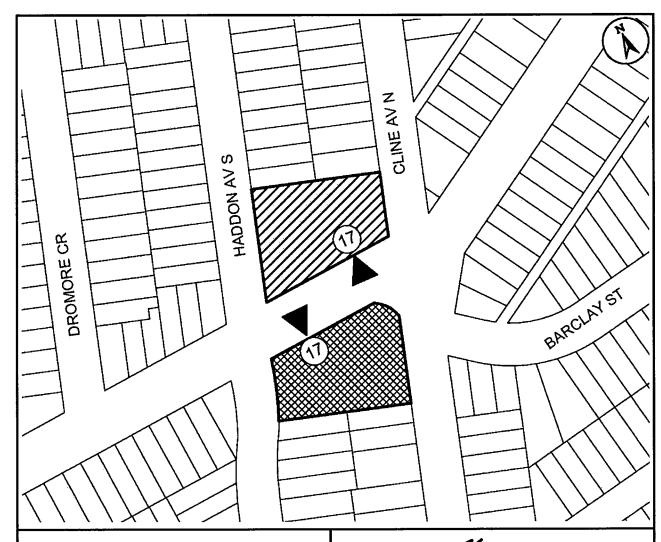
Scale:	File Name/Number:
N.T.S.	1152 Main Street West
Date:	Planner/Technician:
July 30, 2008	AF/DG
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	



#### **Subject Property**

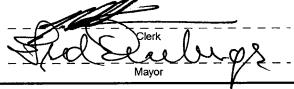
1152 Main Street West





This is Schedule "F" to By-Law No. 08- 227

Passed the .....24 day of September..., 2008



## Schedule "F"

Map Forming Part of By-Law No. 08-\_227\_\_ to Amend By-law No. 05-200 (Map 907)

Scale:	File Name/Number:
N.T.S.	1140 & 1155 King St. W.
Date:	Planner/Technician:
July 30, 2008	AF/DG
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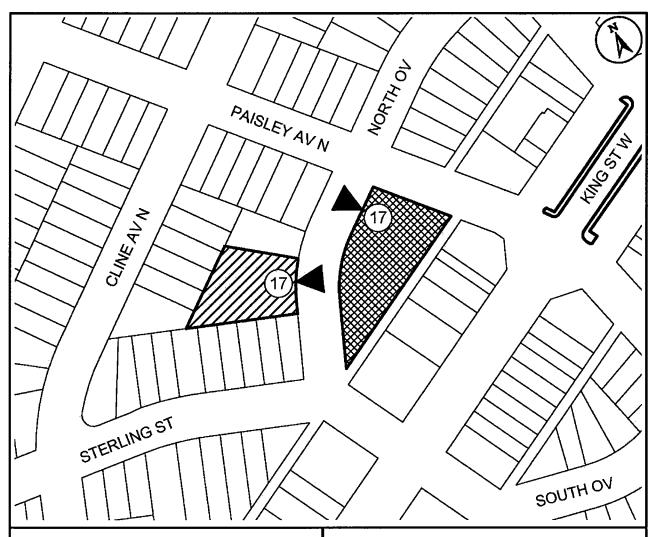


#### **Subject Property**

1140 King Street West

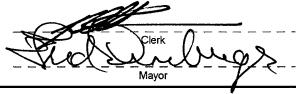


1155 King Street West



This is Schedule "G" to By-Law No. 08- 227

Passed the ......24 day of September..., 2008



## Schedule "G"

Map Forming Part of By-Law No. 08-<u>227</u> to Amend By-law No. 05-200

(Map 907)

Scale:	File Name/Number:
N.T.S.	96, 99 & 100 North Oval
<b>Date:</b>	Planner/Technician:
July 30, 2008	AF/DG
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

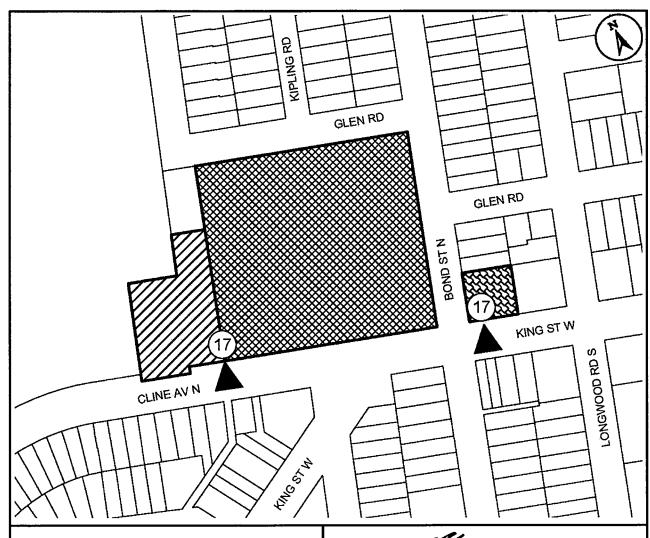


#### **Subject Property**

96 - 100 North Oval



99 North Oval



This is Schedule "H" to By-Law No. 08- 227

Passed the .....24 day of September ..., 2008

## Clerk by S Mayor

## Schedule "H"

Map Forming Part of By-Law No. 08- 227

to Amend By-law No. 05-200 (Map 907)

Scale:	File Name/Number.
N.T.S.	900 King Street North
<b>Date:</b>	Planner/Technician:
July 30, 2008	AF/DG
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	



#### **Subject Property**

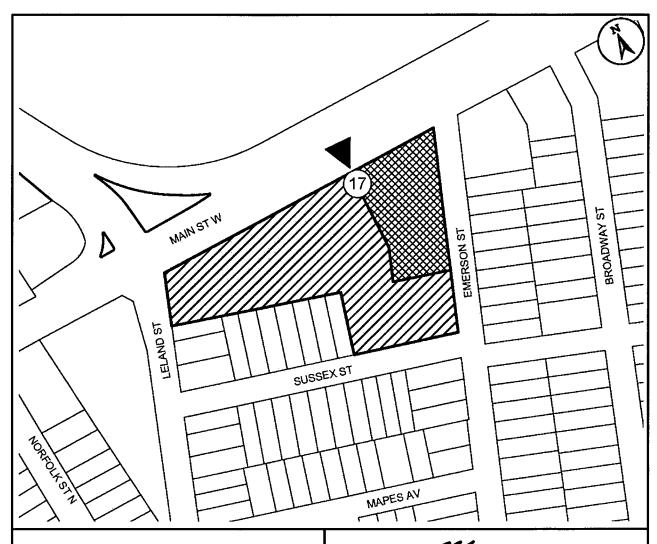
215 Cline Avenue North



900 King Street North



2 Bond Street North



This is Schedule "I" to By-Law No. 08- 227

Passed the .....24day of September , 2008



## Schedule "I"

Map Forming Part of By-Law No. 08-227

to Amend By-law No. 05-200 (Map 948)

Scale:	File Name/Number:
N.T.S.	1349 & 1355 Main St W
<b>Date:</b>	Planner/Technician:
July 30, 2008	AF/DG
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	



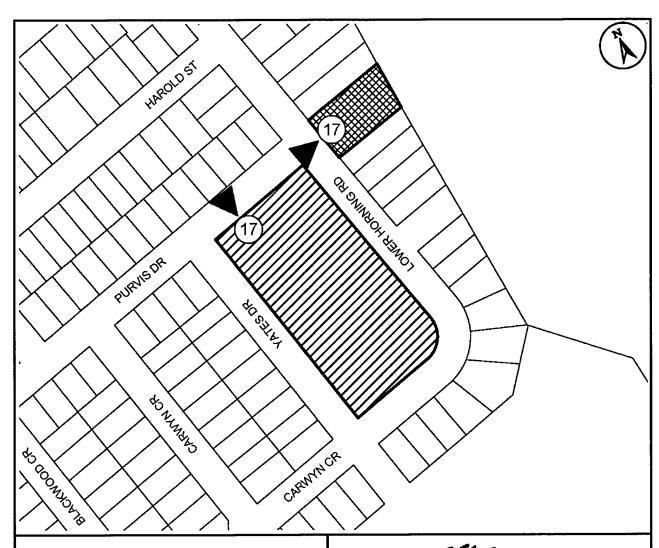
#### **Subject Property**

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1349 Main Street West

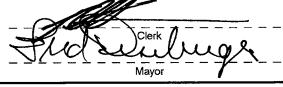


1355 Main Street West



This is Schedule "J" to By-Law No. 08- 227

Passed the ......24 day of .. September., 2008



## Schedule "J"

Map Forming Part of By-Law No. 08-<u>227</u> to Amend By-law No. 05-200 (Maps 988 and 989)

Scale:	File Name/Number:
N.T.S.	143 & 150 Lower Horning Rd
<b>Date:</b>	Planner/Technician:
July 30, 2008	AF/DG
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

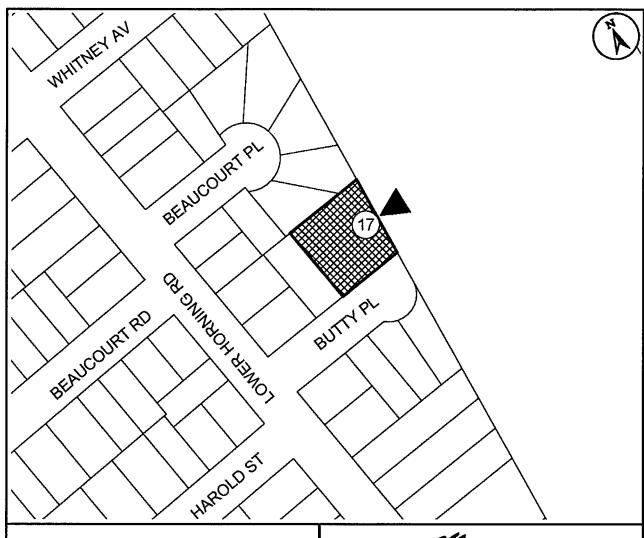


#### **Subject Property**



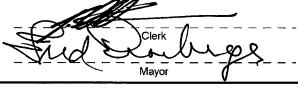
143 Lower Horning Road

150 Lower Horning Road



This is Schedule "K" to By-Law No. 08- 227

Passed the .....24 day of September, 2008



## Schedule "K"

Map Forming Part of By-Law No. 08-<u>227</u> to Amend By-law No. 05-200 (Maps 988 and 989)

Scale:	File Name/Number:
N.T.S.	7 Butty Place
<b>Date:</b>	Planner/Technician:
July 30, 2008	AF/DG
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	



#### **Subject Property**

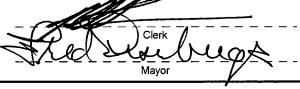
7 Butty Place





This is Schedule "L" to By-Law No. 08- 227

Passed the ......24 day of ..Sep.tember., 2008



## Schedule "L"

Map Forming Part of By-Law No. 08-227

to Amend By-law No. 05-200

(Maps 947 and 989)

Scale:	File Name/Number:
N.T.S.	80 & 84 Ewen Road
<b>Date:</b>	Planner/Technician:
July 30, 2008	AF/DG
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	



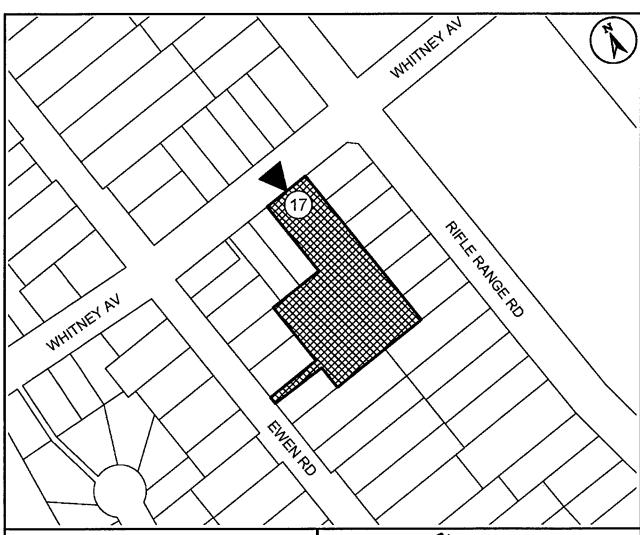
#### **Subject Property**



80 Ewen Road



84 Ewen Road



This is Schedule "M" to By-Law No. 08- 227

Passed the .....24 day of September, 2008



## Schedule "M"

Map Forming Part of By-Law No. 08-227 to Amend By-law No. 05-200 (Map 989)

Scale:	File Name/Number:
N.T.S.	261 Whitney Avenue
<b>Date:</b>	Planner/Technician:
July 30, 2008	AF/DG
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

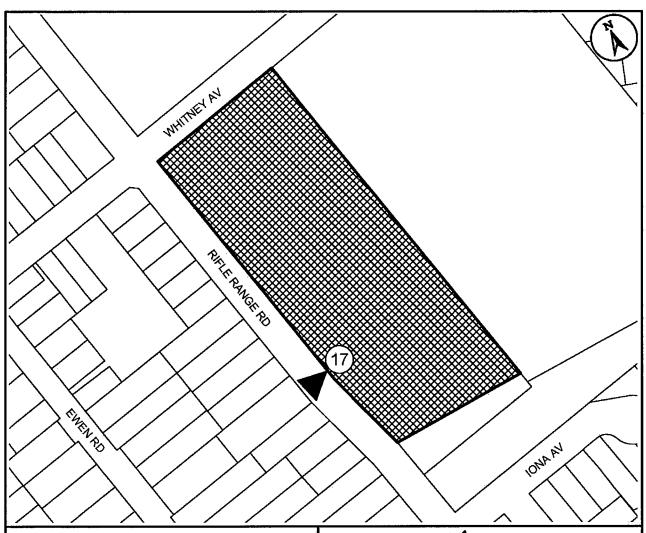


#### **Subject Property**

261 Whitney Avenue



Lands to be zoned Neighbourhood Institutional (I1) Zone, modified.



This is Schedule "N" to By-Law No. 08- 227

Passed the ......24 day of ...September., 2008



## Schedule "N"

Map Forming Part of By-Law No. 08-227

to Amend By-law No. 05-200 (Map 989)

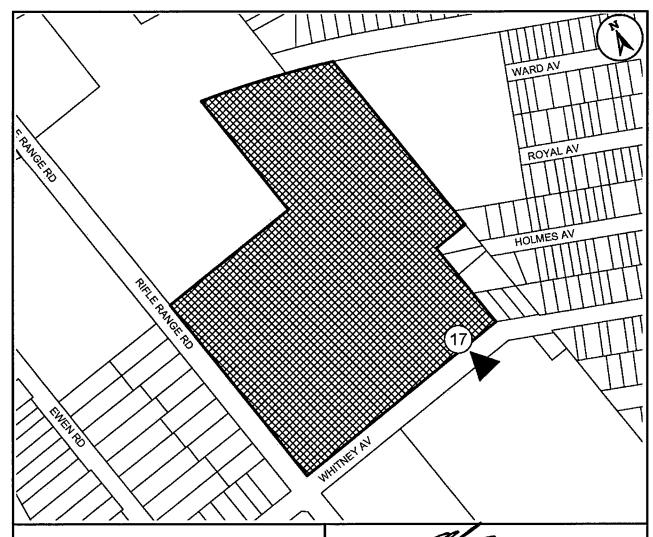
Scale:	File Name/Number:
N.T.S.	125 Rifle Range Road
<b>Date:</b>	Planner/Technician:
July 30, 2008	AF/DG
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	



#### **Subject Property**

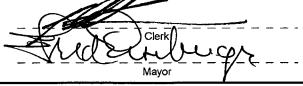
125 Rifle Range Road





This is Schedule "O" to By-Law No. 08- 227

Passed the ......24. day of ..Sep.temb.er.., 2008



## Schedule "O"

Map Forming Part of By-Law No. 08-227 to Amend By-law No. 05-200

(Map 947 and 989)

Scale: File Name/Number: 200 Whitney Avenue

Date: Planner/Technician:



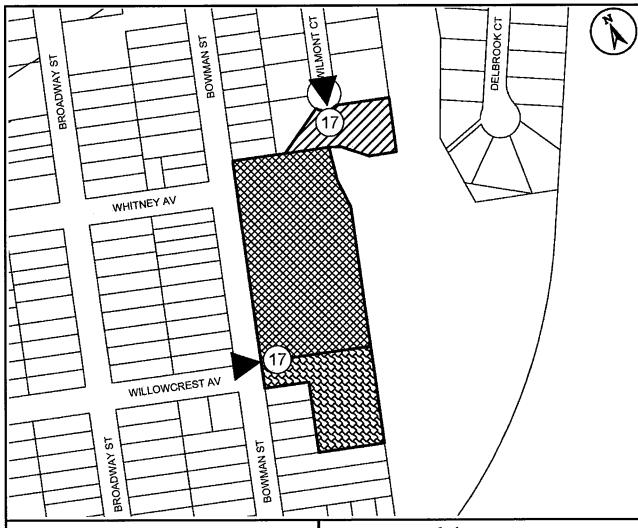


#### **Subject Property**

200 Whitney Avenue



Lands to be rezoned from Community Institutioal (I2) Zone to Community Institutional (I2) Zone, modified.



This is Schedule "P" to By-Law No. 08- 227

Passed the ......24 day of ... September, 2008

## Clerk Mayor

## Schedule "P"

Map Forming Part of By-Law No. 08-227

to Amend By-law No. 05-200 (Map 990)

Scale:	File Name/Number:
N.T.S.	235 & 265 Bowman St.
<b>Date:</b>	Planner/Technician:
July 30, 2008	AF/DG
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	



#### **Subject Property**

29 Wilmont Court

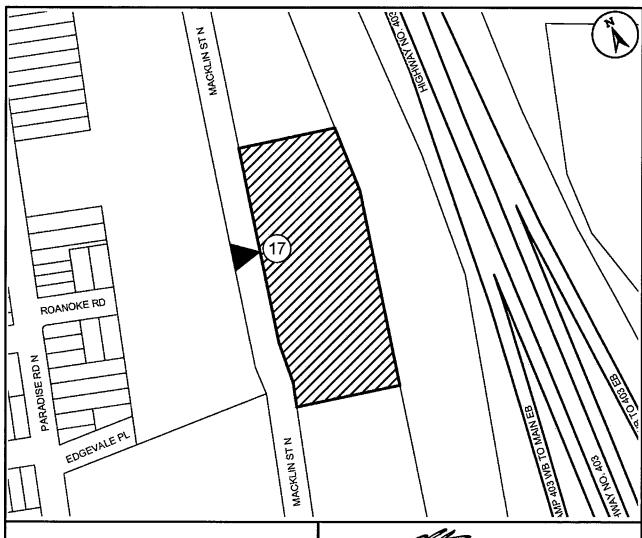
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235 Bowman Street

Lands to be rezoned from Community Institutioal (12) Zone to Community Institutional (12) Zone, modified.

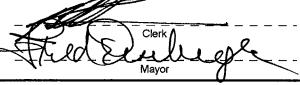


265 Bowman Street



This is Schedule "Q" to By-Law No. 08- 227

Passed the .....24 day of September, 2008



## Schedule "Q"

Map Forming Part of By-Law No. 08-227

to Amend By-law No. 05-200 (Map 866)

Scale:	File Name/Number:
N.T.S.	100 Macklin Street North
<b>Date:</b>	Planner/Technician:
July 30, 2008	AF/DG
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

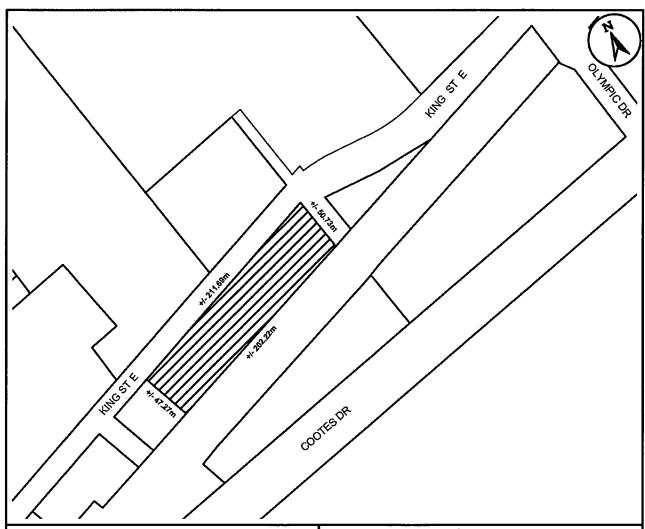


#### **Subject Property**

100 Macklin Street North



Lands to be rezoned from Community Institutioal (I2) Zone to Community Institutional (I2) Zone, modified.



This is Schedule "A" to By-Law No. 08- 227

Passed the ......24day of .September , 2008

# Clerk

## Schedule "R"

Map Forming Part of By-Law No. 08-227

to Amend By-law No.05-200 (Map 862)

<b>Scale:</b>	File Name/Number:
N.T.S.	150 King Street East
Date:	Planner/Technician:
July 28, 2008	AF/BR
DI ANNING AND ECONOMIC DEVEL ORMENT DEDARTMENT	



#### **Subject Property**

150 King Street East, Dundas



Lands to be Zoned Conservation/Hazard Lands (P5) Zone