SUBJECT: City Initiative - New Institutional Zoning By-law Regulations - Urban Area Only (PED06405(a)) (City Wide)

RECOMMENDATION:

(a) That approval be given to Official Plan Amendment No. ___ of the former Town of Ancaster Official Plan; Official Plan Amendment No. ___ of the former Town of Dundas Official Plan; Official Plan Amendment No. ___ of the former town of Flamborough Official Plan; Official Plan Amendment No. ___ of the former Township of Glanbrook Official Plan; and, Official Plan Amendment No. ___ of the former City of Stoney Creek Official Plan, as contained in Appendix “A” to Report PED06405(a).

(b) That approval be given to City Initiative CI-06-H to enact the third stage of the City’s new Comprehensive Zoning By-law known as Zoning By-law No. 05-200, attached as Appendix “B” to Report PED06405(a).

(c) That the attached Zoning By-law marked Appendix “B” and Appendix “C” to Report PED06405(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(d) That the General Manager, Planning and Economic Development Department, be hereby authorized and directed to prepare the requisite By-law to amend the Official Plans, in a form satisfactory to the City Solicitor, for presentation to Council.

(e) That upon adoption of Official Plan Amendment Numbers ___, ___, ___, ___, and ___, the third stage of the City’s new Comprehensive Zoning By-law will be
in conformity with the Ancaster, Dundas, Flamborough, Glenbrook, and Stoney Creek Official Plans.

(f) That the enactment of the Zoning By-law, attached as Appendices A and B, be held until such time that By-law 06-166 (Parks and Open Space) becomes final and binding.

_________________________________________

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

Note: Due to the bulk of the Zoning By-law Amendment, copies have been distributed to Council members. These documents have not been included as part of this staff report (Report PED06405(a)). Appendix “B” contains the related Zoning By-law but not the zoning map schedules. The complete set of documents will be available for viewing in the Office of the City Clerk, 2nd Floor, Hamilton, City Hall and Municipal Service Centres. The report will also be available on the City Website.

**EXECUTIVE SUMMARY:**

On October 17, 2006, the Institutional Zones were approved by the Planning and Economic Development Committee. Due to recent changes in the Planning Act and given that the By-law has not been passed, a new Public Meeting is required to be held. The following report is the same as the report previously approved by Committee.

The Zoning By-law Reform Team has prepared new Institutional Zones for lands within the Urban Area of the City and has only zoned existing institutional facilities. As phase three of the City’s new Comprehensive Zoning By-law, the proposed new zones and regulations will be an amendment to Zoning By-law 05-200. As Rural Official Plan policies have not received final Provincial approval, rural institutional sites will not be zoned until the Official Plan policies are finally approved.

The new Institutional Zones establish consistent zones and regulations that are being applied to most institutional uses throughout the City of Hamilton. There are some institutional uses that have not been included in this process. These sites will be reviewed during the development of future zones as the new Comprehensive By-law is completed e.g. through the development of mixed use commercial areas that will likely permit institutional uses and other commercial uses. Also, small scale Residential Care Facilities within residential neighbourhoods have been excluded from the Institutional Zones and will be further evaluated during the development of the new Residential Zones.
Various amendments to the former Official Plans are required to allow for appropriate changes included in the proposed Institutional Zones. Staff has prepared appropriate policy amendments to the six former Municipal Official Plans, as detailed in Appendix “A” to Report PED06405(a). These new policies will be integrated into the current framework of the existing Official Plans.

Staff is recommending that the enactment of this amending By-law, to the new comprehensive By-law, be held until such time that the second stage of the new Comprehensive Zoning By-law, Open Space and Parks being, By-law 06-166 becomes final and binding. By-law 06-166 has been appealed to the Ontario Municipal Board. Schedule ‘1’ of the attached Zoning By-law includes amendments to add new Institutional Zones, to maps introduced through By-law 06-166 which will not be in effect until the Open Space and Parks By-law appeal is resolved.

**BACKGROUND:**

The new Zoning By-law (05-200) is being implemented in stages, on a City-wide basis, according to land use categories. There are similarities and inconsistencies among the Institutional regulations contained in the six former Municipal Zoning By-laws, and it is important for the City to have one set of regulations for consistency and ease of application by staff and public. This report represents the third stage of the new Comprehensive Zoning By-law. The proposed Institutional Zones represents an amendment to the Zoning By-law (05-200) as Section 8: Institutional Zones.

The Department conducted extensive background research during 2005 to define the direction of Institutional Zoning within the new Comprehensive Zoning By-law. Existing Zoning By-laws, new Zoning By-laws, existing site-specific zoning, as well as current trends in institutional development were evaluated to assess best practices for creating new zones and regulations to be implemented throughout the City of Hamilton.

The background research indicated that the former Municipal Zoning By-laws addressed Institutional Zoning with completely different perspectives. New issues have arisen since the approval of these By-laws that require attention in the new Institutional Zones. The research yielded best practices for permitted uses and a foundation for standard regulations. New trends for institutional development that affect Hamilton includes multi-functional Places of Worship, capacity ranges within Residential Care Facilities and residential redevelopment of vacant institutional facilities e.g. schools. These new issues were addressed when assessing the merits of three Institutional Zones.

Three Institutional Zones have been developed to reflect the existing institutional uses and to establish clear and consistent regulations for these uses throughout the City of Hamilton. Currently, institutional uses are zoned very differently within the existing Zoning By-laws. The main consideration and difference between the Neighbourhood Institutional (I1) Zone, Community Institutional (I2) Zone and Major Institutional (I3) Zone is the compatibility and impact each of the permitted uses would have on the
surrounding area. The proposed zoning recognizes the different types of permitted uses and regulates them appropriately based on their impact.

Every institutional use throughout the City of Hamilton was individually assessed. Where there were site-specific issues such as multiple uses within a Place of Worship, and Residential Care Facility capacities in excess of the Institutional Zone regulations, these properties were evaluated as to the appropriate zone to be located within and, in some cases, were given a site-specific zone to appropriately recognize the existing uses.

Upon completion of the draft Institutional Zones, various internal departments and external agencies were contacted to participate in a preliminary review of the three zones. These meetings helped establish a perspective of the possible issues and concerns that may be associated with the proposed zones. Departments and agencies made written and verbal comments regarding various regulations as well as the permitted uses. The initial meetings were followed by a revision and refinement of the proposed Institutional Zones. However, the majority of the comments related to issues that were dealt with on a site-by-site basis leading to minor modifications to the proposed Institutional Zones.

The internal department and external agency review was followed by an extensive property owner circulation accompanied by a Public Information Centre, as is further explained in the Relevant Consultation Section of this report. The Public Information Centres were held at City of Hamilton City Hall on two separate dates. The comments received at these meetings were either addressed at that time or, where necessary, staff set up one-on-one meetings to ensure that all public and property owner input was understood and properly evaluated.

ANALYSIS/RATIONALE:

The three Institutional Zones are the Neighbourhood Institutional (I1) Zone, Community Institutional (I2) Zone and Major Institutional (I3) Zone. The permitted uses, prohibited uses, zoning regulations and redevelopment possibilities within each of these zones were evaluated based on impact on the surrounding areas.

Neighbourhood Institutional (I1) Zone

In a Neighbourhood Institutional (I1) Zone, small scale facilities are most appropriate as these uses are typically embedded within a built up neighbourhood and would be the least disruptive on the surrounding residential uses. Secondary Schools, Colleges and Universities have been prohibited within the Neighbourhood Institutional (I1) Zone as these uses are not compatible and would be intrusive in a small scale environment. Lastly, any residential redevelopment that may occur on an existing institutional property would be permitted in a form consistent with the surrounding area (e.g.) single detached, semi-detached and duplex dwellings.
Community Institutional (I2) Zone

In a Community Institutional (I2) Zone larger facilities that draw from a larger area and, therefore, have a higher impact on the surrounding community are most appropriate. While the Community Institutional (I2) is generally exterior or on the periphery of neighbourhoods, Colleges and Universities are prohibited uses acknowledging the traffic and density impacts. However, the Community Institutional (I2) permits redevelopment in denser forms (e.g.) street townhouse dwellings.

Major Institutional (I3) Zone

Large facilities that serve the entire City and beyond and are viewed as potentially having significant impacts on parking, traffic and building form, and accordingly, have been zoned Major Institutional (I3). As the (I3) Zone has been applied to institutional properties, in higher density and activity areas, there are no prohibited uses and redevelopment may occur in medium and high density forms properly reflecting good accessibility and minimal negative impacts.

The capability of residential redevelopment of an institutional site played a significant role in determining the appropriate zone to be applied to an institutional use. If the redevelopment capability of a site was inappropriate staff evaluated the property and applied the appropriate Institutional Zone or applied a site-specific zone.

A Radial Distance Separation (RDS) for Residential Care Facilities has been included in all three Institutional Zones. The RDS is 300 metres as determined through the previous Residential Care Facilities studies in 2001. In order to eliminate over concentration of these facilities in one area of the City, any new proposed Residential Care Facility must be 300 metres from the property line of the closest Residential Care Facility. As a part of this consideration, three separate definitions exist for Residential Care Facilities, Retirement Homes and Long Term Care Facilities. While the previous Residential Care Facility study included Retirement Homes within the separation distance, the proposed regulations do not include Retirement Homes. Retirement Homes do not have the same compatibility issues or impacts as other types of Residential Care Facilities, therefore, the use is being removed from the distance separation. Only those uses defined as a Residential Care Facility and Emergency Shelter are subject to the RDS. Hamilton Zoning By-law No. 6593 is being amended in order to create a consistent Radial Distance Separation regulation with the proposed Institutional Zones.
The difference between Residential Care Facilities, Retirement Homes and Long Term Care Facilities also helped determine appropriate maximum capacities.

<table>
<thead>
<tr>
<th>Facility Type</th>
<th>Neighbourhood Institutional</th>
<th>Community Institutional</th>
<th>Major Institutional</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Care Facility</td>
<td>15 Residents</td>
<td>50 Residents</td>
<td>50 Residents</td>
</tr>
<tr>
<td>Retirement Home</td>
<td>15 Residents</td>
<td>50 Residents</td>
<td>No Maximum</td>
</tr>
<tr>
<td>Long Term Care Facility</td>
<td>Not Permitted</td>
<td>Not Permitted</td>
<td>No Maximum</td>
</tr>
</tbody>
</table>

Maximum permitted capacities were determined by evaluating the location of the zone, the surrounding uses, as well as the residential redevelopment possibility. Long Term Care Facilities and Retirement Homes in a Major Institutional Zone are permitted without a maximum capacity regulation. After evaluating these uses and the location (typically on major streets and intersections with good accessibility), it was determined that capacity would be determined by the minimum setbacks and maximum height permitted in the zone.

Where there are areas of the City of Hamilton that will be considered by the future stages of the new Comprehensive Zoning By-law, some institutional sites have been removed from the Institutional Zones and will be evaluated as a part of the Commercial Zoning or Residential Zoning process. Residential Care Facilities with six and under resident capacities are to blend in and function as a part of the residential area and, therefore, will be evaluated and zoned Residential. Current thoughts are that Places of Worship and Retirement Homes will be permitted uses in the Commercial and Mixed Use Zones. Where a Place of Worship or Retirement Home is located on streets or in areas that will be a part of the Commercial and Mixed use zones, those facilities have not been Institutionally Zoned.

**ALTERNATIVES FOR CONSIDERATION:**

The new Comprehensive Zoning By-law is a process that has been mandated by Council in order to produce new zones, permitted uses and regulations that are clear, consistent and applicable to the entire City of Hamilton. The alternative is to maintain the existing By-laws and to perpetuate inconsistencies for the same uses across the municipality.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial – There are no financial implications related to the approval of these Amendments.

Staffing – There are no staff implications related to these amendments.
Legal – As required by the Planning Act, Council will hold at least one public meeting to consider amendment to an Official Plan and Zoning By-law.

Policies Affecting Proposal:

Amendments are being proposed to the current Official Plans that will allow for implementation of the proposed zones. The policy changes relate to permitting residential uses on vacated institutional lands as well as addressing ancillary uses to institutional uses such as a dwelling unit associated with a Place of Worship as well as student residences on University and College lands etc.

The basis for permitting these Amendments is as follows:

- To broaden the definition of institutional to allow for accessory uses to the primary institutional use.

- The additional residential uses will permit potential for adaptive reuse of buildings or redevelopment of the lands in a form compatible with the surrounding area.

- The proposed change of use for lands that are no longer required for Institutional uses to residential uses will not detract from the general intent and objectives of the existing Official Plans.

Relevant Consultation:

Staff has taken a proactive approach in meeting with internal departments and stakeholders early on in the zoning process. Internally, Community Health, Community Planning, Long Range Planning, Building and Licensing and Development Planning were circulated with the proposed zones and the impacts of the new regulations on their various departments, as well as to determine any current issues and any new directions. Internal staff provided written comments in addition to individual departmental information meetings. Externally, meetings were held with the Hamilton-Wentworth District School Board, Hamilton-Wentworth District Catholic School Board, McMaster University and Mohawk College. After initial meetings, each of these stakeholders were sent draft Institutional Zones in October 2005 for their review.

After internal departments had reviewed the proposed zones, Public Information Centres were held in June 2006. To ensure all institutional property owners were aware of the process and proposed zones, every institutional property owner in the City of Hamilton was sent a package that included a letter explaining the Institutional Zones and the process, the draft Zones, a map with their specific property identified as well as the Public Information Centre notice. Included in this circulation were the Hamilton-Wentworth District School Board, Hamilton-Wentworth Catholic District School Board, McMaster University, Mohawk College, Roman Catholic Diocese of Hamilton and the Niagara Diocese of the Anglican Church. To make the public aware of the process, the
notice was also posted in the Hamilton Spectator’s, At Your Service section and the Brabant newspapers on June 9, 2006 and June 16, 2006. Approximately 30 members of the public attended the Public Information Centres with some site-specific issues, which resulted in a few modifications to the Institutional maps.

External consultation with the Roman Catholic Hamilton Diocese dealt with trends in new Places of Worship design and size. Specifically the maximum permitted height of 10.5 metres would require all new facilities to apply for a minor variance as none of the new facilities will be less than 10.5 metres. Staff discussed the possibility of increasing the height from 10.5 metres in the Neighbourhood and Community Institutional Zones, however, recognized that these new facilities will likely be considered Major Institutional given the size of 5.0 acres and proposed height of 18.0 metres. Therefore, Neighbourhood and Community Institutional height regulations have remained at 10.5 metres.

The Niagara Diocese of the Anglican Church raised issues regarding the possible closure and amalgamations of congregations. Where specifically identified, Places of Worship with the possibility of closure or amalgamation have been left out of the Institutional Zoning process in order to be considered during the future stages of the new Comprehensive Zoning By-law.

A meeting was held with representatives from St. Joseph’s Hospital and Hamilton Health Sciences. Discussions were held regarding building heights, setbacks and parking. The hospitals are aware of their parking needs, impacts and demands. As a part of any new development or re-development, the hospital retains a consultant to perform the necessary parking study to determine impacts of the development and any increase in the demand on parking. Due to the changing form of health care systems, traditional parking standards are difficult to apply. For example, a parking space requirement determined per patient bed does not take into account that portion of a hospital being used for in/out patient treatments or for research purposes. As a result of this consultation process, staff has decided not to require a parking requirement for existing Hospitals other than parking that is currently provided must be maintained. Any new additions/expansions to hospitals will require 1 space for every 100.0 square metres of new gross floor area.

In late 2005, staff met with representatives from the Hamilton-Wentworth District School Board and the Hamilton-Wentworth Catholic District School Board to discuss draft Institutional Zones. Much of the concern from the School Boards’ perspective was regulations regarding maximum building height. Specifically, the redevelopment of inner City schools, which are on small parcels of land creating significant building constraints. After modifying the regulations impacting Educational Establishments, a second meeting was held with the Hamilton-Wentworth District School Board. At this meeting some site-specific issues were addressed, as well as the maximum building height requirement for the Neighbourhood Institutional (I1) and the Community Institutional (I2) Zone. The maximum building height for Educational Establishments has been refined to minimize impacts on surrounding Residential Zones and allow more
flexible development opportunities for the School Boards. Specifically, a Minimum Yard has been established where an Institutional Zone property line abuts a Residential Zone property line of 6.0 metres. The Maximum Building Height is 10.5 metres and that height may be increased equivalently to increases in the setback from lot lines.

To date, Hamilton-Wentworth Catholic District School Board has not provided comments on the final draft of the Institutional Zones sent to them for their review.

**CITY STRATEGIC COMMITMENT:**

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
The new Institutional Zones acknowledge institutional facilities as an essential function within a community.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
The new Institutional Zones permits a facility to better utilize land and allows for the redevelopment of the site for residential purposes promoting intensification.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Increasing the institutional facility’s opportunity for diversification and growth allows them to operate as a business.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☑ Yes ☐ No
Consistent regulations for the entire City of Hamilton allows for easier interpretation and implementation of the City’s Zoning By-law.

:SH
Attachs. (3)
Amendment

to the

Former Towns of Ancaster, Dundas, and Flamborough,
the former Township of Glanbrook and the
former City and Stoney Creek Official Plans

The following text constitutes;

1. Official Plan Amendment No. xx to the former Town of Ancaster Official Plan;
2. Official Plan Amendment No. xx to the former Town of Dundas Official Plan;
3. Official Plan Amendment No. xx to the former Town of Flamborough Official Plan;
4. Official Plan Amendment No. xx to the former Township of Glanbrook Official Plan;
5. Official Plan Amendment No. xx to the former City of Stoney Creek Official Plan.

1.0 Purpose:

The purpose of the Amendments is to add/revise policies to the existing Official Plans and appropriate sections of various secondary plans to:

• Permit accessory uses that are complementary to Institutional uses;

• Allow for residential uses to be developed in conjunction with an institutional use, where appropriate; and,

• Allow lands that are no longer required for institutional uses to be developed for residential uses without an Official Plan Amendment.

2.0 Location:

This Amendment applies to all lands designated Institutional in the urban area including those lands identified as Institutional in various Secondary Planning Areas in the Official Plans for the former Towns of Ancaster, Flamborough and Dundas, the Township of Glanbrook, and the City of Stoney Creek.

3.0 Basis:

The City is preparing new Zoning By-law zones for existing institutional uses within the City. The new zones will also include limited residential uses within the various zones. Amendments to the OP’s are required to implement the new zones.

The basis for permitting these Amendments is as follows:

• To broaden the definition of institutional to allow for accessory uses to the primary institutional use;
The additional residential uses will permit potential for adaptive reuse of buildings or redevelopment of the lands in a form compatible with the surrounding area.

The proposed change of use for lands that are no longer required for Institutional uses to residential uses will not detract from the general intent and objectives of the existing Official Plans.

4.0 Actual Changes:

TEXT CHANGES

4.1 FORMER TOWN OF ANCASTER OFFICIAL PLAN

(a) Amend Policy 4.7.1 to add a new clause to the end of the sentence as follows:

“and accessory uses that are necessary, ancillary and subordinate to the institutional use.”

(b) Delete Policy 4.7.5 in its entirety and renumber the subsequent policies.

(c) Add the following new policy to Section 4.7 - Institutional, as Policy 4.7.9;

“4.7.9 Notwithstanding the policies set out above, in areas designated Institutional, residential uses may be permitted without amendment to this Plan provided they are compatible with the surrounding area and are in keeping with the policies of this Plan.”

4.1.1 Meadowbrook West Neighbourhood Secondary Plan

(a) Delete Policy 6.1.5.2 (j) in its entirety.

4.1.2 Shaver Neighbourhood Secondary Plan

(a) Delete Policy 6.2.5.2 (f) in its entirety.

4.2 FORMER TOWN OF DUNDAS OFFICIAL PLAN

(a) Amend Policy 3.8.3.1 – Institutional - General Policies to add a new clause to the end of the first sentence as follows:

“and accessory uses that are necessary, ancillary and subordinate to the institutional use.”
(b) Add the following new policy to Section 3.8.3 Institutional - General Policies as Policy 3.8.3.2:

“3.8.3.2 Notwithstanding the policies set out above, in areas designated Institutional, residential uses may be permitted without amendment to this Plan provided they are compatible with the surrounding area and are in keeping with the policies of this Plan.”

4.3. **FORMER TOWN OF FLAMBOROUGH OFFICIAL PLAN**

(a) Amend Subsection A.4.1 by deleting the word “Residential” and replacing it with the word “Accessory”.

(b) Add the following new policy to Section A.4. – Urban Institutional:

“A.4.4 Notwithstanding the policies set out above, in areas designated Urban Institutional, residential uses may be permitted without amendment to this Plan provided they are compatible with the surrounding area and are in keeping with the policies of this Plan”.

(c) Renumber Section A.4.4 - Urban Institutional - Site Specific Areas, as A.4.5. and renumber subsequent policies accordingly.

4.3.1 **West Waterdown Secondary Plan**

(a) Amend Policies A.7.4.1 and A.7.4.2 by adding the following clause to the end of each of the policies as follows:

“and accessory uses that are necessary, ancillary and subordinate to the institutional use.”

(b) Delete Policy A.7.4.5 in its entirety and replace it with the following new policy:

“A.7.4.5 Notwithstanding the policies set out above, in areas designated Major Institutional or Neighbourhood Institutional, residential uses may be permitted without amendment to this Plan provided they are compatible with the surrounding area and are in keeping with the policies of this Secondary Plan.”
4.4 FORMER TOWNSHIP OF GLANBROOK OFFICIAL PLAN

4.4.1 Mount Hope Urban Settlement Area

(a) Amend the preamble of Subsection B.2.1.24.2(d) – Institutional to include the words "and accessory uses that are necessary, ancillary and subordinate to the institutional use" between the words “institutional uses” and “to serve”.

(b) Add the following new policy to Subsection B.2.1.2.4.2 – Institutional:

“B.2.1.24.2(d) (viii) Notwithstanding the policies set out above, in areas designated Institutional, residential uses may be permitted without amendment to this Plan provided they are compatible with the surrounding area and are in keeping with the policies of this Plan.”

(c) Amend the preamble of Subsection B.2.3.11.2(d) – Institutional to include the words "and accessory uses that are necessary, ancillary and subordinate to the institutional use" between the words “institutional uses” and “to serve”.

4.4.2 Rymal Road Secondary Plan

(a) Amend Policy B.3.2.3(a) - Institutional by adding the following clause to the end of the sentence:

“including accessory uses that are necessary, ancillary and subordinate to the institutional use.”

4.5. FORMER CITY OF STONEY CREEK OFFICIAL PLAN

(a) Delete Policy A.1.2.17 in its entirety and renumber the subsequent policies accordingly.

(b) Amend Policy A.5.2.1 by deleting the word “Residential” and replacing it with the word “Accessory”.

(c) Delete Policy A.5.2.7 in its entirety and renumber the subsequent policy accordingly.
(d) Amend Section A.5.2 – Policies by adding the following new policy:

“5.2.9 Notwithstanding the policies set out above, in areas designated Institutional, residential uses may be permitted without amendment to this Plan provided they are compatible with the surrounding area and are in keeping with the policies of this Plan.”

5.0 Implementation:

The provisions of Section 7 – Implementation, of the Official Plan for the former Town of Ancaster, Section 5 – Implementation and Administration, of the Official Plan for the former Town of Dundas, Section F – Implementation of the Official Plan for the former Town of Flamborough, Section G – Implementation, of the Official Plan for the former Township of Glanbrook, and Section F – Implementation, of the Official Plan for the former City of Stoney Creek, will give effect to the amendments.

This is Schedule “1” to By-law No. _____ passed on the ___ day of ____, 2006.

The
City of Hamilton

_________________________  ______________________
MAYOR                      CITY CLERK
Appendix “B” to Report PED06405a (Page 1 of 20)

Authority: Item, Planning and Economic Development Committee Report 06- (PED06405a)
CM: Bill No.

CITY OF HAMILTON

BY-LAW No. ______

To Amend By-law 05-200 to create new Institutional Zones for the City of Hamilton

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law 05-200;

AND WHEREAS it is desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

AND WHEREAS the said new comprehensive Zoning By-law is being enacted and is coming into force and effect in several stages;

AND WHEREAS, the first stage of the Zoning By-law, being By-law 05-200, came into force on May 25, 2005, and the second stage of the Zoning By-law, being By-law 06-166 to amend By-law 05-200, passed by Council on June 14, 2006 is under appeal;

AND WHEREAS this By-law is the third stage of the Zoning By-law: amending certain provisions of By-law 05-200 not including those provisions which may be affected by the appeal of By-law 06-166; and, applying to the Institutional lands within the Urban Area of the City, as hereinafter described and depicted;

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

1. The fourth recital of By-law 05-200 is amended by deleting the phrase “will be enacted and come into force and effect” and replacing it with the phrase “is being enacted and is coming into force and effect”.

2. The fifth and sixth recitals of By-law 05-200 are deleted.
3. Section 2.1 of By-law 05-200 is amended by adding the following new subsection:

   “c) Institutional Classification

<table>
<thead>
<tr>
<th>Zones</th>
<th>Zone Symbol</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighbourhood Institutional Zone</td>
<td>I1</td>
</tr>
<tr>
<td>Community Institutional Zone</td>
<td>I2</td>
</tr>
<tr>
<td>Major Institutional Zone</td>
<td>I3</td>
</tr>
</tbody>
</table>


5. Section 2.3 of By-law 05-200 is amended by adding Map numbers 444, 446, 480, 865, 903, 905, 947, 949, 988, 997, 1089, 1127, 1129, 1130, 1138, 1139, 1141, 1143, 1146, 1179, 1189, 1199, 1232, 1233, 1237, 1246, 1295, 1397, 1345, 1445, 1453, 1549, 1552, 1748, 1749.

6. Schedule “A” of By-law 05-200 is amended by adding the following Maps numbered 444, 446, 480, 903, 947, 949, 988, 997, 1089, 1127, 1129, 1130, 1138, 1139, 1141, 1143, 1146, 1179, 1189, 1199, 1232, 1233, 1237, 1246, 1295, 1397, 1398-1399, 1403, 1436, 1447-1451, 1454-1455, 1502-1504, 1550-1551, 1596 attached in Schedule “1” of this By-law into the Maps with the same numbers attached in Schedule “A” of By-law 05-200.

7. The definition of “building height” in Section 3 of By-law 05-200 is amended by adding the words “bell tower” between “ornamental figure” and “or”.

8. Section 4.8 of By-law 05-200 is amended by deleting the phrase “RESIDENTIAL DOWNTOWN D5 AND DOWNTOWN D6 ZONES” in the heading and replacing it with the phrase “RESIDENTIAL DOWNTOWN D5, DOWNTOWN D6 AND INSTITUTIONAL ZONES.

9. Section 4.10 of By-law 05-200 is amended by deleting the phrase “Downtown D5 or Downtown D6 Zone” and replacing it with the phrase “Downtown D5 Zone, Downtown D6 Zone or Institutional Zone.

10. Subsection 4.12 b) of By-law 05-200 is amended by adding the phrase “and Institutional Zones” between “Downtown Zones” and “of”.

11. Section 5.6 of By-law 05-200 is amended by adding the following new subsection:

“c) Parking Schedule for All Zones, except the Downtown Zones

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. Residential Uses</td>
<td></td>
</tr>
<tr>
<td>Single Detached Dwelling, Semi-Detached Dwelling, Duplex Dwelling</td>
<td>1 for each dwelling unit</td>
</tr>
<tr>
<td>Dwelling Unit</td>
<td></td>
</tr>
<tr>
<td>Multiple Dwelling</td>
<td>1 for each dwelling unit, except where a dwelling unit is 50 square</td>
</tr>
<tr>
<td>Street Townhouse Dwelling</td>
<td>metres in gross floor area or less, in which case, parking shall be</td>
</tr>
<tr>
<td></td>
<td>provided at a rate of 0.3 spaces for each such unit.</td>
</tr>
<tr>
<td>Residential Care Facility, Emergency Shelter, Corrections Residence,</td>
<td>1 for each 3 persons accommodated or designed for accommodation.</td>
</tr>
<tr>
<td>Lodging House, Retirement Home</td>
<td></td>
</tr>
<tr>
<td>ii. Institutional Uses</td>
<td></td>
</tr>
<tr>
<td>Long Term Care Facility</td>
<td>1 for each 3 patient beds.</td>
</tr>
<tr>
<td>Day Nursery</td>
<td>1 for each 125.0 square metres of gross floor area which accommodates</td>
</tr>
<tr>
<td></td>
<td>such use.</td>
</tr>
<tr>
<td>Place of Worship</td>
<td>1 for every classroom plus 1 for each 7 seat capacity in that part of</td>
</tr>
<tr>
<td></td>
<td>the building used for worship or 1 for every classroom plus 1 for each</td>
</tr>
<tr>
<td></td>
<td>23.0 square metres of floor area used for hall, auditorium or similar</td>
</tr>
<tr>
<td></td>
<td>use involving the assembly of persons not including the place of</td>
</tr>
<tr>
<td></td>
<td>worship, whichever results in the greater requirement.</td>
</tr>
<tr>
<td>Hospital</td>
<td>1 for each 100.0 square metres of which gross floor area which</td>
</tr>
</tbody>
</table>
Appendix “B” to Report PED06405a (Page 4 of 20)

### iii. Educational Uses

<table>
<thead>
<tr>
<th>Type</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary School</td>
<td>1.25 for each classroom.</td>
</tr>
<tr>
<td>Secondary School</td>
<td>3 for each classroom plus 1 for each 7 seat capacity in an auditorium, theatre or stadium</td>
</tr>
<tr>
<td>University, College</td>
<td>5 for each classroom plus 1 for every 7 seat capacity in an auditorium, theatre or stadium or 5 spaces for every classroom plus 1 space for each 23.0 square metres of the gross floor area which accommodates the auditorium, theatre or stadium, whichever results in greater requirement.</td>
</tr>
</tbody>
</table>

### iv. Commercial Uses

<table>
<thead>
<tr>
<th>Type</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical Clinic, Medical Office</td>
<td>1 for each 16 square metres of gross floor area</td>
</tr>
</tbody>
</table>

12. Section 5.6, of By-law 05-200, is amended adding the following new subsection:

   “d) Notwithstanding Subsection c) herein, for a hospital or Place of Worship use within any Zone located in all or part of a building existing on the effective date of this By-law, no parking spaces are required provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained. Where an addition, alteration or expansion of an existing building is proposed, the parking requirements of Section 5.6 c) above, shall only apply to the increased gross floor area of the building.”

13. By-law 05-200 is amended by adding the following new Section 8:

   “SECTION 8: INSTITUTIONAL ZONES

   8.1 NEIGHBOURHOOD INSTITUTIONAL (I1) ZONE

   No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Neighbourhood Institutional (I1) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:
8.1.1 PERMITTED USES
Day Nursery
Duplex Dwelling
Educational Establishment
Emergency Shelter
Home Business
Museum
Place of Worship
Residential Care Facility
Retirement Home
Semi-Detached Dwelling
Single Detached Dwelling

8.1.2 PROHIBITED USES
Educational Establishment consisting of a Secondary School, College or University

8.1.3 REGULATIONS
8.1.3.1 EMERGENCY SHELTER, RESIDENTIAL CARE FACILITY, PLACE OF WORSHIP AND RETIREMENT HOME REGULATIONS

a) Minimum Lot Area 330.0 square metres
b) Maximum Lot Area for a Place of Worship 1.0 hectare
c) Minimum Lot Width 12.0 metres
d) Minimum Front Yard 6.0 metres
e) Minimum Side Yard 1.2 metres
f) Minimum Flankage Yard 3.0 metres
g) Minimum Rear Yard 7.0 metres
h) Maximum Building Height 10.5 metres
i) Maximum Capacity for Residential Care Facility and Retirement Home Shall not exceed 15 residents
j) Location of Emergency Shelter and Residential Care Facility

i) Except as provided for in Subsection ii), herein, every Emergency Shelter or Residential Care Facility shall be situated on a lot having a minimum radial separation distance of 300 metres from any lot line of such lot measured to the lot line of any other lot occupied by a Residential Care Facility, Emergency Shelter, Corrections Residence or Correctional Facility.

ii) Where the radial separation distance from the lot line of an Emergency Shelter or Residential Care Facility existing as of the effective date of this By-law, is less than 300 metres to the lot line of any other lot occupied by an existing Residential Care Facility, Emergency Shelter, Corrections Residence or Correctional Facility, the existing Residential Care Facility may be expanded or redeveloped to accommodate not more than the permitted number of residents permitted by the Zone in which it is located.

k) Parking

In accordance with the requirements of Section 5 of this By-law.

l) Accessory Buildings

In accordance with the requirements of Section 4.8 of this By-law.
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8.1.3.2 EDUCATIONAL ESTABLISHMENT AND MUSEUM REGULATIONS

a) Minimum Yard 6.0 metres where property line abuts a Residential Zone property line.

b) Maximum Building Height  
   i) 10.5 metres;  
   ii) In addition to i) above, maximum building height may be equivalently increased as yard increases beyond minimum yard requirement, established in 8.1.3.2 a) above.

c) Parking In accordance with the requirements of Section 5 of this By-law.

d) Accessory Buildings In accordance with the requirements of Section 4.8 of this By-law.

8.1.3.3 SINGLE DETACHED DWELLING, DUPLEX DWELLING AND DAY NURSERY REGULATIONS

a) Minimum Lot Area  
   i) 330.0 square metres;  
   ii) Notwithstanding i) above, 360.0 square metres shall be required for a corner lot.

b) Minimum Lot Width  
   i) 12.0 metres  
   ii) 15.0 metres for a corner lot

c) Minimum Front Yard  
   i) 4.5 metres; and,
d) Minimum Side Yard 1.2 metres

e) Minimum Flankage Yard 3.0 metres

f) Minimum Rear Yard 7.0 metres

g) Maximum Building Height 10.5 metres

h) Parking  In accordance with the requirements of Section 5 of this By-law.

i) Accessory Building In accordance with the requirements of Section 4.8 of this By-law.

8.1.3.4 SEMI-DETACHED DWELLING REGULATIONS

a) Minimum Lot Area i) 210.0 square metres for each semi-detached dwelling unit.

ii) Notwithstanding i) above, 240.0 square metres shall be required for a corner lot.

b) Minimum Lot Width for Unit i) 7.5 metres for each dwelling unit in each semi-detached dwelling.

ii) Notwithstanding i) above, 9.3 metres shall be required for a corner unit.
Appendix “B” to Report PED06405a (Page 9 of 20)

c) Minimum Front Yard
   i) 4.5 metres; and,
   ii) 5.8 metres for an attached garage.

d) Minimum Side Yard
   1.2 metres, except for the side yard related to the common wall of the semi-detached dwelling unit, in which case a minimum 0 metre side yard shall be permitted.

e) Minimum Flankage Yard
   3.0 metres

f) Minimum Rear Yard
   7.0 metres

g) Maximum Building Height
   10.5 metres

h) Parking
   In accordance with the requirements of Section 5 of this By-law.

i) Accessory Building
   In accordance with the requirements of Section 4.8 of this By-law.

8.1.3.5 HOME BUSINESS REGULATIONS

   In accordance with the requirements of Section 4.21 of this By-law.

8.2 COMMUNITY INSTITUTIONAL (I2) ZONE

   No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Community Institutional (I2) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:
8.2.1 PERMITTED USES

Day Nursery
Duplex Dwelling
Educational Establishment
Emergency Shelter
Home Business
Museum
Recreation
Place of Worship
Residential Care Facility
Retirement Home
Semi-Detached Dwelling
Single Detached Dwelling
Social Services Establishment
Street Townhouse Dwelling

8.2.2 PROHIBITED USES

Educational Establishment consisting of a College or University.

8.2.3 REGULATIONS

8.2.3.1 EMERGENCY SHELTER, PLACE OF WORSHIP, RESIDENTIAL CARE FACILITY, RETIREMENT HOME AND SOCIAL SERVICES ESTABLISHMENT REGULATIONS

a) Minimum Lot Width 30.0 metres
b) Minimum Front Yard 3.0 metres
c) Minimum Side Yard and Flankage Yard 6.0 metres
d) Minimum Rear Yard 7.0 metres
e) Maximum Building Height 10.5 metres
f) Minimum Landscaped Area 10% of the lot area
g) Maximum Capacity for Emergency Shelter, Residential Care Facility and Retirement Home

Shall not exceed 50 residents

h) Location of Emergency Shelter and Residential Care Facility

ii) Except as provided for in Subsection ii), herein, every Emergency Shelter or Residential Care Facility shall be situated on a lot having a minimum radial separation distance of 300 metres from any lot line of such lot measured to the lot line of any other lot occupied by a Residential Care Facility, Emergency Shelter, Corrections Residence or Correctional Facility.

iii) Where the radial separation distance from the lot line of an Emergency Shelter, or Residential Care Facility existing as of the effective date of this By-law, is less than 300 metres to the lot line of any other lot occupied by an existing Residential Care Facility, Emergency Shelter, Corrections Residence or Correctional Facility, the existing Residential Care Facility may be expanded or redeveloped to accommodate not more than the permitted number of residents permitted by the Zone in which it is located.

i) Parking

In accordance with the requirements of Section 5 of this By-law.

j) Accessory Building

In accordance with the requirements of Section 4.8 of this By-law.
8.2.3.2 EDUCATIONAL ESTABLISHMENT, MUSEUM AND RECREATION REGULATIONS

a) Minimum Yard
6.0 metres where property line abuts a Residential Zone property line.

b) Maximum Building Height
   i) 10.5 metres;
   ii) In addition to i) above, maximum building height may be equivalently increased as yard increases beyond minimum yard requirement, established in 8.2.3.2 a) above.

c) Parking
In accordance with the requirements of Section 5 of this By-law.

d) Accessory Building
In accordance with the requirements of Section 4.8 of this By-law.

8.2.3.3 SINGLE DETACHED DWELLING, DUPLEX DWELLING AND DAY NURSERY REGULATIONS

a) Minimum Lot Area
   i) 330.0 square metres;
   ii) Notwithstanding i) above, 360.0 square metres shall be required for a corner lot.

b) Minimum Lot Width
   iii) 12.0 metres;
   iv) Notwithstanding i) above, 15.0 metres shall be required for a corner lot.
Appendix “B” to Report PED06405a (Page 13 of 20)

c) Minimum Front Yard
   i) 4.5 metres; and,
   ii) 5.8 metres for an attached garage.

d) Minimum Side Yard 1.2 metres

e) Minimum Flankage Yard 3.0 metres

f) Minimum Rear Yard 7.0 metres

g) Maximum Building Height 10.5 metres

h) Parking In accordance with the requirements of Section 5 of this By-law.

i) Accessory Building In accordance with the requirements of Section 4.8 of this By-law.

8.2.3.4 SEMI-DETACHED DWELLING REGULATIONS

a) Minimum Lot Area for Unit
   i) 210.0 square metres for each semi-detached dwelling unit.
   ii) Notwithstanding i) above, 240.0 square metres shall be required for a corner lot.

b) Minimum Lot Width for Unit
   i) 7.5 metres for each dwelling unit in a semi-detached dwelling.
   ii) Notwithstanding i) above, 9.3 metres shall be required for a corner unit.

c) Minimum Front Yard
   i) 4.5 metres; and,
   ii) 5.8 metres for an attached garage.
d) Minimum Side Yard  1.2 metres, except for the side yard related to the common wall of the semi-detached dwelling unit, in which case a minimum 0 metre side yard shall be permitted.

e) Minimum Flankage Yard  3.0 metres

f) Minimum Rear Yard  7.0 metres

g) Maximum Building Height  10.5 metres

h) Parking  In accordance with the requirements of Section 5 of this By-law.

i) Accessory Building  In accordance with the requirements of Section 4.8 of this By-law.

8.2.3.5 STREET TOWNHOUSE DWELLING REGULATIONS

a) Minimum Lot Area for Unit  i) 165.0 square metres for each dwelling unit.

   ii) Notwithstanding i) above, 195.0 square metres shall be required for a corner lot.

b) Minimum Unit Width  6.0 metres

c) Minimum Front Yard  i) 4.5 metres; and,

   ii) 5.8 metres for an attached garage.

d) Minimum Side Yard  1.2 metres except for the side yard related to the common wall of the street townhouse dwelling unit, in which case a minimum 0 metre side yard shall be permitted.

e) Minimum Flankage Yard  3.0 metres

f) Minimum Rear Yard  7.0 metres
g) Maximum Building Height 10.5 metres

h) Parking In accordance with the requirements of Section 5 of this By-law.

i) Accessory Building In accordance with the requirements of Section 4.8 of this By-law.

8.2.3.6 HOME BUSINESS REGULATIONS

In accordance with the requirements of Section 4.21 of this By-law.

8.3 MAJOR INSTITUTIONAL (I3) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Major Institutional (I3) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

8.3.1 PERMITTED USES

Day Nursery
Educational Establishment
Emergency Shelter
Home Business
Hospital
Lodging House
Long Term Care Facility
Medical Clinic
Medical Office
Multiple Dwelling
Place of Worship
Recreation
Residential Care Facility
Retirement Home
Social Services Establishment
Street Townhouse Dwelling
8.3.2 REGULATIONS

8.3.2.1 EMERGENCY SHELTER, LONG TERM CARE FACILITY, PLACE OF WORSHIP, RESIDENTIAL CARE FACILITY, RETIREMENT HOME AND SOCIAL SERVICES ESTABLISHMENT REGULATIONS

a) Minimum Lot Width 30.0 metres

b) Minimum Side and Rear Yard 7.0 metres

c) Maximum Building Height 18.0 metres

d) Minimum Landscaped Area 10% of the lot area

e) Maximum Capacity for Residential Care Facility Shall not exceed 50 residents

f) Location of Emergency Shelter and Residential Care Facility iv) Except as provided for in Subsection ii), herein, every Emergency Shelter or Residential Care Facility shall be situated on a lot having a minimum radial separation distance of 300 metres from any lot line of such lot measured to the lot line of any other lot occupied by a Residential Care Facility, Emergency Shelter, Corrections Residence or Correctional Facility.

v) Where the radial separation distance from the lot line of an Emergency Shelter, or Residential Care Facility existing as of the effective date of this By-law, is less than 300 metres
to the lot line of any other lot occupied by an existing Residential Care Facility, Emergency Shelter, Corrections Residence or Correctional Facility, the existing Residential Care Facility may be expanded or redeveloped to accommodate not more than the permitted number of residents permitted by the Zone in which it is located.

g) Parking
   In accordance with the requirements of Section 5 of this By-law.

h) Accessory Building
   In accordance with the requirements of Section 4.8 of this By-law.

8.3.2.2 EDUCATIONAL ESTABLISHMENT, HOSPITAL, LODGING HOUSE, MEDICAL CLINIC, MEDICAL OFFICE, MULTIPLE DWELLING AND RECREATION REGULATIONS

a) Minimum Side and Rear Yard
   6.0 metres where property line abuts a Residential Zone property line.

b) Maximum Building Height
   i) 18.0 metres;
   ii) In addition to i) above, maximum building height may be equivalently increased as yard increases beyond minimum yard requirement, established in 8.3.2.2 a) above

c) Location of Multiple Dwelling and Lodging House
   Shall only be permitted on the same lot as an Educational Establishment
d) Parking                    In accordance with the requirements of Section 5 of this By-law.

e) Accessory Building         In accordance with the requirements of Section 4.8 of this By-law.

8.3.2.3 STREET TOWNHOUSE DWELLING REGULATIONS

a) Minimum Lot Area for Unit
   i) 165.0 square metres for each dwelling unit.
   ii) Notwithstanding i) above, 195.0 square metres shall be required for a corner lot.

b) Minimum Unit Width         6.0 metres

c) Minimum Front Yard
   i) 4.5 metres; and,
   ii) 5.8 metres for an attached garage.

d) Minimum Side Yard          1.2 metres except for the side yard related to the common wall of the street townhouse dwelling unit, in which case a minimum 0 metre side yard shall be permitted.

e) Minimum Flankage Yard      3.0 metres

f) Minimum Rear Yard          7.0 metres

g) Maximum Building Height    10.5 metres

h) Parking                    In accordance with the requirements of Section 5 of this By-law.

i) Accessory Building         In accordance with the requirements of Section 4.8 of this By-law.
8.3.2.4  DAY NURSERY REGULATIONS

a) Minimum Lot Area
   i) 330.0 square metres
   ii) Notwithstanding i) above, 360.0 square metres shall be required for a corner lot.

b) Minimum Front Yard
   i) 4.5 metres; and,
   ii) 5.8 metres for an attached garage

c) Minimum Side Yard
   1.2 metres

d) Minimum Flankage Yard
   3.0 metres

e) Minimum Rear Yard
   7.0 metres

f) Maximum Building Height
   10.5 metres

g) Parking
   In accordance with the requirements of Section 5 of this By-law.

h) Accessory Building
   In accordance with the requirements of Section 4.8 of this By-law.

8.3.2.5  HOME BUSINESS REGULATIONS

In accordance with the requirements of Section 4.21 of this By-law.

14. Schedule “C” of, By-law 05-200, is amended by adding additional special exceptions as follows:

“4. Notwithstanding section 8.1.3.1 i) of this By-law, the following Maximum Capacity shall be permitted for the respective property.

   i) 12 Melville Street, as identified on Map 861 of Schedule “A” – Zoning Maps, 24 residents
   ii) 46 West Avenue South, as identified on Map 995 of Schedule “A” – Zoning Maps, 20 residents
   iii) 160 Park Street South, as identified on Map 952, 994 of Schedule “A” - Zoning Maps, 20 residents
iv) 65 East Avenue South, as identified on Map 995, 996 of Schedule “A” – Zoning Maps, 20 residents
v) 7 Blake Street, as identified on Map 997, 1041 of Schedule “A” – Zoning Maps, 40 residents

5. Notwithstanding section 8.2.3.1 g) of this By-law, the Maximum Capacity for 1320-1322 King Street East shall be 64 residents.”

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

16. This By-law No. ____ shall come into force and be deemed to come into force in accordance with subsection 34(21) of the Planning Act either upon the date of passage of this By-law or as otherwise provided by the said subsection.

PASSED and ENACTED this __ day of __________, 2006.

__________________________ _________________________
MAYOR CLERK
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 6593
Respecting Deletion of Retirement Homes from Radial Distance Separation

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Hamilton” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Section _______ of Report _______ of the Planning and Economic Development Committee at its meeting held on the _______ day of _______, 2006, recommended that Zoning By-law No. 6593 (Hamilton), 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. Section 8(5), of By-law 6593, is amended by deleting the words “retirement home”.

2. Section 8(6), of By-law 6593, is deleted in its entirety and replaced with the following:

   “(6) Where the radial separation distance from the lot line of an existing residential care facility is less than 300.0 metres to the lot line of any other lot occupied by a residential care facility, emergency shelter, corrections residence or correctional facility may be expanded or redeveloped to accommodate not more than the permitted number of residents.”

3. Section 8A(5), of By-law 6593, is amended by deleting the words “retirement home”.

4. Section 8A(6), of By-law 6593, is deleted in its entirety and replaced with the following:

   “(6) Where the radial separation distance from the lot line of an existing residential care facility is less than 300.0 metres to the lot line of any other lot occupied by a residential care facility, emergency shelter, corrections residence or correctional facility may be expanded or redeveloped to accommodate not more than the permitted number of residents.”

5. Section 8B(5), of By-law 6593, is amended by deleting the words “retirement home”.

6. Section 8B(6), of By-law 6593, is deleted in its entirety and replaced with the following:

   “(6) Where the radial separation distance from the lot line of an existing residential care facility is less than 300.0 metres to the lot line of any other lot occupied by a residential care facility, emergency shelter, corrections residence or correctional facility may be expanded or redeveloped to accommodate not more than the permitted number of residents.”

7. Section 9(5), of By-law 6593, is amended by deleting the words “retirement home”.

8. Section 9(6), of By-law 6593, is deleted in its entirety and replaced with the following:
“(6) Where the radial separation distance from the lot line of an existing residential care facility is less than 300.0 metres to the lot line of any other lot occupied by a residential care facility, emergency shelter, corrections residence or correctional facility may be expanded or redeveloped to accommodate not more than the permitted number of residents.”

9. Section 9A(4)(e)1., of By-law 6593, is amended by deleting the words “retirement home”.

10. Section 9A(4)(e)2., of By-law 6593, is deleted in its entirety and replaced with the following:

“(4)(e)2. Where the radial separation distance from the lot line of an existing residential care facility is less than 300.0 metres to the lot line of any other lot occupied by a residential care facility, emergency shelter, corrections residence or correctional facility may be expanded or redeveloped to accommodate not more than the permitted number of residents.”

11. Section 10(6), of By-law 6593, is amended by deleting the words “retirement home”.

12. Section 10(7), of By-law 6593, is deleted in its entirety and replaced with the following:

“(7) Where the radial separation distance from the lot line of an existing residential care facility is less than 300.0 metres to the lot line of any other lot occupied by a residential care facility, emergency shelter, corrections residence or correctional facility may be expanded or redeveloped to accommodate not more than the permitted number of residents.”

13. Section 10A(6), of By-law 6593, is amended by deleting the words “retirement home”.

14. Section 10A(7), of By-law 6593, is deleted in its entirety and replaced with the following:

“(7) Where the radial separation distance from the lot line of an existing residential care facility is less than 300.0 metres to the lot line of any other lot occupied by a residential care facility, emergency shelter, corrections residence or correctional facility may be expanded or redeveloped to accommodate not more than the permitted number of residents.”
15. Section 10B(7), of By-law 6593, is amended by deleting the words “retirement home”.

16. Section 10B(8), of By-law 6593, is deleted in its entirety and replaced with the following:

“ (8) Where the radial separation distance from the lot line of an existing residential care facility is less than 300.0 metres to the lot line of any other lot occupied by a residential care facility, emergency shelter, corrections residence or correctional facility may be expanded or redeveloped to accommodate not more than the permitted number of residents.”

17. Section 10C(7), of By-law 6593, is amended by deleting the words “retirement home”.

18. Section 10C(8), of By-law 6593, is deleted in its entirety and replaced with the following:

“ (8) Where the radial separation distance from the lot line of an existing residential care facility is less than 300.0 metres to the lot line of any other lot occupied by a residential care facility, emergency shelter, corrections residence or correctional facility may be expanded or redeveloped to accommodate not more than the permitted number of residents.”

19. Section 11(7), of By-law 6593, is amended by deleting the words “retirement home”.

20. Section 11(8), of By-law 6593, is deleted in its entirety and replaced with the following:

“ (8) Where the radial separation distance from the lot line of an existing residential care facility is less than 300.0 metres to the lot line of any other lot occupied by a residential care facility, emergency shelter, corrections residence or correctional facility may be expanded or redeveloped to accommodate not more than the permitted number of residents.”

21. Section 11A(7), of By-law 6593, is amended by deleting the words “retirement home”.

22. Section 11A(8), of By-law 6593, is deleted in its entirety and replaced with the following:
“(8) Where the radial separation distance from the lot line of an existing residential care facility is less than 300.0 metres to the lot line of any other lot occupied by a residential care facility, emergency shelter, corrections residence or correctional facility may be expanded or redeveloped to accommodate not more than the permitted number of residents.”

23. Section 11B(7), of By-law 6593, is amended by deleting the words “retirement home”.

24. Section 11B(8), of By-law 6593, is deleted in its entirety and replaced with the following:

“(8) Where the radial separation distance from the lot line of an existing residential care facility is less than 300.0 metres to the lot line of any other lot occupied by a residential care facility, emergency shelter, corrections residence or correctional facility may be expanded or redeveloped to accommodate not more than the permitted number of residents.”

25. Section 11C(6), of By-law 6593, is amended by deleting the words “retirement home”.

26. Section 11C(7), of By-law 6593, is deleted in its entirety and replaced with the following:

“(7) Where the radial separation distance from the lot line of an existing residential care facility is less than 300.0 metres to the lot line of any other lot occupied by a residential care facility, emergency shelter, corrections residence or correctional facility may be expanded or redeveloped to accommodate not more than the permitted number of residents.”

27. Section 13(5), of By-law 6593, is amended by deleting the words “retirement home”.

28. Section 13(6), of By-law 6593, is deleted in its entirety and replaced with the following:

“(6) Where the radial separation distance from the lot line of an existing residential care facility is less than 300.0 metres to the lot line of any other lot occupied by a residential care facility, emergency shelter, corrections residence or correctional facility may be expanded or redeveloped to accommodate not more than the permitted number of residents.”
29. Section 13B(9), of By-law 6593, is amended by deleting the words “retirement home”.

30. Section 13B(10), of By-law 6593, is deleted in its entirety and replaced with the following:

“(10) Where the radial separation distance from the lot line of an existing residential care facility is less than 300.0 metres to the lot line of any other lot occupied by a residential care facility, emergency shelter, corrections residence or correctional facility may be expanded or redeveloped to accommodate not more than the permitted number of residents.”

31. Section 14(7), of By-law 6593, is amended by deleting the words “retirement home”.

32. Section 14(8), of By-law 6593, is deleted in its entirety and replaced with the following:

“(8) Where the radial separation distance from the lot line of an existing residential care facility is less than 300.0 metres to the lot line of any other lot occupied by a residential care facility, emergency shelter, corrections residence or correctional facility may be expanded or redeveloped to accommodate not more than the permitted number of residents.”

33. Section 15(6), of By-law 6593, is amended by deleting the words “retirement home”.

34. Section 15(7), of By-law 6593, is deleted in its entirety and replaced with the following:

“(7) Where the radial separation distance from the lot line of an existing residential care facility is less than 300.0 metres to the lot line of any other lot occupied by a residential care facility, emergency shelter, corrections residence or correctional facility may be expanded or redeveloped to accommodate not more than the permitted number of residents.”

35. Section 15B(14b), of By-law 6593, is amended by deleting the words “retirement home”.

36. Section 15B(14b), of By-law 6593, is deleted in its entirety and replaced with the following:
“(14b) Where the radial separation distance from the lot line of an existing residential care facility is less than 300.0 metres to the lot line of any other lot occupied by a residential care facility, emergency shelter, corrections residence or correctional facility may be expanded or redeveloped to accommodate not more than the permitted number of residents.”

37. 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 day of , 2006.

_____________________________  ______________________________
MAYOR  CLERK

CI-06-H