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 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 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. |

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, 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 (11) 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 (11) Zone” to the “Neighbourhood Institutional (11) 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 (11) Zone” to the “Neighbourhood Institutional (11) 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 (12) Zone” to the “Community Institutional (12) 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 “J”, 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 “K”, 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 (11) Zone and Community Institutional (12) 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
- 266 Bowman Street
- 125 Cline Avenue South
- 80 Ewen Road
- 900 King Street West
- 143 Lower Horning Road
- 1152 Main Street West
- 1349 Main Street West
- 100 Macklin Street North
- 99 North Oval
- 69 Sanders Boulevard
- 200 Whitney Avenue
- 28 Wilmont Court

as it relates to the following permitted uses:

- Duplex Dwelling
- 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:

<table>
<thead>
<tr>
<th>Dwelling Type</th>
<th>Calculation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duplex Dwelling</td>
<td>1 for each dwelling unit, for the first 8 habitable rooms in the dwelling unit plus 0.5 for each additional habitable room.</td>
</tr>
<tr>
<td>Semi-Detached Dwelling</td>
<td>1 for each dwelling unit, for the first 8 habitable rooms in the dwelling unit plus 0.5 for each additional habitable room.</td>
</tr>
<tr>
<td>Single Detached Dwelling</td>
<td>1 for each dwelling unit, for the first 8 habitable rooms in the dwelling unit plus 0.5 for each additional habitable room.</td>
</tr>
</tbody>
</table>

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 Planning Act.

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

Fred Eisenberger  
Mayor

Kevin C. Christenson  
City Clerk

CI-08-1
Subject Property

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

Schedule "A"

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

to Amend By-law No.05-200 (Maps 817 and 859)
This is Schedule "B" to By-Law No. 08-227

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

Schedule "B"

Map Forming Part of By-Law No. 08-227 to Amend By-law No. 05-200 (Map 949)

Subject Property
125 Cline Avenue South

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

Scale: N.T.S.
File Name/Number: 125 Cline Ave S
Date: July 30, 2008
Planner/Technician: AF/IDG

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
This is Schedule "C" to By-Law No. 08-227

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

Schedule "C"

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

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

Subject Property
201 Paradise Road North

Clerk
Mayor
This is Schedule "D" to By-Law No. 08-227
Passed the ...24.... day of... September, 2008

Schedule "D"

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

to Amend By-law No. 05-200

(Map 866)

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. 08-227 to Amend By-law No. 05-200 (Map 906 and 948)

Subject Property
1152 Main Street West
Lands to be rezoned from Neighbourhood Institutional (II) Zone to Neighbourhood Institutional (II) Zone, modified.
This is Schedule "F" to By-Law No. 08-227
Passed the 24th day of September, 2008

Schedule "F"
Map Forming Part of By-Law No. 08-227 to Amend By-law No. 05-200 (Map 907)

Subject Property
1140 King Street West
1155 King Street West

Lands to be rezoned from Neighbourhood Institutional (I) Zone to Neighbourhood Institutional (I) Zone, modified.
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. 08-227

to Amend By-law No. 05-200

(Map 907)

Subject Property

<table>
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<th>Pattern</th>
<th>Description</th>
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<tr>
<td>96 - 100 North Oval</td>
<td>Lands to be rezoned from Neighbourhood Institutional (II) Zone to Neighbourhood Institutional (II) Zone, modified.</td>
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<td>99 North Oval</td>
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Scale: N.T.S.

File Name/Number: 96, 99 & 100 North Oval

Date: July 30, 2008

Planner/Technician: AF/DG

Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Clerk

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

Passed the 24 day of September, 2008

Schedule "H"

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

(Map 907)

Subject Property

- 215 Cline Avenue North
- 900 King Street North
- 2 Bond Street North

Lands to be rezoned from Neighbourhood Institutional (II) Zone to Neighbourhood Institutional (II) Zone, modified.
This is Schedule "I" to By-Law No. 08-227

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

Schedule "I"

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

to Amend By-law No. 05-200

(Map 948)

Subject Property

1349 Main Street West

1355 Main Street West

Lands to be rezoned from Neighbourhood Institutional (II) Zone to Neighbourhood Institutional (II) Zone, modified.
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. 08-227 to Amend By-law No. 05-200 (Maps 988 and 989)

Subject Property

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<th>Description</th>
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<tr>
<td>150</td>
<td>Lower Horning Road</td>
</tr>
<tr>
<td>143</td>
<td>Lower Horning Road</td>
</tr>
</tbody>
</table>

Lands to be rezoned from Neighbourhood Institutional (I1) Zone to Neighbourhood Institutional (I1) Zone, modified.
This is Schedule "K" to By-Law No. 08-227

Passed the 24th day of September, 2008

Schedule "K"

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

to Amend By-law No. 05-200

(Maps 988 and 989)

Subject Property

7 Butty Place

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

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[Map Diagram]
This is Schedule "L" to By-Law No. 08-227

Passed the ....... day of S.eptember., 2008

Schedule "L"

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

(Maps 947 and 989)

Subject Property

- 80 Ewen Road
- 84 Ewen Road

Lands to be rezoned from Neighbourhood Institutional (11) Zone to Neighbourhood Institutional (11) Zone, modified.

Scale: N.T.S.
Files Name/Number: 80 & 84 Ewen Road
Date: July 30, 2008
Planner/Technician: AF/DG

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Hamilton
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

261 Whitney Avenue

Lands to be zoned Neighbourhood Institutional (11) 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)

Subject Property
125 Rifle Range Road
Lands to be rezoned from Neighbourhood Institutional (II) Zone to Neighbourhood Institutional (II) Zone, modified.
This is Schedule "O" to By-Law No. 08-227

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

Schedule "O"

Map Forming Part of By-Law No. 08-227
to Amend By-law No. 05-200
(Map 947 and 989)

Subject Property
200 Whitney Avenue

Lands to be rezoned from Community Institutional (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

Schedule "P"
Map Forming Part of By-Law No. 08-227
to Amend By-law No. 05-200
(Map 990)

Subject Property

- 29 Wilmont Court
- 235 Bowman Street
  Lands to be rezoned from Community Institutional (I2) Zone to Community Institutional (I2) Zone, modified.

- 265 Bowman Street
  Lands to be rezoned from Neighbourhood Institutional (I1) Zone to Neighbourhood Institutional (I1) Zone, modified.
This is Schedule "Q" to By-Law No. 08-227

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

Subject Property

100 Macklin Street North

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

Schedule "Q"

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

100 Macklin Street North

(Map 866)
This is Schedule "A" to By-Law No. 08-227

Passed the 24th day of September, 2008

Schedule "R"

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

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

Subject Property
150 King Street East, Dundas

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