

Authority: Item 3, Planning Committee
Report: 23-007 (PED23074)
CM: May 10, 2023
Ward: City Wide

Bill No. 079

**CITY OF HAMILTON
BY-LAW NO. 23-079**

**To Amend Zoning By-law No. 05-200,
Respecting Housekeeping Amendments**

WHEREAS Council approved Item 3 of Report 23-007 of the Planning Committee, at its meeting held on May 2, 2023;

AND WHEREAS this By-law conforms to the Urban Hamilton and Rural Hamilton Official Plans;

NOW THEREFORE Council amends Zoning By-law No. 05-200 as follows:

1. That Section 3: Definitions be amended by deleting the second instance of the words “study or instruction” within subsection a) of the definition of Commercial School so that subsection a) reads as follows:

“Commercial School Shall mean

- a) 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 and which is operated on a financial profit basis; and,”

2. That Section 3: Definitions be amended by adding a new subsection iii) to the definition of “Residential Zone” and amending the definition so that it reads as follows:

“Residential Zone Shall mean

- i) The residential districts in Hamilton Zoning By-law No. 6593;
- ii) The residential zones in Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Township of Glanbrook Zoning By-law No. 464, and City of Stoney Creek Zoning By-law No. 3692-92; and,
- iii) The residential zones in Hamilton Zoning By-law No. 05-200.”

3. That Section 4: General Provisions, Subsections 4.33 (a) i) (A) and 4.33.2 (j) ii) be amended by replacing the wording “Secondary Dwelling Unit – Detached” with “Additional Dwelling Unit – Detached”.

4. That Section 4: General Provisions, Subsection 4.33 (a) ii) be amended by replacing the wording “Section 5.1 b) i) and ii)” with “Section 5.1 c) iv)”.
5. That Section 5: Parking, Subsection 5.1 b) be amended by deleting the words “Single Detached Dwellings, Semi-Detached Dwellings and Duplex Dwellings On a lot containing a single detached dwelling, semi-detached dwelling or duplex dwelling in all zones” and deleting Subsections 5.1 b) i) and 5.1 b) ii) in their entirety.
6. That Section 5: Parking be amended by renumbering Subsections 5.1 b) iii) through 5.1 b) x) to 5.1 b) i) through viii).
7. That Section 5: Parking, Subsection 5.1 c) iii) be amended by adding the wording “Notwithstanding Section 4.35” so that it reads as follows:

“Notwithstanding Section 4.35, a driveway may be widened to a maximum of 65% of the lot width or 6.0 metres, whichever is the lesser;”
8. That Section 5: Parking, Subsection 5.2 c) i) be amended by adding “except that the accessibility to a maximum of one of the required parking spaces for a single detached dwelling may be obstructed by another motor vehicle.” so that it now reads as follows:

“With adequate means of ingress and egress to and from the street or laneway without the necessity of moving any other motor vehicle, except that the accessibility to a maximum of one of the required parking spaces for a single detached dwelling may be obstructed by another motor vehicle.”
9. That Section 5: Parking, Subsection 5.2 c) iv) be amended to replace the word “front” with “from” so that it reads as follows:

“Any parking lot shall provide for ingress and egress of vehicles to and from a street in a forward motion only.”
10. That Section 7.6: Conservation/Hazard Land Rural (P6) Zone Subsections 7.6.2.1 a) ii) and b) be amended by deleting the references to “4.8.2.” within, and replacing them with “4.8 and 4.8.1.2”, so that it reads:

“Shall be in accordance with requirements of Sections 12.1.3.1, 4.8 and 4.8.1.2, 12.1.3.1.”
11. That Section 10.6 District Commercial (C6) Zone, Subsection 10.6.1.1 i) 1. be amended to delete the wording “Dwelling Unit(s) in conjunction with a commercial use” and replace with “Dwelling Unit, Mixed Use” so that it reads:

“Notwithstanding Section 10.6.1, for building(s) with a gross floor area of less than 4,650 square metres, a Dwelling Unit, Mixed Use shall only be permitted above the ground floor except for access, accessory office and utility areas, and shall not occupy more than 50% of the total gross floor area of all the building(s)

within the lot. For buildings with a gross floor area of 4,650 square metres or more, a Dwelling Unit, Mixed Use shall only be permitted above the ground floor except for access, accessory office and utility areas.”

12. That Section 15.1: Low Density Residential (R1) Zone, Subsection 15.1.2.4 be amended to include “Lodging House” within the subtitle for the regulations so that it reads:

“Lodging House, Residential Care Facility and Retirement Home Regulations”.

13. That Section 15.2: Low Density Residential (R1a) Zone, Subsection 15.2.2.4 be amended to include “Lodging House” within the subtitle for the regulations so that it reads:

“Lodging House, Residential Care Facility and Retirement Home Regulations”.

14. That Schedule “A” – Zoning Maps, Map Nos. 1185, 1186 and 1134, be amended by adding lands to the Low Density Residential (R1) Zone as shown on Schedule “A” to this By-law.

15. That Schedule “C” – Special Exceptions be amended as follows:

- a) That Special Exception No. 372 be amended to delete subsection “c.” in its entirety and replace it with the following:

“c. Subsection 9.3.3 b) ii) shall not apply.”

- b) That Special Exception No. 445 be amended by changing the letter “a)” before “PERMITTED USES” to letter “b)”.

- c) That Special Exception No. 445 be amended by adding the words “as shown on Figure 16 of Schedule “F” – Special Figures” between the words “Plan 62R-19307” and “, the following” so that it reads:

“Notwithstanding Section 3 as it relates to the definition of “Grade”, Subsection 4.6 d), and Subsection 6.6, on those lands zoned Downtown Multiple Residential (D6) Zone, as identified on Map. No. 868 of Schedule “A” – Zoning Maps; legally described as Part of Lot 3 and all of Lots 4, 5, 6, and 7, Block 30, Registered Plan 127 in the City of Hamilton; designated as Parts 3, 4, 5, 6, 7, 8 on Plan 62R-19307; and, as shown on Figure 16 of Schedule “F” – Special Figures, the following special provisions shall apply:”

- d) That Special Exception No. 481, as established by By-law No. 16-228, be added to Schedule “C” – Special Exceptions, between Special Exception 478 and Special Exception 482.

- e) That Special Exception No. 581 be amended by removing reference to “51 Cootes Drive, 55 Cootes Drive, and 110 King Street East” from the table and replacing it with the address “3 East Street North (Map 861)”

- f) That Special Exception No. 762, Subsection 1) be amended deleting the words “for Blocks 2, 3 and 4 as shown on Figure 25” and replacing it with “Blocks 2, 3, and 4 as shown on Figure 27 of Schedule “F” – Special Figures.” so that it reads:

“Notwithstanding Section 12.1.3.1a), the minimum lot area shall be 1.14 hectares for Block 1 and 37.17 hectares for Blocks 2, 3 and 4 as shown on Figure 27 of Schedule “F” – Special Figures”.

- g) That Special Exception No. 810, Subsection d) be amended by deleting the words “Special Figure 25” and replacing it with “Special Figure 28” so that it reads:

“For the purposes of Special Exception No. 810, the following special provisions shall apply to Area A and Area B as shown on Figure 28 of Schedule “F” – Special Figures:”

16. That Schedule “D” – Holding Provisions be amended by renumbering Holding Provision No. “122”, as established by By-law No. 21-231, to Holding Provision “121”.
17. That Schedule “E” – Temporary Use Provisions, Temporary Use No. 10, as it applies to 574 Northcliffe Avenue, be amended by deleting “H122” and replacing it with “H121” so that it reads:
- “...on the lands shown as “A2, 805, H121” on Schedule “A” Zoning Maps...”
18. That Schedule “F” – Special Figures be amended by adding Special Figure 27 and Special Figure 28, attached as Schedules “B” and “C” to this By-law.
19. That 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 May, 2023

A. Horwath
Mayor

A. Holland
City Clerk



This is Schedule "A" to By-law No. 23-

Passed the day of, 2023

Mayor

Clerk

Schedule "A"

Map forming Part of
By-law No. 23-_____

to Amend By-law No. 05-200
Maps 1185, 1186 & 1134

Subject Property



Lands to be added to Zoning By-law No. 05-200 as
Low Density Residential (R1) Zone

Scale:

N.T.S

File Name/Number:

CI-23-E

Date:

February 27, 2023

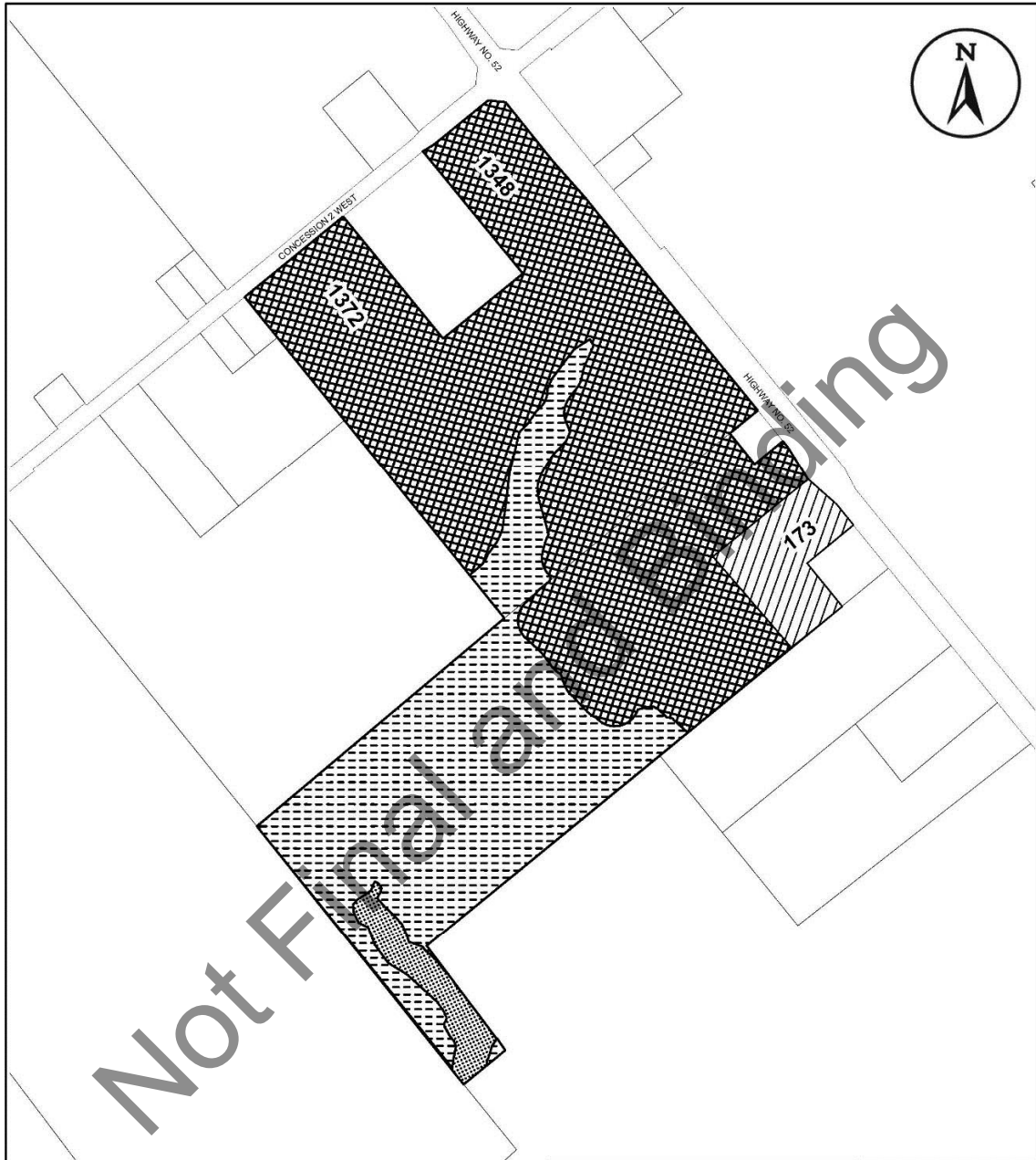
Planner/Technician:

EC/AL







Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT





Special Figure 27: 173 Highway No. 52 and 1348 and 1372 Concession 2 Road West

Date:
May 2, 2023

-  Block 1
-  Block 2
-  Block 3
-  Block 4





Special Figure 28: Maximum Build Heights for 60 Caledon Avenue		Date: March 29, 2023
Legend  Area A - 22 metres  Area B - 11.5 metres		