

Authority: Item 6, Planning Committee
Report 14-013 (PED14194)
CM: September 10, 2014

Bill No. 238

CITY OF HAMILTON

BY-LAW NO. 14-238

Housekeeping Amendments to City of Hamilton Zoning 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 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 this By-law provides for housekeeping amendments to City of Hamilton Zoning By-law No. 05-200, as hereinafter described and depicted;

AND WHEREAS the Council of the City of Hamilton, in adopting Section 3 of Report 14-013 of the Planning Committee at its meeting held on the 10th day of September, 2014, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Urban and Rural Hamilton Official Plans of the Hamilton Planning Area;

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

1. That Section 3, of By-law No. 05-200, be amended by adding the word "parapet" between the phrases "ornamental figure," and "bell tower" in the definition of Building Height.
2. That Section 3, of By-law No. 05-200, be amended by deleting the word "dwelling" between the phrases "accessory to a" and "with or without" and replacing it with the word "building" in the definition of Deck.
3. That Section 3, of By-law No. 05-200, be amended by deleting the phrase "Certificate of Approval" and substituting therefor the phrase "Environmental Compliance Approval" in the definition of Hazardous Waste Management Facility.

4. That Section 3, of By-law No. 05-200, be amended by adding the phrase “, at the option of the owner,” between the phrases “shall mean” and “either of the lot lines” in the definition of Lot Line, Front Lot Line (b).
5. That Section 3, of By-law No. 05-200, be amended by adding the following definition:

“Visibility Triangle	Shall mean a triangular area formed at the intersection of an access driveway and the lot line abutting a street.”
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6. That Section 3, of By-law No. 05-200, be amended by deleting the word “land,” between the phrases “use of” and “building or structure” in the definition of Warehouse.
7. That Section 3, of By-law No. 05-200, be amended by deleting the phrase “Certificate of Approval” and substituting therefor the phrase “Environmental Compliance Approval” in the definition of Waste Disposal Facility.
8. That Section 3, of By-law No. 05-200, be amended by deleting the phrase “Certificate of Approval” and substituting therefor the phrase “Environmental Compliance Approval” in the definition of Waste Management Facility.
9. That Section 3, of By-law No. 05-200, be amended by deleting the phrase “Certificate of Approval” and substituting therefor the phrase “Environmental Compliance Approval” in the definition of Waste Processing Facility.
10. That Section 3, of By-law No. 05-200, be amended by deleting the phrase “Certificate of Approval” and substituting therefor the phrase “Environmental Compliance Approval” in the definition of Waste Transfer Facility.
11. That Section 4.22, of By-law No. 05-200, be amended by deleting the phrase “of Zoning By-law No. 05-200 (Downtown Hamilton)” between the phrases “Section 4.15” and “- Model Homes”.
12. That Section 5.1 a)v)b), of By-law No. 05-200, be amended by adding the phrase “, except for that portion of a lot line abutting the Red Hill Valley Parkway and the Lincoln Alexander Parkway;” between the phrases “or aisle” and “; and,”.
13. That Section 5.1 a)v)c), of By-law No. 05-200, be amended by substituting the word “provide” to “provided” between the phrases “Strip is” and “, as per”.
14. That Section 5.6 a)iii.d), of By-law No. 05-200, be deleted in its entirety.

15. That Section 5.6 a)iv., of By-law No. 05-200, be amended by adding the following provision above "Financial Establishment":

"Commercial School 1 space for each 50 square metres of gross floor area in excess of 450 square metres, which accommodates such use."

16. That Section 5.6 b), of By-law No. 05-200, be deleted in its entirety and replaced with the following:

"b) Notwithstanding Subsection a) above, for any permitted use or uses 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. Where an addition or expansion of an existing building is proposed, the parking requirements of Section 5.6 a) above, shall only apply to the use or uses contained within the increased gross floor area."

17. That Section 5.6 c)iv., of By-law No. 05-200, be amended by adding the following provision between "Building and Lumber Supply Establishment; Building or Contracting Supply Establishment" row and "Conference or Convention Centre" row:

"Commercial School 1 space for each 50 square metres of gross floor area in excess of 450 square metres, which accommodates such use."

18. That Section 5.6 c)v. Planned Business Centre within an M4 Zone, of By-law No. 05-200, be amended by substituting reference bullet "ii)" with "iii)" after the phrase "planned business centre." and before the phrase "In addition to".

19. That Section 5.6 c)v. Planned Business Centre within an M4 Zone, of By-law No. 05-200, be amended by deleting the phrase "Medical Office or a" between the phrases "where a" and "Medical Clinic".

20. That Section 5.6 c)v. Planned Business Centre within an M4 Zone, of By-law No. 05-200, be amended by deleting the phrase "Medical Office or" between the phrases "requirement for the" and "Medical Clinic".

21. That Section 6.1.1, of By-law No. 05-200, be amended by removing the phrase "home business" from the list of permitted uses.

22. That Section 6.1.3 a)vi), of By-law No. 05-200, be amended by adding the following phrase "and 6.1.3 a)ii)" between the phrases "subject to 6.1.3 a)i)" and "above".

23. That Section 6.2.1, of By-law 05-200, be amended by removing the phrase "home business" from the list of permitted uses.

24. That Section 6.2.3 a)vi), of By-law 05-200, be amended by adding the following phrase “and 6.2.3 a)ii)” between the phrases “subject to 6.2.3 a)i)” and “above”.
25. That Section 6.2.3 c)iii), of By-law 05-200, be amended by adding the following phrase “where construction and/or alteration to the façade of a building are proposed,” between the phrases “Special Figures,” and “the following regulations”.
26. That Section 6.2.3 c)iii)1.), of By-law 05-200, be deleted in its entirety and replaced with the following:
 - “1. A minimum of 60% of the area of the ground floor façade shall be comprised of clear glazed windows and doors. Window and door frames, clear glazed transoms and sidelights, doors with at least 50% clear glazing, and a sill up to 0.6m in height are permitted to be included in the calculation of the clear glazed area. Signage and opaque/spandrel glazing shall not be included in the calculation of the clear glazed area.”
27. That Section 6.2.3 c)iii)4.), of By-law 05-200, be amended by adding the phrase “for the first three storeys” between the words “cladding” and “, except”, by deleting the word “/ accessories,” and substituting it with “(such as window and door frames, sills, lintels, surrounds, and cornices)” between the words “features” and “for the first”, and deleting the words “for the first 3 storeys” between the phrases “and cornices)” and “shall be of”.
28. That Section 6.3.1, of By-law 05-200, be amended by removing the phrase “home business” from the list of permitted uses.
29. That Section 6.3.3 a)vi), of By-law 05-200, be amended by adding the following words “and 6.2.3 a)ii)” between the phrase “subject to 6.2.3 a)i)” and the word “above”.
30. That Section 6.3.3 c)iii), of By-law 05-200, be amended by adding the following phrase “where construction and/or alteration to the façade of a building are proposed,” between the phrases “Special Figures,” and “the following regulations”.
31. That Section 6.3.3 c)iii)1.), of By-law 05-200, be deleted in its entirety and replaced by the following:
 - “1. A minimum of 60% of the area of the ground floor façade shall be comprised of clear glazed windows and doors. Window and door frames, clear glazed transoms and sidelights, doors with at least 50% clear glazing, and a sill up to 0.6m in height are permitted to be included in the calculation of the clear glazed area. Signage and opaque/spandrel glazing shall not be included in the calculation of the clear glazed area.”

32. That Section 6.3.3 c)iii)4.), of By-law No. 05-200, be amended by adding the words “for the first three storeys” between the words “cladding” and “, except”, by deleting the words “/ accessories,” and substituting it with “(such as window and door frames, sills, lintels, surrounds, and cornices)” between the words “features” and “for the first”, and deleting the phrase “for the first 3 storeys” between the phrases “and cornices)” and “shall be of”.
33. That Section 6.4.1, of By-law No. 05-200, be amended by deleting the phrase “home business” from the list of Permitted Uses.
34. That Section 6.5.2.3, of By-law No. 05-200, be amended by adding two new subsections, under Subsection g) as follows:
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| “h) Home Business | In accordance with the requirements of Section 4.21 of this By-law. |
| i) Accessory Buildings | In accordance with the requirements of Section 4.8.1 of this By-law.” |
35. That Section 6.5.2.6, of By-law No. 05-200, be deleted in its entirety and that Section “6.5.2.7” be renumbered to subsection “i)” under Section 6.5.2.5.
36. That Section 6.6.2.1, of By-law No. 05-200, be amended by adding two new subsections, under Subsection l) as follows:
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| “m) Home Business | In accordance with the requirements of Section 4.21 of this By-law. |
| n) Accessory Buildings | In accordance with the requirements of Section 4.8.1 of this By-law.” |
37. That Section 6.6.2.2, of By-law No. 05-200, be amended by renumbering “Section 6.6.2.6” and “Section 6.6.2.7” to Subsection “h)” and “i)”, respectively, under Section 6.6.2.2.
38. That Section 7.4.1, of By-law No. 05-200, be amended by deleting the word “Agriculture” from the list of Permitted Uses.
39. That Section 8.1, of By-law No. 05-200, be amended by deleting the phrase “Home Business” from the list of Permitted Uses.
40. That Section 8.1.3.3, of By-law No. 05-200, be amended by adding the following subsection:
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| “j) Home Business | In accordance with the requirements of Section 4.21 of this By-law.” |
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41. That Section 8.1.3.5, of By-law No. 05-200, be renumbered to subsection "j)" of Section 8.1.3.4, so that it reads:

"j) Home Business In accordance with the requirements of Section 4.21 of this By-law."

42. That Section 8.2.1, of By-law No. 05-200, be amended by deleting the phrase "Home Business" from the list of Permitted Uses.

43. That Section 8.2.3.3, of By-law No. 05-200, be amended by adding the following subsection:

"j) Home Business In accordance with the requirements of Section 4.21 of this By-law."

44. That Section 8.2.3.4, of By-law No. 05-200, be amended by adding the following subsection:

"j) Home Business In accordance with the requirements of Section 4.21 of this By-law."

45. That Section 8.2.3.6, of By-law No. 05-200, be renumbered to subsection "j)" of Section 8.2.3.5, so that it reads:

"j) Home Business In accordance with the requirements of Section 4.21 of this By-law."

46. That Section 8.3.1, of By-law No. 05-200, be amended by deleting the phrase "Home Business" from the list of Permitted Uses.

47. That Section 8.3.2.2, of By-law No. 05-200, be amended by deleting the word "Recreation," between the phrases "Medical Clinic," and "Multiple Dwelling".

48. That Section 8.3.2.2, of By-law No. 05-200, be amended by adding the following subsection:

"f) Home Business In accordance with the requirements of Section 4.21 of this By-law."

49. That Section 8.3.2.3, of By-law No. 05-200, be amended by adding the following subsection:

"j) Home Business In accordance with the requirements of Section 4.21 of this By-law."

50. That Section 8.3.2.5, of By-law No. 05-200, be deleted in its entirety.

51. That Section 9.1.2 i), of By-law No. 05-200, be amended by deleting the phrase "a drive through facility is a prohibited use, along with" between the phrases "Section 9.1.1," and "the following types" and by adding the phrase "are prohibited" between the phrases "manufacturing uses" and ", except if".

52. That Section 9.2.3 c)ii), of By-law No. 05-200, be deleted in its entirety and replaced with the following:

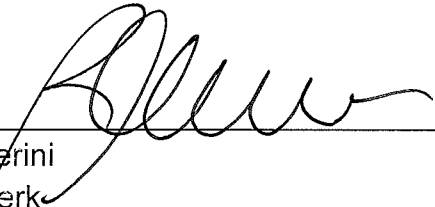
“ii) Notwithstanding i) above, where a parking space, aisle or driveway is located in a Yard abutting a Street, a minimum 6.0 metre wide Landscaped Area, which includes a 3.0 metre wide Planting Strip, shall be required and maintained between the said parking space, aisle, or driveway and a street, except for points of ingress and egress.”

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

PASSED this 10th day of September, 2014.



R. Bratina
Mayor



R. Caterini
City Clerk