

**Authority:** Item 7, Planning Committee Report 24-010 (PED24113)  
CM: July 12, 2024    Ward: City Wide  
Written approval for this by-law was given by Mayoral Decision MDE-2024-16  
Dated July 12, 2024

**Bill No. 137**

## **CITY OF HAMILTON**

### **BY-LAW NO. 24-137**

**To Amend Zoning By-law No. 05-200, Respecting Modifications and Updates to the Interpretation, Definitions, General Provisions, Parking, Industrial Zones, Commercial and Mixed Use Zones, Transit Oriented Corridor Zones, Rural Zones, Utility Zones, Waterfront Zones, Special Exceptions, Holding Provisions, Temporary Use Provisions, and Zoning Maps**

**WHEREAS** Council approved Item 7 of Report 24-010 of the Planning Committee, at its meeting held on July 12, 2024;

**AND WHEREAS** this By-law conforms to the Urban Hamilton and Rural Hamilton Official Plans upon the adoption of Urban Hamilton Official Plan Amendment No. 218 and Rural Hamilton Official Plan Amendment No. 41;

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

1. That Schedule “A” – Zoning Maps of Zoning By-law No. 05-200 be amended, the boundaries of which are shown on a plan hereto annexed as Schedules “A-1”, “A-2”, “A-3”, “A-4”, “A-5”, “A-6”, and “A-7” to this By-law, as follows:
  - 1.1 That Map Nos. 1498 and 1545 be amended by adding lands to Zoning By-law No. 05-200 and zoned Utility (U2) Zone, for the lands located at 1020 Rymal Road East, Hamilton, attached as Schedule “A-1” to this By-law;
  - 1.2 That Map Nos. 1147, 1198 and 1199 be amended by changing the zoning from the Prestige Business Park (M3, 373, 375) Zone to the Prestige Business Park (M3, 373) Zone, for the lands located at 481 Barton Street, Stoney Creek, attached as Schedule “A-2” to this By-law;
  - 1.3 That Map No. 860 be amended by changing the zoning from the Major Institutional (I1) Zone to the Major Institutional (I1, 900) Zone, for the lands located at 245 Mill Street, Dundas, attached as Schedule “A-3” to this By-law;

- 1.4 That Map No. 910 be amended by changing the zoning from the Downtown Central District (D1) Zone to the Downtown Central District (D1, 901) Zone, for the lands located at 221 York Boulevard, Hamilton, attached as Schedule “A-4” to this By-law;
  - 1.5 That Map No. 827 be amended by changing the zoning from the Neighbourhood Park (P1) Zone to the Neighbourhood Park (P1, 902) Zone, for the lands located at 40 Wood Street East, Hamilton, attached as Schedule “A-5” to this By-law;
  - 1.6 That Map Nos. 412, 413 and 445 be amended by changing the zoning from the Rural (A2, 179) Zone to the Major Institutional (I3, 179, H176) Zone, for the lands located at 329, 337 and 345 Parkside Drive, Flamborough, attached as Schedule “A-6” to this By-law; and,
  - 1.7 That Map No. 1000 be amended by changing the zoning from the Parking (U3) Zone to the Mixed Use Medium Density (C5) Zone, for the lands located at 1368 Barton Street East, Hamilton, attached as Schedule “A-7” to this By-law.
2. That Section 1.12: Transition Provisions be deleted in its entirety and replaced with the following:

## **1.12 TRANSITION PROVISIONS**

### **Complete Applications for a Building Permit**

- 1.12.1 Nothing in this By-law prevents the development or use of a lot or a building for which a complete application for a building permit was received by the City, if the development or use complies, or the building permit application is amended to comply, with the provisions of the applicable former zoning by-law as it read immediately prior to the passing of the following By-laws:
  1. Commercial and Mixed Use Zoning By-law No. 17-240, November 8, 2017
  2. Downtown Zoning By-law No. 18-114, May 9, 2018
  3. Residential Zones
    - a. Low Density Residential By-law No. 22-197, August 12, 2022
    - b. Low Density Residential By-law Nos. 24-051 and 24-052, April 10, 2024

### **Other Types of Complete Applications**

- 1.12.2 Where a complete application was received by the City on or before the date of passing of this By-law for the development or use of a lot or one or more buildings, approval may be granted in the context of the applicable former Zoning By-law as it read immediately prior to the passing of this By-law, for one or more of the following applications where they are consistent with the intent of the complete application:
1. Any application under Section 45 of the *Planning Act*;
  2. Site plan control approval pursuant to Section 41 of the *Planning Act*;
  3. Consent pursuant to Section 53 of the *Planning Act*;
  4. Draft plan of subdivision pursuant to Section 51 of the *Planning Act* or a description under the *Condominium Act*, 1998, S.O. 1998, c.19;
  5. Payment in lieu of parking agreement pursuant to Section 40 of the *Planning Act*; and
  6. A part lot control exemption pursuant to Section 50 of the *Planning Act*.
- 1.12.3 Where the development or use of a lot or one or more buildings qualifies under clause 1.12.2, a building permit may be issued after final approval is received for all required applications if the development or use complies, or the building permit application or the development or use is amended to comply, with the provisions of the applicable former Zoning By-law as it read immediately prior to the passing of this By-law, and any amendments thereto.
- 1.12.4 Nothing in this By-law applies so as to continue the exemption provided by Clauses 1.12.1 and 1.12.2 beyond the issuance of the final building permit upon which the exemptions are founded.
- 1.12.5 Clauses 1.12.1, 1.12.2, 1.12.3 and 1.12.4 are repealed in their entirety 10 years after the date of the passing of the By-laws listed in Section 1.12.1.
- 1.12.6 Minor Variances**

#### **Continuation of Approved Variances**

- 1.12.6.1 During the 10 year period commencing on the date of passing of this

By-law or date associated with amendments to the By-law provided in Section 1.12.1 above, and expiring on the date specified in Clause 1.12.5, a building permit may be issued in the context of the applicable former Zoning By-law as it read immediately prior to the passing of this By-law for any development subject to one or more approved minor variances under the provisions of the applicable former Zoning By-law.

1.12.6.2 After the 10 year period in Clause 1.12.5 expires, minor variances approved under the provisions of the applicable former Zoning By-law may be relied upon only if the zoning provision respecting the minor variance is the same or more permissive in this By-law than in the applicable former Zoning By-law.

3. That Section 2: Interpretation, Subsection 2.6 be amended by deleting the word “principals” within the Section preamble and replace it with the word “principles” so that it reads as follows:

“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:”

4. That Section 3: Definitions, be amended by adding the words “Farm Labour Residence,” following the words “shall not include a” within the definition of Agritourism so that it reads as follows:

**“Agritourism**

Shall mean a Secondary Use to an Agricultural operation on the same lot that provides educational and active opportunities to experience the agricultural way of life in Rural Hamilton. Such activities may include, for example, farm machinery and equipment exhibitions, farm-tours, petting zoos, corn mazes, hay rides, sleigh rides, processing demonstrations, pick your own produce/products, farm theme playground for children, and educational facilities that focus on farming instruction, and which may include accessory retail, but shall not include a Farm Labour Residence, Restaurant or Conference or Convention Centre.”

5. That Section 3: Definitions, be amended by replacing the words “Recreation Vehicle Sales and Service Establishment” within the definition of Major Recreation Vehicle Sales and Service Establishment, with the words “Recreational Equipment Sales, Rental and Service Establishment” so that it reads as follows:

**“Major Recreational Equipment Sales, Rental and Service Establishment**

Shall mean the use of land, building or structure, or part thereof, for the display and retail sale of travel trailers, recreational vehicles and boats and which may include but not be limited to the servicing, repair, cleaning, painting, polishing and greasing of such vehicles, trailers and boats and the sale of accessories and related products and the leasing or renting of such vehicles, but shall not include a Motor Vehicle Dealership.”

6. That Section 3: Definitions be amended by deleting the word “Services” within the definition of Personal Services and replacing it with the word “Service” so that it reads as follows:

**“Personal Service**

Shall mean the provision of services involving the health, beauty or grooming of a person or the maintenance or cleaning of apparel, may include, but shall not be limited to an Alternative Massage Establishment, Yoga Studio, or microblading, but shall not include a Dry Cleaning Plant or a Body Rub Parlour.”

7. That Section 3: Definitions be amended by deleting the words “but shall not include overnight accommodation for in-patient care resulting from surgery” and replacing them with the words “and may include overnight accommodation” within the definition of Medical Clinic so that it reads as follows:

**“Medical Clinic**

Shall mean a building, or part thereof, which is used by health professionals for the purpose of consultation, diagnosis and/or treatment of persons and shall include but not be limited to laboratories,

dispensaries or other similar facilities, and may include overnight accommodation.”

8. That Section 4: General Provisions, Subsection 4.8.1.1 a), be amended by replacing the words “aggregate Gross Floor Area” with “maximum combined lot coverage” and replacing the words “total lot coverage,” with “of the lot area,” so that it reads as follows:

“a) The maximum combined lot coverage of all Accessory Buildings shall not exceed 45 square metres or 7.5% of the lot area, whichever is the lesser.”

9. That Section 4: General Provisions, Subsection 4.8.2 a) iii) be amended by adding the words “for the principal use.” after the words “regulations for” so that it reads as follows:

“iii) Building Setback from a Flankage Lot Line                      Accessory Buildings shall conform to the regulations for the principal use.”

10. That Section 4: General Provisions, Subsection 4.23 c) be amended by numbering to Section 4.23 c) i), and introducing a new clause ii) as follows:

“ii) Notwithstanding Section 4.23 c) i), the minimum setback from a TransCanada PipeLines Limited Pipeline Right-of-Way shall be 7.0 metres for any building, structure, parking area or loading area, including any parking spaces, loading spaces, drive aisles, driveways, stacking spaces or bicycle parking spaces.”

11. That Section 4: General Provisions, Subsection 4.26 (a), (b) and (c) be amended by replacing the word “principle” with “principal”.
12. That Section 4: General Provisions, Subsection 4.26 (a) vi) be amended by replacing the words “Section 4.8.1 f)” with the words “Section 4.8.1.1 d) and Section 4.8.2 b)”.
13. That Section 4: General Provisions, Subsection 4.26 (d) be amended by renumbering the chart and making grammatical corrections so that it reads as follows:

	<b>“Street</b>	<b>From</b>	<b>To</b>
i)	Wilson Street	Dalley Drive	Rousseaux Street
ii)	Dundas Street	York Road	Market Street

	(Dundas)		
iii)	Mill Street	Church Street	Highway 5
iv)	Binbrook Road	Highway 56	2553 Binbrook Road
v)	King Street West	Longwood Road	Sterling Street
vi)	James Street North	CN Railway Tracks	Cannon Street
vii)	James Street South	Hunter Street East	Markland Avenue
viii)	Locke Street	Main Street West	Herkimer Street
ix)	Kenilworth Avenue North	Barton Street	Main Street East
x)	Ottawa Street North	Barton Street	Main Street East
xii)	Barton Street East	Sherman Avenue North	Wellington Street North
xiii)	Concession Street	East 33 <sup>rd</sup> Street	East 15 <sup>th</sup> Street"

14. That Section 4: General Provisions, Subsection 4.27 (c) be amended by replacing the word "principle" with "principal".
15. That Section 4: General Provisions, Subsection 4.27 (c) be amended by renumbering the chart and making grammatical corrections as follows:

	<b>"Street</b>	<b>From</b>	<b>To</b>
i)	King Street West	Longwood Road	Sterling Street
ii)	James Street North	CN Railway Tracks	Cannon Street
iii)	James Street South	Hunter Street East	Markland Avenue
iv)	Locke Street	Main Street West	Herkimer Street
v)	Kenilworth Avenue North	Barton Street	Main Street East
vi)	Ottawa Street North	Barton Street	Main Street East
vii)	Barton Street East	Sherman Avenue North	Wellington Street North
viii)	Concession Street	East 33 <sup>rd</sup> Street	East 15 <sup>th</sup> Street"

16. That Section 4: General Provisions, Subsection 4.28 (a) be amended by

replacing the word “principle” with “principal”.

17. That Section 5: Parking Regulations, Subsection 5.7 d) be amended by replacing the words “Personal Services” with the words “Personal Service”.
18. That Section 6: Downtown Zones, Subsections 6.1.1, 6.2.1, and 6.3.1 be amended by replacing “Personal Services” with “Personal Service”.
19. That Section 6: Downtown Zones, Subsection 6.3.3 m) i. and 6.3.3 n) i. be amended by replacing the word “principle” with “principal”.
20. That Section 7: Open Space and Park Zones, Subsection 7.6.2.3 b), 7.7.2.1 b), and 7.7.2.2 b) be amended by adding the word “Alterations or” before “Expansions” so that it reads as follows:

“b) Alterations or Expansions to Existing Buildings and Structures”.
21. That Section 9: Industrial Zones, Subsections 9.1.1, 9.1.3 d) ii), 9.1.3 f) i), 9.4.1, 9.4.3 j) i), 9.6.1 and 9.8.1 be amended by replacing “Personal Services” with “Personal Service”.
22. That Section 9: Industrial Zones, Subsection 9.1.3 a) i) be amended by adding the letter “w” to the word “here” so that it reads as follows:

“i) Maximum 2.0 metres for the ground floor of a building, except where a visibility triangle shall be provided for a driveway access;”
23. That Section 9: Industrial Zones, Subsection 9.1.3 a) be amended by adding the following new subsection:

“iv) Where a building(s) is located on a corner lot, Section 9.1.3 a) i) shall only apply to one of the lot lines abutting a street.”
24. That Section 9.1: Research and Development (M1) Zone, Subsection 9.1.3 c) be amended by replacing “Office Use” with “an Office Building”, and replacing “No office building shall have a gross floor area of 10,000 square metres or greater” with “4,000.0 square metres per individual building” so that it reads as follows:

“c)	Maximum Gross Floor Area for an Office Building	4,000.0 square metres per individual building.”
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25. That Section 9.2: General Business Park (M2) Zone, Subsection 9.2.3 g) be amended by replacing “An Industrial Administrative Office or a Surveying, Engineering, Planning or Design Business shall be limited to a gross floor area of less than 10,000 square metres on a lot” with “The total combined gross floor area of any Industrial Administrative Office and Surveying, Engineering, Planning or Design Business uses shall not exceed 4,000.0 square metres per individual building” so that it reads as follows:

“g)	Maximum Gross Floor Area for Industrial Administrative Office or Surveying, Engineering, Planning or Design Business	The total combined gross floor area of any Industrial Administrative Office and Surveying, Engineering, Planning or Design Business uses shall not exceed 4,000.0 square metres per individual building.”
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26. That Section 9: Industrial Zones, Subsection 9.3.3 b) be amended by adding the following new subsection:

“iv) Where a building(s) is located on a corner lot, Section 9.3.3 b) ii) shall only apply to one of the lot lines abutting a street.”

27. That Section 9.3: Prestige Business Park (M3) Zone, Subsection 9.3.3 h) be amended by adding “Office,” before “Industrial Administrative”, and replacing “An Industrial Administrative Office or a Surveying, Engineering, Planning or Design Business shall be limited to a gross floor area of less than 10,000 square metres on a lot” with “The total combined gross floor area of any Office, Industrial Administrative Office and Surveying, Engineering, Planning or Design Business uses shall not exceed 4,000.0 square metres per individual building” so that it reads as follows:

“h)	Maximum Gross Floor Area for Office, Industrial Administrative Office or Surveying, Engineering, Planning or Design Business	The total combined gross floor area of any Office, Industrial Administrative Office and Surveying, Engineering, Planning or Design Business uses shall not exceed 4,000.0 square metres per individual building.”
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28. That Section 9: Industrial Zones, Subsection 9.4.3 b) be amended by adding the following new subsection:

- “iv) Where a building(s) is located on a corner lot, Section 9.4.3 b) ii) shall only apply to one of the lot lines abutting a street.”

29. That Section 9.4: Business Park Support (M4) Zone, Subsection 9.4.3 i) be amended by adding “Office,” before “Industrial Administrative”, and replacing “An Industrial Administrative Office or a Surveying, Engineering, Planning or Design Business shall be limited to a gross floor area of less than 10,000 square metres on a lot” with “The total combined gross floor area of any Office, Industrial Administrative Office and Surveying, Engineering, Planning or Design Business uses shall not exceed 4,000.0 square metres per individual building” so that it reads as follows:

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|---|--|
| <p>“i) Maximum Gross Floor Area for Office, Industrial Administrative Office or Surveying, Engineering, Planning or Design Business</p> | <p>The total combined gross floor area of any Office, Industrial Administrative Office and Surveying, Engineering, Planning or Design Business uses shall not exceed 4,000.0 square metres per individual building.”</p> |
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30. That Section 9.7: Airside Industrial (M7) Zone, be amended by renumbering Subsections 9.7.3 e) through 9.7.3 j) to 9.7.3 f) through 9.7.3 k), and adding a new Subsection 9.7.3 e) which reads as follows:

- |  |   |
|--|---|
| <p>“e) Maximum Gross Floor Area for Office or Industrial Administrative Office</p> | <p>The total combined gross floor area of any Office and any Industrial Administrative Office uses shall not exceed 4,000.0 square metres per individual building.”</p> |
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31. That Section 9.10: Airport Light Industrial (M10) Zone, Subsection 9.10.3 j) be amended by adding “Office,” before the words “Industrial Administrative”, and replacing “An Industrial Administrative Office or a Surveying, Engineering, Planning or Design Business shall be limited to a gross floor area of less than 10,000 square metres on a lot” with “The total combined gross floor area of any Office, Industrial Administrative Office and Surveying, Engineering, Planning or Design Business uses shall not exceed 4,000.0 square metres per individual building” so that it reads as follows:

- |   |   |
|---|---|
| <p>“i) Maximum Gross Floor Area for Office, Industrial Administrative Office or</p> | <p>The total combined gross floor area of any Office, Industrial Administrative Office and Surveying,</p> |
|---|---|

Surveying, Engineering,  
Planning or Design Business

Engineering, Planning or Design  
Business uses shall not exceed  
4,000.0 square metres per individual  
building.”

32. That Section 9: Industrial Zones, Subsection 9.11.3 c) be amended by adding the following new subsection:

“iii) Where a building(s) is located on a corner lot, Section 9.11.3 c) ii) shall only apply to one of the lot lines abutting a street.”

33. That Section 9.11: Airport Prestige Business (M11) Zone, Subsection 9.11.3 j) be amended by replacing “Additional Regulations for” with “Maximum Gross Floor Area for Office,” and replacing “An Industrial Administrative Office or a Surveying, Engineering, Planning or Design Business shall be limited to a gross floor area of less than 10,000 square metres on a lot” with “The total combined gross floor area of any Office, Industrial Administrative Office and Surveying, Engineering, Planning or Design Business uses shall not exceed 4,000.0 square metres per individual building” so that it reads as follows:

“j) Maximum Gross Floor Area  
for Office, Industrial  
Administrative  
Office or Surveying,  
Engineering, Planning or  
Design Business

The total combined gross floor area  
of any Office, Industrial  
Administrative Office and Surveying,  
Engineering, Planning or Design  
Business uses shall not exceed  
4,000.0 square metres per individual  
building.”

34. That Section 9: Industrial Zones, Subsection 9.14.3 b) be amended by adding the following new subsection:

“iv) Where a building(s) is located on a corner lot, Section 9.14.3 b) ii) shall only apply to one of the lot lines abutting a street.”

35. That Section 10: Commercial Zones, Subsections 10.1.1, 10.2.1, 10.3.1, 10.5.1 and 10.5a.1 be amended by replacing “Personal Services” with “Personal Service”.

36. That Section 10: Commercial Zones, Subsection 10.1.3 b) be amended by renumbering Subsection 10.1.3 b) to 10.1.3 b) i) and by adding the following new Subsection:

- “ii) Notwithstanding Section 10.1.3 b) i), in the case of a corner lot where a rear lot line is abutting a street, the requirements of Section 10.1.3 a) shall apply.”
37. That Section 10: Commercial Zones, Subsection 10.2.1.1 ii) be amended by adding a new Subsection “3.” which reads as follows:
- “3. Notwithstanding Section 10.2.1.1 ii) 1., a Dwelling Unit(s), Mixed Use shall be permitted in a basement or cellar.”
38. That Section 10: Commercial Zones, Subsection 10.2.3 b) be amended by adding a new subsection “iii)” which reads as follows:
- “iii) Notwithstanding Section 10.2.3 b) i) and ii), in the case of a corner lot where a rear lot line is abutting a street, the requirements of Section 10.2.3 a) shall apply.”
39. That Section 10: Commercial Zones, Subsections 10.2.3 i) iii), 10.3.3 i) iii), 10.5.3 g) iii), 10.5a.3 h) iii) and 10.6.3 g) iii), be amended by deleting “the front lot line and flankage lot line” and replacing it with “a street line.”
40. That Section 10: Commercial Zones, Subsections 10.2.3 i) iv), 10.3.3 i) iv), 10.5.3 g) iv), and 10.6.3 g) iv) be amended by deleting “the front and flankage lot lines” and replacing it with “a street line.”
41. That Section 10: Commercial Zones, Subsection 10.5a.3 h) be amended as follows:
- a) That Subsection ii) be amended by adding “, but shall exclude access driveways and required yard-along a lot line abutting a street.” so that it reads as follows:
- “For an interior lot or through lot the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 75% of the measurement of the front lot front line, but shall exclude access driveways and required yard along a lot line abutting a street.”
- b) That Subsection iii) be amended by adding “, but shall exclude access driveways and required yard along a lot line abutting a street.” so that it reads as follows:
- “For a corner lot the minimum width of the ground floor façade facing the front lot line and flankage lot line shall be greater than or equal to 50% of

the measurement of all lot lines abutting a street, but shall exclude access driveways and required yard along a lot line abutting a street.”

- c) That Subsection iv) be deleted in its entirety but retained and intentionally left blank.
42. That Section 10: Commercial Zones, Subsection 10.3.3 b) be amended by adding a new subsection “iii)” which reads as follows:
- “iii) Notwithstanding Section 10.3.3 b) i) and ii), in the case of a corner lot where a rear lot line is abutting a street, the requirements of Section 10.3.3 a) shall apply.”
43. That Section 10: Commercial Zones, Subsection 10.4.3 b) be amended by renumbering subsection “10.4.3 b)” to “10.4.3 b) i)” and adding a new Subsection “10.4.3 b) ii)” which reads as follows:
- “ii) Notwithstanding Section 10.4.3 b) i), in the case of a corner lot where a rear lot line is abutting a street, the requirements of Section 10.4.3 a) shall apply.”
44. That Section 10.4: Mixed Use High Density (C4) Zone, Subsection 10.4.3 e) be amended by adding “an” after the word “for”, and replacing “10,000.0” with “4,000.0” so that it reads as follows:
- “e) Maximum Gross Floor Area for an Office Building 4,000.0 square metres per individual building.”
45. That Section 10: Commercial Zones, Subsection 10.5.3 b) be amended by renumbering Subsection “10.5.3 b)” to “10.5.3 b) i)” and adding a new Subsection “ii)” which reads as follows:
- “ii) Notwithstanding Section 10.5.3 b) i), in the case of a corner lot where a rear lot line is abutting a street, the requirements of Section 10.5.3 a) shall apply.”
46. That Section 10.5: Mixed Use Medium Density (C5) Zone, Subsection 10.5.3 e) be amended by replacing “each” with “an”, and replacing “10,000.0 square metres” with “4,000.0 square metres per individual building” so that it reads as follows:
- “e) Maximum Gross Floor Area for an Office Building 4,000.0 square metres per individual building.”

47. That Section 10: Commercial Zones, Subsection 10.5a.1.1 ii) be amended by adding a new subsection “3.” which reads as follows:

“3. Notwithstanding Section 10.5a.1.1 ii) 2., a Dwelling Unit(s), Mixed Use shall be permitted in a basement or cellar.”
48. That Section 10: Commercial Zones, Subsection 10.5a.3 b) be amended by renumbering Subsection “10.5a.3 b)” to “10.5a.3 b) i)” and adding a new Subsection “ii)” which reads as follows:

“ii) Notwithstanding Section 10.5a.3 b) i), in the case of a corner lot where a rear lot line is abutting a street, the requirements of Section 10.5a.3 a) shall apply”
49. That Section 10: Commercial Zones, Subsections 10.5a.7 and 10.5a. 8 be amended by replacing the word “principle” with “principal”.
50. That Section 10: Commercial Zones, Subsection 10.6.1.1 i) be amended by adding a new Subsection “3.” which reads as follows:

“3. Notwithstanding Section 10.6.1.1 i) 1., a Dwelling Unit(s), Mixed Use shall be permitted in a basement or cellar.”
51. That Section 10: Commercial Zones, Subsection 10.6.1.1. i) 2., be deleted in its entirety.
52. That Section 10: Commercial Zones, Subsection 10.6.3 b) be amended by adding a new Subsection “iii)” which reads as follows:

“iii) Notwithstanding Section 10.6.3 b) i) and ii), in the case of a corner lot where a rear lot line is abutting a street line, the requirements of Section 10.6.3 a) shall apply.”
53. That Section 11: Transit Oriented Corridor Zones, Subsection 11.1.3 b) be amended by renumbering Subsection “11.1.3 b)” to “11.1.3 b) i)” and adding new Subsection “11.1.3 b) ii)” which reads as follows:

“ii) Notwithstanding Section 11.1.3 b) i), in the case of a corner lot where a rear lot line is abutting a street line, the requirements of Section 11.1.3 a) shall apply.”
54. That Section 11.1: Transit Oriented Corridor Mixed Use Medium

Density (TOC1) Zone, Subsection 11.1.3 f) be amended by replacing “10,000.0 square metres” with “4,000.0 square metres per individual building” so that it reads as follows:

- “f) Maximum Gross Floor Area for an Office Building 4,000.0 square metres per individual building.”
55. That Section 11: Transit Oriented Corridor Zones, Subsection 11.1.8 a) ii) and 11.1.8 b) ii) be amended by replacing the word “principle” with “principal”.
56. That Section 11: Transit Oriented Corridor Zones, Subsection 11.2.1 be amended be replacing “Personal Services” with “Personal Service”.
57. That Section 11: Transit Oriented Corridor Zones, Subsection 11.2.7 a) ii) and 11.2.7 b) ii) be amended by replacing “principle” with “principal”.
58. That Section 11: Transit Oriented Corridor Zones, Subsections 11.1.3 g) iii), 11.3.2 f) iii) and 11.4.3 g) iii) be amended by deleting the words “the front lot line and flankage lot line” and replaced with “a street line”.
59. That Section 11: Transit Oriented Corridor Zones, Subsections 11.1.3 g) iv), 11.3.2 f) iv) and 11.4.3 g) iv) be amended by replacing the words “the front and flankage lot lines” with “a street line”.
60. That Section 11: Transit Oriented Corridor Zones, Subsection 11.2.3 b) be amended by renumbering Subsection “11.2.3 b)” to “11.2.3 b) i)” and adding a new Subsection “ii)” which reads as follows:
- “ii) Notwithstanding Section 11.2.3 b) i), in the case of a corner lot where a rear lot line is abutting a street line, the requirements of Section 11.2.3 a) shall apply.”
61. That Section 11: Transit Oriented Corridor Zones, Subsection 11.3.2 b) be amended by renumbering Subsection “11.3.2 b)” to “11.3.2 b) i)” and adding new Subsection “ii)” which reads as follows:
- “ii) Notwithstanding Section 11.3.2 b) i), in the case of a corner lot where a rear lot line is abutting a street line, the requirements of Section 11.3.2 a) shall apply.”
62. That Section 11: Transit Oriented Corridor Zones, Subsection 11.4.3 b) be amended by renumbering Subsection “11.4.3 b)” to “11.4.3 b) i)” and adding

new subsections “ii)” which reads as follows:

“ii) Notwithstanding Section 11.4.3 b) i), in the case of a corner lot where a rear lot line is abutting a street line, the requirements of Section 11.4.3 a) shall apply.”

63. That Section 11.4: Transit Oriented Corridor Mixed Use High Density (TOC4) Zone, Subsection 11.4.3 f) be amended by replacing “10,000.0 square metres” with “4,000.0 square metres per individual building” so that it reads as follows:

“f) Maximum Gross Floor Area for an Office Building 4,000.0 square metres per individual building.”

64. That Section 12: Rural Zones, Subsection 12.1.2 b) be amended by replacing the word “delinated” with “delineated”.

65. That Section 12: Rural Zones, Subsection 12.4.1 be amended by replacing the words “Personal Services” with “Personal Service”.

66. That Section 13: Utility Zones, Subsection 13.2.1 be amended by adding the words “Pipeline and Associated Facilities” following “Hydro Transmission Line and Associated Facilities” and before “Railway” so that it reads as follows:

**PERMITTED USES**

Hydro Transmission Line and Associated Facilities  
Pipeline and Associated Facilities  
Railway  
Transportation Depot  
Transport Terminal

67. That Section 14: Waterfront Zones, Subsection 14.0 D) i) be amended by replacing the words “Personal Services” with “Personal Service”.

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

a) That Special Exception Nos. 46, 47, 266, 290, 294, 298, 299, 319, 347, 394, 399, 442, 443, 445, 461, 550, 552, 558, 584, 585, 600, 618, 649, 672, 748, 749, 811 and 852 be amended by replacing the words “Personal Services” with the words “Personal Service”.

b) That Special Exception No. 179 be deleted in its entirety and replaced with



the following:

“179. Within the lands zoned Major Institutional (I3, 179) Zone, identified on Map Nos. 412, 413, and 445 of Schedule “A” – Zoning Maps and described as 329, 337 and part of 345 Parkside Drive, the following special provisions shall apply:

- a) Notwithstanding Section 8.3.1, only the following uses shall be permitted:
  - i) Long Term Care Facility
  - ii) Multiple Dwelling
  - iii) Retirement Home
- b) The uses listed in a) above, shall be permitted in accordance with the following restriction:
  - i) The maximum combined Lot Coverage of any Multiple Dwelling, Retirement Home or combination thereof, shall not exceed 50%.
- c) Notwithstanding Section 8.3.2.1 b), c and d), and Section 8.3.2.2 a) and b), the following regulations shall apply to the uses listed in a) above:
  - i) Minimum Setback from the Side Lot Line 7.5 metres
  - ii) Minimum Setback from the Rear Lot Line 7.5 metres
  - iii) Maximum Building Height 11.0 metres
- d) In addition to Section 8.3.2.1 and Section 8.3.2.2, the following regulations shall apply to the uses listed in a) above:
  - i) Minimum Setback from the Front Lot Line 15.0 metres
  - ii) Minimum setback from the Flankage Lot Line 15.0 metres
  - iii) A Minimum Planting Strip of 3.0 m adjacent to a street line shall be provided and maintained.

- e) Access shall be permitted through a zone that does not permit the uses listed in a) above.”
- c) That Special Exception No. 190 be amended by replacing all instances of the words “Major Recreational Vehicle Sales and Service Establishment” and replacing it with the words “Major Recreational Equipment Sales, Rental and Service Establishment” so that it reads as follows:

“In addition to Section 12.6.1 and notwithstanding the definition of a Major Recreational Equipment Sales, Rental and Service Establishment found in Section 3 of this By-law, on those lands zoned Existing Rural Commercial (E1) Zone, identified on Map No. 142 of Schedule “A” – Zoning Maps and described as 2782 Jerseyville Road West, a Major Recreational Equipment Sales, Rental and Service Establishment shall also be permitted, including the sales and service of motorcycles, recreational equipment and the storage of domestic fuel.”
- d) That Special Exception No. 375 be amended by removing the row containing Property Address “481 Barton Street East” and the corresponding Map Nos. “1147, 1198, 1199” from the table of included properties.
- e) That Special Exception No. 558, Subsection b) xvi) be amended by replacing the words “Major Recreational Equipment Sales and Service Establishment” with the words “Major Recreational Equipment Sales, Rental and Service Establishment”.
- f) That Special Exception No. 601, Subsection b) xvii) be amended by replacing the words “Major Recreation Vehicle Sales and Service Establishment” with the words “Major Recreational Equipment Sales, Rental and Service Establishment”.
- g) That Special Exception No. 649, Subsection b) xvii) be amended by replacing the words “Major Recreation Vehicle Sales and Service Establishment” with the words “Major Recreational Equipment Sales, Rental and Service Establishment”.
- h) That Special Exception No. 728, Subsection b) be amended by replacing the words “4.23 c)” with the words “4.23 c)ii)” so that it reads

as follows:

"Notwithstanding Subsections 4.23 c)ii), all buildings or structures located on a property shall be setback a minimum of 7.5 metres from a Transcanada Pipeline Right-of-Way."

- i) That Special Exception No. 864 be amended by deleting Subsection d) iii) b) in its entirety.

- j) That new Special Exception No. 900 be added as follows:

"900. Within the lands zoned Major Institutional (I1, 900) Zone, identified on Map No. 860 of Schedule "A" – Zoning Maps and described as 245 Mill Street, Dundas, the following special provisions shall apply:

- a) In addition to Section 8.1.1, Medical Clinic and Personal Service uses shall be permitted, subject to the requirements of Subsection 8.1.3.1."

- k) That new Special Exception No. 901 be added as follows:

"901. Within the lands zoned Downtown Central Business District (D1, 901) Zone, identified on Map No. 910, of Schedule "A" – Zoning Maps and described as 221 York Boulevard, Hamilton, the following special provisions shall apply:

- a) Notwithstanding Section 5.1 a) v) a) and b), the following regulations shall apply as it pertains to the existing Commercial Parking Facility:

- |     |                             |  |
|-----|-----------------------------|--|
| i)  | Location of Parking         | Parking spaces and aisles giving direct access to abutting parking spaces shall be permitted to be located as close as 0.0m.             |
| ii) | Planting Strip Requirements | No planting strip shall be provided between a street line and parking spaces and aisles giving direct access to abutting parking spaces. |

- b) In addition to Section 6.1.1 and notwithstanding Section 6.1.1.1 i) 1. A. and B., the following regulations shall apply as it pertains to the

- i) A Commercial Parking Facility shall be permitted as an accessory use to a Place of Worship;
- ii) The Parking Facility shall not be required to be contained within a building; and,
- iii) A surface parking lot, located on the lot, shall be permitted in addition to the permitted uses on the ground floor.”

“902. Within the lands zoned Neighbourhood Park (P1, 902) Zone, identified on Map No. 827 of Schedule “A” – Zoning Maps and described as 40 Wood Street East, Hamilton, the following special provisions shall apply:

i)	Permitted Uses	Community Centre
ii)	Maximum Building Gross Floor Area	The Building Gross Floor area existing on the date of the passing of this By-law shall be deemed to comply.

“Notwithstanding Figure 1 – Special Figures of By-law 05-200, on those lands zoned Downtown (D1), (D2), and (D5) Zone, identified on Maps 868, 869, 909, 910, 911, 951, 952, 953, 954, 994, 995 of Schedule “A” – Zoning Maps, development shall be restricted by the following:”

c) That new Holding Provision No. 176 be added as follows:

“176. Notwithstanding Section 8.3 of this By-law, within the lands zoned Major Institutional (I3, 179) Zone, identified on Map Nos. 412, 413 and 445 of Schedule “A” – Zoning Maps and described as 329, 337 and part of 345 Parkside Drive, no development shall be permitted until such time as:

- a) The Owner submits the following studies to the satisfaction of the Director of Development Planning:
  - i) Planning Justification Report;
  - ii) Environmental Impact Study;
  - iii) Archaeological Assessment; and,
  - iv) Visual Impact Assessment.
- b) The Owner submits the following studies to the satisfaction of the Director of Growth Management:
  - i) Functional Servicing Report;
  - ii) Traffic Impact Study;
  - iii) Available Fire Flow;
  - iv) Watermain Hydraulic Analysis; and,
  - v) Stormwater Management Brief.
- c) The Owner submits a Water Resources Assessment to the satisfaction of the Director of Hamilton Water.
- d) The Owner submits a Karst / Geotechnical Study to the satisfaction of the Director of Development Planning and the Director of Growth Management.”

70. That Schedule “E” – Temporary Use Provisions, Subsection 8 be amended by replacing the words “personal services” with the words “Personal Service”.

71. 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.

To Amend Zoning By-law No. 05-200, Respecting Modifications and Updates to the Interpretation, Definitions, General Provisions, Parking, Industrial Zones, Commercial and Mixed Use Zones, Transit Oriented Corridor Zones, Rural Zones, Utility Zones, Waterfront Zones, Special Exceptions, Holding Provisions, Temporary Use Provisions, and Zoning Maps

Page 22 of 29

**PASSED** this 12<sup>th</sup> day of July, 2024

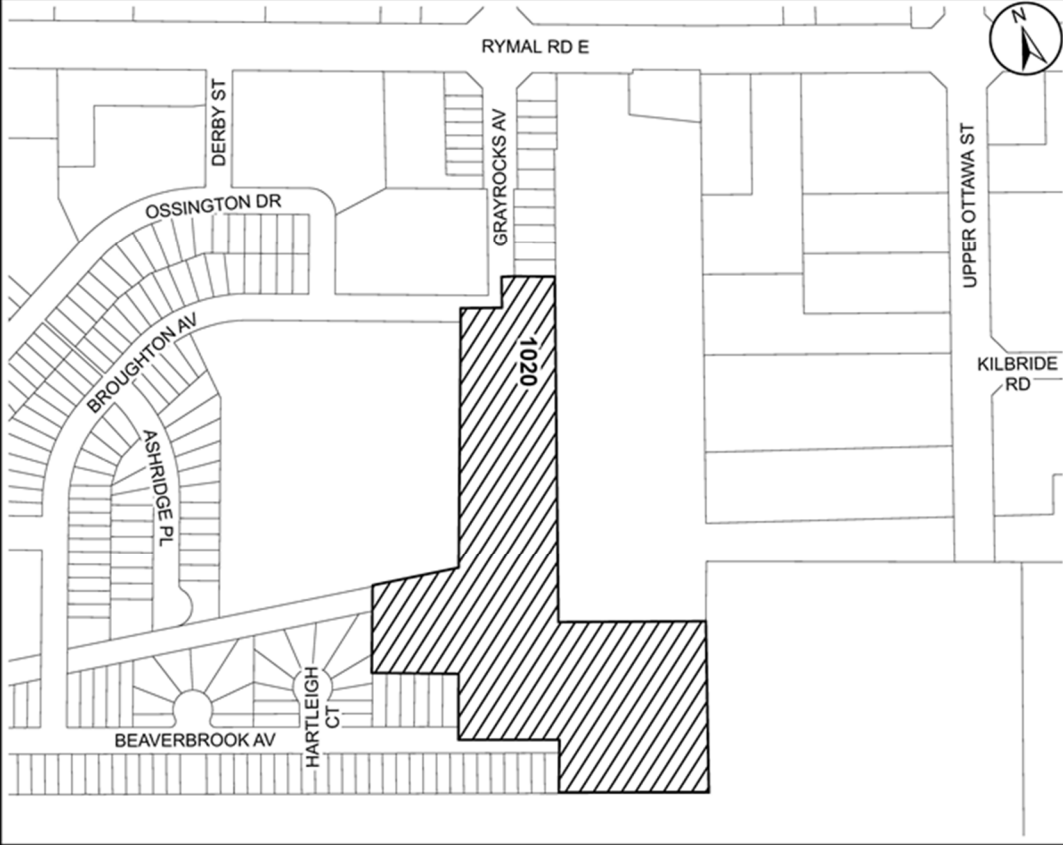


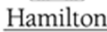
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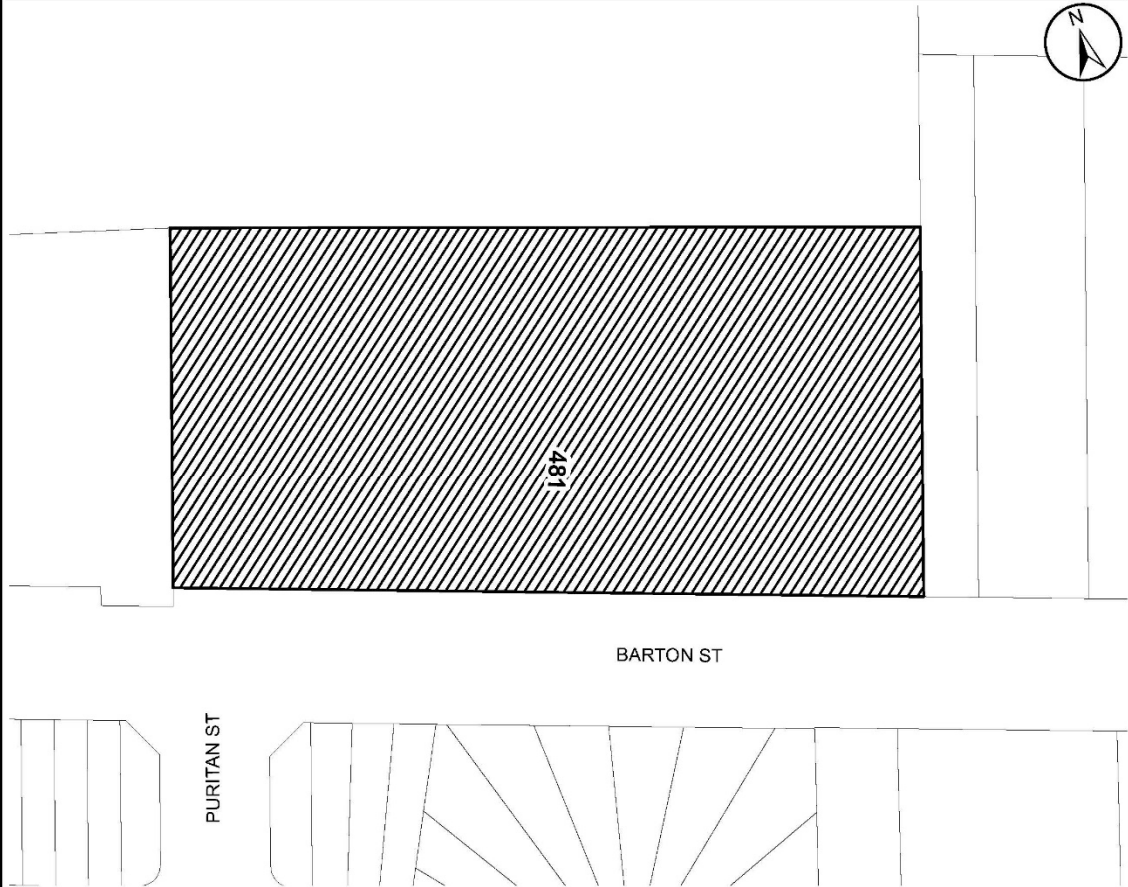

A. Horwath  
Mayor

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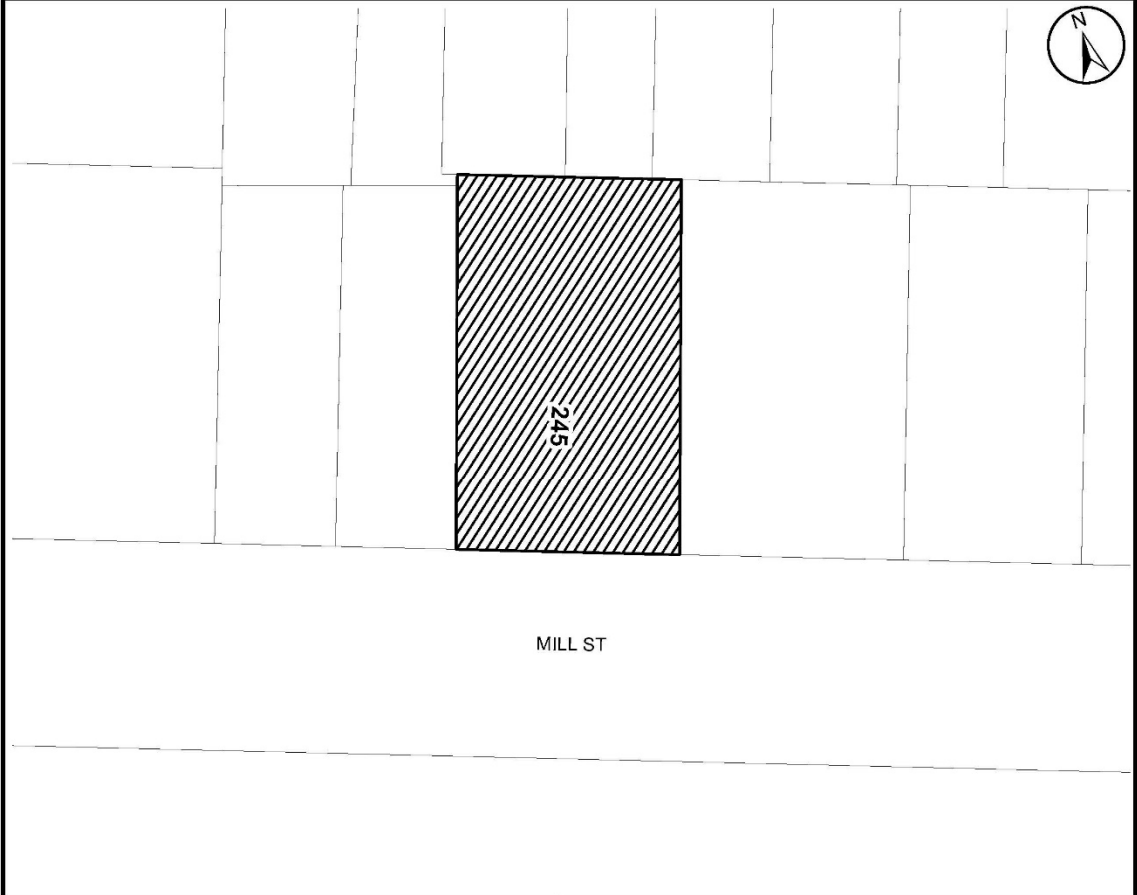

M. Trennum  
City Clerk

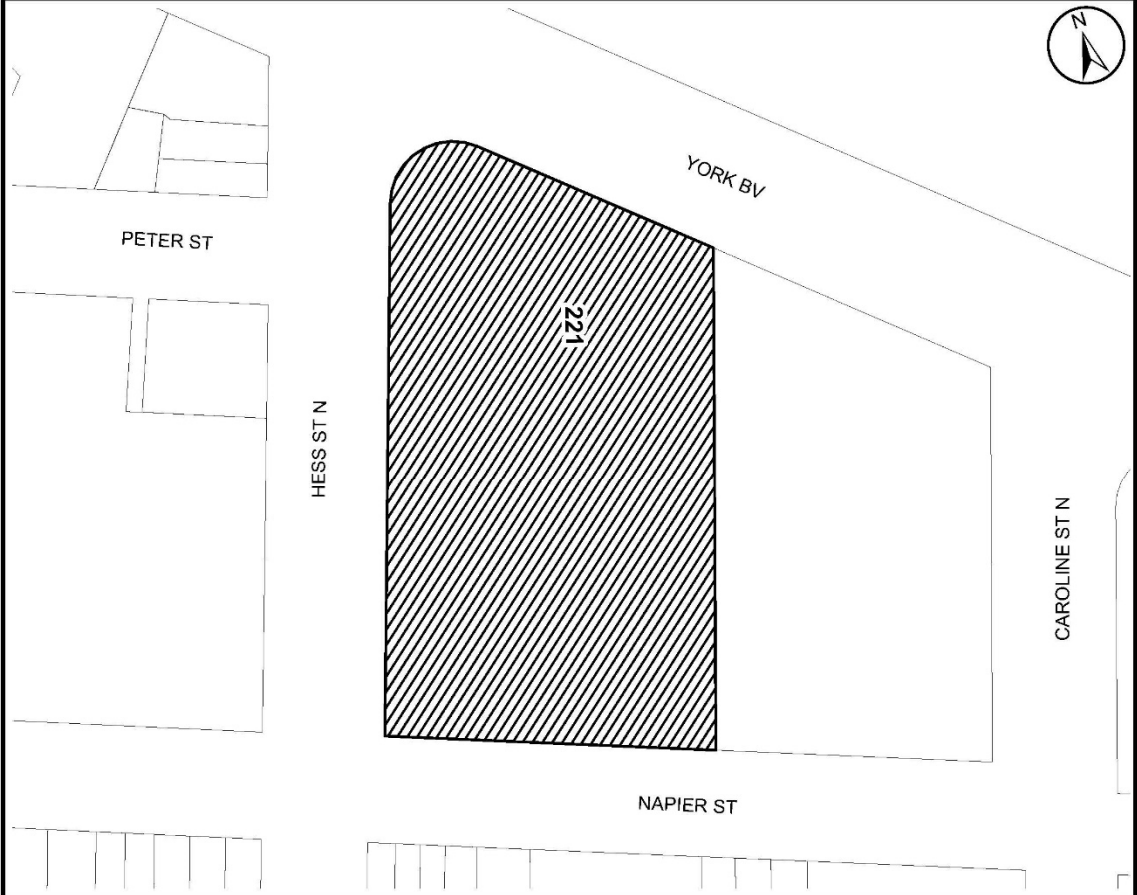

CI-24-D

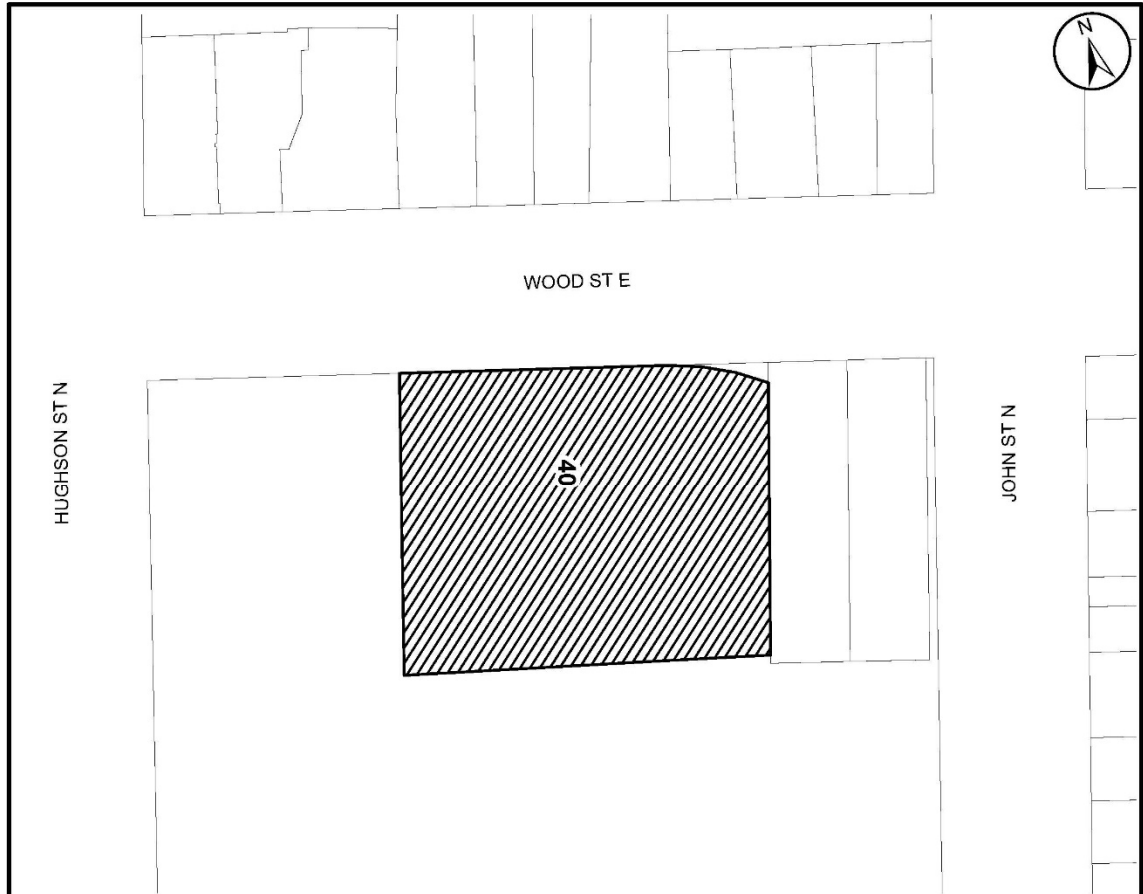
					
<p>This is Schedule "A1" to By-law No. 24-</p> <p>Passed the ..... day of ....., 2024</p>	<p>-----</p> <p>Mayor</p> <p>-----</p> <p>Clerk</p>				
<p><b>Schedule "A1"</b></p> <p>Map forming Part of By-law No. 24-_____</p> <p>to Amend By-law No. 05-200 Maps 1498 &amp; 1545</p>	<p><b>Subject Property</b> 1020 Rymal Road East, Hamilton</p> <p> Lands to be added to Zoning By-law No. 05-200 and zoned Utility (U2) Zone</p>				
<table border="1"> <tr> <td>Scale: N.T.S.</td> <td>File Name/Number: CI-24-D</td> </tr> <tr> <td>Date: May 23, 2024</td> <td>Planner/Technician: SC/AL</td> </tr> </table>	Scale: N.T.S.	File Name/Number: CI-24-D	Date: May 23, 2024	Planner/Technician: SC/AL	 
Scale: N.T.S.	File Name/Number: CI-24-D				
Date: May 23, 2024	Planner/Technician: SC/AL				
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>					

		
<p>This is Schedule "A2" to By-law No. 24-</p> <p>Passed the ..... day of ....., 2024</p>		<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
<p><b>Schedule "A2"</b></p> <p><b>Map forming Part of</b></p> <p><b>By-law No. 24-_____</b></p> <p><b>to Amend By-law No. 05-200</b></p> <p><b>Maps 1147, 1198 &amp; 1199</b></p>		<p><b>Subject Property</b></p> <p>481 Barton Street, Stoney Creek</p> <div style="display: flex; align-items: center;"> <p>Change in zoning from the Prestige Business Park (M3, 373, 375) Zone to the Prestige Business Park (M3, 373) Zone</p> </div>
<p><b>Scale:</b> N.T.S</p>	<p><b>File Name/Number:</b> CI-24-D</p>	
<p><b>Date:</b> May 23, 2024</p>	<p><b>Planner/Technician:</b> LT/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		



		
<p style="text-align: center;">This is Schedule "A3" to By-law No. 24-</p> <p style="text-align: center;">Passed the ..... day of ....., 2024</p>	<p style="text-align: center;">----- Mayor</p> <p style="text-align: center;">----- Clerk</p>	
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<p><b>Scale:</b> N.T.S</p>	<p><b>File Name/Number:</b> CI-24-D</p>	 <b>Hamilton</b>
<p><b>Date:</b> May 23, 2024</p>	<p><b>Planner/Technician:</b> LT/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

		
<p>This is Schedule "A4" to By-law No. 24-</p> <p>Passed the ..... day of ....., 2024</p>		<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
<p><b>Schedule "A4"</b></p> <p><b>Map forming Part of</b></p> <p><b>By-law No. 24-_____</b></p> <p><b>to Amend By-law No. 05-200</b></p> <p><b>Map 910</b></p>		<p><b>Subject Property</b></p> <p>221 York Blvd, Hamilton</p> <div style="display: flex; align-items: center;"> <p>Change in zoning from the Downtown Central Business District (D1) Zone to the Downtown Central Business District (D1, 901) Zone</p> </div>
<p><b>Scale:</b> N.T.S</p>	<p><b>File Name/Number:</b> CI-24-D</p>	 <b>Hamilton</b>
<p><b>Date:</b> May 23, 2024</p>	<p><b>Planner/Technician:</b> LT/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		



This is Schedule "A5" to By-law No. 24-

Passed the ..... day of ....., 2024

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Mayor

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Clerk


## Schedule "A5"

Map forming Part of  
By-law No. 24-\_\_\_\_\_

to Amend By-law No. 05-200  
Map 827

### Subject Property

40 Wood Street East, Hamilton

 Change in zoning from the Neighbourhood Park (P1) Zone to the Neighbourhood Park (P1, 902) Zone

Scale:  
N.T.S

File Name/Number:  
CI-24-D

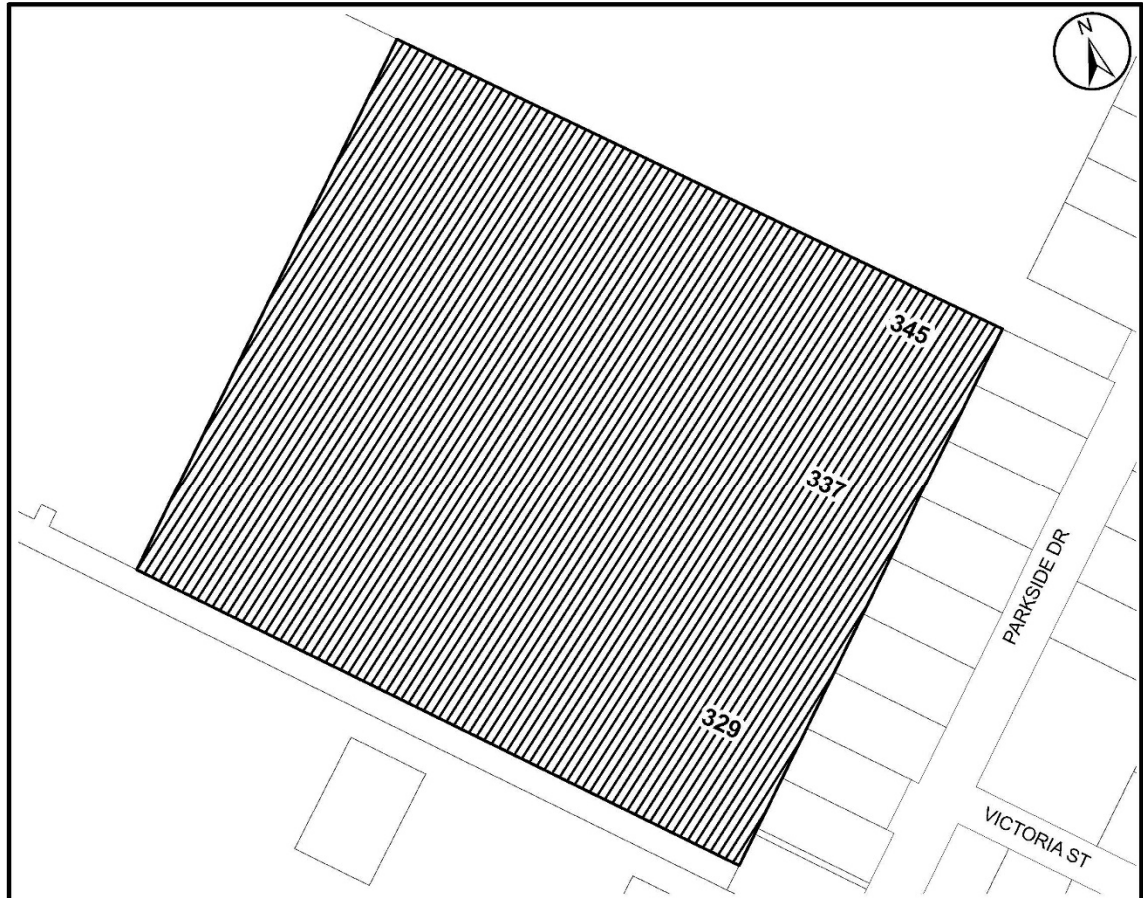
Date:  
May 23, 2024

Planner/Technician:  
LT/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



This is Schedule "A6" to By-law No. 24-

Passed the ..... day of ....., 2024

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Mayor

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Clerk


## Schedule "A6"

Map forming Part of  
By-law No. 24-\_\_\_\_\_

to Amend By-law No. 05-200  
Map 412, 413 & 445

### Subject Property

329, 337 and 345 Parkside Drive, Flamborough

 Change in zoning from the Rural (A2, 179) Zone to the Major Institutional (I3, 179, H176) Zone

Scale:  
N.T.S

File Name/Number:  
CI-24-D



Date:  
May 23, 2024

Planner/Technician:  
LT/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

		
<p>This is Schedule "A7" to By-law No. 24-</p> <p>Passed the ..... day of ....., 2024</p>		<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
<p><b>Schedule "A7"</b></p> <p>Map forming Part of</p> <p>By-law No. 24-_____</p> <p>to Amend By-law No. 05-200</p> <p>Map 1000</p>		<p><b>Subject Property</b></p> <p>1368 Barton Street East, Hamilton</p> <p> Change in zoning from the Parking (U3) Zone to the Mixed Use Medium Density (C5) Zone</p>
<p>Scale: N.T.S</p>	<p>File Name/Number: CI-24-D</p>	 <b>Hamilton</b>
<p>Date: May 31, 2024</p>	<p>Planner/Technician: SC/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		