

Authority: Item 10, Planning Committee
Report 11-019 (PED11199)
CM: November 16, 2011

Bill No. 276

CITY OF HAMILTON

BY-LAW No. 11- 276

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 comprehensively deal 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 Section 10 of Report 11-019 of the Planning Committee at its meeting held on the 16th day of November, 2011, 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 2.4 d), of By-law 05-200 be amended by deleting the words "a circle numerical reference followed by an "H", and replacing it with "a circle "H" followed by a numerical reference";
2. That Section 3, of By-law 05-200, be amended by adding the following definition:

"Animal Shelter Shall mean the use of land, building, structure or part thereof for emergency accommodation of animals."

3. That Section 3, of By-law 05-200, be amended by deleting 'a combination' between the words "selling" and "of lumber" in the definition of Building and Lumber Supply Establishment.
4. That Section 3, of By-law 05-200 be amended by deleting the words "c) Is not less than 28 square metres" and renumbering "d)" to "c)" within the definition of Landscaped Area.
5. That Section 3, of By-law 05-200, be amended by deleting the definition of Motor Vehicle – Commercial in its entirety and replacing in its entirety with the following:

"Motor Vehicle – Commercial Shall mean a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, buses, tractors and tow trucks used for hauling purposes on the highways, but does not include:

- (a) a commercial motor vehicle, other than a bus, having a gross weight or registered gross weight of not more than 4,500 kilograms, an ambulance, a fire apparatus, a hearse, a casket wagon, a mobile crane, a motor home or a vehicle commonly known as a tow truck,
- (b) a commercial motor vehicle leased for no longer than thirty days by an individual for the transportation of goods kept for that individual's personal use or the gratuitous carriage of passengers,
- (c) a commercial motor vehicle operated under a permit and number plates that is not transporting passengers or goods,
- (d) a commercial motor vehicle operated under the authority of an In-Transit permit, and;

- (e) a bus that is used for personal purposes without compensation.”
6. That Section 3, of By-law 05-200, be amended by replacing the word “distribution” with the word “warehousing” in the definition of Computer, Electronic and Data Processing Establishment.
7. That Section 3, of By-law 05-200, be amended by replacing the word “car wash” with the word “Motor Vehicle Washing Establishment” in the definition of Drive-Through Facility.
8. That Section 3, of By-law 05-200, be amended by deleting the words “An exhibition facility shall in no way be construed to include a conference and convention centre” from the definition of Exhibition Facility.
9. That Section 3, of By-law 05-200, be amended by adding the words “but shall not include any area devoted to mechanical equipment” after the words “on a lot” in the definition of Gross Floor Area.
10. That Section 3, of By-law 05-200, be amended by deleting the definition of Landscaping in its entirety and replacing it with the following:

“Shall mean outdoor space for use, enjoyment and recreation and shall include natural vegetation areas and constructed areas such as patios, decks, playgrounds, pathways, outdoor recreational amenities, fencing, decorative architectural features and retaining walls.”
11. That Section 3, of By-law 05-200, be amended by deleting the words “motor vehicle washing establishment” from the definition of Motor Vehicle Service Station.
12. That Section 3, of By-law 05-200, be amended by deleting the words “jointly” and “three or more” in the definition of Medical Clinic.
13. That Section 3, of By-law 05-200, be amended by deleting “Medical Office” and its definition in its entirety.
14. That Section 3, of By-law 05-200, be amended by adding the words “and shall include low level architectural walls or features” after the word “buffer” in the definition of Planting Strip.
15. That Section 3, of By-law 05-200, be amended by adding the word “retail” between the words “fitness club” and “or a Labour” within the definition of Private Club or Lodge.
16. That Section 3, of By-law 05-200, be amended by adding the words “but shall not include a maisonette” between the words “of the building” and “Each townhouse” within the definition of Street Townhouse Dwelling.

17. That Section 3, of By-law 05-200, be amended by deleting the words “but shall not include a Commercial School or Educational Establishment” from the definition of Trade School.
18. That Section 3, of By-law 05-200, be amended by deleting the words “and shall also include courier service facilities” from the definition of Transportation Depot.
19. That Section 4.3, of By-law 05-200, be amended by deleting c) in its entirety.
20. That Section 4.6 (d), of By-law 05-200, be amended by adding the words “whichever the lesser” between the words “of the required yard” and “;and,”.
21. That Section 4.9, of By-law 05-200, be amended to rename the section from “Air Conditioners and Pumps” to “Mechanical and Unitary Equipment”.
22. That Section 4.12 c), of By-law 05-200, be amended by replacing the word “an” to “any”.
23. That Section 4.18 b), of By-law 05-200, be amended by deleting the word “or”.
24. That Section 4.19, of By-law 05-200, be amended by replacing the words “and shall consist” with the words “and shall not be located within 3.0 metres of a street line. A visual barrier shall consist”.
25. That Section 4.20 b) Location Requirements and c) Prohibition of Commercial Entertainment and Recreation, of By-law 05-200, and be amended by being renumbered c) and d), respectively.
26. That Section 4.20 d), of By-law 05-200, be amended by deleting the words “or commercial entertainment” between “for commercial entertainment” and “or commercial recreation”.
27. That Section 4.21 c), of By-law 05-200, be amended by adding the words “Dwelling Unit(s)” between the words “Duplex Dwellings,” and “Multiple Dwellings”.
28. That Section 4.21 d), of By-law 05-200, be amended by adding the words “Dwelling Unit(s)” between the words “Duplex Dwellings,” and “Multiple Dwellings”.
29. That Section 5.1 a) v), of By-law 05-200, be deleted in its entirety and replaced with the following:

- “v) Unless otherwise regulated in this By-law, parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall be subject to the following:
- a) Shall not be located within 3.0 metres of a street line,
 - b) Shall provide a 3.0 metre wide planting strip being required and permanently maintained between the street line and the said parking spaces or aisle; and,
 - c) Where a Planting Strip is provide, as per b) above, any architectural wall or feature within the Planting Strip shall be limited to a maximum height of 0.6 metres.”
30. That Section 5.1 b) iv), of By-law 05-200, be amended by deleting the word “iv)” between the words “Subsection” and “above” and replacing it with “iii”).
31. That Section 5.1.b) x), of By-law 05-200, be deleted in its entirety and be replaced with the following:
- “x) Notwithstanding the definition of “parking space” within Section 3 of this By-law and i) above, in the case of a duplex dwelling, the required parking may be arranged in tandem.”
32. That Section 5.2 g), of By-law 05-200, be deleted in its entirety and be replaced with the following:
- “x) Notwithstanding the definition of “parking space” within Section 3 of this By-law, in the case of Hotels, required parking provided in accordance with Section 5.6 may be arranged as tandem or stacked parking, provided there is the continued use of a valet service.”
33. That Section 5.6 a), of By-law 05-200, be amended by deleting the parking requirement for Place of Worship.
34. That Section 5.6 a) iv., of By-law 05-200, be amended by deleting the use “Medical Office”.
35. That Section 5.6 c), of By-law 05-200, be amended by removing the words “plus 1 for each 200.0 square metres of gross floor area, which accommodates the remainder of the use” within the parking requirement for a Waste Management Facility.
36. That Section 5.6 c) iv., of By-law 05-200, be amended by deleting the use “Medical Office”

37. That Section 6.1.1, of By-law 05-200, be amended by deleting the use "Medical Office".
38. That Section 6.1.3 g), of By-law 05-200, be amended by deleting the words "enclosed parking structure or enclosed parking facility" and replacing them with "commercial parking facility or a fully enclosed building".
39. That Section 6.1.3 h), of By-law 05-200, be deleted in its entirety and the following subsections "i)" and "j)" be renumbered to "h)" and "i)" respectively.
40. That Section 6.2.1, of By-law 05-200, be amended by deleting the use "Medical Office".
41. That Section 6.3.1, of By-law 05-200, be amended by deleting the use "Medical Office".
42. That Section 6.4.1, of By-law 05-200, be amended by deleting the use "Medical Office".
43. That Section 6.4.3, of By-law 05-200, be amended by renumbering subsections "j)" and "k)" to "k)" and "l)" respectively and that the following subsection be added:

"j) Restrictions of Uses	The following uses shall only be permitted
within a Building	above the ground floor, except for access,
	accessory office and utility areas:
	Dwelling Unit(s)
	Multiple Dwelling"
44. That Section 6.5.1, of By-law 05-200, be amended by replacing the word "Street Townhouse" with "Street Townhouse Dwelling".
45. That Section 8.3.1, of By-law 05-200, be amended by deleting the use "Medical Office".
46. That Section 8.3.2.2, of By-law 05-200, be amended by deleting the words "Medical Office".
47. That Section 8.3.2.2 c), of By-law 05-200, be amended by adding the words "Retirement Home or Long Term Care Facility" after "Educational Establishment".

48. That Section 9.1.1, of By-law 05-200, be amended by deleting the use "Medical Office".
49. That Section 9.1.2, of By-law 05-200, be deleted in its entirety and replaced with the following:

**"9.1.2 PROHIBITED
USES**

- i) Notwithstanding Section 9.1.1, the following types of manufacturing uses, except if these uses are considered only as an accessory use to another permitted manufacturing use:

Beverage Distillation,
Concrete Crushing
Manufacturing of Asbestos, Phosphate or Sulphur Products,
Primary Production of Chemicals, Synthetic Rubber, Plastic, Asphalt or Cement; not including mixing, blending, treatment or similar process
Processing or Refining of Petroleum or Coal Processing, Milling or packaging of Animal Feed
Rock Crushing
Salvage, Recycling or Scrap Yard
Slaughtering, Eviscerating, Rendering or Cleaning of Meat, Poultry or Fish or by-products thereof
Smelting, Refining, Rolling, Forging, or Extruding of Ore or Metal
Stamping, Blanking or Punch-Pressing of Metal
Tanning or Chemical Processing of Pelts or Leather
Vulcanizing of Rubber or Rubber Products
Explosives Manufacturing
Pulp and Paper Mills

- ii) Notwithstanding Section 9.1.1, the following uses are prohibited, even as accessory uses:

Day Nursery
Drive Through Facility
Dwelling Unit

Place of Worship”

50. That Section 9.1.3 a), of By-law 05-200, be deleted in its entirety and replaced with the following:
- “a) Maximum Yard Abutting a Street
- i) Maximum 2.0 metres for the ground floor of a building, except here a visibility triangle shall be provided for a driveway access;
 - ii) Where a building(s) exists on a lot in conformity with i) above, with a ground floor façade being equal to 25% or more of the measurement of any street line, section i) above shall not apply to any additional building(s); and,
 - iii) Notwithstanding i) and ii) above, for any lot abutting the existing Frid Street and Chatham Street, no minimum or maximum yard shall apply.”
51. That Section 9.1.3 d), of By-law 05-200, be deleted in its entirety and replaced with the following:
- d) Parking
- i) In accordance with the requirements of Section 5;
 - ii) Notwithstanding Section 5.6 c) iv. Of this By-law, no parking shall be required for any of the following uses:

Financial Establishment;
Personal Services;
Restaurant; and
Retail
52. That Section 9.1.3 e), of By-law 05-200, be deleted in its entirety and replaced with the following:
- e) Location and Screening of Outdoor Storage and Outdoor Assembly
- Outdoor Storage and Outdoor Assembly of goods, materials or equipment shall be permitted in conjunction with a building and the

conjunction with a building and the following regulations shall apply:

- i) Outdoor Storage and Outdoor Assembly shall not be permitted in a Front Yard or a required Flankage Yard;
- ii) Outdoor Storage and Outdoor Assembly shall not exceed 85% of the total lot area;
- iii) Outdoor Storage and Outdoor Assembly shall be screened from view from any abutting street by a Visual Barrier in accordance with Section 4.19 of this By-law.

53. That Section 9.1.3 f), of By-law 05-200, be deleted in its entirety and replaced with the following:

- "f) Size and i) Except where located within an existing
Location of Planned Business Centre, the following uses
Restriction of shall only be permitted on the ground floor of
Commercial and a building in which the building has a
Institutional minimum gross floor area of 2,000 square
Uses within a metres having a minimum 2 storey building
Building height:
- Day Nursery;
 - Financial Establishment;
 - Personal Services;
 - Restaurant; and,
 - Retail.
- ii) In the case of i) above, the second storey shall not be less than 75% of the gross floor area of the ground floor; and,
 - iii) In addition to i) above, an individual retail establishment shall be restricted to a maximum gross floor area of 500 square metres."

54. That Section 9.1.3 i), of By-law 05-200, be amended by adding the following regulation:

- "i) Maximum Combined Gross Floor Area for Accessory Retail and Showroom Area
 - i) 25% of the gross floor area of the principal use or 500.0 square metres gross floor area, whichever is the lesser; and
 - ii) notwithstanding i) above, retail or accessory retail associated with a motor vehicle service station shall be limited to a maximum gross floor area of 280 square metres."

55. That Section 9.2.1, of By-law 05-200, be amended by deleting the words "Dry Cleaning Plant".

56. That Section 9.2.3 d), of By-law 05-200, be amended by deleting the words "only as an accessory use" and be replaced with "in conjunction with a building".

57. That Section 9.2.3 h), of By-law 05-200, be deleted in its entirety and replaced with the following:

- "h) Maximum Combined Gross Floor Area for Accessory Retail and Showroom Area
 - i) 25% of the gross floor area of the principal use or 500.0 square metres gross floor area, whichever is the lesser; and
 - ii) notwithstanding i) above, retail or accessory retail associated with a motor vehicle service station shall be limited to a maximum gross floor area of 280 square metres."

58. That Section 9.3.2, of By-law 05-200, be amended by adding "Concrete Crushing" and "Rock Crushing" uses to the Prohibited Uses.

59. That Section 9.3.3 b), of By-law 05-200, be amended by adding the following subsection:

- "iii) Where a building(s) exists on a lot in conformity with i) and ii) above, with a ground floor façade being equal to 25% or more of the measurement of any street line, section ii) above shall not apply to any additional building(s)."

60. That Section 9.3.3 j) ii), of By-law 05-200, be amended by replacing "9.3.3 j)" with "9.3.3 i)".

61. That Section 9.3.3 k), of By-law 05-200, be amended by deleting the words "only as an accessory use" and be replaced with "in conjunction with a building".
62. That Section 9.3.3 m), of By-law 05-200, be deleted in its entirety and replaced with the following:
 - "m) Maximum Combined Gross Floor Area for Accessory Retail and Showroom Area
 - i) 25% of the gross floor area of the principal use or 500.0 square metres gross floor area, whichever is the lesser; and
 - ii) notwithstanding i) above, retail or accessory retail associated with a motor vehicle service station shall be limited to a maximum gross floor area of 280 square metres."
63. That Section 9.3.3 q) ii), of By-law 05-200, be amended by replacing "9.3.3 c) ii)" with "9.3.3 b) ii)".
64. That Section 9.4.1, of By-law 05-200, be amended by deleting the use "Medical Office".
65. That Section 9.4.2, of By-law 05-200, be amended by adding "Concrete Crushing" and "Rock Crushing" uses to the Prohibited Uses.
66. That Section 9.4.3 b), of By-law 05-200, be amended by adding the following subsection:
 - "iii) Where a building(s) exists on a lot in conformity with i) and ii) above, with a ground floor façade being equal to 25% or more of the measurement of any street line, section ii) above shall not apply to any additional building(s)."
67. That Section 9.4.3 d) ii), of By-law 05-200, be amended by replacing "9.4.3 d)" with "9.4.3 c)".
68. That Section 9.4.3 g), of By-law 05-200, be amended by deleting the words "and Medical Office".
69. That Section 9.4.3 m), of By-law 05-200, be amended by deleting the words "only as an accessory use" and be replaced with "in conjunction with a building".
70. That Section 9.4.3 o), of By-law 05-200, be deleted in its entirety and replaced with the following:

- "o) Maximum Combined Gross Floor Area for Accessory Retail and Showroom Area
 - i) 25% of the gross floor area of the principal use or 500.0 square metres gross floor area, whichever is the lesser; and,
 - ii) notwithstanding i) above, retail or accessory retail associated with a motor vehicle service station shall be limited to a maximum gross floor area of 280 square metres."

71. That Section 9.4.3 r) ii), of By-law 05-200, be amended by replacing "9.4.3 c) ii)" with "9.4.3 b) ii)".

72. That Section 9.5.1, of By-law 05-200, be amended by deleting the words "Dry Cleaning Plant".

73. That Section 9.5.3 h), of By-law 05-200, be deleted in its entirety and replaced with the following:

- "h) Maximum Combined Gross Floor Area for Accessory Retail and Showroom Area
 - i) 25% of the gross floor area of the principal use or 500.0 square metres gross floor area, whichever is the lesser; and,
 - ii) notwithstanding i) above, retail or accessory retail associated with a motor vehicle service station shall be limited to a maximum gross floor area of 280 square metres.'

74. That Section 9.6.1, of By-law 05-200, be amended by deleting the use "Medical Office".

75. That Section 9.6.3 h), of By-law 05-200, be amended by deleting the words "and Medical Office".

76. That Section 9.6.3 m), of By-law 05-200, be amended by deleting the words "only as an accessory use" and be replaced with "in conjunction with a building".

77. That Section 9.6.3 n), of By-law 05-200, be deleted in its entirety and replaced with the following:

- "n) Location and Size of Outdoor Display of goods, materials or equipment shall be permitted only as an accessory use and the following regulations

shall apply:

- i) Outdoor Display shall be permitted in a yard abutting a street, but shall be no closer than 3.0 metres to the lot line;
- ii) In addition to i) above, the area devoted to Outdoor Display shall be limited to a combined maximum of 25% the Landscaped Area required by Section 9.6.3 k) i) above."

78. That Section 9.6.3 o), of By-law 05-200, be deleted in its entirety and replaced with the following:

- "o) Maximum Combined Gross Floor Area for Accessory Retail and Showroom Area
 - i) 25% of the gross floor area of the principal use or 500.0 square metres gross floor area, whichever is the lesser; and,
 - ii) notwithstanding i) above, retail or accessory retail associated with a motor vehicle service station shall be limited to a maximum gross floor area of 280 square metres.'

79. That Map 1529 of Schedule "A", of By-law 05-200, be amended to include additional zone boundaries, for the property known as 1425 Cormorant Road, the extent and boundaries of the lands attached to this By-law as Schedule "A" and be zoned "General Business Park (M2) Zone" with Special Exception 435 attached to the property.

80. That Maps 1634, 1676 and 1677 of Schedule "A", of By-law 05-200, be amended to include additional zone boundaries, for the property known as 899 Nebo Road, the extent and boundaries of the lands attached to this By-law as Schedule "A1" and be zoned "Prestige Business Park (M3, 354) Zone" with Special Exception 435 also attached to the property.

81. That Special Exception 12 c) of Schedule "C", of By-law 05-200, be amended by deleting the words "Medical Office".

82. That Special Exception 368 b. of Schedule "C", of By-law 05-200, be amended by deleting subsection b. in its entirety and, "c." and "d." be renumbered to "b." and "c." respectively.

83. That Special Exception 387 of Schedule "C", of By-law 05-200, be amended by replacing "9.6.3 j) i)" with "9.6.3 k) i)" and by replacing "9.6.3 l) v)" with "9.6.3 m) v)".
84. That Special Exception 411 of Schedule "C", of By-law 05-200, be amended by replacing "9.6.3 l) iv)" with "9.6.3 m) iv)".
85. That Special Exception 418 of Schedule "C", of By-law 05-200, be amended by replacing "9.6.3 j)" with "9.6.3 k)".
86. That Special Exception 425 of Schedule "C", of By-law 05-200, be amended as follows:
 - a. That "and described as 280, 328, 338 Trinity Church Road" be added between the words "Zoning Maps" and "the following"
 - b. That Section a. ii) be deleted in its entirety.
 - c. That Section "c." be renamed to "d." and Section "b." be renamed to "c."
 - d. That the following Section be added to Special Exception 425:
 - "b. Notwithstanding Section 9.3.3, the following regulation shall apply:
 - i) Minimum Lot Width 25.0 metres"
87. That Special Exception 428 of Schedule "C", of By-law 05-200, be amended by deleting "Section 9.3.3 j) i) and Section j) ii)" of Section b., and replacing it with "Section 9.3.3 i) i), Section i) ii) and Section 5.1 v)".
88. That Special Exception 434 of Schedule "C", of By-law 05-200, be amended by adding "1149, 1200" after the word "Map" and by adding "620 South Service Road" after the words "680 Tradewind Drive".
89. That Special Exception 437 of Schedule "C", of By-law 05-200, be amended by deleting b. in its entirety and that "c." be renumbered to "b.".
90. That Schedule "C" – Special Exceptions, of By-law 05-200, be amended by adding the following Special Exceptions:
 - "435 In addition to Section 9.2.1 and Section 9.2.3, on those lands zoned General Business Park (M2) Zone, identified on Map 1529 of Schedule "A" – Zoning Maps and described as 1425 Cormorant Road, the following shall also apply:
 - i) The following uses shall also be permitted;
 - a. Office
 - b. Industrial Administration Office

c. Surveying, Engineering, Planning or Design Business

ii) Gross Floor Area for Office Use - Maximum gross floor are for Office use within an individual building, excluding accessory office, shall be limited to 3,000 square metres.”


“441 In addition to Section 9.3.1 and notwithstanding Section 9.3.2, on those lands zoned Prestige Business Park (M3) Zone, identified on Maps 1634, 1676 and 1677 of Schedule “A” – Zoning Maps and described as 899 Nebo Road, a rock crushing and concrete crushing operation shall be permitted only as an accessory use to a Waste Processing Facility.”

91. 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 16th day of November, 2011.

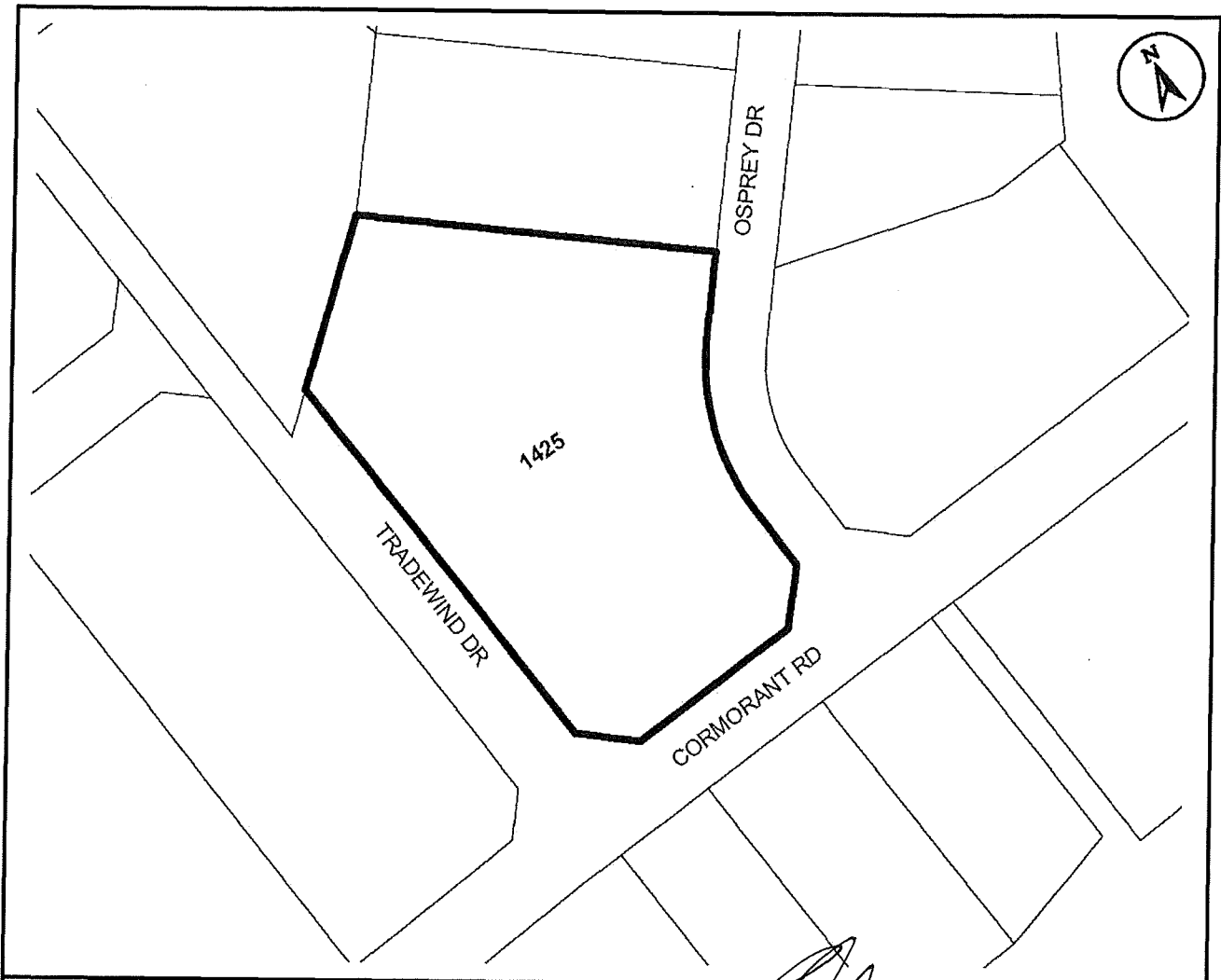


R. Bratina
Mayor



R. Caterini
Clerk

CI-11-C



This is Schedule "A" to By-Law No. 11- 276
 Passed the16th day ofNovember....., 2011


[Signature]
 Clerk
[Signature]
 Mayor

Schedule "A"

Map Forming Part of
 By-Law No. 11- 276

to Amend By-law No. 05-200
 Map1529

Subject Property
 1425 Cormorant Road

 Lands to be rezoned by adding
 Special Exception 435

Scale:
 N.T.S.

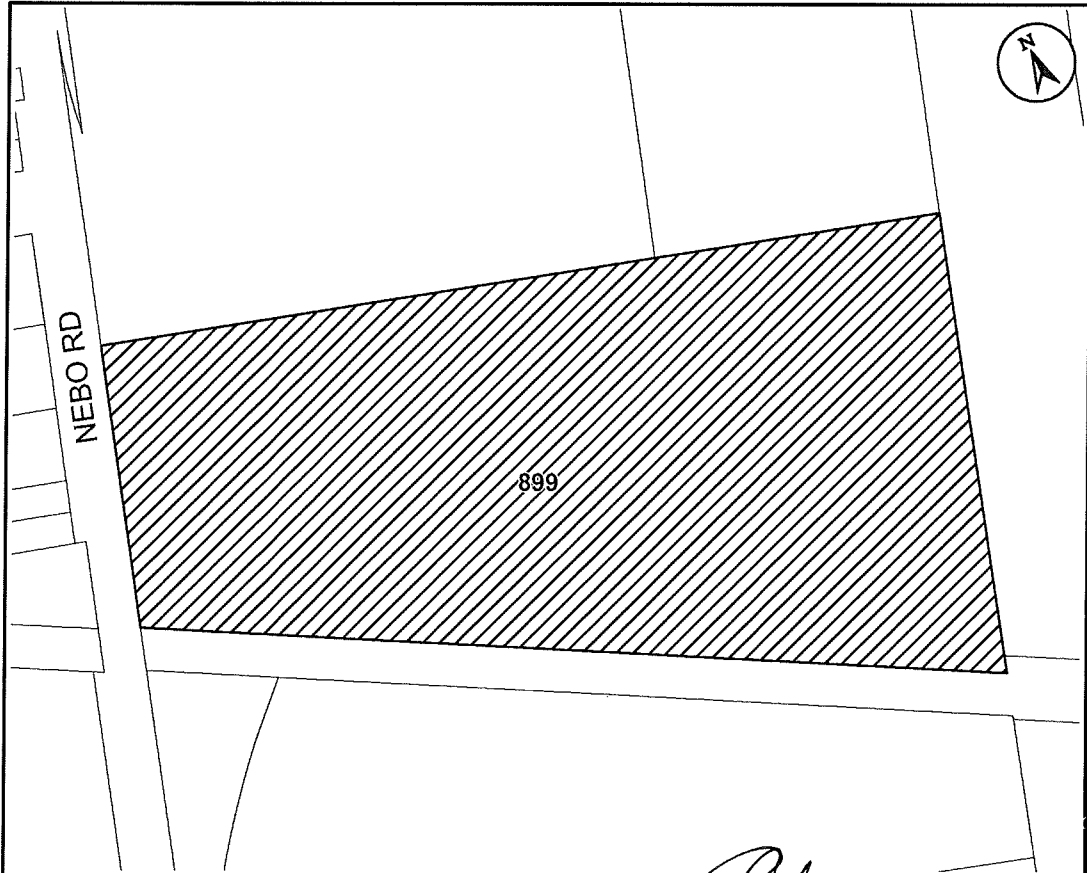
File Name/Number:
 1425CormorantRd

Date:
 August 16, 2011

Planner/Technician:
 AF/LMM



Hamilton



This is Schedule "A" to By-Law No. 11-276
 Passed the 16th day of November, 2011

[Signature]
 Clerk
[Signature]
 Mayor

Schedule "A1"

Map Forming Part of
 By-Law No. 11-276


to Amend By-law No. 05-200
 Maps 1634, 1676, and 1677

Subject Property

899 Nebo Road



Lands to be rezoned to add Special Exception 441

Scale: N.T.S.	File Name/Number: 899 Nebo Road	
Date: November 9, 2011	Planner/Technician: AF / MB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		Hamilton