

Authority:  
Wards: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 15  
Bill No.

## CITY OF HAMILTON

### BY-LAW NO.

To Amend By-law 05-200 to Create New Commercial and Mixed Use and Utility Zones  
Utility for the City of Hamilton

WHEREAS the City of Hamilton's new comprehensive Zoning By-law, being By-law No. 05-200, came into force on May 25, 2005;

WHEREAS this By-law represents the seventh stage of the Zoning By-law to create new Commercial and Mixed Use and Utility Zones, amending certain provisions of By-law No. 05-200 and, applying to certain lands located within Wards 1 – 13, and 15 of the City, as hereinafter described and depicted; and,

WHEREAS this By-law conforms with the Urban Hamilton Official Plan upon adoption of Official Plan Amendment No. .

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

1. That SECTION 1: ADMINISTRATION of By-law No. 05-200 is hereby amended as follows:
  - 1.1. That Subsection 1.11 LEGAL NON-CONFORMING USES be amended by deleting the word "and" from clause 1.11b).
  - 1.2. That Subsection 1.11 LEGAL NON-CONFORMING USES be amended by adding the following new clauses:
    - "d) Swimming pools, hot tubs, and accessory buildings, including but not limited to sheds, garages and gazebos on a lot containing a single detached or duplex dwelling which is prohibited by the applicable zoning by-law, but which was lawfully used as a single detached or duplex dwelling on the date of the passing of this by-law shall be permitted as follows:
      - i) the location and height complies with the applicable provisions of this by-law; and,
      - ii) this exemption shall not apply to the Open Space and Parks Classification Zones; or,

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 2 of 255)

- e) In accordance with Subsection 34(10) of the Planning Act, R.S.O., 1990 c.P. 13, as amended, the addition of any porch, deck, balcony, unclosed fire escape or open stair to a single detached or duplex dwelling which is prohibited by this by-law, but which was lawfully used as single detached or duplex dwelling on the date of the passing of the by-law, shall be permitted as follows:
  - i) the location complies with applicable provisions of this by-law; and,
  - ii) this exemption shall not apply to the Open Space and Parks Classification Zones.

2. That SECTION 2: INTERPRETATION of By-law No. 05-200 is hereby amended as follows:

2.1. That Section 2.1 is amended by adding the following new clause:

“f) **Utility Classification**

Zones

Parking Zone U3

g) **Commercial and Mixed Use Classification**

Zones

Residential Character Commercial Zone C1  
 Neighbourhood Commercial Zone C2  
 Community Commercial Zone C3  
 Mixed Use High Density Zone C4  
 Mixed Use Medium Density Zone C5  
 Mixed Use Medium Density - Pedestrian C5a  
 Focus Zone  
 District Commercial Zone C6  
 Arterial Commercial Zone C7”

3. That SECTION 3: DEFINITIONS of By-law No. 05-200 is hereby amended as follows:

3.1. That the following new definitions be added:

<b>“Casino</b>	Shall mean a building or structure, or part thereof, in which any activity or game of chance or skill for money as approved by the Province of Ontario or other designated approval authority, and
----------------	--

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

	may include accessory restaurants and offices, and shall not include Adult Entertainment Parlour, bingo hall, or Commercial Entertainment.
<b>Dwelling Unit in Conjunction with a Commercial Use</b>	Shall mean a building used or intended to be used for human habitation but shall not include a recreational vehicle or tent, and shall be located in the same building as a commercial use permitted in the zone.
<b>Funeral Home</b>	Shall mean a building or structure or part thereof, used for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of corpses for internment or cremation and may include a chapel and a crematorium.
<b>Home Improvement Supply Establishment</b>	Shall mean a retail store predominantly selling a focused range of building supplies including, but not limited to paints, carpets, tiles, bathroom fixtures, lighting fixtures and similar products.
<b>Landscaped Parking Islands</b>	Shall mean a curbed portion of land for the growing of ornamental shrubs or trees, flowers, grass, and other vegetation, suitable to the soil and climatic conditions of the area of land for the purpose of landscaping within a parking lot, and shall include walkways, fire hydrants, decorative walls or features and light standards, and shall form part of a Planting Strip or Landscaped Area.
<b>Motor Vehicle Dealership</b>	Shall mean a use within a building or structure, or part thereof, where new and/or used motor vehicles are stored or displayed for the purpose of sale, rental or leasing and may include a building for the storage and sale of accessories and lubricants for motor vehicles and an associated Motor Vehicle Service Station.
<b>Motor Vehicle Gas Bar</b>	Shall mean a use on a lot, where fuel or lubricants are offered for sale but where

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

	no provision is made for the repair or maintenance of motor vehicles and may include the sale of foods and convenience items but shall not include a Motor Vehicle Service Station or a Motor Vehicle Wrecking Establishment.
<b>Motor Vehicle Washing Establishment</b>	Shall mean a building or structure or part thereof, used for either the mechanical or manual cleaning or washing of motor vehicles and shall include motor vehicle detailing.
<b>Performing Arts Theatre</b>	Shall mean a building or structure or part thereof, used for the presentation of musical, theatrical, dance, or other live performances and may include lounges, dressing rooms, workshop rooms, storage areas, but shall not include a cinema.
<b>Residential Zone</b>	Shall mean:  i) The residential districts in Hamilton Zoning By-law No. 6593; and,  ii) The residential zones in Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Township of Glanbrook No. 464 and City of Stoney Creek Zoning By-law No. 3692-92.
<b>Shopping Centre</b>	Shall mean one or more buildings, or part thereof, containing a group of four or more separate commercial establishments, catering to the broader shopping customer, comprehensively planned and maintained as a single cohesive and integrated site.”

3.2. That the definition of **Amenity Area** be amended:

By deleting the word “residential” between “of” and after “lot”, and adding the words “Planting Strip” at the end of the sentence.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 5 of 255)

- 3.3. That the definition of **Building and Lumber Supply Establishment** be amended:

By deleting the words "predominantly selling of lumber and a wide range of building and home decorating supplies" and replacing with "and any associated outdoor storage which predominantly sells lumber and a wide range of building and home construction materials".

- 3.4. That the definition of **Commercial Entertainment** be amended:

By removing the word "or" after the word "Arcade" and adding the words "or Casino" after the word "Parlour", and deleting the words "performing arts theatre" before "bingo halls".

- 3.5. That the definition of **Commercial Recreation** be amended:

By adding the words "indoor and outdoor" before the words "racquet courts".

- 3.6. That the definition of **Drive-Through Facility** be amended:

By adding the words "and a Motor Vehicle Service Station" after the words "a Motor Vehicle Washing Establishment".

- 3.7. That the definition of **Hotel** be amended:

By adding the words "but shall not include a Casino" after the word "commercial recreation".

- 3.8. That the definition of **Motor Vehicle Service Station** be amended:

By deleting the words "the use of land, building, or structure, or part thereof" with "an establishment used for the", and adding the word "and" after the word "accessories".

- 3.9. That the definition of **Retail** be deleted and replaced with the following definition:

"Retail            Shall mean the sale or rental of goods or materials to the ultimate consumer which shall include but not limited to Building or Contracting Supply Establishment, Building and Lumber Supply Establishment, Home Furnishing Retail Establishment, Home Improvement Supply Establishment, but shall not include a restaurant, farm implement dealership, the sale or rental of motor vehicles and the sale of motor vehicle fuel or major recreational equipment."

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 6 of 255)

4. That SECTION 4: GENERAL PROVISIONS of By-law No. 05-200 is hereby amended as follows:

4.1. That Subsection 4.8.1 RESIDENTIAL ZONES, DOWNTOWN D5 AND DOWNTOWN D6 ZONES, INSTITUTIONAL ZONES, SETTLEMENT COMMERCIAL, SETTLEMENT INSTITUTIONAL, SETTLEMENT RESIDENTIAL ZONES, AND TRANSIT ORIENTED CORRIDOR ZONES be amended by adding the words "COMMERCIAL AND MIXED USE ZONES" after the words "TRANSIT ORIENTED CORRIDOR ZONES", so that it shall read as follows:

"4.8.1 RESIDENTIAL ZONES, DOWNTOWN D5 AND DOWNTOWN D6 ZONES, INSTITUTIONAL ZONES, SETTLEMENT COMMERCIAL, SETTLEMENT INSTITUTIONAL, SETTLEMENT RESIDENTIAL ZONES TRANSIT ORIENTED CORRIDOR ZONES, AND COMMERCIAL AND MIXED USE ZONES"

4.2. That Subsection 4.12 VACUUM CLAUSE be amended by adding the following new clause for provisions to the Commercial and Mixed Use Zones:

"f) Commercial and Mixed Use Zones

- i) Notwithstanding any other provisions of this By-law, any lot within the Commercial and Mixed Use Zones of this By-law and the location thereon of any building or structure, existing on the effective date of this By-law, shall be deemed to comply with the regulations for any required setbacks, front yard, façade building length, flankage yard, rear yard, lot width, lot area and building height and are permitted by this By-law.
- ii) In addition to Section 4.12.f)i) and notwithstanding Sections 10.3.3a)ii), 10.4.3a)i), 10.5.3a)ii) and 10.6.3a)ii), and Sections 10.3.3i) ii) and iii), 10.5.3g) ii) and iii), 10.5a.3g) ii) and iii), and 10.6.3g) ii) and iii), within the lands zoned, Community Commercial (C3) Zone, Mixed Use High Density (C4) Zone, Mixed Use Medium Density (C5) Zone, Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, or District Commercial (C6) Zone, an addition or alteration to a legally existing commercial building, to a maximum of 10% of the existing Gross Floor Area existing on the date of the passing of the By-law, shall be permitted.
- iii) In addition to Section 4.12.f)ii), an addition or alteration to an existing building shall be permitted to replace the existing legally established parking spaces prior to the addition provided the minimum legally established parking requirements are exceeded.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 7 of 255)

- g) Parking Space Size for All Zones
  - i) Notwithstanding any other provisions of this By-law, parking spaces located within any zone and approved after May 25, 2005 and prior to the effective date of this By-law shall be deemed to comply with the regulations for the length and width and are permitted by this By-law.
- 4.3. That Subsection 4.18c) TEMPORARY USES be amended by revising the following clause to add the Commercial Mixed Use Zones:
  - "c) Temporary retailing in a Downtown D1, D2, D3, or D4 Zone, in a Transit Oriented Corridor TOC1, TOC2, or TOC3 Zone, or in a Commercial and Mixed use C1, C2, C3, C4, C5, C5a, C6, and C7 Zone in accordance with the following provisions:"
- 4.4. That Subsection 4.25 DRIVE THROUGH REGULATIONS be amended by adding the following new clauses:
  - "c) Locational specific regulations
    - i) No Drive-Through Facility shall be permitted to locate between any required parking area and the main entrance for the use;
    - ii) No Drive-Through Facility stacking lane shall be permitted between the street and the building, except where other buildings on the same lot occupy the space between the Drive-Through Facility and a street; and,
    - iii) Required stacking spaces shall not be permitted in any aisle providing access to the required parking nor obstruct the ability to access a parking space.
    - iv) No Drive-Through Facility, including the stacking space, and any access driveway or manoeuvring space to provide access to the Drive-Through Facility, shall be permitted less than 12.0 metres from a Residential Zone measured from the property line of the lot containing the Drive-Through Facility abutting a Residential Zone or where the lots are separated by a public street, from the lot line closest to the Residential Zone.
  - d) Where a Landscaped Area occupies the space between a Drive-Through Facility and a Residential Zone or an Institutional Zone property line:

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 8 of 255)

- i) A minimum 3.0 metre planting strip shall be provided and maintained along that portion of the lot line that abuts a Residential Zone or Institutional Zone property line or lot containing a residential use; and,
- ii) In addition to Section 4.19, a minimum 1.8 metre solid visual barrier shall be provided and maintained along that portion of the property line that abuts Residential Zone or Institutional Zone property line or a lot containing a residential use."

4.5. That Subsection 4.32 REDUCTION IN REGULATIONS RESULTING FROM PUBLIC TRANSIT FACILITIES be added:

"No person shall have deemed to have contravened any provisions of this By-law by reason only to the of the fact that a part or parts of any lot or have been conveyed, acquired, leased, or placement of easements by the City of Hamilton or the Government of Ontario for the placement of public transit facilities."

5. That SECTION 5: PARKING REGULATIONS of By-law 05-200 is hereby amended as follows:

5.1. That Subsection 5.1a)ii) be amended by revising the following clause to add "and Mixed Use Zones" as follows:

"Notwithstanding Subsection 5.1a)i), where the provision of parking on the same lot as the use requiring such parking is not possible, or not practical, such parking facilities may be located on another lot within 300.0 metres of the lot containing the use requiring the parking. Such alternate parking shall only be situated in a Commercial and Mixed Use, Industrial or Downtown Zone or within the same zone as the use requiring such parking, and shall be subject to Subsection iii) herein."

5.2. That Subsection 5.2b) be deleted and replaced by the following new clauses:

"b) Unless permitted by another regulation in this By-law, parking space sizes shall be:

- i) Minimum 3.0 metres in width and 5.8 metres in length;
- ii) Notwithstanding Subsection i) herein, a minimum 2.8 metres in width and 5.8 metres in length shall be permitted within an above ground or underground parking structure, but shall not apply to an attached or detached garage to a Block Townhouse Dwelling, Duplex Dwelling, Maisonette Dwelling, Semi-Detached Dwelling, Single Detached Dwelling, or Street Townhouse Dwelling.



To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 9 of 255)

- iii) Where a wall, column, or any other obstruction is located abutting or within any parking space within an above ground or underground parking structure, the minimum width of a parking space shall be increased by 0.3 metres.
  - iv) Notwithstanding Subsection i) herein, where 10 or more parking spaces are required on a lot, the minimum parking space size of not more than 10% of such required parking spaces shall be a width of 2.6 metres and a length of 5.5 metres, provided that any such parking space is clearly identified as being reserved for the parking of small cars only.
  - v) Notwithstanding Subsection b) herein, light standards, including the base, located at the intersection of 4 parking spaces shall not be considered as an obstruction."
- 5.3. That Subsection 5.2 DESIGN STANDARDS be amended by revising clause Subsection 5.2f) to delete "5.5 metres" and replace it with "5.8 metres".
- 5.4. That Subsection 5.2 DESIGN STANDARDS be amended by renumbering 5.2 x) to 5.2g).
- 5.5. That Subsection 5.2 DESIGN STANDARDS be amended by adding the following new clauses:
- "h) In addition to Section 5.1 a) v) and Subsection e) herein, the following Planting Strip requirements shall apply to a parking lot in a Commercial and Mixed Use Zone and the Parking (U3) Zone where 50 or more parking spaces are provided on a lot:
    - i) Landscaped Areas or Landscaped Parking Islands with a minimum combined area of 10% of the area of the parking lot and associated access driveway and manouvering areas shall be provided and maintained;
    - ii) Each Landscaped Area or Landscaped Parking Island shall have a minimum width of 2.8 metres and a minimum area of 10.0 square metres;
    - iii) In addition to Section 5.6, the number of required parking spaces required to accommodate the Landscaped Area or Landscaped Parking Island within the parking lot shall be reduced by the amount needed to accommodate the minimum Landscaped Parking Island requirement as required by Subsection 5.1a)v)i), up to a maximum of 10% of the required parking spaces.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

- i) In addition to Subsection c) herein, the minimum aisle width shall be designed and provided in accordance with the following requirements:

Parking Angle Degree	Aisle Width
0°	3.7 m
15°	3.7 m
30°	3.7 m
45°	4.5 m
60°	5.5 m
75°	6.0 m
90°	6.0 m”

- 5.6. That Subsection 5.6c) and 5.6e) PARKING SCHEDULES be deleted and replaced with the following clause:

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

<b>Column 1</b>	<b>Column 2</b>	
<b>i. Residential Uses</b>		
Single Detached Dwelling, Semi-Detached Dwelling, Duplex Dwelling Dwelling Unit	1 per unit.	
Dwelling Units and Dwelling Unit in Conjunction with a Commercial Use (Commercial and Mixed Use (C5) and (C5a) Zones and all Transit Oriented Corridor Zones) (By-law 16-264, October 12, 2016)		
i) Dwelling Units less than 50.0 square metres in gross floor area	0.3 per unit.	
ii) Dwelling Units greater than 50.0 square metres in gross floor area	Minimum.	Maximum.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

<b>Column 1</b>	<b>Column 2</b>	
1 – 3 units	0.3 per unit.	1.25 per unit.
Multiple Dwelling Street Townhouse Dwelling	1 per unit, except where a dwelling unit is 50 square metres in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 per unit.	
Multiple Dwelling (Commercial and Mixed Use (C5) and (C5a) Zones and all Transit Oriented Corridor Zones) (By-law 16-264, October 12, 2016)		
i) Dwelling Units less than 50.0 square metres in gross floor area	Minimum.	Maximum.
	0.3 per unit.	1.25 per unit.
ii) Dwelling Units greater than 50.0 square metres in gross floor area	Minimum.	Maximum.
1 – 14 units	0.7 per unit.	1.25 per unit.
15 – 50 units	0.85 per unit.	1.25 per unit.
51+ units	1.0 per unit.	1.25 per unit.
Residential Care Facility, Emergency Shelter, Corrections Residence, Lodging House, Retirement Home	1 for each 3 persons accommodated or designed for accommodation.	
<b>ii. Institutional Uses</b>		
Day Nursery	i) 1 for each 125.0 square metres of gross floor area which accommodates such use.  ii) Notwithstanding clause i), no parking shall be required where a Day Nursery is located within an Education	

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

<b>Column 1</b>	<b>Column 2</b>
	Establishment or Place of Worship. (By-law 07-321, November 14, 2007, By-law 10-076, April 14, 2010)
Long Term Care Facility (All Zones except Transit Oriented Corridor Zones)	1 for each 3 patient beds.
Long Term Care Facility (Transit Oriented Corridor)	1 for each patient bed. (By-law 16-264, October 12, 2016)
Place of Worship (All Zones except Transit Oriented Corridor Zones)	1 for every 10 square metres of gross floor area, inclusive of a basement or cellar, to accommodate such use. (By-law 08-227, September 24, 2008)
Place of Worship (Transit Oriented Corridor)	1 for each 16.0 square metres of gross floor area, inclusive of a basement or cellar, to accommodate such use. (By-law 16-264, October 12, 2016)
Hospital	1 for each 100.0 square metres of which gross floor area which accommodates such use.
Social Services Establishment (All Zones except Transit Oriented Corridor Zones)	1 for each 30.0 square metres of gross floor area which accommodates such use. (By-law 07-321, November 14, 2007)
Social Services Establishment (Transit Oriented Corridor Zones)	1 for each 50.0 square metres of gross floor area which accommodates such use. (By-law 16-264, October 12, 2016)
<b>iii. Educational Establishments</b>	
Elementary School	1.25 for each classroom.
Secondary School	3 for each classroom plus 1 for each 7 seat capacity in an auditorium, theatre or stadium.
University, College	5 for each classroom plus 1 for every 7 seat

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

<b><u>Column 1</u></b>	<b><u>Column 2</u></b>
	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.
Educational Establishment	3 for each classroom plus 1 for each 7 seat capacity in an auditorium, theatre or stadium. (By-law 16-264, October 12, 2016)
<b>iv. Commercial Uses</b>	
Adult Entertainment Parlour	1 for each 20 square metres of gross floor area which accommodates such use.
Agricultural Supply Establishment	1 for each 30 square metres of gross floor area which accommodates retail and 1 for each 100.0 square metres of gross floor area which accommodates warehousing.
Bowling Alley	4 for each lane.
Building or Contracting Supply Establishment	1 for each 30 square metres of gross floor area which accommodates the Office, Retail and Showroom component of the use. (By-law 10-128, May 26, 2010)
Building and Lumber Supply Establishment	1 for each 50 square metres of gross floor area which accommodates such use. (By-law 10-128, May 26, 2010)
Cinema	1 for every 6 persons accommodated for such use.
Commercial Motor Vehicle Sales, Rental and Service Establishment	1 for each 100 square metres of gross floor area which accommodates such use and 2 for each service bay.
Commercial School	1 space for each 50 square metres of gross floor area in excess of 450 square metres which accommodates such use. (By-law 14-238, September 10, 2014)

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

<b><u>Column 1</u></b>	<b><u>Column 2</u></b>
Conference or Convention Centre	1 for each 30.0 square metres of gross floor area, which accommodates such use. (By-law 10-128, May 26, 2010)
Courier Establishment	1 for each 30.0 square metres of gross floor area which accommodates the Office component of the use. (By-law 10-128, May 26, 2010)
Driving Range	1.5 for each tee-off pad.
Equipment Sales and Service Establishment	1 for each 100 square metres of gross floor area which accommodates such use.
Financial Establishment	1 for each 30.0 square metres of gross floor area, which accommodates such use. (By-law 10-128, May 26, 2010)
Fitness Club	1 for each 15.0 square metres of gross floor area which accommodates such use.
Funeral Home	1 for each 20.0 square metres of gross floor area which accommodates such use.
Golf Course	6 for each hole.
Home Furnishing Retail	1 for each 50.0 square metres of gross floor area which accommodates such use.
Home Improvement Supply Establishment	1 for each 50.0 square metres of gross floor area which accommodates such use.
Hotel	1 for each guest suite. (By-law 07-043, February 15, 2007) (By-law 10-128, May 26, 2010)
Laboratory	1 for each 50.0 square metres of gross floor area which accommodates such use.
Major Recreational Equipment Sales and Service Establishment	1 for each 100.0 square metres of gross floor area which accommodates such use.

## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 15 of 255)

<b><u>Column 1</u></b>	<b><u>Column 2</u></b>
Marina	1 for each boat slip.
Medical Clinic	1 for each 16.0 square metres of gross floor area. (By-law 10-128, May 26, 2010)
Mini Golf	1.5 for each hole.
Motor Vehicle Dealership	1 for each 100.0 square metres of gross floor area which accommodates such use and 2 for each service bay.
Motor Vehicle Gas Bar	1 for each 25.0 square metres of gross floor area which accommodates such use.
Motor Vehicle Service Station	4 for each service bay. (By-law 07-043, February 15, 2007)
Motor Vehicle Washing Establishment	1 for each 30.0 square metres of gross floor area and 2 for every manual washing bay.
Office (All Zones except Industrial Zones)	i) 0 where a use is less than 450.0 square metres in gross floor area; and,  ii) 1 for each 30.0 square metres of gross floor area which accommodates such use, for that portion of a building that is in excess of 450.0 square metres.
Office (Industrial Zones)	1 for each 30 square metres of gross floor area which accommodates such use. (By-law 07-043, February 15, 2007)
Personal Service	i) 0 where a use is less than 450.0 square metres in gross floor area; and,  ii) 1 for each 16.0 square metres of gross floor area which accommodates such use, for that portion of a building that is in excess of 450.0 square metres.
Repair Service	1 for each 30.0 square metres of gross floor area which accommodates the Office,

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

<b><u>Column 1</u></b>	<b><u>Column 2</u></b>
	Retail, and Showroom component of the use.
Restaurant (All Zones except Transit Oriented Corridor Zones)	<p>i) 1 for each 8.0 square metres of gross floor area which accommodates such use.</p> <p>ii) Notwithstanding i), where there are no seats provided for dining purposes a minimum of 3 spaces shall be required. (By-law 10-128, May 26, 2010)</p>
Restaurant (Transit Oriented Corridor Zones)	<p>iii) 0 where a use is less than 450.0 square metres in gross floor area; and,</p> <p>iv) 1 for each 50.0 square metres of gross floor area which accommodates such use for that portion of a building that is in excess of 450.0 square metres. (By-law 16-264, October 12, 2016)</p>
Retail within a Commercial and Mixed Use Zone	<p>i) 0 where a use is less than 450.0 square metres in gross floor area;</p> <p>ii) 1 for each 17.0 square metres any gross floor area between 450.0 square metres and 4,000.0 square metres; and,</p> <p>iii) 1 for each 50.0 square metres of gross floor area greater than 4,000.0 square metres.</p>
Retail within an Industrial Zone	<p>1 for each 20.0 square metres of gross floor area which accommodates such use. (By-law 10-128, May 26, 2010)</p>
Shopping Centre (within a Commercial and Mixed Use Zone)	<p>i) 0 for less than 450.0 square metres of gross floor area;</p> <p>ii) 1 for each 17.0 square metres of gross floor area between 450.0 square metres and 4,000.0 square metres;</p>



To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

<b>Column 1</b>	<b>Column 2</b>
	and,  iii) 1 for each 50.0 square metres of gross floor area greater than 4,000.0 square metres.
Performing Arts Theatre	1 for each 10 persons accommodated.
Warehouse	1 for each 30.0 square metres of gross floor area, which accommodates the Office component of the use. (By-law 10-128, May 26, 2010)
Other Commercial Uses not Listed Above (All Zones except Transit Oriented Corridor Zones)	1 for each 30.0 square metres of gross floor area, which accommodates such use.
Other Commercial Uses not Listed Above (Transit Oriented Corridor Zones)	i) 0 where a use is less than 450.0 square metres in gross floor area;  ii) 1 for each 50.0 square metres of gross floor area which accommodates such use for that portion of a building that is in excess of 450.0 square metres. (By-law 16-264, October 12, 2016)
(By-law 06-166, June 14, 2006; By-law 07-101, March 28, 2007, By-law 10-128, May 26, 2010 Bylaw 11-276, November 16, 2011, By-law 16-264, October 12, 2016)	
<b>v. Industrial Uses</b>	
Bulk Fuel and Oil Storage	1 for each 30.0 square metres of gross floor area, which accommodates the Office component of the use. (By-law 10-128, May 26, 2010)
Commercial Motor Vehicle Sales, Rental and Service Establishment	1 for each 115.0 square metres of gross floor area, which accommodates such use. (By-law 10-128, May 26, 2010)
Commercial Motor Vehicle Washing Establishment	4 for each service bay. (By-law 10-128, May 26, 2010)
Communications	1 for each 50.0 square metres of gross floor

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

<b><u>Column 1</u></b>	<b><u>Column 2</u></b>
Establishment	area, which accommodates such use. (By-law 10-128, May 26, 2010)
Contractor’s Establishment	1 for each 115.0 square metres of gross floor area, which accommodates such use. (By-law 10-128, May 26, 2010)
Dry Cleaning Plant	1 for each 115.0 square metres of gross floor area, which accommodates such use. (By-law 10-128, May 26, 2010)
Equipment and Machinery Sales, Rental and Service Establishment	1 for each 100.0 square metres of gross floor area, which accommodates such use. (By-law 10-128, May 26, 2010)
Industrial Administrative Office	1 for each 30.0 square metres of gross floor area, which accommodates such use. (By-law 10-128, May 26, 2010)
Laboratory	1 for each 50.0 square metres of gross floor area, which accommodates such use. (By-law 10-128, May 26, 2010)
Labour Association Hall	1 for each 30 square metres of gross floor area, which accommodates such use. (By-law 10-128, May 26, 2010)
Landscape Contracting Establishment	1 for each 115.0 square metres of gross floor area, which accommodates such use. (By-law 10-128, May 26, 2010)
Manufacturing	1 for each 30.0 square metres of gross floor area which accommodates the Office component of the use, plus 1 for each 200.0 square metres of gross floor area, which accommodates the remainder of the use. (By-law 10-128, May 26, 2010)
Motor Vehicle Collision Repair Establishment	1 for each 115.0 square metres of gross floor area, which accommodates such use. (By-law 10-128, May 26, 2010)
Planned Business Centre within an Industrial Zone,	1 for each 50.0 square metres of gross floor area. (By-law 10-128, May 26, 2010)

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

<b><u>Column 1</u></b>	<b><u>Column 2</u></b>
except M4 Zone	
Planned Business Centre within an M4 Zone	<p>i) 1 for each 30.0 square metres of gross floor area;</p> <p>ii) In addition to clause i), where a Restaurant occupies more than 30 percent of the gross floor area of the planned business centre, the specific parking requirement for the Restaurant shall be required in addition to the planned business centre requirement for the remaining gross floor area of the planned business centre; and,</p> <p>iii) In addition to clause i), where a Medical Clinic occupies more than 30 percent of the gross floor area of the planned business centre, the specific parking requirement for the Medical Clinic shall be required in addition to the planned business centre requirement for the remaining gross floor area of the planned business centre.</p> <p>(By-law 10-128, May 26, 2010) (By-law 14-238, September 10, 2014)</p>
Private Power Generation Facility	<p>1 for each 30.0 square metres of gross floor area which accommodates the Office component of the use.</p> <p>(By-law 10-128, May 26, 2010)</p>
Repair Service	<p>1 for each 30.0 square metres of gross floor area which accommodates the Office, Retail and Showroom component of the use.</p> <p>(By-law 10-128, May 26, 2010)</p>
Research and Development Establishment within an M1 Zone	<p>1 for each 75.0 square metres of gross floor area, which accommodates such use, except for that portion of the building used for laboratory, warehouse or manufacturing uses where 1 for each 115 square metres of gross floor area shall be required.</p>

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

<b><u>Column 1</u></b>	<b><u>Column 2</u></b>
	(By-law 07-043 February 15, 2007)
Research and Development Establishment within an Industrial Zone, except an M1 Zone	1 for each 50.0 square metres of gross floor area which accommodates such use. (By-law 10-128, May 26, 2010)
Salvage Yard	1 for each 30.0 square metres of gross floor area which accommodates the Office and Retail component of the use. (By-law 10-128, May 26, 2010)
Surveying, Engineering, Planning or Design Business	1 for each 30.0 square metres of gross floor area which accommodates such use. (By-law 10-128, May 26, 2010)
Towing Establishment	1 for each 30.0 square metres of gross floor area which accommodates the Office component of the use. (By-law 10-128, May 26, 2010)
Trade School	1 for each 30.0 square metres of gross floor area which accommodates the Office component of the use. (By-law 10-128, May 26, 2010)
Tradesperson’s Shop	1 for each 30.0 square metres of gross floor area which accommodates the Office, Retail and Showroom component of the use. (By-law 10-128, May 26, 2010)
Transport Terminal	1 for each 30.0 square metres of gross floor area which accommodates the Office component of the use. (By-law 10-128, May 26, 2010)
Waste Management Facility	1 for each 30.0 square metres of gross floor area which accommodates the Office component of the use. (By-law 10-128, May 26, 2010) (By-law 11-276, November 16, 2011)
(By-law 07-043, February 15, 2007), (By-law 10-128, May 26, 2010), (By-law 11-276, November 16, 2011)	

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

<b><u>Column 1</u></b>	<b><u>Column 2</u></b>
<b>vi. Agricultural Uses (applies to Urban Area only)</b>	
Aquaponics	1 for each 30.0 square metres of gross floor area which accommodates the Office component of the use, plus 1 for each 200.0 square metres of gross floor area, which accommodates the remainder of the use.
Medical marihuana growing and harvesting facility	1 for each 30.0 square metres of gross floor area which accommodates the Office component of the use, plus 1 for each 200.0 square metres of gross floor area, which accommodates the remainder of the use.
Greenhouses	1 for each 30.0 square metres of gross floor area which accommodates the Office component of the use, plus 1 for each 200.0 square metres of gross floor area, which accommodates the remainder of the use.
(By-law No. 14-163, June 25, 2014)	
<b>vii. Uses in A1 and A2 Zones</b>	
Farm Product Supply Dealer	1 for each 30.0 square metres of gross floor area which accommodates the Showroom component of the use.
Kennel	1 for each 30.0 square metres of gross floor area which accommodates the Office and Retail component of the use.
Residential Care Facility	1 for each 3 persons accommodated or designed for accommodation.
Single Detached Dwelling	1 for each dwelling unit.
Uses not listed above	No minimum parking required.
(By-law No. 15-173, July 10, 2015)	

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 22 of 255)

- 5.7. That Subsection 5.6h) is amended by revising the following clause to add the Commercial Mixed Use Zones, Institutional Zones, and Industrial Zones:

By adding the words “or the Commercial and Mixed Use Zones, Institutional Zone, or the Industrial Zones” after the words “(TOC3) Zone”.

- 5.8. That Subsections 5.6f), g), h), and i) are amended by revising the following clauses to add the Commercial Mixed Use Zones:

By replacing “e)” with “c)”.

- 5.9. That Subsections 5.6f), g), h), and i) be renumbered to 5.6e), f), g), and h).

- 5.10. That Subsection 5.7c) BICYCLE PARKING be amended by adding the following new clauses to add the Commercial and Mixed Use Zones:

- “c) In the Transit Oriented Corridor Zones and Commercial and Mixed Use Zones short term bicycle parking shall be provided and maintained in the minimum quantity specified in accordance with the following requirements:

<b><u>Column 1: Uses</u></b>	<b><u>Column 2: Short Term Spaces</u></b>
<b>i) Residential Uses</b>	
All TOC and Commercial and Mixed Use Zones	
Multiple Dwelling	5
<b>ii) Commercial Uses</b>	
All Commercial and Mixed Use Zones	
Hotel	None
Commercial Parking Facility	None
Commercial	10

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

<b><u>Column 1: Uses</u></b>	<b><u>Column 2: Short Term Spaces</u></b>
Recreation	
All TOC and Commercial and Mixed Use Zones	
Commercial Entertainment	10
Other commercial uses not listed above	5
<b>iii) Institutional Uses</b>	
All TOC Zones and Commercial and Mixed Use (C4) and (C5) Zones	
Educational Establishment	2 for each classroom
All TOC and Commercial and Mixed Use Zones	
Place of Worship	5

5.11. That Subsection 5.7f) is amended by revising the following clause to add the Commercial and Mixed Use Zones:

By adding the words “or the Commercial and Mixed Use Zones” after the words “(TOC3) Zone”.

5.12. That Subsection 5.7 BICYCLE PARKING be amended by adding the following new clauses:

“g) Notwithstanding Subsection 5.6 a) and c), for any use within the Commercial and Mixed Use (C4), (C5) and (C5a) Zones, the required motor vehicle parking may be reduced in accordance with the following regulations:

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 24 of 255)

- i) 1 motor vehicle space for every 5 long term bicycle spaces is provided and maintained up to a maximum of 10% of the original motor vehicle parking requirement; and,
  - ii) In addition to Subsection 5.12g)i), 1 space for every 15 square metres of gross floor area of locker, change room or shower facilities specifically accessible to all users of the secure long term bicycle spaces is provided and maintained.”
6. That SECTION 10: COMMERCIAL AND MIXED USE ZONES is added to By-law 05-200 by including the following new subsections:

**“10.1 RESIDENTIAL CHARACTER COMMERCIAL (C1) ZONE**

---

***Explanatory Note:** The C1 Zone is generally located abutting or within the interior of a residential neighbourhood, where permitted commercial and residential uses are intended for residents in the immediate area. Types of built form include one- and two-storey buildings such as converted dwellings and “Main Street” commercial buildings where the scale, height, and bulk, are compatible to the surrounding residential neighbourhood.*

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Residential Character Commercial (C1) 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:

- 10.1.1 PERMITTED USES**
- Artist Studio
  - Day Nursery
  - Duplex Dwelling
  - Dwelling Unit(s)
  - Emergency Shelter
  - Office
  - Personal Services
  - Repair Service
  - Residential Care Facility
  - Restaurant
  - Retail
  - Single Detached Dwelling

- 10.1.1.1 RESTRICTED USES**
- In addition to Section 10.1.1, the following uses shall be permitted in accordance with the following restrictions:



To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 25 of 255)

- i) Emergency Shelter and Residential Care Facility
  - 1. The Maximum Capacity for Residential Care Facility shall be 6 residents.
  - 2. Maximum Capacity for Emergency Shelter shall be 6 residents.
  - 3. Except as provided for in Section 4., 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.
  - 4. 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.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 26 of 255)

**10.1.2 PROHIBITED USES**

Notwithstanding Section 10.1.1, the following uses are prohibited, even as an accessory use:

Drive-Through Facility  
Outdoor Commercial Patio

**10.1.3 REGULATIONS**

- a) Maximum Building Setback from a Street Line 3.0 metres.
- b) Minimum Rear Yard 7.5 metres.
- c) Minimum Interior Side Yard 1.5 metres, 3.0 metres abutting Residential or Institutional Zone or lot containing a residential use.
- c) Maximum Height 11.0 metres.
- d) Maximum Lot Area 500.0 square metres;
- e) Visual Barrier Requirement A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, Downtown (D5) Zone or Downtown (D6) Zone property line in accordance with the requirements of Section 4.19 of this By-law.
- f) Outdoor Storage
  - i) No outdoor storage of goods, materials, or equipment shall be permitted.
  - ii) Notwithstanding Section 10.1.3f)i), the display of goods or materials for retail purposes accessory to a retail use shall only be permitted in the front or flankage yard.

**10.1.4 SINGLE DETACHED DWELLING AND DUPLEX REGULATIONS**

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 27 of 255)

- a) Yard Abutting Street 3.0 metres.
- b) Minimum Rear Yard 7.5 metres.
- c) Minimum Side Yard 1.5 metres.
- d) Maximum Height 11.0 metres.
- e) Minimum Lot Area
  - i) 330.0 square metres for an interior lot; and,
  - ii) Notwithstanding Subsection 10.1.4i), 360.0 square metres shall be required for a corner lot.
- f) Minimum Lot Width
  - i) 12.0 metres for an interior lot; and,
  - ii) 15.0 metres for a corner lot.

**10.1.5 ACCESSORY BUILDINGS** In accordance with the requirements of Sections 4.8 of this By-law.

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

**10.2 NEIGHBOURHOOD COMMERCIAL (C2) ZONE**

***Explanatory Note:** The C2 Zone permits commercial uses intended to serve residents within the surrounding neighbourhood, as well as residential uses. This Zone is found primarily along collector or arterial roads, with the built form ranging from small scale one-storey commercial plazas to the clustering of commercial buildings under 2000 square metres built close to the street. The scale, height, and bulk, are compatible with the surrounding residential neighbourhood.*

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 Commercial (C2) 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:

- 10.2.1 PERMITTED USES**
- Artist Studio
  - Catering Service
  - Commercial School
  - Craftsperson Shop

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 28 of 255)

Day Nursery  
Dwelling Units in conjunction with a  
Commercial Use  
Emergency Shelter  
Financial Establishment  
Medical Clinic  
Motor Vehicle Service Station  
Office  
Personal Services  
Repair Services  
Restaurant  
Retail  
Social Services Establishment  
Veterinary Service

**10.2.1.1 RESTRICTED USES**

In addition to Section 10.2.1, the following uses shall be permitted in the accordance with the following restrictions:

- i) Emergency Shelter
  - 1. Maximum Capacity for Emergency Shelter shall be 6 residents.
  - 2. Except as provided for in Section 3. herein, every Emergency Shelter 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 an Emergency Shelter.
  - 3. Where the radial separation distance from the lot line of an Emergency Shelter 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 Emergency Shelter, the existing Shelter may be expanded or redeveloped to accommodate not more than the

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 29 of 255)

permitted number of residents permitted by the Zone in which it is located.

ii) Restriction of Residential Uses within a Building

1. Notwithstanding Section 10.2.1, a Dwelling Unit(s) in conjunction with a commercial use shall only be permitted above the ground floor except for access, accessory office and utility areas, and shall not occupy more than 50% of the total gross floor area of all the building(s) within the lot.

2. Subsection 1 shall not apply to buildings existing at the date of the passing of the By-law where:

A. The ground floor contains a commercial use; and,

B. The Minimum Building Height is 9.0 metres.

**10.2.2 PROHIBITED USES**

Notwithstanding Section 10.2.1, the following uses are prohibited, even as an accessory use:

Commercial Parking Facility  
Drive-Through Facility

**10.2.3 REGULATIONS**

a) Building Setback from a Street Line

i) Minimum 1.5 metres;

ii) Maximum 3.0 metres, except where a visibility triangle shall be required for a driveway access; and,

iii) Section 10.2.3a)ii) shall not apply for any portion of a building that exceeds

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 30 of 255)

- the requirement of Section 10.2.3i) ii) and iii).
- b) Minimum Rear Yard
    - i) 6.0 metres; and,
    - ii) 7.5 metres abutting a Residential or Institutional Zone or lot containing a residential use.
  - c) Minimum Interior Side Yard
    - i) 1.5 metres; and,
    - ii) 3.0 metres abutting a Residential or Institutional Zone or lot containing a residential use.
  - d) Maximum Height 11.0 metres.
  - e) Maximum Lot Area 5,000.0 square metres.
  - f) Maximum Gross Floor Area for an Individual Office 500.0 square metres per unit.
  - g) Maximum Gross Floor Area for Commercial School on a lot 250.0 square metres.
  - h) Maximum Gross Floor Area for Commercial Uses on a lot 2,000.0 square metres.
  - i) Built form for New Development
 

In the case of new buildings constructed after the effective date of this by-law or additions to buildings existing as of the effective date of this by-law:

    - i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street.
    - ii) For an interior lot or a through lot the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 40% of the measurement of the front lot line.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 31 of 255)

- iii) For a corner lot the minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines abutting a street.
- iv) In addition to Section 10.2.3i) ii) and iii), the minimum width of the ground floor façade facing the front and flankage lot lines shall exclude access driveways and any required yards within a lot line abutting a street.
- v) Notwithstanding Section 10.2.3i) ii) and iii), for commercial development existing at the time of the passing of the By-law, new commercial buildings with a Gross Floor Area of less than 650 square metres shall be permitted.
- vi) No parking, driveways, stacking lanes, or aisles shall be located between a building façade and the front lot line and the flankage lot line.
- vii) A minimum of one principal entrance shall be provided:
  - 1. within the ground floor façade that is set back closest to a street;  
and,
  - 2. shall be accessible from the building façade with direct access from the public sidewalk.
- viii) A walkway shall be permitted in a Planting Strip where required by the By-law.
- ix) Notwithstanding Section 10.2.3, for

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 32 of 255)

properties designated under the Ontario Heritage Act, any alternative building design or building materials approved through the issuance of a Heritage Permit shall be deemed to comply with this Section.

- j) Planting Strip Requirements  
Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 1.5 metre wide Planting Strip shall be provided and maintained.
- k) Visual Barrier Requirement  
A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, Downtown (D5) Zone or Downtown (D6) Zone property line in accordance with the requirements of Section 4.19 of this By-law.
- l) Outdoor Storage
  - i) No outdoor storage of goods, materials, or equipment shall be permitted.
  - ii) Notwithstanding Section 10.2.3i), the display of goods or materials for retail purposes accessory to a retail use shall only be permitted in a front or flankage yard.

**10.2.4 MOTOR VEHICLE SERVICE STATION REGULATIONS**

- a) Minimum Yard Abutting a Street  
4.5 metres.
- b) Minimum Yard for Fuel Pump Islands, Fuel Pumps and Canopies  
4.5 metres from any lot line.
- c) Minimum Planting Strip Requirements  
3.0 metre in width shall be required abutting any street line, or Residential Zone or Institutional Zone property line, except for points for ingress and egress.



To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 33 of 255)

- |               |   |   |
|---------------|---|---|
| <b>10.2.5</b> | <b>SINGLE DETACHED AND DUPLEX DWELLINGS EXISTING AT THE DATE OF THE PASSING OF THE BY-LAW (October 2017- specific day to be included)</b> | <p>In addition to Section 4.12f) and in accordance with Section 34(10) of the Planning Act, R.S.O.,1990, c.P.13, an addition or alteration to a single detached or duplex dwelling not permitted by the by-law but legally existing at the date of the passing of the by-law that increases the volume or size of the interior of the building shall be permitted as follows :</p> <ul style="list-style-type: none"> <li>i) The increase shall not exceed a maximum of 10% of the Gross Floor Area of the building existing at the date of the passing of the by-law;</li> <li>ii) Section 10.2.3a)ii) shall not apply; and,</li> <li>iii) The existing side yard setbacks are maintained for the addition.</li> </ul> |
| <b>10.2.6</b> | <b>ACCESSORY BUILDINGS</b>  | In accordance with the requirements of Section 4.8 of this By-law.  |
| <b>10.2.7</b> | <b>PARKING</b>  | In accordance with the requirements of Section 5 of this By-law.  |

**10.3 COMMUNITY COMMERCIAL (C3) ZONE**

***Explanatory Note:** The C3 Zone permits local commercial uses intended to serve residents within the surrounding neighbourhoods. Located primarily along collector or arterial roads and within close proximity to residential neighbourhoods, the built form within this Zone generally consists of larger commercial plazas to a maximum of 10,000 square metres.*

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 Commercial (C3) 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:

- |               |                       |   |
|---------------|-----------------------|---|
| <b>10.3.1</b> | <b>PERMITTED USES</b> | <p>Artist Studio<br/>Catering Service</p> |
|---------------|-----------------------|---|

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 34 of 255)

Commercial School  
Communications Establishment  
Community Garden  
Craftsperson Shop  
Day Nursery  
Dwelling Units in conjunction with a  
Commercial Use  
Emergency Shelter  
Financial Establishment  
Laboratory  
Medical Clinic  
Microbrewery  
Motor Vehicle Gas Bar  
Motor Vehicle Service Station  
Office  
Personal Services  
Repair Service  
Restaurant  
Retail  
Social Services Establishment  
Tradesperson's Shop  
Urban Farm  
Urban Farmers Market  
Veterinary Service

**10.3.1.1 RESTRICTED USES**

In addition to Section 10.3.1, the following uses shall be permitted in the accordance with the following restrictions:

- i) Emergency Shelter
  - 1. Maximum Capacity for Emergency Shelter shall be 6 residents.
  - 2. Except as provided for in Section 3. herein, every Emergency Shelter 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 an Emergency Shelter.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 35 of 255)

3. Where the radial separation distance from the lot line of an Emergency Shelter 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 Emergency Shelter, the existing Shelter may be expanded or redeveloped to accommodate not more than the permitted number of residents permitted by the Zone in which it is located.

ii) Restriction of Residential Uses within a Building

1. Notwithstanding Section 10.3.1, a Dwelling Unit(s) in conjunction with a commercial use shall only be permitted above the ground floor except for access, accessory office and utility areas, and shall not occupy more than 50% of the total gross floor area of all the building(s) within the lot.

**10.3.2 PROHIBITED USES**

Notwithstanding Section 10.3.1, the following uses are prohibited, even as an accessory use:

Commercial Parking Facility

**10.3.3 REGULATIONS**

a) Building Setback from a Street Line

i) Minimum 1.5 metres;

ii) Maximum 4.5 metres, except where a visibility triangle shall be required for a driveway access;

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 36 of 255)

- iii) Notwithstanding Section 10.3.3a)i), 6.0 metres for that portion of a building providing an access driveway to a garage; and,
    - iv) Section 10.3.3a)ii) shall not apply for any portion of a building that exceeds the requirement of Section 10.3.3i) ii) and iii).
- b) Minimum Rear Yard
  - i) 6.0 metres; and,
  - ii) 7.5 metres abutting a Residential or Institutional Zone or lot containing a residential use.
- c) Minimum Interior Side Yard
  - i) 1.5 metres; and,
  - ii) 3.0 metres abutting a Residential or Institutional Zone or lot containing a residential use.
- d) Maximum Height 14.0 metres.
- e) Maximum Lot Area 10,000.0 square metres.
- f) Maximum Gross Floor Area for an Individual Office 500.0 square metres per unit.
- g) Maximum Total Gross Floor Area for Commercial Uses 10,000.0 square metres.
- h) Maximum Gross Floor Area for Microbrewery 700.0 square metres.
- i) Built form for New Development
 

In the case of new buildings constructed after the effective date of this by-law or additions to buildings existing as of the effective date of this by-law:

  - i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 37 of 255)

- ii) For an interior lot or a through lot the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 40% of the measurement of the front lot line.
- iii) For a corner lot the minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines abutting a street.
- iv) In addition to Section 10.3.3i)ii) and iii), the minimum width of the ground floor façade facing the front and flankage lot lines shall exclude access driveways and any required yards within a lot line abutting a street.
- v) Notwithstanding Section 10.3.3i)ii) and iii), for commercial development existing at the time of the passing of the By-law, new commercial buildings with a Gross Floor Area of less than 650 square metres shall be permitted.
- vi) No parking, driveways, stacking lanes, or aisles shall be located between a building façade and the front lot line and flankage lot line.
- vii) A minimum of one principal entrance shall be provided:
  - 1. within the ground floor façade that is set back closest to a street; and,
  - 2. shall be accessible from the building façade with direct access from the public sidewalk.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 38 of 255)

viii) A walkway shall be permitted in a Planting Strip where required by the By-law.

ix) Notwithstanding Section 10.3.3, for properties designated under the Ontario Heritage Act, any alternative building design or building materials approved through the issuance of a Heritage Permit shall be deemed to comply with this Section.

j) Planting Strip Requirements

Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 1.5 metre wide Planting Strip shall be provided and maintained.

k) Visual Barrier Requirement

A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, Downtown (D5) Zone or Downtown (D6) Zone property line in accordance with the requirements of Section 4.19 of this By-law.

l) Outdoor Storage

i) No outdoor storage of goods, materials, or equipment shall be permitted.

ii) Notwithstanding Section 10.3.3i), the display of goods or materials for retail purposes accessory to a Retail use shall only be permitted in a front or flankage yard.

**10.3.4 MOTOR VEHICLE  
GAS BAR AND  
MOTOR VEHICLE  
SERVICE STATION  
REGULATIONS**

a) Minimum Yard Abutting a Street

4.5 metres.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 39 of 255)

- |               |   |   |
|---------------|---|---|
| b)            | Minimum Yard for Fuel Pump Islands, Fuel Pumps and Canopies                   | 4.5 metres from any lot line.   |
| c)            | Minimum Planting Strip Requirements   | 3.0 metre in width shall be required abutting any street line, or Residential Zone or Institutional Zone property line, except for points for ingress and egress. |
| d)            | Maximum Gross Floor Area for Accessory Retail Uses to a Motor Vehicle Gas Bar | 175.0 square metres.  |
| <b>10.3.5</b> | <b>ACCESSORY BUILDINGS</b>  | In accordance with the requirements of Section 4.8 of this By-law.  |
| <b>10.3.6</b> | <b>PARKING</b>  | In accordance with the requirements of Section 5 of this By-law.  |
| <b>10.3.7</b> | <b>URBAN FARM</b>   | In accordance with the requirements of Section 4.26 of this By-law.   |
| <b>10.3.8</b> | <b>COMMUNITY GARDEN</b>   | In accordance with the requirements of Section 4.27 of this By-law.   |
| <b>10.3.9</b> | <b>URBAN FARMERS MARKET</b>   | In accordance with the requirements of Section 4.28 of this By-law.   |

**10.4 MIXED USE HIGH DENSITY (C4) ZONE**

---

**Explanatory Note:** *The C4 Zone includes large format shopping centres, such as Limeridge Mall, and the Centre on Barton, which are characterized by commercial uses serving a regional market. The blend of uses within this zone includes retail, personal service, institutional, office and residential uses. The built form provides for a comfortable and vibrant pedestrian environment that is compact and transit supportive.*

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Mixed Use High Density (C4) 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:

- |               |                       |  |
|---------------|-----------------------|--|
| <b>10.4.1</b> | <b>PERMITTED USES</b> | Artist Studio<br>Beverage Making Establishment<br>Catering Service |
|---------------|-----------------------|--|

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 40 of 255)

Commercial Entertainment  
Commercial Parking Facility  
Commercial Recreation  
Commercial School  
Communications Establishment  
Conference or Convention Centre  
Craftsperson Shop  
Day Nursery  
Dwelling Unit(s)  
Emergency Shelter  
Financial Establishment  
Funeral Home  
Hotel  
Laboratory  
Lodging House  
Medical Clinic  
Microbrewery  
Motor Vehicle Gas Bar  
Multiple Dwelling  
Office  
Performing Arts Theatre  
Personal Service  
Place of Assembly  
Place of Worship  
Repair Service  
Residential Care Facility  
Restaurant  
Retail  
Retirement Home  
Social Services Establishment  
Transportation Depot  
Urban Farmer's Market  
Veterinary Service

**10.4.1.1 RESTRICTED USES**

In addition to Section 10.4.1, the following uses shall be permitted in the accordance with the following restrictions:

- i) Emergency Shelter, Lodging House, Place of Worship, Residential Care Facility, Retirement, and Social Services Establishment:



To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 41 of 255)

1. Maximum Capacity for Residential Care Facility shall be 50 residents;
  2. Except as provided for in Subsection 3. 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; and,
  3. 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.
- ii) Restriction of Uses within a building:
1. The finished floor elevation of any dwelling unit shall be a minimum of 0.9 metres above grade; and,

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 42 of 255)

2. Notwithstanding 10.4.1.1i) 1., a maximum of one dwelling unit shall be permitted in a basement or cellar.

**10.4.2 PROHIBITED USES**

- i) Notwithstanding Section 10.4.1, the following uses are prohibited, except if considered only as an accessory use to another permitted use:

Community Garden  
Garden Centre  
Urban Farm

- ii) Notwithstanding Section 10.4.1, a Motor Vehicle Dealership is prohibited, even as an accessory use.

**10.4.3 REGULATIONS**

- a) Maximum Building Setback from a Street Line
  - i) 4.5 metres, except where a visibility triangle is required for a driveway access; and,
  - ii) Notwithstanding Section i) above, 6.0 metres for that portion of a building providing an access driveway to a garage.
- b) Minimum Rear Yard 7.5 metres.
- c) Minimum Interior Side Yard 7.5 metres abutting a Residential or Institutional Zone or lot containing a residential use.
- d) Building Height
  - i) Minimum 11.0 metre façade height along the street;

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 43 of 255)

- ii) In addition to Section 10.4.3i), any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum yard requirement established in Section 10.4.3 b) and c) when abutting a Residential or Institutional Zone, and provide a maximum 20.0 metres setback to any yard; and,
- iii) Maximum 40.0 metres.
- iv) In addition to the definition of Building Height in Section 3: Definitions, any wholly enclosed or partially enclosed amenity area, or any portion of a building designed to provide access to a rooftop amenity area shall be permitted to project above the uppermost point of the building, subject to the following regulations:
  - A. The total floor area of the wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area does not exceed 10% of the floor area of the storey directly beneath;
  - B. The wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall be setback a minimum of 3.0 metres from the exterior walls of the storey directly beneath; and,

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 44 of 255)

C. The wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall not be greater than 3.0 metres in vertical distance from the uppermost point of the building to the uppermost point of the rooftop enclosure.

- e) Maximum Gross Floor Area for Office Building 10,000.0 square metres per individual building.
- f) Maximum Gross Floor Area for Microbrewery 700.0 square metres.
- g) Built form for New Development  
In the case of new buildings constructed after the effective date of this by-law or additions to buildings existing as of the effective date of this by-law:
  - i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street.
  - ii) No parking, stacking lanes, or aisles shall be located between the required building façade and the front lot line and flankage lot line.
  - iii) A minimum of one principal entrance shall be provided:
    - 1. within the ground floor façade that is set back closest to a street; and,
    - 2. shall be accessible from the building façade with direct access from the public sidewalk.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 45 of 255)

- iv) A walkway shall be permitted in a Planting Strip where required by the By-law.
- h) Minimum Amenity Area for Dwelling Units and Multiple Dwellings
  - On a lot containing more than 10 dwelling units, the following Minimum Amenity Area requirements be provided:
    - i) An area of 4.0 square metres for each dwelling unit less than 50 square metres; and,
    - ii) An area of 6.0 square metres for each dwelling unit more than 50 square metres.
    - iii) In addition to the definition of Amenity Area in Section 3: Definitions, an Amenity Area located outdoors shall be unobstructed and shall be at or above the surface, and exposed to light and air.
- i) Planting Strip Requirements
  - Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 1.5 metre wide Planting Strip shall be provided and maintained.
- j) Visual Barrier Requirement
  - A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, Downtown (D5) Zone or Downtown (D6) Zone property line in accordance with the requirements of Section 4.19 of this By-law.
- k) Outdoor Storage
  - i) No outdoor storage of goods, materials, or equipment shall be permitted; and,
  - ii) Notwithstanding Section 10.4.3i), the display of goods or materials for retail purposes accessory to a Retail use shall only be permitted in a front or flankage yard.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 46 of 255)

**10.4.4 EMERGENCY SHELTER, LODGING HOUSE, PLACE OF WORSHIP, RESIDENTIAL CARE FACILITY, RETIREMENT HOME AND SOCIAL SERVICES ESTABLISHMENT REGULATIONS**

- a) Minimum Side and Rear Yard 7.5 metres.
- b) Maximum Building Height 22.0 metres.
- c) Minimum Landscaped Area 10% of the lot area.

**10.4.5 MOTOR VEHICLE GAS BAR REGULATIONS**

- a) Minimum Yard Abutting a Street 4.5 metres.
- b) Minimum Yard for Fuel Pump Islands, Fuel Pumps and Canopies 4.5 metres from any lot line.
- c) Minimum Planting Strip Requirements 3.0 metre in width shall be required abutting any street line, or Residential Zone or Institutional Zone property line, except for points for ingress and egress.
- d) Maximum Gross Floor Area for Accessory Retail Uses to a Motor Vehicle Gas Bar 175.0 square metres.

**10.4.6 ACCESSORY BUILDINGS**

In accordance with the requirements of Section 4.8 of this By-law.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 47 of 255)

- |                |                             |   |
|----------------|-----------------------------|---|
| <b>10.4.7</b>  | <b>PARKING</b>              | In accordance with the requirements of Section 5 of this By-law.  |
| <b>10.4.8</b>  | <b>URBAN FARM</b>           | In addition to Section 4.26 of this By-law, an Urban Farm shall only be permitted in the rear yard or on the roof-top of the principle building.      |
| <b>10.4.9</b>  | <b>COMMUNITY GARDEN</b>     | In addition to Section 4.27 of this By-law, a Community Garden shall only be permitted in the rear yard or on the roof-top of the principle building. |
| <b>10.4.10</b> | <b>URBAN FARMERS MARKET</b> | In accordance with the requirements of Section 4.28 of this By-law.   |

**10.5 MIXED USE MEDIUM DENSITY (C5) ZONE**

---

**Explanatory Note:** *The C5 Zone is found along collector and arterial roads where the zone permits a range of retail, service, commercial, entertainment, and residential uses serving the surrounding community. The built form encourages an active transit supportive, pedestrian environment that is anchored by single or mixed-use buildings oriented towards the pedestrian realm. Although residential uses are permitted, either as a single or mixed-use, this zone is predominantly commercial.*

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Mixed Use Medium Density (C5) 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:

- |               |                       |   |
|---------------|-----------------------|---|
| <b>10.5.1</b> | <b>PERMITTED USES</b> | <ul style="list-style-type: none"> <li>Artist Studio</li> <li>Beverage Making Establishment</li> <li>Catering Service</li> <li>Commercial Entertainment</li> <li>Commercial Parking Facility</li> <li>Commercial Recreation</li> <li>Commercial School</li> <li>Communications Establishment</li> <li>Conference or Convention Centre</li> <li>Craftsperson Shop</li> <li>Day Nursery</li> <li>Dwelling Unit(s)</li> <li>Educational Establishment</li> </ul> |
|---------------|-----------------------|---|

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 48 of 255)

Emergency Shelter  
Financial Establishment  
Funeral Home  
Hotel  
Laboratory  
Lodging House  
Medical Clinic  
Microbrewery  
Motor Vehicle Gas Bar  
Motor Vehicle Service Station  
Motor Vehicle Washing Establishment  
Multiple Dwelling  
Office  
Personal Services  
Performing Arts Theatre  
Place of Assembly  
Place of Worship  
Repair Service  
Residential Care Facility  
Restaurant  
Retail  
Retirement Home  
Social Services Establishment  
Tradesperson’s Shop  
Transportation Depot  
Urban Farmers Market  
Veterinary Service

**10.5.1.1 RESTRICTED USES**

In addition to Section 10.5.1, the following uses shall be permitted in accordance with the following restrictions:

- i) Restriction of Uses within a building:
  - 1. The finished floor elevation of any dwelling unit shall be a minimum of 0.9 metres above grade; and,
  - 2. Notwithstanding 10.5.1.1i) 1., a maximum of one dwelling unit shall be permitted in a basement or cellar.



To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 49 of 255)

ii) Residential Care Facility and Retirement Home:

1. Maximum Capacity for Residential Care Facility is 50 residents.

iii) Emergency Shelter and Residential Care Facility:

1. Except as provided for in Section 2., 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; and,
2. 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.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 50 of 255)

**10.5.2 PROHIBITED USES**

- i) Notwithstanding Section 10.5.1, the following uses are prohibited, except if considered only as an accessory use to another permitted use:

Community Garden  
Garden Centre  
Urban Farm

- ii) Notwithstanding Section 10.5.1, a Motor Vehicle Dealership is prohibited, even as an accessory use.

**10.5.3 REGULATIONS**

- a) Building Setback from a Street Line

- i) Minimum 3.0 metres for a building with residential units on the ground floor facing a street;
- ii) Maximum 4.5 metres, except where a visibility triangle is required for a driveway access;
- iii) Notwithstanding Section 10.5.3i), a maximum 6.0 metres for that portion of a building providing an access driveway to a garage and
- iv) Section 10.5.3ii) shall not apply for any portion of a building that exceeds the requirement of Section 10.5.3g)ii) and iii).

- b) Minimum Rear Yard

7.5 metres.

- c) Minimum Interior Side Yard

7.5 metres abutting a Residential or Institutional Zone or lot containing a residential use.

- d) Building Height

- i) Minimum 7.5 metre façade height for any portion of a building along a street line;
- ii) Maximum 22.0 metres; and,

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 51 of 255)

- iii) In addition to Section 10.5.3d)i) and notwithstanding Section 10.5.3d)ii), any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum yard requirement established in Section 10.5.3 b) and c) when abutting a Residential or Institutional Zone to a maximum of 22.0 metres.
  
- iv) In addition to the definition of Building Height in Section 3: Definitions, any wholly enclosed or partially enclosed amenity area, or any portion of a building designed to provide access to a rooftop amenity area shall be permitted to project above the uppermost point of the building, subject to the following regulations:
  - A. The total floor area of the wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area does not exceed 10% of the floor area of the storey directly beneath;
  
  - B. The wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall be setback a minimum of 3.0 metres from the exterior walls of the storey directly beneath; and,

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 52 of 255)

- C. The wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall not be greater than 3.0 metres in vertical distance from the uppermost point of the building to the uppermost point of the rooftop enclosure.
  
- e) Maximum Gross Floor Area for each Office Building 10,000.0 square metres.
  
- f) Maximum Gross Floor Area for Microbrewery 700.0 square metres.
  
- g) Built form for New Development  
In the case of new buildings constructed after the effective date of this by-law or additions to buildings existing as of the effective date of this by-law:
  - i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street.
  
  - ii) For an interior lot or a through lot the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 40% of the measurement of the front lot line.
  
  - iii) For a corner lot the minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines abutting a street.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 53 of 255)

- iv) In addition to Section 10.5.3g)i), ii) and iii), the minimum width of the ground floor façade facing the front and flankage lot lines shall exclude access driveways and any required yards within a lot line abutting a street.
- v) For commercial development existing at the time of the passing of the By-law, the Section 10.5.3g)ii) and iii) shall not apply to new commercial buildings subject to the following:
  - 1. The maximum Gross Floor Area of each building shall be 650 square metres; and,
  - 2. Notwithstanding Section 10.5.3d)i), the minimum building height shall be 6.0 metres.
- vi) No parking, stacking lanes, or aisles shall be located between the required building façade and the front lot line and flankage lot line.
- vii) A minimum of one principal entrance shall be provided:
  - 1. within the ground floor façade that is set back is closest to a street; and,
  - 2. shall be accessible from the building façade with direct access from the public sidewalk.
- viii) A walkway shall be permitted in a Planting Strip where required by the By-law.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 54 of 255)

- ix) Notwithstanding Section 10.5.3, for properties designated under the Ontario Heritage Act, any alternative building design or building materials approved through the issuance of a Heritage Permit shall be deemed to comply with this Section.
- h) Minimum Amenity Area for Dwelling Units and Multiple Dwellings
  - On a lot containing more than 10 dwelling units, the following Minimum Amenity Area requirements be provided:
    - i) An area of 4.0 square metres for each dwelling unit less than 50 square metres; and,
    - ii) An area of 6.0 square metres for each dwelling unit more than 50 square metres.
    - iii) In addition to the definition of Amenity Area in Section 3: Definitions, an Amenity Area located outdoors shall be unobstructed and shall be at or above the surface, and exposed to light and air.
- i) Planting Strip Requirements
  - Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 1.5 metre wide Planting Strip shall be provided and maintained.
- j) Visual Barrier Requirement
  - A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, Downtown (D5) Zone or Downtown (D6) Zone property line in accordance with the requirements of Section 4.19 of this By-law.
- k) Outdoor Storage
  - i) No outdoor storage of goods, materials, or equipment shall be permitted; and,

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 55 of 255)

- ii) Notwithstanding Section 10.5.3k)i), the display of goods or materials for retail purposes accessory to a Retail use shall only be permitted in a front or flankage yard.

**10.5.4 EMERGENCY SHELTER, LODGING HOUSE, PLACE OF WORSHIP, RESIDENTIAL CARE FACILITY, RETIREMENT HOME AND SOCIAL SERVICES ESTABLISHMENT REGULATIONS**

- a) Minimum Side and Rear Yard: 7.5 metres.
- b) Maximum Building Height: 22.0 metres.
- c) Minimum Landscaped Area: 10% of the total Lot Area.

**10.5.5 MOTOR VEHICLE GAS BAR AND MOTOR VEHICLE SERVICE STATION REGULATIONS**

- a) Minimum Yard Abutting a Street 4.5 metres.
- b) Minimum Yard for Fuel Pump Islands, Fuel Pumps and Canopies 4.5 metres from any lot line.
- c) Minimum Planting Strip Requirements 3.0 metre in width shall be required abutting any street line, or Residential Zone or Institutional Zone property line, except for points for ingress and egress.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 56 of 255)

- d) Maximum Gross Floor Area for Accessory Retail Uses to a Motor Vehicle Gas Bar 175.0 square metres.
  
- 10.5.6 SINGLE DETACHED AND DUPLEX DWELLINGS LEGALLY EXISTING AT THE DATE OF THE PASSING OF THE BY-LAW (October 2017-specific day to be included)**
  - In addition to Section 4.12f) and in accordance with subsection 34(10) of the Planning Act, R.S.O.,1990, c.P.13, an addition or alteration to a single detached or duplex dwelling not permitted by the by-law but legally existing at the date of the passing of the by-law that increases the volume or size of the interior of the building shall be permitted as follows:
    - i) The increase shall not exceed a maximum of 10% of the Gross Floor Area of the building existing at the date of the passing of the by-law;
    - ii) Section 10.5.3a)ii) and iii) and d)i) shall not apply; and,
    - iii) The existing side yard setbacks are maintained for the addition.
  
- 10.5.7 ACCESSORY BUILDINGS**
  - In accordance with the requirements of Section 4.8 of this By-law.
  
- 10.5.8 PARKING**
  - In accordance with the requirements of Section 5 of this By-law.
  
- 10.5.9 URBAN FARM**
  - In addition to Section 10.5.2i), and in addition to the requirements of Section 4.26 of this By-law, an Urban Farm shall only be permitted in the rear yard or on the roof-top of the principle building.
  
- 10.5.10 COMMUNITY GARDEN**
  - In addition to Section 4.27 and 10.5.2 i) of this By-law, a Community Garden shall only be permitted in the rear yard or on the roof-top of the principle building.
  
- 10.5.11 URBAN FARMERS MARKET**
  - In accordance with the requirements of Section 4.28 of this By-law.



To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 57 of 255)

**10.5a MIXED USE MEDIUM DENSITY – PEDESTRIAN FOCUS (C5a) ZONE**

***Explanatory Note:*** *The C5a Zone is typically located along pedestrian oriented streets where permitted commercial and residential uses create an active and vibrant pedestrian realm. Built form consists of buildings with only commercial uses at-grade and residential, commercial and limited institutional uses on the upper floors to encourage a pedestrian and transit-supportive environment. The range of permitted commercial uses along with their built form, are intended to meet the needs of residents and visitors while creating an inviting pedestrian environment.*

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Mixed Use Medium Density – Pedestrian Focus (C5a) 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:

- 10.5a.1 PERMITTED USES**
- Artist Studio
  - Beverage Making Establishment
  - Catering Service
  - Commercial Entertainment
  - Commercial Parking Facility
  - Commercial Recreation
  - Commercial School
  - Communications Establishment
  - Craftsperson Shop
  - Day Nursery
  - Dwelling Units in conjunction with a Commercial Use
  - Financial Establishment
  - Hotel
  - Laboratory
  - Medical Clinic
  - Microbrewery
  - Office
  - Performing Arts Theatre
  - Personal Services
  - Place of Assembly
  - Place of Worship
  - Repair Service
  - Restaurant
  - Retail
  - Social Services Establishment
  - Urban Farmers Market
  - Veterinary Service

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 58 of 255)

**10.5a.1.1 RESTRICTED USES**

In addition to Section 10.5a.1, the following uses shall be permitted in the accordance with the following restrictions:

i) Uses Permitted on Ground Floor:

1. Notwithstanding 10.5a.1, the following uses shall only be permitted within the ground floor of a building:

Beverage Making Establishment  
Catering Service  
Commercial Entertainment  
Commercial Recreation  
Microbrewery

ii) Uses Permitted Above Ground Floor:

1. Notwithstanding 10.5a.1, the following uses, excluding access areas, accessory office and utility areas, shall not be permitted on the ground floor in a building containing more than one non-residential use:

Day Nursery  
Place of Worship

2. Notwithstanding Section 10.5a.1, a Dwelling Unit(s) in conjunction with a commercial use shall only be permitted above the ground floor except for access, accessory office and utility areas.

iii) Commercial Parking Facility:

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 59 of 255)

1. Notwithstanding Section 10.5a.1, a Commercial Parking Facility, excluding access driveway(s) shall only be permitted if wholly contained within a building and shall not be permitted on the first storey.

**10.5a.2 PROHIBITED USES**

i) Notwithstanding Section 10.5a.1, the following uses are prohibited, except if considered only as an accessory use to another permitted use:

Community Garden  
Garden Centre  
Urban Farm

ii) Notwithstanding Section 10.5a.1, a Drive-Through Facility is prohibited, even as an accessory use.

**10.5a.3 REGULATIONS**

a) Maximum Building Setback from a Street Line

i) 3.0 metres for the first storey, but except where a visibility triangle is required for a driveway setback;

ii) Notwithstanding Section 10.5a.3i), 6.0 metres for that portion of a building providing an access driveway to a parking garage; and,

iii) Section 10.5a.3ii) shall not apply for any portion of a building that exceeds the requirement of Section 10.5a.3 h)ii) and iii).

b) Minimum Rear Yard

7.5 metres.

c) Minimum Side Yard

7.5 metres abutting a Residential or Institutional Zone or lot containing a residential use.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 60 of 255)

- d) Building Height
- i) Minimum 7.5 metre façade height for any portion of a building along a street line;
  - ii) Maximum 22.0 metres; and,
  - iii) In addition to Section 10.5a.3i), and notwithstanding Section 10.5a.3ii), any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum yard requirement established in Section 10.5a.3b) and c) when abutting a Residential or Institutional Zone to a maximum of 22.0 metres.
  - iv) In addition to the definition of Building Height in Section 3: Definitions, any wholly enclosed or partially enclosed amenity area, or any portion of a building designed to provide access to a rooftop amenity area shall be permitted to project above the uppermost point of the building, subject to the following regulations:
    - A. The total floor area of the wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area does not exceed 10% of the floor area of the storey directly beneath;

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 61 of 255)

- B. The wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall be setback a minimum of 3.0 metres from the exterior walls of the storey directly beneath; and,
  - C. The wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall not be greater than 3.0 metres in vertical distance from the uppermost point of the building to the uppermost point of the rooftop enclosure.
- 
- e) Maximum Gross Floor Area for Office Use      2,500.0 square metres.
  - f) Maximum Gross Floor Area for Commercial Recreation      2,500.0 square metres.
  - g) Maximum Gross Floor Area for Microbrewery      700.0 square metres.
  - h) Built form for New Development      In the case of new buildings constructed after the effective date of this by-law or additions to buildings existing as of the effective date of this by-law:
    - i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 62 of 255)

- ii) For an interior lot or through lot the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 75% of the measurement of the front lot front line.
- iii) For a corner lot the minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines abutting a street.
- iv) In addition to Section 10.5a.3i) ii) and iii), the minimum width of the ground floor façade facing the front lot line shall exclude access driveways and required yard along a lot line abutting a street.
- v) No parking, stacking lanes, or aisles shall be located between the required building façade and the front lot line and flankage lot line.
- vi) A minimum of one principal entrance shall be provided:
  - 1. within the ground floor façade that is set back closest to a street;  
and,
  - 2. shall be accessible from the building façade with direct access from the public sidewalk.
- vii) A walkway shall be permitted in a Planting Strip where required by the By-law.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 63 of 255)

- viii) Notwithstanding Section 10.5a.3 , for properties designated under the Ontario Heritage Act, any alternative building design or building materials approved through the issuance of a Heritage Permit shall be deemed to comply with this Section.
  - ix) A minimum of 60% of the area of the ground floor façade facing the street shall be composed of doors and windows.
  - x) The first storey shall have a minimum height of 3.6 metres and a maximum height of 4.5 metres.
- i) Planting Strip Requirements
- Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 1.5 metre wide Planting Strip shall be provided and maintained.
- j) Visual Barrier Requirement
- A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, Downtown (D5) Zone or Downtown (D6) Zone property line in accordance with the requirements of Section 4.19 of this By-law.
- k) Outdoor Storage
- i) No outdoor storage of goods, materials, or equipment shall be permitted; and,
  - ii) Notwithstanding Section 10.5a.3i), the display of goods or materials for retail purposes accessory to a Retail use shall only be permitted in a front or flankage yard.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 64 of 255)

<b>10.5a.5</b>	<b>SINGLE DETACHED AND DUPLEX DWELLINGS LEGALLY EXISTING AT THE DATE OF THE PASSING OF THE BY-LAW (October 2017-specific day to be included)</b>	<p>In addition to Section 4.12f) and in accordance with subsection 34(10) of the Planning Act, R.S.O.,1990, c.P.13, an addition or alteration to a single detached or duplex dwelling not permitted by the by-law but legally existing at the date of the passing of the by-law that increases the volume or size of the interior of the building shall be permitted as follows:</p> <ul style="list-style-type: none"> <li>i) The increase shall not exceed a maximum of 10% of the Gross Floor Area of the building existing at the date of the passing of the by-law;</li> <li>ii) Section 10.5a.3.a) and d)i) shall not apply; and,</li> <li>iii) The existing side yard setbacks are maintained for the addition.</li> </ul>
<b>10.5a.6</b>	<b>ACCESSORY BUILDINGS</b>	In accordance with the requirements of Section 4.8 of this By-law.
<b>10.5a.7</b>	<b>PARKING</b>	In accordance with the requirements of Section 5 of this By-law.
<b>10.5a.8</b>	<b>URBAN FARM</b>	In addition to Section 10.5a.2, and the requirements of Section 4.26 of this By-law, an Urban Farm shall only be permitted in the rear yard or on the roof-top of the principle building.
<b>10.5a.9</b>	<b>COMMUNITY GARDEN</b>	In addition to Section 4.27 and 10.5a.2 of this By-law, a Community Garden shall only be permitted in the rear yard or on the roof of the principle building.
<b>10.5a.10</b>	<b>URBAN FARMERS MARKET</b>	In accordance with the requirements of Section 4.28 of this By-law.



To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 65 of 255)

**10.6 DISTRICT COMMERCIAL (C6) ZONE**

---

***Explanatory Note:** The C6 Zone permits retail and service commercial uses which cater to the weekly and daily shopping needs of residents in the immediate and surrounding neighbourhoods. Retail shops and services may be clustered in a plaza form along collector and arterial roads where an enhanced street presence is provided by bringing buildings closer to the street. Residential uses are permitted but the intent of the zone is predominantly commercial use.*

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a District Commercial (C6) 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:

**10.6.1 PERMITTED USES**

- Artist Studio
- Beverage Making Establishment
- Catering Service
- Commercial Entertainment
- Commercial Parking Facility
- Commercial Recreation
- Commercial School
- Communications Establishment
- Community Garden
- Conference or Convention Centre
- Craftsperson Shop
- Day Nursery
- Dwelling Units in conjunction with a Commercial Use
- Financial Establishment
- Funeral Home
- Hotel
- Laboratory
- Medical Clinic
- Motor Vehicle Gas Bar
- Motor Vehicle Rental Establishment
- Motor Vehicle Service Station
- Motor Vehicle Washing Establishment
- Office
- Personal Service
- Place of Assembly
- Repair Service
- Restaurant
- Retail
- Social Services Establishment
- Transportation Depot

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 66 of 255)

Urban Farm  
Urban Farmers Market  
Veterinary Service

**10.6.1.1 RESTRICTED USES**

In addition to Section 10.6.1, the following uses shall be permitted in the accordance with the following restrictions:

- i) Restriction of Uses within a Building:
  - 1. Notwithstanding Section 10.6.1, for building(s) with a gross floor area of less than 4,650 square metres, a Dwelling Unit(s) in conjunction with a commercial use shall only be permitted above the ground floor except for access, accessory office and utility areas, and shall not occupy more than 50% of the total gross floor area of all the building(s) within the lot. For buildings with a gross floor area of 4,650 square metres or more, a Dwelling Unit(s) in conjunction with a commercial use shall only be permitted above the ground floor except for access, accessory office and utility areas
  - 2. Notwithstanding Section 10.6.1, an Office(s) shall only be permitted above the ground floor.

**10.6.2 PROHIBITED USES**

Notwithstanding Section 10.6.1, the following uses are permitted only as an accessory use:

Garden Centre  
Motor Vehicle Sales and Service  
Establishment

**10.6.3 REGULATIONS**

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 67 of 255)

- |   |  |
|---|--|
| a) Building Setback from a Street Line                    | <ul style="list-style-type: none"> <li>i) Minimum 1.5 metres;</li> <li>ii) Maximum 4.5 metres, except where a visibility triangle is required for a driveway access;</li> <li>iii) Notwithstanding Section 10.6.3i), 6.0 metres for that portion of a building providing an access driveway to a garage; and,</li> <li>iv) Section 10.6.3i) shall not apply for any portion of a building that exceeds the requirement of Section 10.6.3 g) ii) and iii).</li> </ul> |
| b) Minimum Rear Yard                                      | <ul style="list-style-type: none"> <li>i) 6.0 metres; and,</li> <li>ii) 7.5 metres abutting a Residential or Institutional Zone or lot containing a residential use.</li> </ul>  |
| c) Minimum Interior Side Yard                             | <ul style="list-style-type: none"> <li>i) 1.5 metres; and,</li> <li>ii) 4.5 metres abutting a Residential or Institutional Zone or lot containing residential use.</li> </ul>  |
| d) Maximum Height   | 14.0 metres.   |
| e) Maximum Gross Floor Area for Office Use                | 2,000.0 square metres.   |
| f) Maximum Gross Floor Area for Individual Commercial Use | 10,000.0 square metres per individual commercial use.  |
| g) Built form for New Development                         | In the case of new buildings constructed after the effective date of this by-law or additions to buildings existing as of the effective date of this by-law:   |

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 68 of 255)

- i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street;
- ii) For an interior lot or a through lot the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 40% of the measurement of the front lot line and shall exclude access driveways and lands within a required yard.
- iii) For a corner lot the width of the ground floor façade facing a front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines abutting a street and shall exclude access driveways and lands within a required yard.
- iv) In addition to Section 10.6.3i) ii) and iii), the minimum width of the ground floor façade facing the front and flankage lot lines shall exclude access driveways and any required yards within a lot line abutting a street.
- v) Notwithstanding Section 10.6.3g) ii) and iii), for commercial development existing at the time of the passing of the By-law, new commercial buildings with a Gross Floor Area of less than 650 square metres shall be permitted.
- vi) No parking, stacking lanes, or aisles shall be located between a building façade and the front lot line and flankage lot line;

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 69 of 255)

- vii) A minimum of one principal entrance shall be provided:
  - 1. within the ground floor façade that is set back is closest to a street; and,
  - 2. shall be accessible from the building façade with direct access from the public sidewalk; and,
- viii) A walkway shall be permitted in a Planting Strip where required by the By-law.
- h) Planting Strip Requirements  
Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 1.5 metre wide Planting Strip shall be provided and maintained.
- i) Visual Barrier Requirement  
A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, Downtown (D5) Zone or Downtown (D6) Zone property line in accordance with the requirements of Section 4.19 of this By-law.
- j) Outdoor Storage
  - i) No outdoor storage of goods, materials, or equipment shall be permitted; and,
  - ii) Notwithstanding Section 10.6.3j)i), the display of goods or materials for retail purposes accessory to a Retail use shall only be permitted in a front or flankage yard.

**10.6.4 MOTOR VEHICLE  
GAS BAR AND  
MOTOR VEHICLE  
SERVICE STATION  
REGULATIONS**

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 70 of 255)

- |               |   |   |
|---------------|---|---|
| a)            | Minimum Building Setback from a Street Line                                   | 4.5 metres;   |
| b)            | Minimum Yard for Fuel Pump Islands, Fuel Pumps and Canopies                   | 4.5 metres from any lot line.   |
| c)            | Minimum Planting Strip Requirements   | 3.0 metre in width shall be required abutting any street line, or Residential Zone or Institutional Zone property line, except for points for ingress and egress. |
| d)            | Maximum Gross Floor Area for Accessory Retail Uses to a Motor Vehicle Gas Bar | 175.0 square metres.  |
| <b>10.6.5</b> | <b>ACCESSORY BUILDINGS</b>  | In accordance with the requirements of Section 4.8 of this By-law.  |
| <b>10.6.6</b> | <b>PARKING</b>  | In accordance with the requirements of Section 5 of this By-law.  |
| <b>10.6.7</b> | <b>URBAN FARM</b>   | In accordance with the requirements of Section 4.26 of this By-law.   |
| <b>10.6.8</b> | <b>COMMUNITY GARDEN</b>   | In accordance with the requirements of Section 4.27 of this By-law.   |
| <b>10.6.9</b> | <b>URBAN FARMERS MARKET</b>   | In accordance with the requirements of Section 4.28 of this By-law.   |

**10.7 ARTERIAL COMMERCIAL (C7) ZONE**

---

***Explanatory Note:** The C7 Zone permits large-format commercial uses catering to the travelling public and in turn, the built form is reflective through the presence of large buildings. The uses found within the C7 Zone are typically land intensive which may require outdoor storage and sales areas.*

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within an Arterial Commercial (C7) 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:

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 71 of 255)

**10.7.1 PERMITTED USES**

Building or Contracting Supply Establishment  
Building and Lumber Supply Establishment  
Commercial Entertainment  
Commercial Motor Vehicle Sales, Rental and Service Establishment  
Commercial Parking Facility  
Commercial Recreation  
Community Garden  
Conference or Convention Centre  
Equipment and Machinery Sales, Rental and Service Establishment  
Farm Product Supply Dealer  
Funeral Home  
Garden Centre  
Home Furnishing Retail Establishment  
Home Improvement Supply Establishment  
Hotel  
Major Recreational Equipment Sales, Rental and Service Establishment  
Motor Vehicle Dealership  
Motor Vehicle Gas Bar  
Motor Vehicle Parts and Accessory Sales Establishment  
Motor Vehicle Rental Establishment  
Motor Vehicle Service Station  
Motor Vehicle Washing Establishment  
Place of Assembly  
Repair Service  
Restaurant  
Surveying, Engineering, Planning or Design Business  
Transportation Depot  
Warehouse

**10.7.2 PROHIBITED USES**

Notwithstanding Section 10.7.1, the following uses are prohibited even as an accessory use:

Dwelling Unit(s)  
Performing Arts Theatre  
Cinema

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

**10.7.3 REGULATIONS**

- a) Minimum Building Setback to a Street Line 18.0 metres.
- b) Minimum Rear Yard
  - i) 6.0 metres; and,
  - ii) 7.5 metres abutting a Residential or Institutional Zone or lot containing a residential use.
- c) Minimum Interior Side Yard
  - i) 1.5 metres; and,
  - ii) 4.5 metres abutting a Residential or Institutional Zone or lot containing a residential use.
- d) Maximum Height 14.0 metres.
- e) Visual Barrier Requirement A visual barrier shall be required along any lot line abutting a Residential Zone or Institutional Zone property line in accordance with the requirements of Section 4.19 of this By-law.
- f) Planting Strip Requirements Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 1.5 metre wide Planting Strip shall be provided and maintained.
- g) Outdoor Storage
  - i) The display of goods or materials for retail purposes accessory to a Retail use shall only be permitted on the front, side, and rear yard;
  - ii) Notwithstanding 10.7.3g)i), an outdoor storage area shall not be located on a planting strip, or required parking or loading area;
  - iii) An Outdoor storage area shall be



To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 73 of 255)

located 6.0 metres from a Residential or Institutional Zone or lot containing a residential use, or from a lot line fronting onto a street, and shall be screened or fenced from view; and,

- iv) An outdoor storage area attached to a building shall not exceed 500 square metres, or an area equivalent to 5% of the Gross Floor Area, whichever is lesser.

**10.7.4 MOTOR VEHICLE GAS BAR AND MOTOR VEHICLE SERVICE STATION REGULATIONS**

- a) Minimum Yard Abutting a Street 4.5 metres.
- b) Minimum Yard for Fuel Pump Islands, Fuel Pumps and Canopies 4.5 metres from any lot line.
- c) Minimum Planting Strip Requirements 3.0 metre in width shall be required abutting any street line, or Residential Zone or Institutional Zone property line, except for points for ingress and egress.
- d) Maximum Gross Floor Area for Accessory Retail Uses to a Motor Vehicle Gas Bar 175.0 square metres.

**10.7.5 ACCESSORY BUILDINGS** In accordance with the requirements of Section 4.8 of this By-law.

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

**10.7.7 DRIVE-THROUGH FACILITY REGULATIONS** In accordance with the requirements of Section 4.25 of this By-law.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 74 of 255)

- 10.7.8 URBAN FARM** In accordance with the requirements of Subsection 4.26 of this By-law.
- 10.7.9 COMMUNITY GARDEN** In accordance with the requirements of Subsection 4.27 of this By-law.”

7. That SECTION 12: UTILITY ZONES is added to By-law 05-200 is hereby amended by adding the following new subsection:

**“13.3 PARKING (U3) ZONE**

---

***Explanatory Note:** The U3 Zone is for parking purposes such as a municipal parking lot or a private parking lot either as a surface lot or structured parking. An Urban Farmer’s Market is also permitted in the U3 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 Parking (U3) 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:

- 13.3.1 PERMITTED USES** Commercial Parking Facility  
Parking Lot  
Urban Farmers Market

**13.3.2 REGULATIONS**

- a) Building Setback from a Street Line
  - i) Minimum 1.5 metres;
  - ii) 3.0 metres for the first storey, but except where a visibility triangle is required for a driveway setback;
- b) Minimum Rear Yard 3.0 metres, except 7.5 metres abutting a Residential or Institutional Zone or lot containing a residential use.
- c) Minimum Interior Side Yard 3.0 metres, except 7.5 metres abutting a Residential or Institutional Zone or lot containing a residential use.
- d) Maximum Height 11.0 metres

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 75 of 255)

- e) Minimum Distance of Parking Gate from Street 7.0 metres
  - f) Minimum distance of on and off ramps from street line 7.0 metres
  - g) Planting Strip Requirements Minimum 3.0 metre wide Planting Strip shall be provided and maintained along all rear and interior side lot lines abutting a Residential or Institutional Zone or lot containing a residential use except for points of ingress and egress.
  - h) Lighting Requirements Every lighting facility shall be so designed, installed and maintained to ensure light is deflected away from a Residential Zone, Institutional Zone, Downtown (D5) Zone or Downtown (D6) Zone, Transit Oriented Corridor Zones, Residential Character Commercial (C1) Zone, Mixed Use High (C4) Zone, Mixed Use Medium (C5) Zone, or the Mixed Use Medium Pedestrian Focus (C5a) Zone.
  - i) Visual Barrier Requirement A visual barrier shall be required along any side or rear lot line abutting a Residential Zone, Institutional Zone, Downtown (D5) Zone, Downtown (D6) Zone, or Residential Character Commercial (C1) Zone property line in accordance with the requirements of Section 4.19 of this By-law.
  - j) Outdoor Storage No outdoor storage of goods, materials, or equipment shall be permitted.
- 13.3.3 ACCESSORY BUILDINGS** In accordance with the requirements of Section 4.8 of this By-law.
- 13.3.4 PARKING** In accordance with the requirements of Section 5 of this By-law.”

8. That Schedule “A” – Zoning Maps of By-law 05-200 is hereby added as follows:

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 76 of 255)

- a) by including Commercial and Mixed Use Zone boundaries, as shown on the Maps numbered 414, 415, 444 – 447, 516, 517, 550, 753, 793, 834, 862, 901, 904, 911, 913, 942, 943, 952 – 954, 988, 990, 1038, 1040, 1047, 1050, 1051, 1079, 1083 – 1085, 1089, 1092, 1097, 1100, 1124, 1127, 1128, 1130 – 1134, 1136 – 1139, 1146, 1149, 1150, 1174, 1176, 1179, 1182 – 1184, 1186, 1188, 1191, 1192, 1194, 1196, 1198, 1205, 1234 – 1236, 1240 – 1242, 1245, 1249, 1250, 1252 – 1254, 1259, 1260, 1280, 1281, 1284, 1285, 1287, 1289, 1291 – 1295, 1298, 1301, 1302, 1305, 1306, 1311, 1339, 1340, 1344 – 1348, 1352, 1383, 1386, 1394, 1395, 1397, 1398, 1399, 1403, 1405, 1435, 1436, 1447, 1448, 1456, 1497, 1498, 1503, 1549, 1552, 1595 – 1597, 1639 – 1641, 1710, 1749, 1786, 1887, and 1956, attached in Schedule "1" of this By-law; and,
  - b) by including Utility Zone boundaries, as shown on the Maps numbered 1040, 1084, and 1124 attached in Schedule "1" of this By-law.
9. That Schedule "A" – Zoning Maps of By-law 05-200 is hereby amended as follows:
- a) by including Commercial and Mixed Use Zone boundaries, as shown on the Maps numbered 481, 482, 549, 580 – 582, 612, 680, 859 – 861, 867, 871, 902, 903, 907 – 910, 912, 946 – 948, 950, 951, 955 – 958, 992 – 1001, 1039, 1041 – 1046, 1048, 1086, 1087, 1090, 1091, 1126, 1129, 1135, 1140, 1144, 1145, 1177, 1178, 1185, 1187, 1190, 1195, 1199, 1200, 1128, 1129, 1237 – 1239, 1246 – 1248, 1251, 1258, 1290, 1299, 1312, 1342, 1343, 1388, 1389, 1433, 1434, 1443, 1445, 1450, 1452 – 1454, 1457, 1482, 1483, 1494, 1499 – 1502, 1505, 1506, 1546 – 1548, 1591, 1593 1594, 1635, 1636, 1711, 1748, 1785, 1819, 1911, 1912, 1934, and 1935, attached in Schedule "1" of this By-law; and,
  - b) by including Utility Zone boundaries, as shown on the Maps numbered 860, 861, 902, 903, 912, 951, 955, 956, 999, 1000, 1039, 1043, 1044, 1045, and 1086 attached in Schedule "1" of this By-law.
10. That Schedule "C" – Special Exceptions of By-law 05-200 is hereby amended by adding additional Special Exceptions as follows:
- "294. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map 951 of Schedule "A" – Zoning Maps and described as 255, 257 and 259 Main Street West, the following special provisions shall apply:

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 77 of 255)

- a) Notwithstanding Subsection 10.5.1, only the following uses shall be permitted:
  - i) Craftsperson Shop;
  - ii) Day Nursery;
  - iii) Educational Establishment;
  - iv) Financial Establishment;
  - v) Hotel;
  - vi) Medical Clinic;
  - vii) Multiple Dwelling;
  - viii) Office;
  - ix) Personal Services;
  - x) Place of Worship;
  - xi) Residential Care Facility;
  - xii) Restaurant, within an Existing building;
  - xiii) Retail, within an Existing building;
  - xiv) Retirement Home; and,
  - xv) Studio.
  
- b) Notwithstanding Subsection 10.5.3 d), the Maximum Building Height shall be 14.0 metres.

297. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map 951 of Schedule “A” – Zoning Maps and described as:

Property Address	Map Number
131 George Street	951
133 George Street	951
137 George Street	951
235 Main Street West	951
250 Main Street West	951
252 Main Street West	951
260 Main Street West	951
264 Main Street West	951
34 Queen Street South	951
36 Queen Street South	951
54 Queen Street South	951
74 Queen Street South	951

The following special provisions shall apply:

- a) Notwithstanding Subsection 10.5.3 d), the Maximum Building Height shall be 14.0 metres.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 78 of 255)

The following special provisions shall apply for 235 Main Street West:

- b) Notwithstanding Subsections 10.5.1, a Commercial Parking Facility shall be prohibited.
- c) In addition to Section 3: Definitions, the definition of Planting Strip shall also include the following:

- |                |   |
|----------------|---|
| Planting Strip | <ul style="list-style-type: none"> <li>A. A garbage storage shed, visual barrier, intake/exhaust grills having a total maximum area of 5.5 square metres and the existing metal shed and concrete wall existing on March 28, 2012 shall be permitted in a planting strip.</li> <li>B. A minimum 1.0 metre wide planting strip shall be provided for every parking area adjoining a Residential Zone.</li> </ul> |
|----------------|---|

- c) In addition to Subsection 5.1 a) v), the boundary of the parking area shall not be less than 1.0 metre from a Residential Zone.

298. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Maps 909 and 951 of Schedule “A” – Zoning Maps and described as:

Property Address	Map Number
358 Jackson Street West	951
65 Locke Street South	951
85 Locke Street South	951
87, 89 Locke Street South, and 348 Jackson Street West	951
90 Locke Street South	951
96 Locke Street South	951
324 Main Street West	951
334 Main Street West	951
336 Main Street West	951
338 Main Street West	951
340 Main Street West	951
342 Main Street West	951
344 Main Street West	951
352 Main Street West	909 and 951

## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 79 of 255)

Property Address	Map Number
353 Main Street West	951
358 Main Street West	909 and 951
358 Main Street West	909 and 951
359 Main Street West	951
360 Main Street West	909 and 951
364 Main Street West	909 and 951
365 Main Street West	951
368 Main Street West	909 and 951
369 Main Street West	951
370 Main Street West	909 and 951
374 Main Street West	909 and 951
377 Main Street West	951
379 Main Street West	951
381 Main Street West	951
383 Main Street West	951
385 Main Street West	951
388 Main Street West	909
389 Main Street West	951
391 Main Street West	951
399 Main Street West	909 and 951
401, 405 Main Street West	909 and 951
415 Main Street West	909 and 951
418 Main Street West	909
420 Main Street West	909
428 Main Street West	909
433 Main Street West	909 and 951
443 Main Street West	909
447 Main Street West	909
68 Margaret Street	909
69 Margaret Street	909
72 Margaret Street	909
74 Margaret Street	909
52 Pearl Street South	951
9 Poulette Street	951
54 Strathcona Avenue South	909
56 Strathcona Avenue South	909
59 Strathcona Avenue South	909
61 Strathcona Avenue South	909
63 Strathcona Avenue South	909
65 Strathcona Avenue South	909
67 Strathcona Avenue South	909

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

The following special provisions shall apply:

- a) Notwithstanding Subsection 10.5.1, only the following uses shall be permitted:
  - i) Craftsperson Shop;
  - ii) Day Nursery;
  - iii) Educational Establishment;
  - iv) Financial Establishment;
  - v) Hotel;
  - vi) Medical Clinic;
  - vii) Multiple Dwelling;
  - viii) Office;
  - ix) Personal Services;
  - x) Place of Worship;
  - xi) Residential Care Facility;
  - xii) Retirement Home; and,
  - xiii) Studio.
  
- b) In addition to Clause a), for the property located 443 Main Street West a drive-through facility in conjunction with a Restaurant within the Existing building shall also be permitted.

299. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map 951 of Schedule “A” – Zoning Maps and described:

Property Address	Map Number
261 Main Street West	951
265 Main Street West	951
267 Main Street West	951
269 Main Street West	951
271 Main Street West	951



## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 81 of 255)

Property Address	Map Number
275 Main Street West	951
276 Main Street West	951
277 Main Street West	951
278 Main Street West	951
279 Main Street West	951
280 Main Street West	951
282 Main Street West	951
283 Main Street West	951
284 Main Street West	951
286 Main Street West	951
287 Main Street West	951
291 Main Street West	951
299 Main Street West	951
301 Main Street West	951
302 Main Street West	951
303 Main Street West	951
304 Main Street West	951
305 Main Street West	951
307 Main Street West	951
309 Main Street West	951
310 Main Street West	951
311, 313 Main Street West	951
315, 317 Main Street West	951
319 Main Street West	951
321 Main Street West	951
323 Main Street West	951
327 Main Street West	951
329 Main Street West	951
331 Main Street West	951
333 Main Street West	951
53 Pearl Street South	951
55 Pearl Street South	951
75 Pearl Street South	951
67 Ray Street South	951
68 Ray Street South	951

The following special provisions shall apply:

- a) Notwithstanding Subsection 10.5.1, only the following uses shall be permitted:
  - i) Craftsperson Shop;

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

- ii) Day Nursery;
- iii) Educational Establishment;
- iv) Financial Establishment;
- v) Hotel;
- vi) Medical Clinic;
- vii) Multiple Dwelling;
- viii) Office;
- ix) Personal Services;
- x) Place of Worship;
- xi) Residential Care Facility;
- xii) Restaurant, within an Existing building;
- xiii) Retail, within an Existing building;
- xiv) Retirement Home; and,
- xv) Studio.

300. Within the lands zoned Neighbourhood Commercial (C2) Zone, Community Commercial (C3) Zone, Mixed Use Medium Density (C5) Zone, District Commercial (C6) Zone, and Arterial Commercial (C7) Zone, identified on Maps 950, 956, 957, 998, 999, 1046, 1184 and 1238 of Schedule “A” – Zoning Maps and described as:

Property Address	Map Number
194 Avondale Street	956
196 Avondale Street	956
197 Avondale Street	956
198 Avondale Street	956
199 Avondale Street	956
200 Avondale Street	956
201 Avondale Street	956
203 Avondale Street	956

## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 83 of 255)

Property Address	Map Number
204 Avondale Street	956
205 Avondale Street	956
206 Avondale Street	956
207 Avondale Street	956
208 Avondale Street	956
209 Avondale Street	956
210 Avondale Street	956
212 Avondale Street	956
214 Avondale Street	956
216 Avondale Street	956
217 Avondale Street	956
218 Avondale Street	956
219 Avondale Street	956
220 Avondale Street	956
221 Avondale Street	956
222 Avondale Street	956
223 Avondale Street	956
224 Avondale Street	956
226 Avondale Street	956
228 Avondale Street	956
797 Barton Street East	956
799 Barton Street East	956
889 Barton Street East	956
891 Barton Street East	956
893 Barton Street East	956
895 Barton Street East	956
897 Barton Street East	956
901 Barton Street East	956
903 Barton Street East	956
905, 907 Barton Street East	956
909, 911 Barton Street East	956
913 Barton Street East	956
915 Barton Street East	956
954 Barton Street East	956 and 957
970 Barton Street East	957 and 999
Part of 973 Barton Street East	957
975, 951, 983 Barton Street East	957
984 Barton Street East	957 and 999
985 Barton Street East	957
986 Barton Street East	957 and 999
991 Barton Street East	957
999 Barton Street East	957 and 999

## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 84 of 255)

Property Address	Map Number
1015 Barton Street East	957 and 999
1850 Barton Street East	1046
1860 Barton Street East	1046
1870 Barton Street East	1046
1880 Barton Street East	1046
1890 Barton Street East	1046
1900 Barton Street East	1046
1910 Barton Street East	1046
1920 Barton Street East	1046
1930 Barton Street East	1046
1940 Barton Street East	1046
1950 Barton Street East	1046
1960 Barton Street East	1046
1970 Barton Street East	1046
1980 Barton Street East	1046
1990 Barton Street East	1046
190 Cavell Avenue	956
192 Cavell Avenue	956
193 Cavell Avenue	956
194 Cavell Avenue	956
196 Cavell Avenue	956
198 Cavell Avenue	956
120 Chatham Street	950
204 Gage Avenue North	956
208 Gage Avenue North	956
210 Gage Avenue North	956
212 Gage Avenue North	956
214 Gage Avenue North	956
216 Gage Avenue North	956
218 Gage Avenue North	956
220 Gage Avenue North	956
200 Glendale Avenue North	957, 998 and 999
240 Glendale Avenue North	998 and 999
242 Glendale Avenue North	998 and 999
244 Glendale Avenue North	956, 998 and 999
246 Glendale Avenue North	998, 956 and 999
248 Glendale Avenue North	956, 957, 958, and 999
250 Glendale Avenue North	956 and 957
1 Gordon Street	956
3, 5, 7, 9 Gordon Street	956
10 Gordon Street	956
11 Gordon Street	956

## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 85 of 255)

Property Address	Map Number
12 Gordon Street	956
13 Gordon Street	956
14 Gordon Street	956
16 Gordon Street	956
17 Gordon Street	956
18 Gordon Street	956
19 Gordon Street	956 and 957
20 Gordon Street	956
21 Gordon Street	956 and 957
22 Gordon Street	956
23 Gordon Street	957
24 Gordon Street	956 and 957
25 Gordon Street	957
26 Gordon Street	956 and 957
28 Gordon Street	956 and 957
30 Gordon Street	957
32 Gordon Street	957
34 Gordon Street	957
36 Gordon Street	957
38 Gordon Street	957
40 Gordon Street	957
42 Gordon Street	957
44 Gordon Street	957
46 Gordon Street	957
48 Gordon Street	957
50 Gordon Street	957
51 Gordon Street	957
53 Gordon Street	957
132 Hester Street	1238
138 Hester Street	1238
141 Hester Street	1184 and 1238
143 Hester Street	1184 and 1238
146 Hester Street	1238
151 Hester Street	1238
152 Hester Street	1238
158 Hester Street	1238
160 Hester Street	1238
8 Lincoln Street	957
10 Lincoln Street	957
11 Lincoln Street	957
12 Lincoln Street	957
13 Lincoln Street	957

## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 86 of 255)

Property Address	Map Number
14 Lincoln Street	957
15 Lincoln Street	957
16 Lincoln Street	957
17 Lincoln Street	957
18 Lincoln Street	957
19 Lincoln Street	957
20 Lincoln Street	957
21 Lincoln Street	957
22 Lincoln Street	957
23 Lincoln Street	957
25 Lincoln Street	957
26 Lincoln Street	957
27 Lincoln Street	957
29 Lincoln Street	957
32, 34, 36, 38 Lincoln Street	957
33 Lincoln Street	957
16 Linden Street	956 and 957
18 Linden Street	957
30 Linden Street	957
2 Lloyd Street	956
4 Lloyd Street	956
6 Lloyd Street	956
8 Lloyd Street	956
10 Lloyd Street	956
12 Lloyd Street	956
20 Lloyd Street	956
26 Lloyd Street	956
32 Lloyd Street	956
34 Lloyd Street	956
36 Lloyd Street	956
38 Lloyd Street	956
40 Lloyd Street	956
42 Lloyd Street	956
44 Lloyd Street	956
46 Lloyd Street	956
50 Lloyd Street	956
52 Lloyd Street	956
54 Lloyd Street	956
56 Lloyd Street	956
221 Melvin Avenue	1046
295 Melvin Avenue	1046
291 Rosslyn Avenue North	957

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

Property Address	Map Number
1012 Upper Wellington Street	1238
1020 Upper Wellington Street	1238
1028 Upper Wellington Street	1238
1042 Upper Wellington Street	1238
Part of 335 Woodward Avenue	1046

The following special provisions shall apply:

- a) In addition to Subsections 10.2.1, 10.3.1, 10.5.1, 10.6.1, and 10.7.1, existing industrial uses shall also be permitted:
301. Within the lands zoned District Commercial (C6) Zone, identified on Maps 1258, 1259, 1311, and 1312 of Schedule “A” – Zoning Maps and described as 1310 and 1360 South Service Road, 400 Winona Road, and 395 Fifty Road, the following special provisions shall apply:
- a) In addition to Subsection 10.6.1, the following uses shall also be permitted:
    - i) Post Office; and,
    - ii) Kennel.
302. Within the lands zoned Mixed Use High Density (C4) Zone, identified on Maps 1239 and 1292 of Schedule “A” – Zoning Maps and described as 999 Upper Wentworth Street, the following special provisions shall apply:
- a) Notwithstanding the definition of Front Lot Line in Section 3: Definitions of this By-law, the definition of the Front Lot Line shall mean the lot line of the lot abutting Upper Wentworth Street.
  - b) In addition to Subsection 10.4.1, following uses shall also be permitted:
    - i) Motor Vehicle Showroom
  - c) In addition to Section 3: Definitions, for the purpose of Special Exception No. 302, the following definition shall apply:

Motor Vehicle Show Room	Shall mean an establishment located internal to a building where new motor vehicles are displayed for the purpose of sale or leasing, and may include accessory retailing of souvenir merchandise, and shall not include the storage of motor vehicles and Motor Vehicle Service Station.
-------------------------	---

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 88 of 255)

- d) Notwithstanding Subsections 5.2b), 5.2f), 10.4.3j) and 10.4.3j) and in addition to Section 4.19, the following regulations shall apply:
  - i) Visual Barrier                      The chain link fence existing on the date of the passing of the By-law and located along the eastern boundary shall also be considered as a Visual Barrier.
  - ii) Parking Stall Size Dimension      A minimum parking stall size of 2.6 metres by 5.5 metres shall be provided.
  - iii) Barrier Free Stall Size Dimension    A minimum barrier free stall size of 4.4 metres by 5.5 metres shall be provided.
- e) Notwithstanding Subsections 10.4.3d)i) a minimum building height of 6.0 metres shall be provided for commercial buildings fronting along Upper Wentworth Street, Mall Road, and Limeridge Road East containing only one or more of the following uses and having a maximum Gross Floor Area of 650 square metres:
  - i) Financial Establishment;
  - ii) Personal Service;
  - iii) Restaurant; and,
  - iv) Retail.
- f) Notwithstanding Subsection 10.4.3g)iii), a minimum of one principal entrance shall be provided within the ground floor façade in front of the Upper Wentworth Street and Limeridge Road East lot line, and an accessible walkway from the Upper Wentworth Street line and Limeridge Road East lot line to the entrance shall be provided and maintained.

303. Within the lands zoned Arterial Commercial (C7) Zone, identified on Maps 1445 and 1494 of Schedule “A” – Zoning Maps and described as:

Property Address	Map Number
1821 Upper James Street	1445



To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

1853 Upper James Street	1445 and 1494
1861 Upper James Street	1445 and 1494
1879 Upper James Street	1494
1885 Upper James Street	1494
1899 Upper James Street	1494
1915 Upper James Street	1494
1927 Upper James Street	1494
1937 Upper James Street	1494
1947 Upper James Street	1494
1955 Upper James Street	1494
1977 Upper James Street	1494
8518 Twenty Road East	1494

The following special provisions shall apply:

- a) Notwithstanding Subsection 10.7.1 and in addition to Subsection 10.7.2, the following uses shall be prohibited:
  - i) Commercial Entertainment; and,
  - ii) Commercial Recreation.

The following special provisions shall also apply for the property located at 1955 Upper James Street:

- b) In addition to Subsection 10.7.1, the following uses shall also be permitted:
  - i) Labour Association Hall; and,
  - ii) Place of Worship.
- c) Notwithstanding the definition of Place of Worship under Section 3: Definitions, the following shall apply:

Place of Worship	A building used by any religious organization for public worship or other ecclesiastical functions and may include accessory or ancillary uses which shall include accessory or ancillary uses which shall include but not be limited to an assembly hall, auditorium, convent, monastery, rectory, cemetery, day nursery and educational or recreational uses.
------------------	---

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 90 of 255)

- d) Notwithstanding Subsections 5.2b), 5.2f), 5.5 a), 5.5 c) and 10.7.3 b), c), the following regulations shall apply only to a Place of Worship:
- i) Minimum Northerly Side Yard
    - 1. 1.9 metres for westerly side of building; and,
    - 2. 4.6 metres for easterly side of building.
  - ii) Minimum Southerly Side Yard 2.8 metres for the easterly building
  - iii) Minimum Rear Yard 16.0 metres
  - iv) Landscaped Area
    - 1. A landscaped area in the form of a 2.0 metre wide planting strip and a board fence shall be provided between the parking area and the northerly side yard, except for that portion of land between the front lot line and the existing westerly building.
    - 2. A landscaped area with a minimum width of 3.7 metres shall be provided along the street line, and it shall be continuous except for driveways required for access to such parking area.
  - v) Minimum Number of Parking Spaces 51, including 1 barrier free parking space
  - vi) Parking Stall Size Dimension A minimum parking stall size of 2.6 metres by 5.5 metres shall be provided.
  - vii) Barrier Free Stall Size Dimension A minimum barrier free stall size of 4.4 metres by 5.5 metres shall be provided.

304. Within the lands zoned Neighbourhood Commercial (C2) Zone, Community Commercial (C3) Zone, Mixed Use Medium Density (C5) Zone, Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, identified on Maps 482, 860, 912, 947, 956, 1039, 1042, 1085, 1136, 1175, 1234, 1251, 1287, 1302, 1389, 1502 and 1956 of Schedule “A” – Zoning Maps and described as:

## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 91 of 255)

Property Address	Map Number
925 Barton Street East	956
19 Flamboro Street	482
Part of 18-64 Hamilton Street North	482
473-489 Upper Wellington Street	1039 and 1085
139 and 141 Oak Avenue	912
902 Main Street East	1042
386 Upper Gage Avenue and 63 East 39 <sup>th</sup> Street	1136
283 and 289 Highway 8	1251
889 Upper Paradise Road	1234 and 1287
200 King Street West	860
121 King Street West	860
134, 138 King Street West	860
Northwest corner of Hatt Street and Foundry Street	860
1 Osler Drive	903
1655 Main Street West	947
407, 413 Wilson Street East	1175
82 King Street East	1302
605 Garner Road East	1389
136-146 Upper Mount Albion Road	1502
3194 Regional Road 56	1956

The following special provisions shall apply:

- a) In addition to Subsections 10.2.1, 10.3.1, 10.5.1, 10.5a.1, the existing motor vehicle related use shall also be permitted.
- b) In addition to Subsections 10.3.1 and 10.5a.1, for the lands located at 136-146 Upper Mount Albion Road and 19 Flamboro Street, a Motor Vehicle Washing Establishment shall also be permitted.
- c) In addition to Subsection 10.5a.1, for the lands located at 3194 Regional Road 56, a Motor Vehicle Gas Bar shall also be permitted.
- d) In addition to Subsection 10.3.1, for the lands located at 1 Osler Drive, a Motor Vehicle Service Station and a Motor Vehicle Rental Establishment shall also be permitted.
- e) Notwithstanding Subsections 5.2b) and 5.2f), for the lands located at 386 Upper Gage Avenue, the following special Parking provisions shall also apply:

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 92 of 255)

- i) 

Parking Stall Size Dimension	A minimum parking stall size dimension of 2.6 metres by 5.5 metres shall be provided.
------------------------------	---
    - ii) 

Barrier Free Parking Stall Size Dimension	A minimum barrier free parking stall size dimension of 4.4 metres by 5.5 metres shall be provided.
---	--
  - f) In addition to Subsection 10.5.1 for lands located at 925 Barton Street East, the existing Motor Vehicle Service Station and Motor Vehicle Collision Repair Establishment shall also be permitted.
305. Within the lands zoned District Commercial (C6) Zone, identified on Map 1748 of Schedule "A" – Zoning Maps and described as 3234A Homestead Drive, the following special provision shall apply:
- a) In addition to Subsection 10.6.1, existing Manufacturing use shall also be permitted.
306. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map 860 of Schedule "A" – Zoning Maps and described as being located at the northwest corner of Hatt Street and Foundry Street, the following special provision shall apply:
- a) In addition to Subsection 10.5.1, a Tradesperson Shop shall also be permitted.
307. Within the lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, identified on Map 912 of Schedule "A" – Zoning Maps, and described as 268, 270, 272, 276 Wellington Street North and 240 Barton Street East, the following special provisions shall apply:
- a) No visual barrier shall be required along the rear lot line between a Commercial Parking Facility and the existing dwelling at 266 Wellington Street North.
  - b) Subsection 10.5a.1.1 i) 3. A. shall not apply.
  - c) Notwithstanding Subsections 5.1a)v), 5.2b), 5.2f), and 10.5a.3) i), the following special provisions shall apply to a Commercial Parking Facility:
    - i) 

Planting Strip Requirements	1. Minimum width of 1.2 metres shall be provided and maintained at the rear lot line.
-----------------------------	---

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 93 of 255)

2. A planting strip may be obstructed by a visual barrier and may be obstructed by an existing building of the adjacent property located at 266 Wellington Street North.

3. Minimum width of 2.0 metres shall be provided and maintained along a lot line abutting a street.

- |      |   |   |
|------|---|---|
| ii)  | Distance of Parking Lot from Street       | A parking lot, excluding driveways extending directly from the street, shall not be located within 2.0 metres of a street line. |
| iii) | Parking Stall Size Dimension              | A minimum parking stall size of 2.6 metres by 5.5 metres shall be provided.   |
| iv)  | Barrier Free Parking Stall Size Dimension | A minimum barrier free parking stall size dimension of 4.4 metres by 5.5 metres shall be provided.                              |

308. Within the lands zoned District Commercial (C6) Zone, identified on Maps 1084, 1132 and 1133 of Schedule “A” – Zoning Maps and described as 657, 659, 661, 663, 665, 667, 673, 675, 677 Upper James Street, the following special provisions shall apply:

- a) Notwithstanding the definition of Front Lot Line in Section 3: Definitions of this By-law, the definition of the Front Lot Line shall mean any lot line of the lot abutting Upper James Street.
- b) Notwithstanding Subsections 4.19, 5.2b), 5.2f), 5.6 c), 10.6.3 a), b), c), and i), the following regulations shall apply:
  - i) Minimum Front Yard 2.3 metres.
  - ii) Minimum Rear Yard 7.3 metres.
  - iii) Minimum Side Yard 4.9 metres (southerly side yard) with further eave projection.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 94 of 255)

- iv) Parking Requirement 1 space per 27 square metres of Gross Leasable Floor Area for any permitted commercial use.
  - v) Parking Stall Size Dimension A minimum parking stall size of 2.5 metres by 5.5 metres shall be provided.
  - vi) Barrier Free Parking Stall Size Dimension A minimum barrier free parking stall size dimension of 4.4 metres by 5.5 metres shall be provided.
  - vii) Visual Barrier Maximum height of 2.6 metres Noise Attenuation Wall provided along the portion of the Easterly lot line abutting a Residential Zone.
- c) Notwithstanding Subsection 5.2.1 c), loading doors and associated loading facilities shall also be permitted in the rear yard abutting a Residential Zone or Institutional Zone and 1.5 metres away from the rear lot line.

311. Within the lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, identified on Map 912 of Schedule "A" - Zoning Maps and described as 448 Barton Street East, the following special provisions shall apply:

- a) In addition to Subsection 10.5a.1, the existing Manufacturing use shall also be permitted.

312. Within those lands zoned Mixed Use Medium Density (C5) Zone, identified on Maps 1911 and 1934 of Schedule "A" - Zoning Maps, and described as 2550, 2640, 2654 Regional Road 56, the following special provision shall apply:

- a) In addition to Subsection 10.5.1, a fairground shall also be permitted.

313. Within the lands zoned Neighbourhood Commercial (C2) Zone, identified on Maps 1241, 1248, 1249, and 1252 of Schedule “A” – Zoning Maps and described as:

Property Address	Map Number
454 – 458 Highway 8	1252
30, 32, 36 Lake Avenue Drive	1248 and 1249
30 Lake Avenue Drive	1248 and 1249

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 95 of 255)

796 Upper Gage Avenue	1241
-----------------------	------

The following special provisions shall apply:

- a) In addition to Subsection 10.2.1, a Funeral Home shall also be permitted.
  - b) In addition to Clause a), a Parking Lot accessory to a Funeral Home shall also be permitted at 30 Lake Avenue Drive.
314. Within the lands zoned Community Commercial (C3) Zone, identified on Map 1260 of Schedule "A" – Zoning Maps and described as 3 and 15 Lockport Way, the following special provisions shall apply:
- a) In addition to Subsection 10.3.1, the following uses shall also be permitted:
    - i) Commercial Recreation;
    - ii) Place of Assembly;
    - iii) Equipment and Machinery Sales;
    - iv) Rental and Service Establishment;
    - v) Funeral Home;
    - vi) Commercial Entertainment;
    - vii) Museum; and,
    - viii) Place of Worship.
315. Within the lands zoned Arterial Commercial (C7) Zone, identified on Maps 1499, 1505, 1506, 1635 and 1636 of Schedule "A" – Zoning Maps and described as 1170, 1188 and 1205 Rymal Road East, 267, 275 - 283 and 293 Upper Centennial Parkway and 5365 Twenty Road East, the following special provisions shall apply:
- a) In addition to Subsection 10.7.1, the following uses shall also be permitted:
    - i) Retail;
    - ii) Office; and,

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 96 of 255)

- iii) Personal Service.
- b) In addition to Subsection 10.7.1 and Clause a) and notwithstanding Clause a) ii), for the lands located at 267, 275, 277, 279, 283 and 293 Upper Centennial Parkway, the following uses shall also be permitted:
  - i) Financial Establishment;
  - ii) Medical Clinic; and,
  - iii) Office, provided it is located above the ground floor.
- c) In addition to Subsection 10.7.1 and Clause a), for the lands located at 5365 Twenty Road East, the following uses shall also be permitted:
  - i) Custom Workshop;
  - ii) Day Nursery;
  - iii) Financial Establishment;
  - iv) Manufacturing, except for the uses listed below which shall be prohibited, even as an accessory use:
    - Beverage Distillation
    - Breweries
    - 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 Yard
    - Slaughtering, Eviscerating, Rendering or Cleaning of Meat, Poultry or Fish or by-products thereof
    - Smelting of Ore or Metal
    - Tanning or Chemical Processing of Pelts or Leather
    - Vulcanizing or Rubber or Rubber Products
    - Explosives Manufacturing
    - Pulp and Paper Mills; and,
  - v) Medical Clinic.



To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 97 of 255)

- d) Notwithstanding Subsections 5.1 a) v) b), 5.6c) and 10.7.3a), b), c), and d), for the lands located at 267, 275, 277, 279, 283 and 293 Upper Centennial Parkway, the following regulations shall apply:
- i) Minimum Front Yard 3.0 metres
  - ii) Maximum Front Yard 6.0 metres
  - iii) Minimum Side Yard 3.0 metres
  - iv) Minimum Rear Yard 1.0 metres
  - v) Maximum Height 15.0 metres
  - vi) Minimum Landscape Open Space
    - 1. A landscape strip having a minimum width of 3.0 metres shall be provided adjacent to any street except for points of ingress and egress.
    - 2. A landscape strip having a minimum width of at least 3.0 metres shall be provided adjacent to every portion of any lot line that abuts any zone other than a commercial or industrial zone.
  - vii) Minimum Parking Requirements A minimum of one parking space per 28 square metres of gross floor area or fraction thereof shall be required.
  - viii) Minimum Loading Requirements 1 loading space shall be required.
  - ix) A minimum of 40 percent of the ground floor façade shall be composed of windows and doors for the buildings fronting Mud Street West and Upper Centennial Parkway
  - x) The minimum combined width of the ground floor

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 98 of 255)

façade of all buildings located along Mud Street West shall be equal to 40 percent or more of the measurement of the front lot line, and shall be subject to a maximum building setback of 6.0 metres.

- xi) The minimum combined width of the ground floor façade of all buildings located along Upper Centennial Parkway shall be equal to 40 percent or more of the measurement of the side lot line, and shall be subject to a maximum building setback of 6.0 metres.
  
- e) Notwithstanding Subsections 5.1 a) v) b) and 10.7.3 a), for the lands located at 5365 Twenty Road East, the following regulations shall also apply:
  - i) Minimum Lot Frontage 45.0 metres
  - ii) Minimum Lot Depth 75.0 metres
  - iii) Minimum Lot Area 0.4 hectares
  - iv) Minimum Front Yard 15.0 metres
  - v) Minimum Landscaping Requirements
    - A. A landscaped area having a minimum width of 7.5 metres shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a street line (except driveways) or any Zone where the adjoining land is used for residential or institutional purposes.
    - B. All portions of any lot not covered by buildings or structures or not used for driveways, storage, parking, loading or walkways, shall be grassed or have other suitable vegetative cover designed to provide an

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 99 of 255)

attractive appearance.

316. Within the lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, identified on Map 1085 of Schedule "A" – Zoning Maps and described as 488 Upper Wellington Street, the following special provisions shall apply:

a) In addition to Subsection 10.5a.1, only one of the following uses shall also be permitted.

i) Townhouse Dwellings; and,

ii) Multiple Dwellings.

b) In addition to Clause i), a maximum of 12 townhouse dwelling units shall be permitted or a maximum of 18 multiple dwelling units shall be permitted.

c) Notwithstanding Subsections 5.1a) v) a), 10.5a.3 a), and d) ii) and iii), the following provisions shall apply:

1) Minimum Lot Area 3,600 square metres

2) Maximum Height 11.0 metres or two storeys

3) Yard abutting Northerly Lot Line A yard having a minimum depth of 3 metres in the case of multiple dwellings or 6 metres in the case of townhouse dwellings shall be provided and maintained along the northerly lot line.

4) Location of Parking Spaces Parking spaces shall be separated from the street by a building or structure, or by a planting strip having a minimum of 3.0 metres in the case of multiple dwellings, or 6.0 metres in the case of townhouse dwellings, except for any areas used for vehicular access.

317. Within the lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, identified on Map 1040, 1044, 1934 of Schedule "A" – Zoning Maps and described as:

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

Property Address	Map Number
473 Concession Street	1040
130 Kenilworth Avenue North	1044
2660, 2668 Binbrook Road	1934
2651 Regional Road 56	1934

The following special provision shall apply:

- a) In addition to Subsection 10.5a.1 and notwithstanding Section 10.5a.2 ii), the following uses shall also be permitted:
  - i) Drive-Through Facility
- b) Notwithstanding Subsections 5.2b) and 5.2f), 5.6c) for the lands located at 2660, 2668 Binbrook Road and 2651 Regional Road 56, the following special provisions shall also apply:
  - i) **Parking Stall Size Dimension** A minimum parking stall size dimension of 2.6 metres by 5.5 metres shall be provided.
  - ii) **Barrier Free Parking Stall Size Dimension** A minimum barrier free parking stall size dimension of 4.0 metres by 5.5 metres shall be provided.
  - iii) **Parking Requirements**
    - 1. 1 space per residential unit; and,
    - 2. 1 space per 31.5 square metres of Gross Floor Area for any commercial use.

318. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Maps 1342, 1343, 1394 and 1395 of Schedule “A” – Zoning Maps and described as:

Property Address	Map Number
20 Rymal Road East	1394
25 Rymal Road West	1394
35 Rymal Road West	1394
41 Rymal Road West	1394
49 Rymal Road East	1394 and 1395

## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 101 of 255)

Property Address	Map Number
55 Rymal Road East	1394 and 1395
57 Rymal Road West	1394
71 Rymal Road West	1394
79 Rymal Road West	1394
16 Stone Church Road East	1394
24 Stone Church Road East	1343
1351 Upper James Street	1343
1355 Upper James Street	1343
1359 Upper James Street	1343
1367 Upper James Street	1343
1375 Upper James Street	1343
1379 Upper James Street	1343
1389 Upper James Street	1343
1405 Upper James Street	1342 and 1343
1425 Upper James Street	1342 and 1343
1451, 1471 Upper James Street	1342, 1343 and 1395
1495 Upper James Street	1342, 1343 and 1395
1515 Upper James Street	1394 and 1395
1527 Upper James Street	1394
1545 Upper James Street	1394 and 1395
1565 Upper James Street	1394 and 1395
1591 Upper James Street	1394
1595 Upper James Street	1394
1599 Upper James Street	1394
1616 Upper James Street	1394

The following special provisions shall apply:

- a) In addition to Subsection 10.5.1 and notwithstanding Subsection 10.5.2, the following uses shall also be permitted:
  - i) Commercial Motor Vehicle Sales, Rental and Service Establishment;
  - ii) Equipment and Machinery Sales, Rental and Service Establishment;
  - iii) Garden Centre;
  - iv) Major Recreational Equipment Sales, Rental and Service Establishment;
  - v) Motor Vehicle Dealership;

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 102 of 255)

- vi) Motor Vehicle Rental Establishment;
  - vii) Surveying, Engineering, Planning or Design Business; and,
  - viii) Warehouse.
- b) Notwithstanding the definition of Planting Strip and Landscaped Area in Section 3: Definitions and notwithstanding Subsections 4.19, 10.5.3 i), and in addition to Subsection 10.5.3 j) for lands located at 55 Rymal Road East, the following regulations shall also apply:

- i) For the purposes of Special Exception No. 318 the following definitions shall also apply:

Planting Strip                      Means an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a visual barrier or buffer, and shall include light standards.

Landscaped Area                    1) Shall mean an area of land provided and maintained on the same lot on which the building or structure is situated and shall include light standards and signage. No part of the Landscaped Area shall be other than:

- i) Fully and completely open and exposed to natural light and air and unobstructed above the surface;
- ii) Used exclusively for scenic, recreational or like uses; and,
- iii) Not less than 50% of which shall be natural earth comprised of the natural planting of grass lawns,

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 103 of 255)

trees, shrubs and flowers in such manner as to establish and enhance the beautification of the landscaped area and any building or structure on the same lot, and may include a planting strip.

- 2) In addition to the provisions of 3(k)(i), signage in a landscaped area shall only be permitted in the front yard.
  - 3) And shall not include area used for parking space, manoeuvring space, access or egress driveways or any other vehicular purpose of any kind, nor any area occupied by an accessory building, nor any open space beneath, within or on the roof of any building except where permitted in a zone.
- ii) In addition to Subsection 5.1a) v), for every parking lot and loading space on a lot adjoining at Residential Zone, a Landscaped Area with a Planting Strip of not less than 1.5 metres in width between the parking lot and the lot line abutting a Residential use, and a visual barrier being 2.0 metres in height, shall be provided and maintained.
- c) Notwithstanding Sections 10.5.3a), b), c), d), and k), the following special provisions shall apply only to the uses listed in Clause a):
- i) Minimum Front Yard Setback 18.0 metres
  - ii) Minimum Rear Yard
    - i) 6.0 metres; and,
    - ii) 7.5 metres abutting a Residential or Institutional Zone or lot containing a residential use.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 104 of 255)

- iii) Minimum Side Yard
  - i) 1.5 metres; and,
  - ii) 4.5 metres abutting a Residential or Institutional Zone or lot containing a residential use.
- iv) Building Height Maximum 14.0 metres.
- v) Subsections 10.5.3g) ii), iii), iv), and vi) shall not apply.
- vi) Outdoor Storage
  - i) The display of goods or materials for retail purposes accessory to a Retail use shall only be permitted in the front, side, and rear yard;
  - ii) Notwithstanding Clause i), an outdoor storage area shall not be located on a planting strip, or required parking or loading area; and,
  - iii) An Outdoor storage area shall be located a of minimum 6.0 metres from a Residential or Institutional Zone or lot containing a residential use, or a lot line fronting onto a street, and shall be screened or fenced from view.
  - iv) An outdoor storage area attached to a building shall not exceed 500 square metres, or an area equivalent to 5% of the Gross Floor Area,



To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 105 of 255)

whichever is lesser.

319. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Maps 1452, 1453, 1501, 1502 of Schedule "A" – Zoning Maps and described as Heritage Green, shown as Figure 8 of Schedule "F" – Special Figures, the following special provisions shall apply:

a) In addition to Section 3: Definitions, the following definitions shall also apply:

Dwelling Group                      Means a group of more than one maisonette, townhouse or apartment or any combination thereof.

Maisonette                              Shall mean a back to back townhouse dwelling.

Live/Work Unit                        Shall mean a dwelling unit having a residence and business in the same location which consists of a ground floor commercial unit having a maximum of 50 square metres of gross floor area and an upper level residential unit. Commercial uses in a "Live / Work Unit" shall be limited to a personal service shop, a professional office, and a retail store.

Wholesale and Retail Warehouse Facility                      Shall mean a large scale building, with a minimum Gross Floor Area of 4,645 square metres, which distributes a broad range of goods or distributes high volumes of a specific type of merchandise and functions in a warehouse format where most goods are stored, displayed and offered for sale in one and the same area, but excludes department stores and supermarkets.

Warehouse Membership Club                      Shall mean a building with a minimum Gross Floor Area of 4,645 square metres, occupied by a single user, where the principal use is the sale of

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 106 of 255)

food and non-food products which are generally stored, displayed and offered for sale in one and the same area in a warehouse format and where, customers, whether retail or wholesale, are generally required to be members of the club, but excludes department stores and supermarkets.

- b) For the purposes of Special Exception No. 319 the following special provisions shall apply to **Area A** as shown on Figure 8 of Schedule "F" – Special Figures:
- A) In addition to Subsection 10.5.1, the following uses shall also be permitted:
- i) Building or Contracting Supply Establishment;
  - ii) Building and Lumber Supply Establishment;
  - iii) Home Improvement Supply Establishment;
  - iv) Warehouse Membership Club; and,
  - v) Wholesale and Retail Warehouse Facility.
- B) In addition to Subsection 10.5.2, the following use shall also be prohibited:
- i) Food Store.
- C) Notwithstanding Subsections 5.6c), 10.5.3 a), c), d), g)ii) and iii), the following Regulations shall apply:
- i) Maximum Lot Coverage 25 percent
  - ii) Minimum and Maximum Setback
    - A. Minimum 6.0 metres from the south lot line;
    - B. Minimum 6.0 metres from east lot line (for Wholesale and Retail Warehouse Facility, Warehouse

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 107 of 255)

- Membership Club,  
Building Supply Outlet in  
an enclosed building);
- C. Maximum 2.0 metres from  
the east lot line (for all  
other uses).
- iii) Maximum Building Height 12.0 metres.
- iv) Additional Regulations for buildings fronting on Upper Mount Albion
- A. Minimum built frontage shall not be less than 30% of the total distance of the street frontage within 210.0 metres of Paramount Drive.
- B. Maximum building depth shall be 25.0 metres within 210.0 metres of Paramount Drive.
- v) Built Form
- Each use, other than an accessory use, shall be contained in a building having all of its customer access doors opening directly outdoors and shall not open onto another store or unenclosed corridor.
- vi) Landscaped Area
- A. Minimum Landscaped Open Space shall be 15% of the lot area, a portion which shall include the following where appropriate:
1. A planting strip having a minimum width of 6.0 metres shall be provided adjacent to any public street, except for points of

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 108 of 255)

ingress and egress, and between the street and any building along the east lot line; and,

2. A minimum width of 7.5 metres shall be provided adjacent to the north and west property lines.

vii) Parking

A. 4.5 spaces for each 93.0 square metres; and,

B. No parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle at a distance of less than 6.0 metres from the east and south lot lines or closer than 7.5 metres from the north and west lot lines.

viii) Additional Regulations for Wholesale and Retail Warehouse Facility, Warehouse Membership Club, Building Supply Outlet in an enclosed building and Retail Establishments

A. 28,335 square metres Maximum Total Gross Floor area;

B. In addition to Clause A., 14,500 square metres Maximum Gross Floor Area per unit;

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 109 of 255)

C. In addition to Clause A.,  
1,860 square metres  
Minimum Gross Floor  
Area per unit; and,

D. Notwithstanding Clause  
1., for every square metre  
of office space built in  
excess of 2,272 square  
metres in Area A, an  
equal amount of retail  
space will be permitted to  
a maximum of 2,272  
square metres.

c) For the purposes of Special Exception No. 319 the following special provisions shall apply to **Area B** as shown on Figure 8 of Schedule “F” – Special Figures:

1. Notwithstanding Subsection 10.5.1, the permitted uses shall be limited to the following:

- i) Art Galleries;
- ii) Commercial Recreation;
- iii) Commercial School;
- iv) Commercial Entertainment;
- v) Conference or Convention Centre;
- vi) Convenience Food Stores;
- vii) Day Nursery;
- viii) Dry Cleaning or Laundering Establishments;
- ix) Financial Establishment;
- x) Libraries;
- xi) Medical Clinics;
- xii) Offices;

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 110 of 255)

- xiii) Personal Services;
  - xiv) Private Club or Lodge; and.
  - xv) Restaurant.
2. Notwithstanding Subsections 5.1.a) v), 10.5.3a), b), c) and g) v) the following regulations shall apply:
- i) Maximum Lot Coverage 25%
  - ii) Minimum Gross Floor Area for Office 1,000 square metres.
  - iii) Maximum Front Yard 2.0 metres shall be provided for those buildings along Upper mount Albion Road.
  - iv) Minimum Side Yard 6.0 metres shall be provided along Paramount Drive.
  - v) Maximum Side Yard 3.0 metres along the proposed street.
  - vii) Minimum Rear Yard 6.0 metres shall be provided along Winterberry Drive.
  - viii) Landscape Requirements A planting strip having a minimum width of 6.0 metres shall be provided adjacent to any street, except for points of ingress and egress, and between the street and any building along Upper Mount Albion Road and the north limits of Area B as shown in Figure 8 of Schedule "F".
  - ix) Parking In addition to Section 5

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 111 of 255)

of this By-law, no parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle at a distance of less than 6.0 metres from any street line.

x) Additional Regulations for buildings fronting on Upper Mount Albion

The minimum built frontage shall be 20% of the total distance of the street frontage in any one block.

xi) Built Form

Each use, other than an accessory use, shall be contained in a building having all of its customer access doors opening directly outdoors and shall not open onto another store or unenclosed corridor.

d) For the purposes of Special Exception No. 319 the following special provisions shall apply to **Area C** as shown on Figure 8 of Schedule "F" – Special Figures:

1. Notwithstanding Subsection 10.5.1, the permitted uses shall be limited to the following:

- i) Day Nursery;
- ii) Financial Establishment;
- iii) Home Business;
- iv) Multiple Dwelling;
- v) Office;
- vi) Personal Service Establishment;

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 112 of 255)

- vii) Restaurant; and,
  - viii) Studio.
2. Notwithstanding Subsections 5.6 c), 10.5.3a), b). c), d), e), f), h), and k) ii), the following regulations shall apply:
- i) Minimum Lot Area 1,200 square metres
  - ii) Minimum Lot Frontage 20.0 metres
  - iii) Maximum Lot Coverage 30 percent
  - iv) Maximum Gross Floor Area 600.0 square metres
  - v) Maximum Front Yard 3.0 metres
  - vi) Minimum Interior Side Yard 3.0 metres
  - vii) Maximum Exterior Side Yard 3.0 metres
  - viii) Minimum Rear Yard 9.0 metres
  - ix) Maximum Building Height 13.5 metres or 3 storeys
  - x) Restriction of Commercial Uses No commercial uses are permitted except where contained jointly with multiple dwelling units in the same building.
  - xi) Maximum Residential Density 80 units per hectare.
  - xii) Minimum Amenity Area per Dwelling Unit
    - A. 14.0 square metres per Bachelor Unit;
    - B. 18.0 square metres per One Bedroom Unit;



To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 113 of 255)

- C. 53.0 square metres per Two Bedroom Unit; and,
  - D. 88.0 square metres per Three Bedroom Unit.
  - E. 125.0 square metres per Four Bedroom Unit
- xiii) Minimum Landscaped Open Space
- A. A Landscaped Area shall not be less than 50 percent of the lot area of which at least 25 percent shall be in one area other than the front yard;
  - B. A portion of the landscaped area shall be a planting strip having a minimum width of 3.0 metres provided adjacent to any street, except for points of ingress and egress, and between the street and any building along Upper Mount Albion Road and the south lot line.
- xiv) Outdoor Storage
- Outdoor Storage shall be prohibited.
- xv) Parking
- A. In accordance with Section 5 of this By-law;
  - B. Notwithstanding A. above, 1.5 spaces shall be provided per dwelling unit.
- e) For the purposes of Special Exception No. 319 the following special provisions shall apply to **Area D** as shown on Figure 8 of Schedule "F" – Special Figures:

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 114 of 255)

1. For lands located in Area D-1, D-2, and D-3, notwithstanding Subsection 10.5.1, permitted uses shall be limited to the following:
  - i) Dwelling Groups;
  - ii) Home Business;
  - iii) Live/Work Units;
  - iv) Multiple Dwelling; and,
  - v) Townhouses.
2. For lands located in Area D-4, notwithstanding Subsection 10.5.1, permitted uses shall be limited to the following:
  - i) Dwelling Groups;
  - ii) Home Business;
  - iii) Live/Work Units;
  - iv) Multiple Dwelling; and,
  - v) Townhouses.
3. Notwithstanding the definition of Front Lot Line in Section 3: Definitions of this By-law, the definition of the Front Lot Line shall mean any lot line of the lot abutting Artfrank Drive.
4. Notwithstanding Subsections 4.6d), 10.5.3a), b), c), d), gii) and iii), and h), the following regulations shall apply:
  - i) Minimum Yard Depth 1.5 metres from the from Daylight Triangle hypotenuse of the daylight triangle
  - ii) Yard Projection of a Porch A porch may project a maximum of 4.5 metres into any required rear yard and 1.6 metres into any required side yard.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 115 of 255)

- iii) Maximum Setback Abutting a Street 6.6 metres, except that the maximum setback from the south lot line shall not apply to a Multiple Dwelling.
- iv) Minimum Interior Side Yard for Townhouses and Dwelling Groups: 3.0 metres, except that a minimum 9.0 metres shall be provided and maintained for the easterly townhouse block adjacent to lands zoned Mixed Use Medium Density (C5, SE 319) Zone, with a Special Exception, known municipally as 182 and 188 Upper Mount Albion Road.
- v) Side Yard for Multiple Dwellings
  - 1. Minimum Interior 9.0 metres
  - 2. Maximum Exterior 6.7 metres
- vi) Minimum Rear Yard for Multiple Dwellings 8.8 metres
- vii) Maximum Density 200 units per hectare
- viii) Maximum Building Height of Townhouse, Maisonette, Live/Work Units, and/or Dwelling Groups located in Area D-4 3 storeys or 13.5 metres
- ix) Maximum Building Height for Apartment Buildings
  - Area D-1: 7 storeys or 24.1 metres, however the building shall be stepped in from both ends of the building a

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 116 of 255)

minimum of 3.0 metres for each storey above 16 metres of building height.

Area D-2: 12 Storeys or 40.6 metres

Area D-3: 8 storeys or 27.4 metres

- x) Privacy Areas Notwithstanding the yard requirements above, each maisonette and townhouse unit shall have at least one area which serves as a privacy area which shall be adjacent to the dwelling unit and shall have a minimum depth of 2.5 metres.
  - xi) Minimum Landscape Area 39.0 percent
  - xii) Subsection 10.5.3h) shall not apply.
5. Notwithstanding Subsections 5.2b)i), ii), and iii), 5.2f), and 5.6c) the following regulations shall apply:
- i) Minimum Parking Stall Size Dimensions For other than 90 degree perpendicular parking spaces and for parking spaces within private residential garages designed to accommodate one motor vehicle, the parking space shall not be less than 2.6 metres in width or less than 5.5 metres in length exclusive of any land used for access, manouvering, driveways, or

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 117 of 255)

a similar purpose.

- ii) Projections into Parking Stalls In addition to Clause i), a single step, hose bibs, electrical devices and/or ductwork and closet enclosures may project not more than 0.3 metres into the required length or width of a parking space.
- iii) Barrier-Free Parking Requirements Parking At least 1 percent of the required parking spaces, with a minimum of one parking space, on any parking lot having more than 10 parking spaces shall have a minimum rectangular dimension of 4.4 metres by 5.5 metres.
- iv) Parking Restrictions in Residential Zones Parking spaces shall have a width of not less than 2.6 metres and a length of not less than 5.5 metres and barrier free parking spaces shall have a width of not less than 4.4 metres and a length of not less than 5.5 metres, exclusive of any land used to permit ingress or egress to said parking spaces, manouvering areas, driveways or aisles. One parking space within a private residential garage shall not be less than 2.6 metres in width or less than 5.5 metres in length.
- v) Parking Requirement for Townhouse / Maisonette Dwellings 2.1 spaces per unit, which includes visitor spaces.
- vi) Parking Requirement for 1.55 spaces per unit, which

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 118 of 255)

- |       |   |   |
|-------|---|---|
|       | Bachelor / One Bedroom Multiple Dwelling Units                | includes visitor spaces.  |
| vii)  | Parking Requirement for Two Bedroom Multiple Dwelling Units   | 1.8 spaces per unit, which includes visitor spaces.   |
| viii) | Parking Requirement for Three Bedroom Multiple Dwelling Units | 2.05 spaces per unit, which includes visitor spaces.  |
| ix)   | Parking Location  | Where there is a grouping of three or more parking spaces, no parking shall be provided closer than 0.9 metres to any dwelling unit located on the same lot, except that the provisions of this clause shall not apply to any parking space located within an underground garage. |
- f) For the purposes of Special Exception No. 319 the following special provisions shall apply to **Area E** as shown on Figure 8 of Schedule “F” – Special Figures:
1. Notwithstanding Subsection 10.5.1, permitted uses shall be limited to the following:
    - i) Home Business;
    - ii) Multiple Dwelling; and,
    - iii) Stormwater management facility.
  2. Notwithstanding Subsections 5.1a) v), 5.6 c), 10.5.3 a), b), c), d), and h), the following regulations shall apply:
    - i) Minimum Lot Area 4,000 square metres
    - ii) Minimum Lot Frontage 45.0 metres
    - iii) Minimum Front Yard 7.5 metres
    - iv) Minimum Side Yard 7.5 metres

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 119 of 255)

- |       |                                      |   |
|-------|--------------------------------------|---|
| v)    | Minimum Flankage Yard                | 9.0 metres  |
| vi)   | Minimum Rear Yard                    | 7.5 metres  |
| vii)  | Increased Yards                      | Notwithstanding iii) – vi) above, Front yard, side yard and rear yard requirements shall each be increased by 1.0 metre for each 3.0 metres or part thereof by which the building exceeds a height of 15 metres.  |
| viii) | Maximum Lot Coverage                 | 35 percent  |
| ix)   | Maximum Residential Density          | 100 dwelling units per hectare  |
| x)    | Maximum Building Height              | 25 metres   |
| xi)   | Minimum Landscaped Open Space        | <p>A. The landscaped area shall not be less than 50 percent of the lot area of which at least 25 percent shall be in one area which is not the front yard</p> <p>B. A planting strip having a minimum width of 4.5 metres shall be provided and thereafter maintained adjacent to every portion of any lot that abuts a street except for points of ingress and egress.</p> |
| xii)  | Minimum Distance between Residential | 21.0 metres   |

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 120 of 255)

- |       |   |  |
|-------|---|--|
|       | Buildings on the Same Lot               |  |
| xiii) | Minimum Amenity Areas per Dwelling Type | <ul style="list-style-type: none"> <li>A. 1.5 square metres per bachelor unit;</li> <li>B. 2.0 square metres per one bedroom unit;</li> <li>C. 3.0 square metres per two bedroom unit;</li> <li>D. 4.0 square metres per three bedroom unit;</li> <li>E. 4.0 square metres per four bedroom unit; and,</li> <li>F. In addition to Clauses A.-E., not less than 10 percent of the total of the amenity areas shall be provided inside the applicable multiple dwelling building, and such inside area shall not be less than 93.0 square metres.</li> </ul> |
| xiv)  | Parking                                 | <ul style="list-style-type: none"> <li>A. 1.25 parking spaces and 0.35 visitor parking spaces for each bachelor or one bedroom multiple dwelling unit;</li> <li>B. 1.5 parking spaces and 0.35 visitor parking spaces for each two bedroom multiple dwelling unit;</li> <li>C. 1.75 parking spaces</li> </ul>  |



To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 121 of 255)

and 0.35 visitor parking spaces for each multiple dwelling unit having three or more bedrooms;

D. No common parking space shall be located closer than 3.0 metres from a single detached, semi-detached or duplex residential zone; and,

E. At least 60 percent of the required tenant parking shall be underground and/or within the multiple dwelling. Underground parking shall not be bound by setback requirements; however underground parking above grade shall be setback a minimum of 3.0 metres from any lot line.

g) For the purposes of Special Exception No. 319 the following special provisions shall apply to **Area F** as shown on Figure 8 of Schedule "F" – Special Figures:

1. Notwithstanding Subsection 10.5.1, permitted uses are limited to the following:
  - i) Botanical Gardens;
  - ii) Cemeteries;
  - iii) Conservation Uses;
  - iv) Fishing Preserves;
  - v) Golf Courses;

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 122 of 255)

- vi) Hazard Lands;
- vii) Nature Trails;
- viii) Public and Private Parks;
- ix) Public Greenhouses;
- x) Wildlife Management Areas; and,
- xi) Woodlots.

2. Notwithstanding Subsections 10.5.3a), b) and c), the following regulations shall apply:

- i) Maximum Lot Coverage 20 percent;
- ii) Minimum Front Yard 15.0 metres;
- iii) Minimum Side Yard 15.0 metres;
- iv) Minimum Rear Yard 15.0 metres;
- v) Minimum Landscaped Area 75 percent of the lot area;
- vi) Outdoor Storage No outdoor storage shall be permitted.
- vii) Parking In accordance with Section 5 of this By-law.

320. Within the lands zoned District Commercial (C6) Zone, identified on Maps 1434 and 1435 of Schedule "A" – Zoning Maps and described as 1060, 1080, 1090, 1096, 1100, 1110, 1122, 1130, 1136, 1142, 1144, 1146 and 1147 Wilson Street West and 1051 Garner Road West, the following special provisions shall apply:

- a) In addition to Subsection 10.6.2, the following uses shall also be prohibited:
  - i) Welding and Sheet Metal Shop.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 123 of 255)

- b) In addition to Subsection 10.6.1, the following uses shall also be permitted:
    - i) Home Improvement Supply Establishment; and,
    - ii) Building and Lumber Supply Establishment.
  - c) In addition to Subsection 10.6.3 f) the maximum gross floor area for all buildings shall be 38,000 square metres, including any garden centre which is located in a permanent building or structure, but excludes Hotel, Motor Vehicle Gas Bar and Motor Vehicle Car Washing Establishment.
  - d) Subsections 10.6.3 g) ii) and iii) shall not apply for individual new buildings with a maximum gross floor area of 500 square metres.
  - e) Notwithstanding Subsection 10.6.3 j), the following outdoor storage regulations shall apply:
    - i) Outdoor storage shall not be permitted in any minimum yard abutting a street;
    - ii) Outdoor storage shall be located a minimum of 3 metres from any side or rear yard not abutting a street;
    - iii) Outdoor storage shall be screened from view from any street by way of a minimum 1.5 metre decorative, solid board fence, or a minimum 3 metre planting strip; and,
    - iv) Outdoor storage areas shall not exceed an area equal to 4% of the gross floor area of the building to which it is accessory.
321. Within the lands zoned Community Commercial (C3) Zone, identified on Map 1295 of Schedule "A" - Zoning Maps and described as 902 Mohawk Road East, the following special provision shall apply:
- a) Notwithstanding Subsection 10.3.1 and in addition to Subsection 10.3.2, a Restaurant shall be prohibited.
322. Within the lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, identified on Map 912 of Schedule "A" – Zoning Maps and described as 401.5 Barton Street East, the following special provision shall apply:

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 124 of 255)

- a) Notwithstanding Subsection 10.5a.1, existing residential uses shall also be permitted on the ground floor.
323. Within the lands zoned Neighbourhood Commercial (C2) Zone, identified on Map 1306 of Schedule “A” – Zoning Maps and described as 604 Highway No. 8, the following special provisions shall apply:
- a) Notwithstanding Subsection 10.2.1, the permitted uses shall be located within the existing heritage building and shall be limited to the following:
    - i) Medical clinic;
    - ii) Professional office; and,
    - iii) One (1) accessory dwelling unit, provided such use is located together with a permitted commercial use within the same heritage building and is not located on the ground floor or in the cellar or basement.
  - b) Notwithstanding Subsections 10.2.3b), d) and j), the following regulations shall apply:
    - vii) Existing heritage building      The external appearance and height, comprising of the entire north, west and east facades and hip roof, and all associated building material and architectural features of the two-and-one-half storey heritage structure, shall be preserved and maintained. These materials and features include, but are not limited to, the high stone foundation, wrap-around verandah, entranceways and doors, windows and leaded glass, stone sills and lintels, brickwork, chimneys, cross gables and hip roof and all associated decorative woodwork existing on November 27, 2002.
    - viii) Landscaped strip      The minimum landscaped strip along the east property line and the rear lot line, between the east property line and detached garage, shall be 2.5 metres.
    - iii) Minimum Rear Yard Setback      1.5 metres.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 125 of 255)

324. Within the lands zoned Neighbourhood Commercial (C2) Zone, identified on Map 1436 of Schedule "A" – Zoning Maps and described as 21 Panabaker Drive, the following special provisions shall apply:

- a) In addition to Subsection 10.2.1, the following uses shall also be permitted:
  - i) Establishments providing Education or Instructional Services;
  - ii) Gymnasiums or Health Clubs excluding body rub parlours;
  - iii) Medical and Dental laboratories;
  - iv) Printing Establishment;
  - v) Retail, excluding adult-oriented video rental outlets and similar retail outlets;
  - vi) Service shop; and,
  - vii) Sub-Post Office.
- b) In addition to Subsection 3, for the purpose of Special Exception No. 324 the following definition shall apply:

Sub-Post Office	Means a Government of Canada postal sub-station or a commercial parcel pick-up and delivery service.
-----------------	--

- c) Notwithstanding Subsections 5.6 c) and 10.2.3 h), the following regulations shall also apply:
  - i) A fast food restaurant shall not exceed more than 40% of the total Gross Floor Area.
  - ii) Gymnasiums or Health Clubs, excluding Body Rub Parlours, shall not exceed more than 40% of the total Gross Floor Area.
  - iii) A Medical Clinic shall not exceed more than 40% of the total Gross Floor Area.
  - iv) Medical and Dental Laboratories shall not exceed more than 35% of the total Gross Floor Area.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 126 of 255)

- v) A Restaurant shall not exceed more than 25% of the total Gross Floor Area.
- vi) A minimum of 1 parking space for every 22 square metres of Gross Floor Area for all permitted uses shall be provided.

325. Within the lands zoned Neighbourhood Commercial (C2) Zone, identified on Map 1247 of Schedule “A” – Zoning Maps and described as 2791 King Street East, the following special provisions shall apply:

- a) In addition to Subsection 10.2.1, an existing parking lot in conjunction with an existing medical clinic located at 2803 King Street East shall also be permitted.
- b) Notwithstanding 5.2b), 5.2f) and 5.2i), the following special provisions shall also apply:
  - i) 

Parking Stall Size Dimension	A minimum parking stall size dimension of 2.6 metres by 5.5 metres shall be provided.
------------------------------	---
  - ii) 

Barrier Free Parking Stall Size Dimension	A minimum barrier free parking stall size dimension of 4.4 metres by 5.5 metres shall be provided.
---	--
  - iii) 

Minimum Aisle Width	A minimum aisle width with a 90 degree angle to a parking space shall be 5.5 metres.
---------------------	--

326. Within the lands zoned District Commercial (C6) Zone, identified on Maps 549, 580, 581, 582, 612 of Schedule “A” – Zoning Maps and described as Clappison’s Corner, shown as Figure 9 of Schedule “F” – Special Figures, the following special provisions shall apply:

- a) In addition to Subsection 10.6.1, the following uses shall also apply:
  - i) Automotive Convenience Centre;
  - ii) Commercial Entertainment;

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 127 of 255)

- iii) Commercial Recreation;
- iv) Commercial School;
- v) Conference or Convention Centre;
- vi) Day Nursery;
- vii) Dry Cleaning Distribution Station;
- viii) Dry Cleaning Establishment;
- ix) Financial Institution;
- x) Funeral Home;
- xi) Hotel;
- xii) Industrial Research and Development Establishment;
- xiii) Medical Clinic;
- xiv) Mini Storage uses within a wholly enclosed building(s) with no associated outdoor storage;
- xv) Motel;
- xvi) Motor Vehicle Gas Bar;
- xvii) Motor Vehicle Service Station;
- xviii) Motor Vehicle Washing Establishment;
- xix) Office;
- xx) Outdoor Storage Areas associated with Garden Centre and Home Improvement/Building Supplies Establishment;
- xxi) Personal Service;
- xxii) Printing Establishment;
- xxiii) Restaurant;
- xxiv) Retail;

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 128 of 255)

- xxv) Warehouse;
  - xxvi) Wholesale and Retail Warehouse Facility;
  - xxvii) Wholesale Membership Club; and,
  - xxviii) Veterinary Service.
- b) Notwithstanding Subsections 10.6.3a), b), c) i), d), f), and g) ii), iii), iv), v), and in addition to Subsection 10.6.3 i) and j), the following special provisions shall apply:
- i) Minimum Lot Frontage 30 metres.
  - ii) Minimum Lot Area – Restaurant 1,240 square metres.
  - iii) Minimum Lot Area – All Other Uses 1,500 square metres.
  - iv) Maximum Lot Coverage 30% except a lot with only Business, Professional, or Administrative Office use or uses shall be permitted a maximum lot coverage of 50%.
  - v) Yard Abutting a streetline other than a Provincial Highway 3.0 metres.
  - vi) Minimum Yard Abutting a Provincial Highway 14.0 metres.
  - vii) Minimum Interior Side Yard 3.0 metres, but 15 metres where abutting any Open Space or Conservation Management Zone within By-law 05-200 or By-law 90-45-Z.
  - viii) Minimum Rear Yard but abutting a streetline or Provincial Highway 6.0 metres.
  - ix) Maximum Height 15.0 metres.



To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 129 of 255)

- x) Minimum Planting Strip

  - 1. 6.0 metres width across all lot lines abutting a street except 3.0 metres where a building is located adjacent to a street.
  - 2. Applicable only to Block B on Figure 9 of this By-law, a transformer is permitted to be located within the required Planting Strip.
  
- xi) Provision of Visibility Triangle

Notwithstanding the Zone Provisions Clauses i) to ix), a minimum 15 metre by 15 metre landscaped triangle shall be provided and maintained for corner lots with one streetline on Dundas Street East, and a minimum 12 metre by 12 metre landscaped triangle shall be provided and maintained for corner lots in all other cases, which shall be suitably landscaped and designed to provide an attractive appearance. The required 15 metre by 15 metre landscaped triangle shall also include a gateway feature which shall be defined through site plan approval.
  
- xii) Maximum Total Gross Floor Area for all uses excluding Motel, Hotel, Community Centre and Public Uses Blocks 1 and 2 Combined.

71,000 square metres.
  
- xiii) Maximum Total Gross Floor Area for all uses excluding Motel, Hotel, Community Centre and Public Uses Block 3.

7,000 square metres.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 130 of 255)

- xiv) Maximum Total Gross Floor Area for all uses excluding Motel, Hotel, Community Centre and Public Uses Block 4 30,000 square metres.
- xv) Maximum Total Gross Floor Area for all uses excluding Motel, Hotel, Community Centre and Public Uses Block 5 31,000 square metres.
- xvi) Regulation on Door Openings Each use other than accessory uses shall be contained in a building having all of its customer access doors opening directly outdoors and shall not open onto another store or an unenclosed corridor.
- xvii) Open Storage requirements
 
  1. Refuse containers are permitted to be located in an exterior side yard for Block B of Figure 9.
  2. All outdoor storage, including a garden centre and a home improvement /building supplies area, shall be permitted provided that they are screened from view.
- xviii) Limitation on Mini-Storage Use For Blocks C, D, and E only, notwithstanding i) above, only one Mini-Storage use shall be permitted and only if setback of 150 metres from both Highway No. 5 (Dundas Street East) and from Highway No. 6 For lands located within Blocks A and B, only one Mini-Storage use shall be permitted and only if setback a minimum of 150 metres from Highway No. 5 (Dundas Street East) and setback a minimum of 100 metres from Highway No. 6.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 131 of 255)

- xix) Minimum Yard for Motor Vehicle Gas Bar Canopies from the lot line. 3.5 metres.
  
- c) Notwithstanding Subsections 5.2c), 5.2f), 5.2.1 b) and 5.6 c), the following special parking and loading provisions shall apply:
  - i) Minimum Parking Requirements not including Motel, Hotel, Community Centre, Exhibition Conference Hall, and Public Use
      - 1. 5.0 spaces per 100 square metres of Gross Floor Area.
      - 2. Notwithstanding Clause 1., a minimum 1.0 space per 30 square metres of Gross Floor Area for Block B of Figure 9.
  
    - ii) Loading Requirements
      - For Block B of Figure 9, for a building or structure with a total floor area of over 7,000 square metres, 3 loading spaces shall be provided and maintained, and that loading spaces are permitted to be located within an exterior side yard.
  
    - iii) Parking Stall Size Dimension
      - A minimum parking stall size dimension of 2.6 metres by 5.5 metres shall be provided.
  
    - iv) Barrier Free Parking Stall Size Dimension
      - A minimum barrier free parking stall size dimension of 4.4 metres by 5.5 metres shall be provided.
  
  - d) In addition to Subsection 3: Definitions, for the purposes of Special Exception No. 326 the following definition shall apply:
    - Warehouse Membership Club
      - A building with a minimum Gross Floor Area of 7,000 square metres, occupied by a single user, where the principal use is the sale of food and non-food products which are generally stored, displayed and offered for sale in one and the same area in a warehouse format and where customers, whether retail or wholesale, are generally required to be members of the

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 132 of 255)

club, but excludes department stores and supermarkets.

Automotive  
Convenience Centre

Shall mean a single building, containing more than one individual outlet, with a minimum Gross Floor Area of 465 square metres and a maximum of 1,050 square metres and which contains a gas bar and/or car wash on the same lot and which building is designed, developed, and maintained by the owner of the lot and the use of which may include a combination of individual outlets which may include a maximum of 1 convenience retail outlet and a maximum of 2 restaurants (including standard, convenience and fast food), regardless of whether such outlets are separately leased and have customer access from inside or outside the Automotive Convenience Centre.

e) That the remaining Subsections in 10.6 shall also apply.

327. Within the lands zoned Arterial Commercial (C7) Zone, identified on Maps 1100, 1552 and 1597 of Schedule "A" - Zoning Maps and described as:

Property Address	Map Number
84 Lakeview Drive	1100
86 Lakeview Drive	1100
88 Lakeview Drive	1100
90 Lakeview Drive	1100
92 Lakeview Drive	1100
94 Lakeview Drive	1100
96 Lakeview Drive	1100
135 Upper Centennial Parkway	1552 and 1597
151 Upper Centennial Parkway	1552
165 Upper Centennial Parkway	1552

The following special provisions shall apply:

- a) In addition to Subsection 10.7.1 and notwithstanding Subsection 10.7.2, the following uses shall also be permitted:
  - i) Beverage Making Establishment;

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 133 of 255)

- ii) Catering Service;
  - iii) Commercial School;
  - iv) Communications Establishment;
  - v) Craftsperson Shop;
  - vi) Day Nursery;
  - vii) Dwelling Units(s);
  - viii) Financial Establishment;
  - ix) Laboratory;
  - x) Medical Clinic;
  - xi) Multiple Dwelling;
  - xii) Office;
  - xiii) Personal Services;
  - xiv) Place of Assembly;
  - xv) Retail;
  - xvi) Social Services Establishment;
  - xvii) Studio; and,
  - xviii) Urban Farmers Market.
- b) The regulations pertaining to the uses identified in Clause a) shall be in accordance with Subsection 10.7.3.
- c) Notwithstanding Clause b), the uses identified in Clauses a) vii) and a) xi), shall also be subject to the following regulation:

Restriction of Uses within a Building	The following uses shall only be permitted above the ground floor except for access, accessory office and utility areas, and shall not, as a stand-alone use or in combination, occupy more than
---------------------------------------	--

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 134 of 255)

50% of the total gross floor area:

Dwelling Unit(s);  
Multiple Dwelling; and,  
Office.

328. Within the lands zoned Neighbourhood Commercial (C2) Zone, identified on Map 1388 of Schedule “A” – Zoning Maps and described as part of 515 Garner Road East and 523, 527 and 535 Garner Road East, the following special provision shall apply:

- a) Notwithstanding Subsection 10.2.3 h), the maximum gross floor area for commercial uses shall be 1,800.0 square metres.

329. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Maps 1178 and 1179 of Schedule “A” – Zoning Maps and described as 1173 and 1203 Old Golf Links Road, the following special provisions shall apply:

- a) Notwithstanding Subsections 10.5.3 a), b), c), d) and g) and 5.1 a) v), the following regulations shall apply:

- i) Maximum Lot Coverage 60%;
- ii) Minimum Front Yard Setback 15.0 metres, except 5.0 metres to a canopy, 1.5 metres to a below-grade parking structure, and 1.5 metres to an above-grade parking structure;
- iii) Minimum Side Yard Setback 1.5 metres, except 1.5 metres to a below-grade parking structure, and 6.5 metres to an above-grade parking structure;
- iv) Minimum Rear Yard Setback 1.5 metres, except 0.3 metres to a below-grade parking structure, and 0.9 metres to an above-grade parking structure;
- v) Maximum Height 22.0 metres and 6 storeys.
- vi) Parking Regulation A minimum of 301 parking spaces shall be provided and maintained for a Hotel containing a maximum of 113 units and

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 135 of 255)

Offices with a maximum gross floor area of 7,397 square metres;

vii) Parking Location

No parking space shall be located closer to a street line or a lot line not abutting a street than 0.3 metres.

330. Within the lands zoned Neighbourhood Commercial (C2) Zone, identified on Maps 1448 and 1497 of Schedule "A" – Zoning Maps and described as 741 Rymal Road East, the following special provisions shall apply:

a) Notwithstanding Subsections 10.2.1, 10.2.3 f), g) and h), only a mixed-use building comprised of residential units above commercial uses on the ground floor shall be permitted, subject to the following special provisions:

i) Residential Uses:

A. One dwelling unit for each 180.0 square metres of area of the lot which the building is situated, provided that the building does not exceed 2 storeys in height, and the gross floor area (GFA) of the building used for dwelling units shall be at least equivalent to the Commercial GFA and shall not exceed 455.0 square metres.

ii) Commercial Uses:

A. Commercial School;

B. Office;

C. Financial Establishment;

D. Day Nursery;

E. Private Club, Lodge, Fraternity or Sorority House or Labour Union Hall;

F. Restaurant which shall not include an outdoor commercial patio, and/or any dancing or other entertainment except music;

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 136 of 255)

- G. Retail; and,
- H. Photographer’s or Artist’s Studio, but not including a motion picture studio.

b) Notwithstanding the height requirement in Subsection 4.19, Subsections 10.3.1 a) and l), and in addition to Subsections 10.2.3 k), the following regulations shall also apply:

- i) Storage Storage or goods to be manufactured, assembled, or sold upon the premises shall be permitted only within the cellar of the building.
- ii) Minimum Front Yard 6.0 metres
- iii) Access No vehicular ingress or egress shall be permitted from the subject lands onto Eva Street and/or Eaglewood Drive.
- iv) Garbage Areas Any garbage areas shall be contained entirely within the principal building.
- v) Visual Barrier Minimum Height 2.1 metres

331. Within the lands zoned Neighbourhood Commercial (C2) Zone, identified on Maps 1242 and 1295 of Schedule “A” – Zoning Maps and described as 788 Upper Ottawa Street, the following special provisions shall apply:

a) Notwithstanding Subsections 5.2b), 5.2f), 10.2.3 a), b) ii), c) ii) and d), the following regulations shall apply:

- i) Minimum Front Yard 0.0 metres;
- ii) Minimum Setback from Residential Zone 9.0 metres;
- iii) Maximum Building Height 3-storeys and / or 13.0 metres;
- iv) Minimum Loading No loading space shall be required.



To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 137 of 255)

Requirements

- |       |   |   |
|-------|---|---|
| v)    | Restriction of Uses within a Building     | <p>1. Commercial uses shall only be permitted on the ground floor of a mixed-use building; and,</p> <p>2. Residential units, to a minimum of 4 dwelling units and a maximum of 8 dwelling units, shall be required above any use permitted on the ground floor.</p> |
| vi)   | Access Driveway                           | An access driveway shall be located not less than 1.5 metres from the common boundary with a Residential Zone.  |
| vii)  | Parking Stall Size Dimension              | A minimum parking stall size dimension of 2.6 metres by 5.5 metres shall be provided.   |
| viii) | Barrier Free Parking Stall Size Dimension | A minimum barrier free parking stall size dimension of 4.4 metres by 5.5 metres shall be provided.  |

332. Within lands zoned Mixed Use Medium Density (C5) Zone, identified on Map 909 of Schedule "A" - Zoning Map and described as part of 100 and 120 Ray Street North, and 337 and 339 York Boulevard, following special provisions shall also apply:

- a) Notwithstanding the definition of Front Lot Line in Section 3: Definitions, the following definition shall apply:

Front Lot Line : Shall mean any lot line of the lot abutting York Boulevard.

- b) Notwithstanding Subsection 10.5.3 d) ii) the maximum height shall be 53.0 metres.

333. Within those lands zoned Neighbourhood Commercial (C2) Zone, identified on Map 1389 of Schedule “A” – Zoning Maps and described as 587 Garner Road East, the following special provisions shall apply:

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 138 of 255)

- a) In addition to Subsection 10.2.1, a retail showroom for a spa and pool business with accessory offices and storage areas shall also be permitted.
  - b) In addition to Subsection 10.2.3, the maximum floor area for the use identified in Clause a) shall be 610.0 square metres.
  - c) Notwithstanding Subsection 4.8, accessory buildings existing as of February 8, 2012 shall be permitted.
334. Within the lands zoned Community Commercial (C3) Zone, identified on Map 1259 of Schedule "A" – Zoning Maps and described as 1365 and 1367 Baseline Road, the following special provisions shall apply:
- a) In addition to Subsection 10.3.1, Commercial Recreation shall also be permitted.
  - b) In addition to Subsection 10.3.2, a Drive-Through Facility shall also be prohibited.
  - c) Notwithstanding Subsections 5.2b), 5.2f), 5.6c), 10.3.3 a), d), and j), the following regulations shall apply:
    - i) Minimum Front Yard 4.0 metres;
    - ii) Minimum Flankage Side Yard 1.3 metres;
    - iii) Maximum Building Height 11.5 metres;
    - iv) Minimum Landscape Open Space
      - A. The landscaped area shall not be less than 30 percent of the lot area;
      - B. A landscaped strip having a minimum width of 1.3 metres and an average width of 3.0 metres shall be provided and maintained along North Service Road, and a landscape strip having a minimum width of 4.0 metres shall be provided and maintained along Baseline Road, except for points of ingress

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 139 of 255)

and egress;

C. A landscape strip having a minimum width of 2.0 metres with a minimum 1.8 metre high board-on-board fence shall be provided and maintained adjacent to every portion of any lot line that abuts any zone other than a Commercial or Industrial Zone.

- v) Minimum Barrier Free Parking Requirements A minimum of 2 of the required spaces shall be barrier free spaces.
- vi) Minimum Loading Requirements A minimum of one loading space shall be provided and maintained.
- vii) Restriction of Uses within a Building No commercial uses are permitted, except on the ground floor where contained jointly with apartment dwelling unit(s) in the same building, provided that the gross floor area of the building used for commercial purposes does not exceed the floor area being used for residential purposes, including residential common areas.
- viii) Parking Stall Size Dimension A minimum parking stall size dimension of 2.6 metres by 5.5 metres shall be provided.
- ix) Barrier Free Parking Stall Size Dimension A minimum barrier free parking stall size dimension of 4.4 metres by 5.5 metres shall be provided.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 140 of 255)

335. Within the lands zoned Community Commercial (C3) Zone, identified on Map 1594 of Schedule “A” – Zoning Maps and described as 1962, 1970 and 1976 Rymal Road East, the following special provisions shall apply:

a) In addition to Subsection 10.3.1 and notwithstanding Subsections 10.3.2, the following uses shall also be permitted:

i) Drive-Through Facility;

ii) Nursery school; and,

iii) Service Shop.

b) Notwithstanding the definition of Front Lot Line in Section 3: Definitions, and Subsections 10.3.3 a), b), c), d), g) and i) and 5.6 c), the following regulations shall also apply:

- |       |   |   |
|-------|---|---|
| i)    | Maximum Lot Coverage  | 30%   |
| ii)   | Total Maximum Gross Leasable Floor Area   | 2,500 square metres   |
| iii)  | Maximum Gross Leasable Floor Area for each individual establishment               | Not more than one half of the total gross leasable floor area provided on the site. |
| iv)   | Maximum Gross Floor Area for a Medical Clinic                                     | 555.0 square metres   |
| v)    | Minimum Front Yard  | 7.5 metres  |
| vi)   | Minimum Interior Side Yard  | 3.0 metres  |
| vii)  | Minimum Exterior Side Yard  | 4.5 metres  |
| viii) | Minimum Rear Yard   | 10.0 metres   |
| ix)   | The lot line that abuts Rymal Road East shall be deemed to be the front lot line. |   |
| x)    | Maximum Height  | 14.0 metres   |
| xi)   | Minimum Number of Parking Spaces  | One (1) space for each 18.0 square metres of gross floor area or fraction thereof.  |

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 141 of 255)

336. Within the lands zoned District Commercial (C6) Zone, identified on Maps 1199, 1200 and 1450 of Schedule "A" – Zoning Maps and described as:

Property Address	Map Number
621, 625 Barton Street and 311, 315, 327, 331 Fruitland Road	1199, 1200
1120 Stone Church Road East	1450

The following special provision shall apply:

- a) In addition to Subsection 10.6.1, a Warehouse shall also be permitted:
337. Within the lands zoned District Commercial (C6) Zone, identified on Maps 1911 and 1912 of Schedule “A” – Zoning Maps and described as 10 Fall Fair Way, Part of 39 Garinger Crescent and 2490 Regional Road 56 the following special provisions shall apply:
- a) In addition to Subsection 10.6.1 and notwithstanding Section 10.6.2, a Garden Centre shall also be permitted.
338. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Maps 1595, 1596, 1639 and 1640 of Schedule “A” – Zoning Maps and described as 2100, 2120, 2130, 2140, 2150, 2160, 2170, 2172, 2176, 2180, and 2190 Rymal Road East, the following special provisions shall apply:
- a) In addition to Subsection 10.5.1 and notwithstanding Subsection 10.5.2, the following uses shall also be permitted:
- i) Block townhouse dwelling;
  - ii) Duplex dwelling;
  - iii) Long Term Care Facility;
  - iv) Semi-detached dwelling;
  - v) Triplex dwelling;
  - vi) Garden Centre; and,
  - vii) Motor Vehicle Rental Establishment.
- b) In addition to Subsection 4.25 b) and Notwithstanding the definition of Front Lot Line in Section 3: Definitions and Subsections 5.1a)v), 5.2b),

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 142 of 255)

5.2f), 5.2h), 5.6 c), 10.5.3a), b), c), d), g)ii) and iii), i) and k), the following regulations shall apply to all Commercial uses:

- i) Minimum Front Yard 7.5 metres
- ii) For the purposes of Special Exception No. 338, the lot line that abuts Rymal Road shall be deemed to be the front lot line.
- iii) Minimum Side Yard 3 metres except:
  - 1. 7.5 metres abutting a side lot line which is the boundary of any Residential or Institutional Zone or where ground floor residential use or an institutional use is located on the adjoining land; and
  - 2. 7.5 metres on a corner lot for the side yard abutting the flankage street.
- iv) Minimum Rear Yard 7.5 metres, except where a rear yard abuts a street, Residential or Institutional Zone, a ground floor residential use or institutional use, the minimum yard shall be 9 metres.
- v) Maximum Height 10.7 metres
- vi) Minimum Landscaping Requirements
  - A. A landscaped area in the form of a planting strip having a minimum width of 4.5 metres and a fence having a minimum height of 1.8 metres shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a Residential or Institutional Zone or any Zone where the adjoining land use is used for residential or institutional purposes.
  - B. A landscaped area having a minimum width of 4.5 metres shall be provided and thereafter

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 143 of 255)

maintained adjacent to every portion of any lot line that abuts a street, and such landscaped areas shall be continuous except for the required driveway(s).

- vii) Outside Storage and Display
  - A. Outside storage shall not be permitted in any front yard, however, the outside display of vehicles or plants accessory to the principal use on the subject lot may be permitted in the front yard.
  - B. Outside storage and display areas shall not be permitted less than 4.5 metres from any street and/or the boundary of any Residential or Institutional Zone or any Zone where the adjoining land is used for residential or institutional purposes.
  - C. Outside storage areas shall be screened from view and enclosed with a fence having a minimum height of 1.8 metres.
  
- viii) Maximum Gross Leasable Floor Area 47,940 square metres
  
- ix) Gross Leasable Floor Area (GLFA) for individual retail stores
  - A. Retail Stores (Minimum) – 1,860 square metres;
  - B. Retail Stores (Maximum) – 17,650 square metres; and,
  - C. Notwithstanding Clause 1., a maximum a maximum GLFA of 11,200 square metres for retail stores between 460 and 1,860 square metres shall be permitted, in addition to not more than 20% of the 11,200 square metre maximum GFLA for retail stores

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 144 of 255)

having a minimum of 110 square metres.

- x) Minimum Parking Requirements
      - A. A minimum of 4.6 parking spaces for each 100 square metres of gross floor area of fraction thereof shall be provided and maintained.
      - B. No parking space shall be less than 2.6 metres in width by 5.5 metres in length.
    - xi) Minimum Aisle Width
      - The aisle giving access to a parallel parking space shall have a minimum width of 3.6 metres for one-way traffic, and a minimum width of 6.0 metres for two-way traffic; and,
    - xii) Barrier Free Parking Stall Size Dimension
      - A minimum barrier free parking stall size dimension of 4.4 metres by 5.8 metres shall be provided.
    - xiii) A minimum driveway width of 4.0 metres shall be provided and maintained for a drive-through and no drive-through lane, stacking lane or pick-up window, shall be located between the building and a street.
    - xiv) Notwithstanding the definition of a Lot, those lands zoned Mixed Use Medium Density (C5, 338) Zone, Modified shall be considered as one lot, notwithstanding any consolidation or division of the same.
    - xv) For buildings constructed after July 9, 2009, a maximum 3.0 metre front yard setback, which area shall be provided and maintained as a landscape area, shall apply to not less than 37.5% or more of the measurement of the front lot line.
  - c) Notwithstanding Subsections 4.6 a), d), e), 5.6 c), 10.5.3 a), b), d) and h), the following regulations shall apply to the uses identified in Clause a) i), ii), iv) and v):
    - i) Maximum Density 50 dwelling units per hectare
    - ii) Minimum Landscaped 40 percent of the lot area, which may



To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 145 of 255)

	Area	include the required privacy area
iii)	Minimum Lot Frontage	45.0 metres and 4.5 metres for an individual townhouse unit.
iv)	Minimum Lot Area	0.3 hectares and 80 square metres for an individual townhouse.
v)	Minimum Front Yard	4.5 metres
vi)	Minimum Interior Side and Rear Yards	1.2 metres for end units
vii)	Minimum Rear Yard	7.0 metres
viii)	Minimum Distance Between Buildings	<p>Separation Between</p> <ol style="list-style-type: none"> <li>1. 2.4 metres between end walls, except 10.0 metres between end walls separated by a private road;</li> <li>2. 15.0 metres between front walls;</li> <li>3. 12.0 metres between rear walls;</li> <li>4. 12.5 metres between front and side walls;</li> <li>5. 7.2 metres between rear and end walls, except 14.0 metres between rear and end walls separated by a private road; and,</li> <li>6. 3.0 metres between indoor and outdoor private recreational areas, facilities and structures and dwelling units.</li> </ol>
ix)	Permitted Encroachments	<ol style="list-style-type: none"> <li>1. Unenclosed porched, both covered and uncovered, may project a maximum 2.5 metres into the required front yard and/or 6.0 metres into the required side yard.</li> <li>2. Stairs used to provide access to porches, both covered and</li> </ol>

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 146 of 255)

uncovered, may project a maximum of 0.6 metres beyond the limits of the porch into the required front yard and/or side yard.

3. Window projections with or without foundations, and architectural elements without a foundation such as, but not limited to, fireplaces, chimneys, pilasters, and corbels, may project a maximum of 0.61 metres beyond the front, end or rear walls.
4. Balconies, canopies, awnings and fruit cellars may project a maximum of 2.0 metres into the required front or rear yard and/or 0.6 metres into the required side yard.
5. Decks may project 3.5 metres beyond the rear wall.

x) Maximum Driveway Width The maximum driveway width shall be the distance between the exterior walls of the garage.

- xi) Garage Projections
1. The front face of a garage may project a maximum of 3.5 metres beyond the front face of the main building provided:
    - a. The main second floor wall above the garage is setback a maximum of 2.5 metres from the front face of the garage; and
    - b. The second floor wall face above the garage has a minimum width of sixty percent (60%) of the garage width.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 147 of 255)

- |        |                         |         |  |
|--------|-------------------------|---------|--|
| xii)   | Minimum Setback         | Garage  | 5.8 metres from the limits of a private road   |
| xiii)  | Maximum Height          |         | 12.6 metres  |
| xiv)   | Visual Barrier          |         | A visual barrier shall be required along any lot line abutting a Residential Zone.   |
| xv)    | Minimum Privacy Area    |         | A minimum of 30.0 square metres per townhouse dwelling unit shall be provided adjacent to the unit.  |
| xvi)   | Minimum Amenity Area    |         | A minimum of 5 square metres per dwelling unit shall be provided and thereafter maintained, and may be provided in a common element condominium.   |
| xvii)  | Dwelling Unit Placement |         | <ol style="list-style-type: none"> <li>1. Not more than eight (8) dwelling units shall be attached in a continuous row; and,</li> <li>2. Not more than four (4) attached dwelling units shall be erected in a row without offsetting or staggering the front face or wall of the dwelling a minimum of 1.0 metres or without varying the exterior design and materials of the front face or wall of the dwelling.</li> </ol> |
| xviii) | Minimum Requirements    | Parking | <ol style="list-style-type: none"> <li>1. Each parking space shall have a minimum width of 2.75 metres and a minimum length of 5.8 metres;</li> <li>2. Each dwelling unit shall have one (1) of the two (2) required parking spaces located within an attached private garage and the second parking space shall be provided contiguous to the unit; however, both parking spaces may be</li> </ol>                          |

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 148 of 255)

- located underground or in a parking structure;
3. A minimum of two (2) parking spaces per dwelling unit shall be provided plus 0.25 visitor parking spaces for each dwelling unit; and
  4. No parking space or area, save and except a space or area contiguous to a dwelling unit, shall be located closer to a street line than 6.0 metres, and not be closer than 3.0 metres to any Residential Zone or where the adjoining land use is used for residential purposes, unless such parking is located within a below-grade communal parking structure.
- xix) For the purposes of the lot frontage, lot area, front yard, and side yard requirements only, a condominium road shall be deemed to be a public street.
- xx) Visitor parking may be provided in a common element condominium.
- d) Notwithstanding Subsections 5.6c), 10.5.3 a), b), c), d), g)ii) and iii), and h), the following regulations shall apply to Multiple Dwellings, Retirement Homes and the use identified in Clause a) iii):
- i) Maximum Lot Area 5.25 hectares
  - ii) Maximum Density for Multiple Dwellings 50 dwelling units per hectare
  - iii) Minimum Parking Requirements
    - A. Each parking space shall have a minimum width of 2.75 metres and a minimum length of 5.8 metres;
    - B. A minimum of 1.5 spaces per dwelling shall be provided for a Multiple Dwelling and 0.4 spaces per unit for a Long Term Care

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 149 of 255)

Facility and Retirement Home;  
and,

C. No parking space or area, shall be located closer to a street line than 6.0 metres and not be closer than 3.0 metres to any Residential Zone or where the adjoining land use is used for residential purposes, unless such parking is located within a below-grade communal parking structure.

- iv) Minimum Lot Frontage 30 metres
- v) Minimum Lot Area 0.4 hectares
- vi) Maximum Lot Coverage 25 percent
- vii) Minimum Front Yard 9 metres
- viii) Minimum Side and Rear Yards 9 metres
- ix) Minimum Floor Area per Dwelling Unit
  - A. Bachelor Unit – 45 square metres
  - B. One Bedroom Unit – 60 square metres
  - C. Two Bedroom Unit – 75 square metres
  - D. Three or More Bedrooms – 85 square metres
- x) Maximum Height 10.7 metres
- xi) Minimum Amenity Area A minimum of 5 square metres per dwelling unit shall be provided and thereafter maintained.
- xii) Minimum Landscaped Area 40 percent of the lot area excluding the amenity area.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 150 of 255)

339. Within the those lands zoned Arterial Commercial (C7) Zone, identified on Map 1048 of Schedule "A" – Zoning Maps and described as 45 Goderich Road, the following special provisions shall apply:
- a) In addition to Subsection 10.7.1, the following uses shall also be permitted:
    - i) Office; and,
    - ii) Retail.
340. Within the lands zoned Community Commercial (C3) Zone, identified on Map 958 of Schedule "A" – Zoning Maps and described as 360 Beach Road, the following special provisions shall apply:
- a) In addition to Subsection 10.3.1, all permitted uses shall be contained within the building existing as of April 11, 2012.
  - b) In addition to Subsection 10.3.1, the following uses shall also be permitted:
    - i) Kennel, with no outside cages or runs; and,
    - ii) Funeral Home.
  - c) In addition to Subsection 10.3.2, the following uses shall also be prohibited:
    - i) Motor Vehicle Gas Bar;
    - ii) Motor Vehicle Service Station;
    - iii) Motor Vehicle Washing Establishment; and,
    - iv) Commercial Parking Facility.
  - d) Notwithstanding Subsections 5.2b), 5.2f), and 5.6c), the following special Parking provisions shall also apply:
    - i) 

Parking Stall Size	A minimum parking stall size
Dimension	dimension of 2.6 metres by 5.5 metres shall be provided.
    - ii) 

Barrier Free Parking	A minimum barrier free parking stall
----------------------	--------------------------------------

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 151 of 255)

	Stall Size Dimension	size dimension of 4.4 metres by 5.5 metres shall be provided.
ii)	Parking Space Requirement	1 space per 33 square metres of Gross Leasable Floor Area for any permitted commercial use.

341. Within the lands zoned Arterial Commercial (C7) Zone, identified on Maps 1433 and 1434 of Schedule “A” – Zoning Maps and described as 120 and 128 Portia Drive, the following special provisions shall apply:

- a) Notwithstanding Subsection 10.7.1, the following uses shall be permitted up to a maximum aggregate gross floor area of 11,788 square metres:
  - i) Veterinary Service;
  - ii) Building and Lumber Supply Establishment;
  - ii) Convenience Retail in conjunction with a Motor Vehicle Gas Bar;
  - iv) Catering Service;
  - v) Conference or Convention Centre;
  - vi) Craftsperson Shop;
  - vii) Home Furnishing Retail Establishment;
  - viii) Home Improvement Supply Establishment;
  - ix) Hotel;
  - x) Motor Vehicle Gas Bar;
  - xi) Motor Vehicle Dealership;
  - xii) Commercial Parking Facility;
  - xiii) Commercial Recreation;

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 152 of 255)

- iv) Major Recreational Equipment Sales, Rental and Service Establishment;
  - v) Rental Establishment; and,
  - vi) Restaurant;
- b) Notwithstanding Subsection 10.7.1, the following uses shall be permitted up to a maximum aggregate gross floor area of 10,525 square metres, provided the permitted uses contained in Clause a) and this section shall not exceed an aggregate gross floor area of 11,788 square metres:
- i) Financial Institution;
  - ii) Office;
  - iii) Brewers Retail Store;
  - iv) Personal Service;
  - v) Travel Agency;
  - vi) Farmer's Market;
  - vii) Gymnasium;
  - viii) Insurance Office;
  - ix) Library, Museum, and Art Gallery;
  - x) Liquor Control Board of Ontario Stores;
  - xi) Drug Store;
  - xii) Retail Store; and,
  - xiii) Convenience Retail Store.
- c) In addition to Subsection 10.7.2, the following uses shall also be prohibited:
- i) Movie Theatre(s);
  - ii) Department Store;



To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 153 of 255)

- iii) Warehouse Membership Club; and,
  - iv) Residential Uses.
- d) Notwithstanding Subsections 5.1a) v), 5.6 c), 10.7.3 a), b) and c), the following regulations shall also apply:
- i) Minimum Front Yard 1.5 metres, except 3.0 metres when providing for a planting strip under subsection v).
  - ii) Minimum Side Yard 1.5 metres, except where an interior side yard abuts a private vehicular turnaround, a 0.0 metre side yard shall be permitted.
  - iii) Minimum Rear Yard 10 metres.
  - iv) Minimum Parking Requirement for all uses 3.5 spaces for each 93 square metres of gross floor area.
  - v) Planting Strip Requirements 3.0 metres strip shall be provided adjacent to each lot line which abuts a public street or lot containing a dwelling comprising one or two dwelling units, and shall permit the location of principal buildings, walkways and sidewalks, retaining walls, curbs, signs, and light standards within the required landscaping strip.
343. Within the lands zoned Community Commercial (C3) Zone, identified on Maps 1339 and 1340 of Schedule “A” – Zoning Maps and described as 1160 Upper Paradise Road, the following special provisions shall apply:
- a) Notwithstanding Subsection 10.3.3 j), a planting strip of not less than 6.0 metres in width shall be provided and maintained along every side lot line and rear lot line adjoining a Residential Zone or use.
344. Within the land zoned District Commercial (C6) Zone, identified on Map 1748 of Schedule “A” – Zoning Maps and described as 3250 Homestead Drive, the following special provisions shall apply:
- a) In addition to Subsection 10.6.2, the following use shall also be prohibited:
    - i) Financial Establishment.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 154 of 255)

b) In addition to Subsection 10.6.1, the following use shall also be permitted:

i) A maximum of 12 residential units shall be permitted within the principal building, provided they are located above the permitted ground floor commercial.

c) In addition to Subsection 5.2.1 and notwithstanding Subsections 5.1a) v), 5.2b), 5.2f), 10.6.3 a), c), g), h), i) and j), the following regulations shall also apply:

- i) Maximum Lot Coverage 37%
- ii) Minimum Front Yard 6.7 metres
- iii) Minimum Side Yard 0.0 metres on a corner lot for the side yard abutting the flankage street.
- iv) Parking No parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle at a distance of less than 2.6 metres from any rear lot line, or 1.0 metres from any street line, or 2.0 metres from the boundary of any Residential or Institutional Zone or any Zone where the adjoining lands are used for residential or institutional purposes.
- v) Parking Stall Size Dimension A minimum parking stall size dimension of 2.6 metres by 5.5 metres shall be provided.
- vi) Barrier Free Parking Stall Size Dimension A minimum barrier free parking stall size dimension of 4.4 metres by 5.5 metres shall be provided.
- vii) Minimum Requirements Loading A minimum of one loading space shall be provided and maintained for the entire development with a

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 155 of 255)

minimum dimension of 2.6 metres wide x 5.5 metres long.

- viii) Minimum Landscaping Requirements
1. A landscaped area, in the form of a planting strip having a minimum width of 1.8 metres and a fence having a minimum height of 1.8 metres, shall be provided and maintained adjacent to any lot line that abuts any Residential or Institutional Zone or any Zone where the adjoining land is used for residential or institutional purposes;
  2. Notwithstanding Clause 1., the required minimum 1.8 metre planting strip shall be comprised of Eastern White Cedars (*Thuja Occidentalis*) with a minimum size of 200 or 250 cm W.B., and a board on board fence with a minimum height of 1.8 metres, along the rear lot line abutting 3 Longview Drive;
  3. A landscaped area having a minimum width of 3.0 metres shall be provided and maintained along every portion of any lot line that abuts Homestead Drive, and 0.0 metres shall be provided along any portion abutting the building along Longview Drive, and a minimum of 1.0 metres for all other portions abutting Longview Drive.
- ix) Any garbage enclosure shall only be provided and maintained within the interior of the building.
- x) A minimum of 50% of the ground floor façade along Longview

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 156 of 255)

Drive shall be composed of windows and doors.

- xi) Residential and visitor's parking areas shall be physically and functionally separated from the commercial parking area.
  - xii) No balconies shall be permitted on the west façade of the proposed development.
345. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map 903 of Schedule "A" – Zoning Maps and described as 15 and 17 Ogilvie Street, the following special provision shall apply:
- a) In addition to Subsection 10.5.1, a Semi-Detached Dwelling shall also be permitted.
346. Within the lands zoned District Commercial (C6) Zone, identified on Maps 1399 and 1450 of Schedule "A" – Zoning Maps and described as 1381 and 1395 Upper Ottawa Street, the following special provisions shall apply:
- a) Notwithstanding Subsection 10.6.3 c), a minimum westerly side yard of 3.1 metres shall be provided and maintained;
  - b) Notwithstanding Subsection 10.6.3 b), a minimum rear yard of 3.1 metres shall be provided and maintained; and,
  - c) Notwithstanding Subsection 5.2b), every parking space, other than a parallel parking space, shall have dimensions not less than 2.7 metres wide and 5.5 metres long.
347. Within the lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, identified on Map 1956 of Schedule "A" – Zoning Maps and described as 3200 Regional Road 56, the following special provisions shall apply:
- a) Notwithstanding Subsections 10.5a.1, only the following uses shall be permitted:
    - i) Commercial School;
    - ii) Day Nursery;
    - iii) Financial Establishment;
    - iv) Office;
    - v) Personal Services;

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 157 of 255)

- vi) Restaurant;
  - vii) Retail; and,
  - viii) Residential units on the ground floor have 50% of the floor area combined with permitted commercial uses having 50% of the floor area.
- b) In addition to Clause a), residential units shall be required above any commercial use permitted on the ground floor.
- c) In addition to Clause a), the Commercial School shall only be permitted in the cellar of the existing building.
- d) In addition to Subsection 5.2.1 and notwithstanding Subsections 4.19, 5.1 a)v), 5.2b), 5.2f), 5.6 c), 10.5a.3) c), i) and k), the following regulations shall apply:
- i) Minimum Front Yard 3.0 metres;
  - ii) Minimum Side Yard 3.0 metres, except 7.5 metres abutting a side lot line which is the boundary of any Residential Zone, or where a ground floor residential use is located on the adjoining lands.
  - iii) Minimum Requirements Parking
    - A. Parking spaces shall be provided at a rate of 1.25 spaces per residential dwelling unit, and 1 space per every 60 square metres of gross floor area for commercial uses;
    - B. Visitor parking shall be shared with the commercial parking space.
  - iv) Minimum Requirements Loading One (1) loading space shall be required and shared for the residential and commercial uses.
  - v) Minimum Requirements Landscaping
    - A. A landscaped area in the form of a planting strip having a

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 158 of 255)

minimum width of 6.0 metres and a fence having a minimum height of 1.8 metres shall be provided and thereafter maintained adjacent to every part of any lot line that abuts a Residential use;

B. A landscaped area having a minimum width of 3.0 metres shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a street, and such landscaped area shall be continuous except for required driveway(s).

- |       |                              |      |  |
|-------|------------------------------|------|--|
| vi)   | Parking Stall Dimension      | Size | A minimum parking stall size dimension of 2.6 metres by 5.5 metres shall be provided.  |
| vii)  | Barrier Free Stall Dimension | Size | A minimum barrier free stall size of 4.4 metres by 5.5 metres shall be provided.   |
| viii) | Outside Storage and Display  | and  | <p>A. Outside storage and display areas shall not be permitted less than 6.0 metres from any street and/or the boundary of any Residential Zone or any Zone where the adjoining land is used for residential;</p> <p>B. Outside storage areas shall be screened from view and enclosed with a fence having a minimum height of 1.8 metres.</p> |

348. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map 994 of Schedule “A” – Zoning Maps and described as 151 John Street South, the following special provisions shall apply:

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 159 of 255)

- a) In addition to Subsection 10.5.1, a Multiple Dwelling within the existing building containing no more than 16 dwelling units shall also be permitted; and,
  - b) Notwithstanding Subsection 5.6, zero (0) parking spaces shall be required.
349. Within the lands zoned District Commercial (C6) Zone, identified on Maps 1501 and 1502 of Schedule "A" – Zoning Maps and described as 512 Highland Road West, the following special provisions shall apply:
- a) In addition to Subsection 10.6.1, the following use shall also be permitted:
    - i) Retail, including one Supermarket; and,
  - b) Notwithstanding the definition of Retail in Section 3: Definitions and Subsections 4.6, 4.25c)ii), 5.1a)v), 5.2b), 5.2f), 5.6 c) and, 10.6.3 a), b), c), e), f), g) ii), g) iii), g) iv), g) v) and i), the following regulations shall apply:
    - i) Total Minimum Gross Leasable Floor Area 2,000.0 square metres
    - ii) Total Maximum Gross Leasable Floor Area 19,500.0 square metres
    - iii) Maximum Gross Leasable Floor Area for one Supermarket 5,100.0 square metres
    - iv) Maximum Gross Leasable Floor Area for one Retail Department Store shall not be permitted prior to the year 2018 6,000.0 square metres
    - v) Minimum Yard Abutting the Westerly Lot Line along the Trinity Church Road Extension 11.0 metres
    - vi) Minimum Yard Abutting the Northerly Lot Line 6.0 metres

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 160 of 255)

- along Stone Church Road East
- vii) Minimum Yard Abutting the Easterly Lot Line along Upper Mount Albion Road 6.0 metres
  - viii) Minimum Yard Abutting the Southerly Lot Line along Highland Road West 6.0 metres
  - ix) Minimum Landscaped Area
    - A. A landscaped strip, having a minimum width of 3.0 metres, shall be provided and maintained adjacent to any public street, except for points of ingress and egress.
    - B. A landscaped strip, having a minimum width of 6.0 metres, shall be provided and maintained along the westerly lot line (future Trinity Church Road Extension).
    - C. An outdoor patio may be permitted to encroach into the required front yard and landscape strip.
  - x) Minimum Commercial Parking Requirements 4 spaces per 93 square metres of gross floor area
  - xi) Minimum Parking Stall Size No parking space shall be less than 2.6 metres in width by 5.5 metres in length.
  - xii) Barrier Free Stall Dimension A minimum barrier free stall size of 4.4 metres by 5.5 metres shall be provided.
  - xiii) Built form for New Development The minimum combined width of the ground floor façade of all buildings located within 20 metres of the Upper



To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 161 of 255)

Mount Albion Road lot line shall be equal to 40% or more of the measurement of the front lot line, and shall be subject to the following:

- A. A maximum building setback of 6.0 metres shall apply;
- B. All principal entrances shall be accessible from the building façade with direct access from the public sidewalk; and,
- C. No parking, driveways, drive through lanes, stacking lanes, or aisles shall be located between the building façade and the public street.

550. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Maps 1250 and 1251 of Schedule "A" – Zoning Maps and described as 259, 261 Highway No. 8, the following special provisions shall apply:

- a) Notwithstanding Subsections 10.5.1, only the following uses shall be permitted:
  - i) Animal hospital, only if wholly enclosed within a building;
  - ii) Denture clinic;
  - iii) Restaurant;
  - iv) Financial Institution;
  - v) Office;
  - vi) Optometrist;
  - vii) Personal Services; and,
  - viii) Retail.
- b) Notwithstanding Subsection 5.6 c), the following parking ratio shall apply to the uses identified in Clause a):

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 162 of 255)

- i) 1 space per 31.0 square metres of Gross Floor Area.

551. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map 1251 of Schedule "A" – Zoning Maps and described as 303 Highway No. 8, the following special provisions shall apply:

- a) Notwithstanding Subsections 10.5.3 a) ii) and b) and in addition to Section 3: Definitions and Subsection 10.5.3 i), the following regulations shall also apply:

- i) Maximum Front Yard 3.0 metres, except that a minimum front yard of 7.5 metres shall be provided and maintained for the building or a portion of the building existing as of April 24, 2013.

- ii) Minimum Rear Yard 5.0 metres.

- iii) Minimum Landscaped Open Space 10 percent of the lot area, a portion of which shall include the following, where applicable:

- A. A Planting Strip having a minimum width of 4.5 metres shall be provided and maintained adjacent to every portion of any lot line that abuts a street, except for points of ingress and egress;

- B. A Planting Strip having a minimum width of 4.5 metres shall be provided and maintained adjacent to every portion of any lot line that abuts any Zone other than a Commercial and Mixed Use or Industrial Zone, except that a Planting Strip having a minimum width of 3.0 metres is permitted along the easterly side lot line;

- C. No Planting Strip shall be required adjacent to a portion of any lot line that abuts a Commercial and Mixed Use or

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 163 of 255)

Industrial Zone; and,

D. A retaining wall is permitted in a Planting Strip.

552. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Maps 1185 and 1239 of Schedule "A" – Zoning Maps and described as 800 Upper Wentworth Street and 362 Mohawk Street East, the following special provisions shall apply:

a) Notwithstanding Subsection 10.5.1, for the lands located at 800 Upper Wentworth Street, only the following use shall be permitted within the building existing as of June 15, 2011:

i) Personal Services

b) In addition Subsection 10.5.1 and notwithstanding Subsection 4.21a), for the lands located at 362 Mohawk Street East, the following shall also apply:

i) A Single Detached Dwelling within the building existing as of June 15, 2011 shall also be permitted; and,

ii) A home occupation shall not be permitted within the use identified in Clause b) i).

553. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map 1183 of Schedule "A" – Zoning Maps and described as 830, 836 and 840 Upper James Street, the following special provisions shall apply:

a) In addition to Subsection 10.5.2, a Drive-Through Facility shall be prohibited.

b) Notwithstanding Subsection 5.2b) and 5.2f), the following special Parking provision shall also apply:

i) Parking Stall Size Dimension A minimum parking stall size dimension of 2.6 metres by 5.5 metres shall be provided.

ii) Barrier Free Parking Stall Size Dimension A minimum barrier free parking stall size dimension of 4.4 metres by 5.5 metres shall be provided.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 164 of 255)

554. Within the lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, identified on Map 860 of Schedule “A” – Zoning Maps and described as 104 King Street West, the following special provisions shall apply:

- a) In addition to Subsection 10.5a.1, all permitted uses shall be contained within the building existing as of May 26, 2010.
- b) Notwithstanding the definition of Front Lot Line in Section 3: Definitions, Subsections 5.1 a) v), 5.2 c) and 5.2.1, and 10.5a.3g), the following regulations shall apply:
  - i) **Minimum Parking and Loading Requirements** A minimum of five (5) parking spaces and one (1) loading space shall be provided and maintained on the subject lands.
  - ii) **Location of Parking and Loading Spaces** Shall be provided and maintained only in the easterly side yard and shall be permitted to be 0.0 metres from a public thoroughfare.
  - iii) **Parking Stall Size Dimension** A minimum parking stall size dimension of 2.6 metres by 5.5 metres shall be provided.
  - iv) **Barrier Free Parking Stall Size Dimension** A minimum barrier free parking stall size dimension of 4.4 metres by 5.5 metres shall be provided.
  - v) **Manoeuvring space for off-street parking and loading spaces** may be provided off-site.
  - vi) **Front Lot Line** The front lot line shall be the property line which abuts King Street West.
  - vii) **Building Envelope** The external appearance of the east, west, north, and south building facades, including building materials, stone sills and lintels, brickwork, existing door and window openings, and the height and form of all roofs, dormers, and roofing materials shall be retained in their appearance and condition as existing on May 26,

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 165 of 255)

2010.

- viii) Windows and Doors Notwithstanding Clause v), the installation of new windows and doors into existing and unaltered window and door openings shall be permitted if required by the Ontario Building Code.
- ix) Mechanical Equipment Notwithstanding Clause v), the installation of required mechanical equipment in the flat roof area of the rear of the existing heritage structure shall be permitted if required by the Ontario Building Code.
- x) Ontario Heritage Act Notwithstanding Clause v), vi) and vii), should the lands be designated under the Ontario Heritage Act, any alternative building design or building materials approved through the issuance of a Heritage Permit shall be deemed to comply with Clause v), vi) and vii).

555. Within the lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, identified on Maps 861 and 903 of Schedule “A” – Zoning Maps and described as 16 and 22 King Street East, the following special provisions shall apply:

- a) Notwithstanding Subsections 10.5a.3 a), b), c) and d) the following regulations shall apply:
  - i) Front Yard
    - A. 0.0 metres;
    - B. 3.9 metres for the front principal wall of the building 16.5 metres and above in height; and,
    - C. 6.5 metres for the front principal wall of the building 19.0 metres and above in height.
  - ii) Minimum Side Yard 0.15 metres.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 166 of 255)

- iii) Minimum Rear Yard 1.0 metres.
  - iv) Maximum Height 25.0 metres
  - v) Maximum Coverage Lot 97 percent
  - vi) Landscaped Area 3.0 percent
  - vii) Total Gross Floor Area The total gross floor area of all buildings on a site shall not exceed 7,623 square metres, provided that a minimum of 6.0 percent of the gross floor area shall be used for commercial purposes.
  - viii) Ground Floor Façade Glazing A Minimum 50% of the area of the ground floor façade along the King Street West lot line shall be composed of windows and doors.
- b) In addition to Subsection 5.1a) v) a) and notwithstanding Subsections 5.2b), 5.2f), 5.6 c), the following parking provisions shall apply:
- i) Minimum Parking Requirements
    - A. 0.3 parking space per dwelling unit 60 square metres or less; and,
    - B. 1.0 parking space per dwelling unit more than 60 square metres.
  - ii) Parking Location
    - No parking space or part thereof shall be located, and no land shall be used for the temporary parking or storage of any vehicle at a distance of not less than:
      - A. 0.0 metres from the front lot line;
      - B. 0.16 metres from the westerly side lot line;
      - C. 1.08 metres from the rear lot line;

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 167 of 255)

D. 0.19 metres from the easterly lot line; and,

E. 3.0 metres from any public thoroughfare for only parking located at-grade.

iii) Parking Stall Size Dimension A minimum parking stall size dimension of 2.6 metres by 5.5 metres shall be provided.

iv) Barrier Free Parking Stall Size Dimension A minimum barrier free parking stall size dimension of 4.4 metres by 5.5 metres shall be provided.

556. Within the lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, identified on Map 1040 of Schedule “A” – Zoning Maps and described as 489 and 489½ Concession Street, the following special provisions shall apply:

a) In addition to Subsection 10.5a.1, the following use shall also be permitted:

i) Two dwelling units within the northerly building, and two dwelling units and a commercial unit shall be permitted within the southerly building existing on February 13, 2013.

b) Notwithstanding Subsections 5.2 b), 5.6 d), 5.6 c), 10.5a.3 b) and c), the following regulations shall also apply:

i) Minimum Parking No less than 3 on-site parking spaces shall be provided and maintained for 2 duplex buildings (4 dwelling units total).

ii) Manoeuvring Space A minimum 5.1 metre manoeuvring space shall be provided and maintained for a 90 degree parking space.

iii) Parking Space Dimensions A parking space shall have dimensions not less than 2.7 metres wide and 5.5 metres long.

iv) Minimum Side Yard A minimum easterly side yard setback of 0.0 metres and a minimum westerly

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 168 of 255)

side yard setback of 0.4 metres shall be permitted for the building existing on February 13, 2013.

- v) Minimum Rear Yard A minimum rear yard setback of 0.0 metres shall be permitted for the building existing on February 13, 2013.

557. Within the lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, identified on Map 951 of Schedule "A" – Zoning Maps and described as 99 and 103 Locke Street South, the following special provisions shall apply:

- a) Notwithstanding Subsections 5.2.1, 5.2b), 5.2f), 5.6 c), 10.5a.3 a), b), d), h) iii), h) viii) and i), the following regulations shall apply to a mixed-use building with ground floor commercial uses and 84 dwelling units located above:
  - i) Maximum Building Height 6 storeys and 22.5 metres;
  - ii) A mechanical penthouse, which is located above the main roof, shall be allowed an additional maximum height of 4.0 metres and 300 square metres in area and may contain associated enclosed amenity/multi-purpose area.
  - iii) Minimum Yards
    - A. A minimum of 0.0 metres shall be provided and maintained for the side yard abutting Jackson Street West;
    - B. A minimum of 1.6 metres shall be provided and maintained for the side yard abutting Canada Street;
    - C. A minimum of 0.0 metres shall be provided and maintained for the front yard abutting Locke Street South;
    - D. A minimum of 0.0 metres shall be provided and maintained for the rear yard (including northerly 0.77 metres and easterly 31 metre lot lines) for the first two storeys and a minimum of 7.15 (excluding balconies) shall be



To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 169 of 255)

provided to the 0.77 metres rear lot line for all remaining storeys above the first two (2) storeys.

- iii) The gross floor area of the primary building shall be 8,500 square metres with a floor area ratio of 4.25.
- iv) No landscaped/planting area shall be provided and maintained along any side lot line and rear lot line adjoining a Residential Zone or use.
- v) Minimum Parking           Ninety (90) underground parking spaces shall be provided.
- vi) Parking Stall Size       A minimum parking stall size dimension of 2.7 metres by 5.5 metres shall be provided.  
Dimension
- vii) Barrier Free Parking     A minimum barrier free parking stall size dimension of 4.4 metres by 5.5 metres shall be provided.  
Stall Size Dimension
- viii) Loading                 A. A minimum loading space dimension of: 3.7 metres in width by 9.0 metres in length shall be provided and maintained; and,  
Space                         B. The manoeuvring space for the loading space shall be provided off-site and access driveways shall be located 0.0 metres from a Residential Zone.  
Requirements
- ix) A minimum of 60% of the ground floor façade fronting Locke Street South shall be comprised of windows and doors.
- x) A minimum block face of 75% (excluding portions of the building to be used for access) shall be provided for every lot line fronting a public street.

558. Within the lands zoned District Commercial (C6) Zone, identified on Map 1413 of Schedule “A” – Zoning Maps, and described as:

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 170 of 255)

Property Address	Map Number
95 Portia Drive	Map 1434
103, 109 Portia Drive	Map 1434

The following special provisions apply:

- a) i) In addition to the definition of Retail in Section 3: Definitions, the following definition shall also apply:

**Supermarket** A store in which various kinds of food and non-food items are offered or kept for sale, including fresh meats and fresh produce, provided that the area devoted to food items is predominant, and the non-food items may include but are not limited to flowers, hardware, patent medicines, toiletries, household supplies, garden supplies, wine, photofinishing, magazines and videos.

- i) In addition to the definition of Lot in Section 3: Definitions, the lands described as 95, 103, 109 Portia Drive shall be considered one lot for zoning purposes.
- b) Notwithstanding Subsection 10.6.1, only the following uses shall be permitted:
- i) Art Gallery
  - ii) Auctioneer Establishment
  - iii) Building and Lumber Supply Establishment, within a wholly enclosed building
  - iv) Catering Service
  - v) Cold Storage Locker Establishment
  - vi) Commercial Entertainment, within a wholly enclosed building
  - vii) Commercial Parking Facility
  - viii) Commercial Recreation, within a wholly enclosed building
  - ix) Community Garden

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City  
of Hamilton

(Page 171 of 255)

- x) Craftsperson Shop
- xi) Day Nursery
- xii) Educational Establishment
- xiii) Financial Establishment
- xiv) Funeral Home
- xv) Laboratory
- xvi) Library
- xvii) Major Recreation Vehicle Sales and Service Establishment
- xxiii) Manufacturing, limited to a Printing and / or Publishing  
Establishment
- xix) Medical Clinic
- xx) Museum
- xxi) Office
- xxii) Personal Services
- xxiii) Post Office
- xxiv) Private Club or Lodge
- xxv) Repair Service
- xxvi) Restaurant
- xxvii) Retail, not including a Supermarket
- xxviii) Transportation Depot
- xxix) Urban Farm
- xxx) Urban Farmer's Market

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 172 of 255)

- c) Notwithstanding Subsection 10.6.1.1 i) 1. B., a two-storey building containing office uses on both the first and second floor is also permitted.
- d) In addition to Subsection 10.6.2, the following uses shall also be prohibited, even as an accessory use:
  - i) Body Rub Parlour
  - ii) Department Store
  - iii) Dwelling Unit
  - iv) Open Storage
  - v) Supermarket
- e) Notwithstanding Subsections 5.6 c), 10.6.3 a), b), c), f) and g), and in addition to Subsection 10.6.3 h), the following regulations apply:
  - i) Minimum Front Yard 1.5 metres, except as provided in Clause vii)
  - ii) Minimum Side Yard 1.5 metres, except where an interior side yard abuts a private vehicular turnaround, a 0.0 metre side yard shall be permitted.
  - iii) Minimum Rear Yard 10.0 metres
  - iv) Minimum Frontage 30.0 metres
  - v) Maximum Total Aggregate Gross Floor Area for all Commercial Uses 3,300 square metres
  - vi) Built Form for New Development Within 20 metres of the Wilson Street West Lot Line, the minimum façade shall be greater than or equal to 40% of the measurement of the Wilson Street Lot Line, excluding access driveways to Wilson Street West and enhanced bioswale areas, and shall be subject

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 173 of 255)

to the following:

1. A maximum building setback of 6.0 metres is permitted
2. A minimum of 40% of the area of the ground floor façade facing Wilson Street West shall be composed of windows and doors
3. No parking, driveways, drive through lanes, stacking lanes, or aisles shall be located between the building façade facing Wilson Street West and Wilson Street West

vii) Minimum Planting Strip 3.0 metres adjacent to each lot line which abuts a public street or lot containing a dwelling comprising one or two dwelling units (but shall permit the location of principal buildings, walkways / sidewalks, retaining walls, curbs, signs, and light standards within required Planting Strips).

viii) Minimum Parking Requirement: Parking for all uses shall be provided at a rate of 3.5 spaces for each 93 square metres of Gross Floor Area, or part thereof.

559. Within the lands zoned Arterial Commercial (C7) Zone, identified on Map 1290 of Schedule "A" – Zoning Maps and described as 1187 and 1201 Upper James Street, the following special provisions shall apply:

- a) Notwithstanding Subsections 5.2b), 5.2f), 10.7.3 a), b) and c) and in addition to Subsection 4.20 a), the following regulations shall also apply:
  - i) Minimum Front Yard 0.0 metres;
  - ii) Minimum Side Yard 1.5 metres;
  - iii) Minimum Rear Yard 15.0 metres.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 174 of 255)

- |     |   |               |  |
|-----|---|---------------|--|
| iv) | Outdoor<br>Patio                        | Commercial    | <ol style="list-style-type: none"> <li>1. Shall be permitted in the rear yard;</li> <li>2. Shall not exceed an area of 30.0 square metres; and,</li> <li>3. Shall be setback a minimum of 12.0 metres from the rear lot line.</li> </ol> |
| v)  | Parking<br>Dimension                    | Stall<br>Size | A minimum parking stall size dimension of 2.6 metres by 5.5 metres shall be provided.  |
| vi) | Barrier Free<br>Stall Size<br>Dimension | Parking       | A minimum barrier free parking stall size dimension of 4.4 metres by 5.5 metres shall be provided.   |

560. Within the lands zoned Arterial Commercial (C7) Zone, identified on Map 1445 of Schedule “A” – Zoning Maps and described as 1749 and 1755 Upper James Street, the following special provision shall apply:

- a) Notwithstanding Subsections 10.7.3 f) and 10.7.4 c), a minimum 3 metre wide planting strip shall be provided and maintained along the entire southerly lot line.

561. Within the lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, identified on Map 993 of Schedule “A” – Zoning Maps and described as part of 252 and 254 Locke Street South, the following special provision shall apply:

- a) Notwithstanding Subsection 4.20 b) and c), an outdoor commercial patio with a maximum seating accommodation of 36 persons adjoining a Residential Zone shall be permitted to be located in the rear yard and an outdoor commercial patio with a maximum seating accommodation of 6 persons shall be permitted to be located in the north-east side yard.

562. Within the lands zoned District Commercial (C6) Zone, identified on Maps 1258 and 1259 of Schedule “A” – Zoning Maps and described as 1290 South Service Road, 5 and 23 Vince Mazza Way, Plan 310 Lots 78 and 79, Part Lots 77, 80 to 94, part of Elizabeth Street and part of unnamed street., and Registered Plan 62R-14865, Parts 2 to 4, the following special provisions shall apply:

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 175 of 255)

- a) Notwithstanding the definitions of Lot Line – Front and Commercial Recreation in Section 3: Definitions, and in addition to Section 3: Definitions, for the purpose of Special Exception No. 562, the following definitions shall apply:

**Lot Line – Front**      The southerly portion of the lot line along Vince Mazza Way having a dimension of 125.840 metres shall be deemed to be the front lot line.

**Commercial Recreation**      When used to describe a use, building, structure or activity, means a use, building or part there, structure or activity pertaining to operations for gain for the purposes of squash, tennis, racquet or handball courts, bowling alleys, gymnasiums, private clubs, banquet halls, physical fitness centre, arenas, yoga studios, martial arts clubs, or similar facilities where instruction is received, but does not include a flea market.

**Auditorium**      Means a building or structure, or part thereof, where facilities are provided for civic, educational, musical, recreational, theatrical, political, religious or social events, and includes an assembly hall, arena, cinema, theatre, playhouse, opera house, concert hall, public museum, exhibition hall, convention centre or community social centre, but does not include an amusement centre, commercial recreation centre, stadium or drive-in theatre as defined herein, or any retail store or restaurant unless such retail store, restaurant and amusement centre is an accessory use.

**Floor Area – Gross Leasable**      For a commercial or industrial use means the total floor area of all the storeys of all buildings or structures used for commercial or industrial purposes on a lot; such areas to be measured from the interior faces of the exterior walls, or from centre lines of party walls but excluding the area of any floor area used for the following purposes:

(a) Parking of motor vehicles;

(b) Storage rooms in basements or cellars;

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 176 of 255)

- (c) Mechanical equipment rooms for serving and maintaining the building;
  - (d) Elevator shafts and areas occupied by escalators; and,
  - (e) Common walkways, hallways, enclosed malls and services areas.
- b) Notwithstanding Subsection 10.6.1 and in addition to Subsection 10.6.2, the following uses shall be prohibited:
- i) Amusement Arcade, unless it is accessory to an Auditorium;
  - ii) Art Galleries;
  - iii) Commercial Entertainment;
  - iv) Commercial Recreation; and,
  - v) Garden Centre, unless it is accessory to a retail and/or department store, subject to the provisions of d) xi) below.
- c) In addition to Subsection 10.6.1, the following use shall also be permitted:
- i) Animal Shelter.
- d) In addition to Subsection 5.2.1 and notwithstanding Subsections 5.1a) v) i), 5.2 b), 5.2 f), 5.6 c), 10.6.3 a), b), c), e), f), g) ii), g) iii), i) and j), the following regulations shall also apply:
- i) Minimum Lot Area 3.4 hectares.
  - ii) Minimum Lot Frontage 125 metres.
  - iii) Minimum Gross Leasable Floor Area 7,500 square metres for the entire site.
  - iv) Minimum Front Yard 5.0 metres.
  - v) Minimum Rear Yard 14.0 metres.
  - vi) Minimum Landscaped 10 percent of lot area, a portion



To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 177 of 255)

- |   |  |
|---|--|
| Open Space  | which shall include a landscape strip having a minimum width of 4.4 metres shall be provided adjacent to any public street, including at the hypotenuse of a daylight triangle, except for the lot line abutting the South Service Road, where a landscape strip having a minimum width of 7.4 metres shall be provided, excluding the points of ingress and egress. |
| vii) Minimum Commercial Parking Requirements                  | <p>A. Parking for a shopping centre shall be at a ratio of 1 parking space for each 21 square metres of gross floor area or part thereof; and,</p> <p>B. Required parking shall not be located between a building façade and the respective street. In no case shall the required parking be closer than 4.6 metres from a street.</p>                               |
| viii) Minimum Loading Requirements                            | <p>The following loading regulations shall apply for commercial buildings:</p> <p>A. 1,200 square metres – 1,999 square metres: Minimum of 1 loading space;</p> <p>B. 2,000 square metres – 7,999 square metres: Minimum of 2 loading spaces; and,</p> <p>C. 8,000 square metres and greater: Minimum of 4 loading spaces.</p>                                       |
| ix) Minimum Side Yard   | 4.4 metres.  |
| x) Medical Offices or Clinics and/or Professional or Business |  |

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 178 of 255)

Offices on the same lot shall not exceed 2,000 square metres of Gross Floor Area.

- xi) Accessory Garden Centres Shall be subject to the following:
  - A. The Accessory Garden Centre shall not exceed a maximum period of 120 days annually; and,
  - B. Not more than 10% of the total number of parking spaces provided on the lands shall be used for an Accessory Garden Centre.
  
- xii) Built Form The minimum width of all ground floor facades facing the following roadways, shall be equal to or exceed the following percentages for the entire site, except at the daylight triangles:
  - A. Winona Road – 65%;
  - B. Vince Mazza Way (South Lot Line) – 50%;
  - C. Vince Mazza Way (Front Lot Line) – 40%; and,
  - D. South Service Road – 35%.
  
- xiii) Parking Stall Size Dimension A minimum parking stall size dimension of 2.6 metres by 5.5 metres shall be provided.
  
- xiv) Barrier Free Parking Stall Size Dimension A minimum barrier free parking stall size dimension of 4.4 metres by 5.5 metres shall be provided.

563. Within the lands zoned Mixed Use Medium Density Pedestrian Focus (C5a) Zone and Parking (U3) Zone, identified on Map 951 of Schedule “A” – Zoning

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 179 of 255)

Maps and described as 154, 158, 162, 162½, and 164 Locke Street South, the following special provisions shall apply:

- a) Notwithstanding Subsection 5.1a) v) 5.2b), 5.2f), and 5.2i) and in addition to Subsection 5.2c) the following special regulations shall also apply for the portion of lands zoned Mixed Use Pedestrian Focus (C5a) Zone and Parking (U3) Zone:
- i) 

Parking Stall Size Dimension	A.	A minimum parking stall size dimension of 2.6 metres by 5.5 metres shall be provided; and,
	B.	Notwithstanding Clause A., every parking space within an attached garage shall have dimensions not less than 2.7 metres by 6.0 metres long;
  
  - ii) 

Barrier Free Parking Stall Size Dimension	A minimum barrier free parking stall size dimension of 4.4 metres by 5.5 metres shall be provided.
---	--
  
  - iii) 

Minimum Driveway Aisle Width	A.	A Driveway Aisle shall have a minimum width of 5.0 metres; and,
	B.	A Driveway Aisle shall have a minimum of 4.0 metres for one-way traffic.
  
  - iv) 

Location of Driveway Aisle and Parking Space	Required parking space and driveway aisle for uses permitted under the Mixed Use Pedestrian Focus (C5a) Zone shall be permitted to be provided on the portion of lands zoned Parking (U3) Zone;
--	---
  
  - v) 

Ingress and Egress of Parking Lot	Points of ingress and egress from a parking lot shall be a minimum of 0.0 metres from a residential district.
-----------------------------------	---

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 180 of 255)

- vi)       Setback of Surface        A surface parking lot shall not be  
          Parking Lot               less than 1.0 metre from the  
  westerly lot line, and 0.0 metre from  
  the northerly and southerly lot line.
  
- b)       Notwithstanding Subsection 12.3.2 g), the following special regulations  
          shall also apply for the portion of lands zoned Parking (U3) Zone:
  - i)       A Landscaped Area, where not less than 50% shall consist of a  
          Planting Strip, with a minimum of 1.0 metre, shall be provided  
          and maintained along the western lot line.
  
- c)       The following special regulations shall also apply for the portion of lands  
          zoned Mixed Use Medium Density Pedestrian Focus (C5a) Zone:
  - i)       Notwithstanding Subsection 10.5a.1.1i)3.A., a surface  
          Commercial Parking Facility shall also be permitted.
  
- 564.     Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on  
          Map 414 and 415 of Schedule "A" – Zoning Maps and described as the south  
          easterly portion of 490 Dundas Street East, the following special provisions  
          shall apply:
  - a)       In addition to Subsection 10.5.1, the following uses shall also be  
          permitted:
    - i)       Street Townhouse Dwelling.
  
- 565.     Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on  
          Map 1280 of Schedule "A" – Zoning Maps and described as 128 and 134  
          Wilson Street East, the following special provisions shall apply:
  - a)       Notwithstanding Subsection 10.5.1, the following uses shall be  
          limited to the following:
    - i)       Single Detached Dwelling; and,
    - ii)      Office located within the building existing at the time of the  
          passing of the By-law.
  
  - b)       Notwithstanding Subsection 10.5.3a), the minimum Front Yard Setback  
          is 15.0 metres.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 181 of 255)

- c) Notwithstanding Subsection 10.5.3g)v), the regulation shall not apply.
566. Within the lands zoned Mixed Use Medium – Pedestrian Focus (C5a) Zone, identified on Map 1040 and 1086 of Schedule "A" – Zoning Maps and described as 37 and 39 Cliff Avenue, and 569 Concession Street, the special provisions shall apply:
- a) Notwithstanding Section 10.5a.1, permitted uses are limited to the following:
- i) Dwelling Units in Conjunction with a Commercial Use;
  - ii) Medical Clinic;
  - iii) Office;
  - iv) Personal Service;
  - v) Social Services Establishment; and,
  - vi) Studio.
567. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Maps 1280 and 1281 of Schedule "A" – Zoning Maps and described as 54 Wilson Street West, the following special provisions shall apply:
- a) Notwithstanding Subsections 10.5.3 d) ii) and iii), the following regulations shall also apply:
- i) Maximum Building Height 11.0 metres.
  - ii) Access No access shall be permitted from Carrington Court to the subject lands.
568. Within the lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, identified on Map 1175 of Schedule "A" – Zoning Maps and described as 370 Wilson Street East, the following special provisions shall apply:
- a) In addition to Section 10.5a.1 and notwithstanding Section 10.5a.2) ii), the following use shall also be permitted:
- i) Drive through facility within the building existing as of August 16, 2013.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 182 of 255)

- b) Notwithstanding Subsection 10.5a.3 d) ii) and iii), the maximum building height of 9.0 metres shall be permitted.
569. Within the lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, identified on Map 1175 of Schedule “A” – Zoning Maps and described as 385 Wilson Street East, the following special provisions shall apply:
- a) Notwithstanding Subsection 10.5a.3 d) ii) and iii) a maximum building height of 12.63 metres shall be permitted.
570. Within the lands zoned District Commercial (C6) Zone, Mixed Use Medium Density (C5) Zone and Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, identified on Maps 860, 861, 903, 907, 908, 946, 947, 948, 988, 990, 1124, 1175, 1228, 1229, 1280, 1281, 1911, 1912, 1934, 1935 and 1956 of Schedule “A” – Zoning Maps and described as:

Property Address	Map Number
15 Albert Street	860
Binbrook, Con. 3, Blk 3, Part Lot 5	1935
2548 Binbrook Road	1935
2553 Binbrook Road	1935
2562 Binbrook Road	1935
2567 Binbrook Road	1935
2572 Binbrook Road	1935
2575 Binbrook Road	1935
2583 Binbrook Road	1935
2584 Binbrook Road	1935
2592 Binbrook Road	1935
2600 Binbrook Road	1935
Plan 62M 1016, Block 103	1935
2617 Binbrook Road	1934 and 1935
2620 Binbrook Road	1935
2623 Binbrook Road	1935
2630 Binbrook Road	1935
2640 Binbrook Road	1935
2620 Binbrook Road	1935
2623 Binbrook Road	1935
2630 Binbrook Road	1935
2640 Binbrook Road	1935
2641 Binbrook Road	1934 and 1935
2646 Binbrook Road	1934 and 1935
2647 Binbrook Road	1934 and 1935
2653 Binbrook Road	1934

## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 183 of 255)

Property Address	Map Number
2654 Binbrook Road	1934 and 1935
2657 Binbrook Road	1934
2660 Binbrook Road	1934
2665 Binbrook Road	1934
2668 Binbrook Road	1935
2680 Binbrook Road	1934
3015 Binbrook Road	1934
3020 Binbrook Road	1934
3027 Binbrook Road	1934
3028 Binbrook Road	1934
3034 Binbrook Road	1934
3038 Binbrook Road	1934
3042 Binbrook Road	1934
3048 Binbrook Road	1934
3056 Binbrook Road	1934
3060 Binbrook Road	1934
3072 Binbrook Road	1934
3073 Binbrook Road	1934
3078 Binbrook Road	1934
3079 Binbrook Road	1934
3084 Binbrook Road	1934
3089 Binbrook Road	1934
3092 Binbrook Road	1934
3100 Binbrook Road	1934
3105 Binbrook Road	1934
3106 Binbrook Road	1934
3114 Binbrook Road	1934
3115 Binbrook Road	1934
3125 Binbrook Road	1934
3130 Binbrook Road	1934
2 Bond Street South	907
3114 Binbrook Road	1934
3115 Binbrook Road	1934
3125 Binbrook Road	1934
3114 Binbrook Road	1934
3115 Binbrook Road	1934
3125 Binbrook Road	1934
3130 Binbrook Road	1934
2 Bond Street South	907
6 Bond Street South	907
10 Bond Street South	907
53 Carrington Court	1280 and 1281

## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 184 of 255)

Property Address	Map Number
1 Cross Street	861
3 Cross Street	861
5 Cross Street	861
7 Cross Street	861
11 Cross Street	861
Part of 14 and 16 Cross Street	861
103 Emerson Street	948
104 Emerson Street	948
105 Emerson Street	948
106 Emerson Street	948
109 Emerson Street	948
110 Emerson Street	948
112 Emerson Street	948
113 Emerson Street	948
114 Emerson Street	948
116 Emerson Street	948
117 Emerson Street	948
119 Emerson Street	948
120 Emerson Street	948
125 Emerson Street	948
131 Emerson Street	948
135 Emerson Street	948 and 990
136 Emerson Street	948 and 990
139 Emerson Street	948 and 990
142 Emerson Street	948 and 990
143 Emerson Street	990
144 Emerson Street	990
150 Emerson Street	990
151 Emerson Street	990
10 Ewen Road	947
11 Ewen Road	947
4 Fall Fair Way	1911 and 1912
10 Fall Fair Way	1911 and 1912
39 Garinger Crescent	1911
15 Great Oak Trail	1934
37 Halson Street	1229
123 Hatt Street	860
2400 Regional Road 56	1911 and 1912
Part of 2431 Regional Road 56	1912
2441 Regional Road 56	1912
2450 Regional Road 56	1911 and 1912
2451 Regional Road 56	1912



## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 185 of 255)

Property Address	Map Number
2461 Regional Road 56	1912
2471 Regional Road 56	1912
2474 Regional Road 56	1911 and 1912
2486 Regional Road 56	1911 and 1912
2487 Regional Road 56	1912
2490 Regional Road 56	1911 and 1912
2501 Regional Road 56	1912
2506 Regional Road 56	1911 and 1912
2525 Regional Road 56	1912
2532 Regional Road 56	1911
2537 Regional Road 56	1911
2544 Regional Road 56	1911
2545 Regional Road 56	1912
2555 Regional Road 56	1912
2565 Regional Road 56	1911,1912 and 1935
2575 Regional Road 56	1911,1912, 1934 and 1935
2585 Regional Road 56	1934 and 1935
2595 Regional Road 56	1934 and 1935
2600 Regional Road 56	1934
2605 Regional Road 56	1934 and 1935
2610 Regional Road 56	1934
2620 Regional Road 56	1934
2621 Regional Road 56	1934 and 1935
2626 Regional Road 56	1934
2634 Regional Road 56	1934
2640 Regional Road 56	1934
Part of 2641 Regional Road 56	1934 and 1935
2651 Regional Road 56	1934
2666 Regional Road 56	1934
3011 Regional Road 56	1934
3013 Regional Road 56	1934
3029 Regional Road 56	1934
3033 Regional Road 56	1934
3038 Regional Road 56	1934
3041 Regional Road 56	1934
3044 Regional Road 56	1934
3046 Regional Road 56	1934
3047 Regional Road 56	1934
3053 Regional Road 56	1934
3056 Regional Road 56	1934
3059 Regional Road 56	1934
3064 Regional Road 56	1934

## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 186 of 255)

Property Address	Map Number
3065 Regional Road 56	1934
3070 Regional Road 56	1934
3078 Regional Road 56	1934
3079 Regional Road 56	1934
3084 Regional Road 56	1934
3087 Regional Road 56	1934
3097 Regional Road 56	1934
3111 Regional Road 56	1934 and 1956
3125 Regional Road 56	1956
3137 Regional Road 56	1956
3150 Regional Road 56	1956
3153 Regional Road 56	1956
3160 Regional Road 56	1956
3167 Regional Road 56	1956
3168 Regional Road 56	1956
3180 Regional Road 56	1956
3181 Regional Road 56	1956
3190 Regional Road 56	1956
3194 Regional Road 56	1956
3200 Regional Road 56	1956
7 John Street	860
1 King Street East	861
2 King Street East	861
3 King Street East	861
5 King Street East	861
7 King Street East	861
8 King Street East	861
9 King Street East	861
10 King Street East	861
11 King Street East	861
12 King Street East	861
23 King Street East	861
27 King Street East	861
49 King Street East	861
1 King Street West	861
2 King Street West	861
3 King Street West	861
7 King Street West	861
9 King Street West	861
10 King Street West	861
11 King Street West	861
12 King Street West	861

## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 187 of 255)

Property Address	Map Number
13 King Street West	861
14 King Street West	861
15 King Street West	861
18 King Street West	861
19 King Street West	861
21 King Street West	861
22 King Street West	861
24 King Street West	861
25 King Street West	861
26 King Street West	861
28 King Street West	861
32 King Street West	860 and 861
33 King Street West	861
36 King Street West	860 and 861
38 King Street West	860 and 861
40 King Street West	860
41 King Street West	861
43 King Street West	861
44 King Street West	860
45 King Street West	860 and 861
46 King Street West	860
48 King Street West	860
49 King Street West	860 and 861
50 King Street West	860
51 King Street West	860
55 King Street West	860
56 King Street West	860
58 King Street West	860
59 King Street West	860
61 King Street West	860
62 King Street West	860
63 King Street West	860
65 King Street West	860
66 King Street West	860
67 King Street West	860
70 King Street West	860
71 King Street West	860
75 King Street West	860
77 King Street West	860
82 King Street West	860
83 King Street West	860
89 King Street West	860

## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 188 of 255)

Property Address	Map Number
90 King Street West	860
93 King Street West	860
105 King Street West	860
107 King Street West	860
112 King Street West	860
113 King Street West	860
115 King Street West	860
116 King Street West	860
117 King Street West	860
118 King Street West	860
121 King Street West	860
126 King Street West	860
130 King Street West	860
132 King Street West	860
134 King Street West	860
138 King Street West	860
142 King Street West	860
144 King Street West	860
146 King Street West	860
153 King Street West	860
155 King Street West	860
157 King Street West	860
159 King Street West	860
160 King Street West	860
168 King Street West	860
169 King Street West	860
170 King Street West	860
173 King Street West	860
174 King Street West	860
178 King Street West	860
179 King Street West	860
181 King Street West	860
182 King Street West	860
183 King Street West	860
184 King Street West	860
186 King Street West	860
190 King Street West	860
194 King Street West	860
195 King Street West	860
199 King Street West	860
200 King Street West	860
203 King Street West	860

## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 189 of 255)

Property Address	Map Number
207 King Street West	860
209 King Street West	860
732 King Street West	908
734 King Street West	908
736 King Street West	908
738 King Street West	908
742 King Street West	908
746 King Street West	908
750 King Street West	908
754 King Street West	908
756 King Street West	908
766 King Street West	908
768 King Street West	908
772 King Street West	908
775 King Street West	908
777 King Street West	908
780 King Street West	908
782 King Street West	908
784 King Street West	908
785 King Street West	908
789 King Street West	908
790 King Street West	908
791 King Street West	908
797 King Street West	908
802 King Street West	908
804 King Street West	908
811 King Street West	908
816 King Street West	908
824 King Street West	908
832 King Street West	908
840 King Street West	908
848 King Street West	908
850 King Street West	908
854 King Street West	908
856 King Street West	908
860 King Street West	908
864 King Street West	908
866 King Street West	907 and 908
868 King Street West	907 and 908
870 King Street West	907 and 908
876 King Street West	907
878 King Street West	907

## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 190 of 255)

Property Address	Map Number
881 King Street West	907
889 King Street West	907
893 King Street West	907
895 King Street West	907
897 King Street West	907
899 King Street West	907
925 King Street West	907
938 King Street West	907
942 King Street West	907
944 King Street West	907
946 King Street West	907
948 King Street West	907
950 King Street West	907
951 King Street West	907
955 King Street West	907
972 King Street West	907
981 King Street West	907
985 King Street West	907
986 King Street West	907
988 King Street West	907
990 King Street West	907
992 King Street West	907
998 King Street West	907
999 King Street West	907
1000 King Street West	907
1004 King Street West	907
1005 King Street West	907
1006 King Street West	907
1008 King Street West	907
1009 King Street West	907
1011 King Street West	907
1012 King Street West	907
1014 King Street West	907
1015 King Street West	907
1018 King Street West	907
1019 King Street West	907
1020 King Street West	907
1023 King Street West	907
1024 King Street West	907
1027 King Street West	907
1028 King Street West	907
1030 King Street West	907

## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 191 of 255)

Property Address	Map Number
1031 King Street West	907
1033 King Street West	907
1034 King Street West	907
1035 King Street West	907
1036 King Street West	907
1037 King Street West	907
1038 King Street West	907
1041 King Street West	907
1043 King Street West	907
1044 King Street West	907
1045 King Street West	907
1046 King Street West	907
1048 King Street West	907
1049 King Street West	907
1050 King Street West	907
1056 King Street West	907
1059 King Street West	907
1060 King Street West	907
1061 King Street West	907
1066 King Street West	907
1067 King Street West	907
291 Lodor Street	1175 and 1229
4, 8 Longwood Road North	907
45 Maggie Johnson Drive	1912
3 Main Street	861
8 Main Street	861 and 903
11, 13, 15 Main Street	861 and 903
23 Main Street	861 and 903
24 Main Street	903
26 Main Street	903
28 Main Street	903
30 Main Street	903
32 Main Street	903
34 Main Street	903
53 Main Street	903
56 Main Street	903
58 Main Street	903
63 Main Street	903
1481 Main Street West	947
1483 Main Street West	947
1487 Main Street West	947
1501 Main Street West	947

## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 192 of 255)

Property Address	Map Number
1503 Main Street West	947
1507 Main Street West	947
1546 Main Street West	947
1550 Main Street West	947
1551 Main Street West	947
1554 Main Street West	947
1555 Main Street West	947
1556 Main Street West	947
1557 Main Street West	947
1559 Main Street West	947
1560 Main Street West	947
1561 Main Street West	947
1564 Main Street West	947
1566 Main Street West	947
1568 Main Street West	947
1574 Main Street West	947
1580 Main Street West	947
1590 Main Street West	947
1610 Main Street West	947
1612 Main Street West	947
1629 Main Street West	947
1630 Main Street West	947
1632 Main Street West	947
1635 Main Street West	947
1655 Main Street West	947
8 McMurray Street	860
4, 8 North Oval	907
4 Ogilvie Street	861
5 Ogilvie Street	861 and 903
8 Ogilvie Street	861
10 Ogilvie Street	861
15 Ogilvie Street	903
17 Ogilvie Street	903
21 Ogilvie Street	903
4, 8 Paisley Avenue North	907
2, 4 Paisley Avenue South	907
11 Paisley Avenue South	907
47 Royal Avenue	990
49 Royal Avenue	990
6 Sydenham Street	860
9 Sydenham Street	860
11 Sydenham Street	860



## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 193 of 255)

Property Address	Map Number
37 Ward Avenue	948
41 Ward Avenue	948
44, 48 Ward Avenue	948
1 Westbourne Road	947
193 Wilson Street East	1228
201 Wilson Street East	1228
213 Wilson Street East	1228
219 Wilson Street East	1228
223 Wilson Street East	1228
231 Wilson Street East	1228
240 Wilson Street East	1228 and 1229
241 Wilson Street East	1228 and 1229
245 Wilson Street East	1228 and 1229
253 Wilson Street East	1228 and 1229
259 Wilson Street East	1228 and 1229
277 Wilson Street East	1229 and 1175
280 Wilson Street East	1229 and 1175
283 Wilson Street East	1175
286 Wilson Street East	1175
287 Wilson Street East	1175
289 Wilson Street East	1175
293 Wilson Street East	1175
297 Wilson Street East	1175
300 Wilson Street East	1175
303 Wilson Street East	1175
310 Wilson Street East	1175
311 Wilson Street East	1175
312 Wilson Street East	1175
314 Wilson Street East	1175
323 Wilson Street East	1175
326 Wilson Street East	1175
327 Wilson Street East	1175
334 Wilson Street East	1175
335 Wilson Street East	1175
339 Wilson Street East	1175
340 Wilson Street East	1175
342 Wilson Street East	1175
343 Wilson Street East	1175
346 Wilson Street East	1175
347 Wilson Street East	1175
349 Wilson Street East	1175
356 Wilson Street East	1175

## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 194 of 255)

Property Address	Map Number
363 Wilson Street East	1175
365 Wilson Street East	1175
367 Wilson Street East	1175
371 Wilson Street East	1175
375 Wilson Street East	1175
378 Wilson Street East	1175
380 Wilson Street East	1175
382 Wilson Street East	1175
386 Wilson Street East	1175
389 Wilson Street East	1174 and 1175
392 Wilson Street East	1175
397 Wilson Street East	1175
398 Wilson Street East	1175
400 Wilson Street East	1175
402 Wilson Street East	1175
401 Wilson Street East	1175
406 Wilson Street East	1175
407 Wilson Street East	1175
412 Wilson Street East	1175
413 Wilson Street East	1175
419 Wilson Street East	1175
420 Wilson Street East	1175
425 Wilson Street East	1175
426 Wilson Street East	1175
430 Wilson Street East	1175
436 Wilson Street East	1175
442 Wilson Street East	1175
449 Wilson Street East	1124 and 1175
450 Wilson Street East	1175
454 Wilson Street East	1175
462 Wilson Street East	1124 and 1175
469 Wilson Street East	1124
16 Wilson Street West	1281
33 Wilson Street West	1281
35 Wilson Street West	1280 and 1281
81 Wilson Street West	1280
88 Wilson Street West	1280
95 Wilson Street West	1280
98 Wilson Street West	1280
110 Wilson Street West	1280
114 Wilson Street West	1280
120 Wilson Street West	1280

## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 195 of 255)

Property Address	Map Number
124 Wilson Street West	1280

The following special provisions shall apply:

- a) Notwithstanding Subsections 10.6.3 d), 10.5.3 d) ii) and iii) and 10.5a.3 d) ii) and iii), a maximum building height of 11.0 metres shall be permitted.
- b) Notwithstanding Clause a), a maximum building height of 9.0 metres shall be permitted on those lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone and described as follows:

Property Address	Map Number
37 Halson Street	1229
193 Wilson Street East	1228
201 Wilson Street East	1228
213 Wilson Street East	1228
219 Wilson Street East	1228
223 Wilson Street East	1228
231 Wilson Street East	1228 and 1229
240 Wilson Street East	1228 and 1229
259 Wilson Street East	1228 and 1229
277 Wilson Street East	1229 and 1175
280 Wilson Street East	1229 and 1175
283 Wilson Street East	1175
286 Wilson Street East	1175
287 Wilson Street East	1175
289 Wilson Street East	1174 and 1175
293 Wilson Street East	1175
297 Wilson Street East	1175
300 Wilson Street East	1175
303 Wilson Street East	1175
310 Wilson Street East	1175
311 Wilson Street East	1175
314 Wilson Street East	1175
323 Wilson Street East	1175
326 Wilson Street East	1175
327 Wilson Street East	1175
334 Wilson Street East	1175
335 Wilson Street East	1175
339 Wilson Street East	1175
340 Wilson Street East	1175

## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 196 of 255)

Property Address	Map Number
343 Wilson Street East	1175
346 Wilson Street East	1175
347 Wilson Street East	1175
356 Wilson Street East	1175
363 Wilson Street East	1175
371 Wilson Street East	1175
375 Wilson Street East	1175
378 Wilson Street East	1175
380 Wilson Street East	1175
389 Wilson Street East	1175
392 Wilson Street East	1175
393 Wilson Street East	1175
397 Wilson Street East	1175
398 Wilson Street East	1175
400 Wilson Street East	1175
401 Wilson Street East	1175
402 Wilson Street East	1175
406 Wilson Street East	1175
407 Wilson Street East	1175
412 Wilson Street East	1175
413 Wilson Street East	1175
419 Wilson Street East	1175
420 Wilson Street East	1175
425 Wilson Street East	1175
426 Wilson Street East	1175
430 Wilson Street East	1175
436 Wilson Street East	1175
442 Wilson Street East	1175
449 Wilson Street East	1124 and 1175
450 Wilson Street East	1175
454 Wilson Street East	1175
462 Wilson Street East	1124 and 1175
469 Wilson Street East	1124

571. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map 1177 of Schedule "A" – Zoning Maps and described as 737 and 771 Golf Links Road, the following special provision shall apply:
- a) Notwithstanding Subsection 10.5.1 and in addition to Subsection 10.5.2, a department store and grocery store shall also not be permitted.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 197 of 255)

573. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Maps 481 and 482 of Schedule "A" – Zoning Maps and described as 61 Hamilton Street North, the following special provision shall apply:
- a) In addition to Subsection 10.5.1, the existing building and lumber supply establishment shall also be permitted.
574. Within the lands zoned Neighbourhood Commercial (C2) Zone, identified on Map 999 of Schedule "A" - Zoning Maps and described as 1099 and 1101 Cannon Street East, the following special provision shall apply:
- a) In addition to Subsection 10.5.1, the manufacturing of pasta products shall also be permitted.
575. Within the lands zoned Community Commercial (C3) Zone, identified on Maps 954 and 955 of Schedule "A" – Zoning Maps and described as 24 to 60 Sanford Avenue North, the following special provision shall apply:
- a) In addition to Subsection 10.3.1, a Warehouse shall also be permitted.
576. Within the lands zoned Community Commercial (C3) Zone, identified on Map 1100 of Schedule "A" – Zoning Maps and described as 518 Fruitland Road, the following special provision shall apply:
- a) Notwithstanding Subsection 10.2.1, permitted uses shall be limited to a Restaurant, private club, Office or any similar use within the existing building provided that the basic structure and character of the building is maintained.
577. Within the lands zoned Neighbourhood Commercial (C2) Zone, identified on Map 1051 of Schedule "A" – Zoning Maps and described as 191 and 213 North Service Road, the following special provisions shall apply:
- a) In addition to Subsection 10.2.1, the following uses shall also be permitted:
    - i) Sales and service of lawn and marine equipment;
    - ii) Lawn and garden centre; and,
    - iii) Growing and retail sales of greenhouse produce and uses accessory thereto.
  - b) In addition to Subsection 10.2.2 and notwithstanding Subsection 10.2.1, the following uses shall also be prohibited:

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

- i) Any residential use; and,
  - ii) Any outdoor operations and outdoor display.
- c) Notwithstanding Subsection 10.2.3 l) the following regulation shall also apply:
- i) A maximum of 310.0 square metres of outdoor storage area shall be permitted and shall be totally enclosed by a fence having a minimum height of 1.8 metres and screened from view of the North Service Road by landscaping, decorative walls or any combination thereof.

578. Within the lands zoned Mixed Use Medium (C5) Zone, identified on Map 1178 Schedule "A" – Zoning Maps and described as:

Property Address	Map Number
1000 Golf Links Road	1178
1136 Golf Links Road	1178

The following special provisions shall apply:

- a) In addition to Subsection 10.5.2, fast food restaurants and restaurants with drive-through service shall be prohibited.
- b) The maximum Gross Floor Area of Food Store and Department Store shall be 950 square metres per individual establishment.
- c) The following regulations shall apply to 1000 Golf Links Road:
  - i) Notwithstanding the definition of Lot Line – Front in Section 3: Definitions, the front lot line shall be defined as the lot line flanking Golf Links Road.
  - ii) Notwithstanding Subsection 10.5.3 b) and c) the following regulations shall apply:
    - 1) Minimum Rear Yard 11.0 metres.
    - 2) Minimum Easterly Side Yard 3.0 metres.
  - iii) Notwithstanding Subsection 5.6 c), a minimum of 109 parking spaces and 4 handicapped parking spaces shall be provided.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

- d) Notwithstanding Subsection 10.5.3 b) and c), the following regulations shall apply to 1136 Golf Links Road for a Motor Vehicle Gas Bar:
  - i) Minimum Rear Yard 3.0 metres.
  - ii) Minimum Side Yard 3.0 metres.

579. Within the lands zoned Neighbourhood Commercial (C2) Zone and Community Commercial (C3) Zone, identified on Maps 1100, 1145, 1146, 1150, 1185, 1194, 1196, 1198, 1199, 1205, 1247, 1248, 1249, 1251, 1252, 1259, 1260, 1305, 1306, 1403, 1405, 1454, 1503 and 1640 of Schedule “A” – Zoning Maps and described as:

Property Address	Map Number
168 Barton Street	1145
178 Barton Street	1145
188 Barton Street	1145
198 Barton Street	1145
210 Barton Street	1145
214 Barton Street	1145
232 Barton Street	1146
274 Barton Street	1146
276 Barton Street	1146
386 Barton Street	1198
412 Barton Street	1198
520 Barton Street	1199
2800 Barton Street East	1145
2806 Barton Street East	1145
2814 Barton Street East	1145
2820 Barton Street East	1145
2824 Barton Street East	1145
2842 Barton Street East	1145
1365 Baseline Road	1259
1367 Baseline Road	1259
60 Centennial Parkway South	1194
68 Centennial Parkway South	1194
92 Centennial Parkway South	1194
57 East Street	1205
61 East Street	1205
63 East Street	1205
67 East Street	1205
71 East Street	1205
500 Fifty Road	1259 and 1260

## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 200 of 255)

Property Address	Map Number
518 Fruitland Road	1100
110 Gordon Drummond Avenue	1503
288 Grays Road	1145
294 Grays Road	1145
298 Grays Road	1145
302 Grays Road	1145
304 Grays Road	1145
305 Grays Road	1145
308 Grays Road	1145
309 Grays Road	1145
312 Grays Road	1145
316 Grays Road	1145
80 Green Mountain Road	1405
364 Highway 8	1251
410 Highway 8	1252
411 Highway 8	1252
418 Highway 8	1252
419 Highway 8	1252
420 Highway 8	1252
421 Highway 8	1252
423 Highway 8	1252
424 Highway 8	1252
426 Highway 8	1252
427 Highway 8	1252
430 Highway 8	1252
432 Highway 8	1252
436 Highway 8	1252
438 Highway 8	1252
440 Highway 8	1252
446 Highway 8	1252
448, 450 Highway 8	1252
452 Highway 8	1252
454 Highway 8	1252 and 1305
466 Highway 8	1252 and 1305
483 Highway 8	1252
520 Highway 8	1305
521 Highway 8	1252 and 1305
538 Highway 8	1305
542, 548 Highway 8	1305 and 1306
570 Highway 8	1306
604 Highway 8	1306
100 King Street West	1248



## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 201 of 255)

Property Address	Map Number
102 King Street West	1247 and 1248
30 Lake Avenue Drive	1248 and 1249
32 Lake Avenue Drive	1248 and 1249
36 Lake Avenue Drive	1248 and 1249
3 Lockport Way	1260
15 Lockport Way	1260
256, 270, 276, 280, 284, 288, 294, 300 Mud Street West	1454
74 Neil Avenue	1194
Part of 821 North Service Road	1150
1050 Paramount Drive	1403 and 1454
2157 Rymal Road	1596 and 1640
775-779 Upper Wentworth Street	1185
524, 526, 530 Winona Road	1205

The following special provisions shall apply:

- a) Notwithstanding Subsections 10.2.3 e) and 10.3.3 f) and g) the maximum gross floor area of any individual commercial establishment shall be 500.0 square metres; and,
- b) Notwithstanding Subsection 10.2.3 h, the maximum gross floor area of any grouping of commercial uses shall be 1,500.0 square metres.

580. Within the lands zoned District Commercial (C6) Zone, identified on Maps 947, 1710, 1711, 1748, 1749 and 1785 of Schedule “A” – Zoning Maps and describes as:

Property Address	Map Number
20 Ewen Road	947
22 Ewen Road	947
28 Ewen Road	947
5 Ofield Road	947
56 Ewen Road	947
60 Ewen Road	947
8521 Airport Road	1749
8526 Airport Road	1749
8527 Airport Road	1749
8533 Airport Road	1748, 1749
8536 Airport Road	1749
8541 Airport Road	1748, 1749
8552 Airport Road	1748, 1749

## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 202 of 255)

Property Address	Map Number
8555 Airport Road	1748
8558 Airport Road	1748
9013 Airport Road	1748
9023 Airport Road	1748
9026 Airport Road	1748
9027 Airport Road	1748
9031 Airport Road	1748
9032 Airport Road	1748
9037 Airport Road	1748
9038 Airport Road	1748
9045 Airport Road	1748
9046 Airport Road	1748
9056 Airport Road	1748
9061 Airport Road	1748
9066 Airport Road	1748
9074 Airport Road	1748
9075 Airport Road	1748
9078 Airport Road	1748
9086 Airport Road	1748
9089 Airport Road	1748
9092 Airport Road	1748
9100 Airport Road	1748
9105 Airport Road	1748
Part of 9110 Airport Road	1748
9115 Airport Road	1748
Part of 9120 Airport Road	1748
9125 Airport Road	1748
Part of 9132 Airport Road	1748
9135 Airport Road	1748
9142 Airport Road	1748
9152 Airport Road	1748
9158 Airport Road	1748
9166 Airport Road	1748
9169 Airport Road	1748
9174 Airport Road	1748
9178 Airport Road	1748
9181 Airport Road	1748
9184 Airport Road	1748
9189 Airport Road	1748
9191 Airport Road	1748
9192 Airport Road	1748
9197 Airport Road	1748

## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 203 of 255)

Property Address	Map Number
9202 Airport Road	1748
9205 Airport Road	1748
9210 Airport Road	1748
9213 Airport Road	1748
9220 Airport Road	1748
9221 Airport Road	1748
2910 Homestead Drive	1711
2918 Homestead Drive	1711
2942 Homestead Drive	1711
2950 Homestead Drive	1711
2958 Homestead Drive	1711
2965 Homestead Drive	1711
2966 Homestead Drive	1711
2975 Homestead Drive	1711
2976 Homestead Drive	1711
2982 Homestead Drive	1711
2983 Homestead Drive	1711
2990 Homestead Drive	1711
2995 Homestead Drive	1711
3000 Homestead Drive	1711
3002 Homestead Drive	1711
3003 Homestead Drive	1711
3011 Homestead Drive	1711
3012 Homestead Drive	1711
3017 Homestead Drive	1711
3020 Homestead Drive	1711
3022, 3024 Homestead Drive	1710 and 1711
3026 Homestead Drive	1710 and 1711
3034 Homestead Drive	1710 and 1711
3044 Homestead Drive	1710 and 1711
3054 Homestead Drive	1710 and 1711
3055 Homestead Drive	1749
3063 Homestead Drive	1749
3091 Homestead Drive	1748 and 1949
3102 Homestead Drive	1748
3114, 3116 Homestead Drive	1748
3117 Homestead Drive	1748 and 1949
3124 Homestead Drive	1748
3127 Homestead Drive	1748 and 1949
3129 Homestead Drive	1748
3130 Homestead Drive	1748
3136 Homestead Drive	1748

## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 204 of 255)

Property Address	Map Number
3141 Homestead Drive	1748
3144 Homestead Drive	1748
3145 Homestead Drive	1748
3149 Homestead Drive	1748
3150 Homestead Drive	1748
3154 Homestead Drive	1748
3155 Homestead Drive	1748
3200 Homestead Drive	1748
3201 Homestead Drive	1748
3210 Homestead Drive	1748
3219 Homestead Drive	1748
3223 Homestead Drive	1748
3219, 3229 Homestead Drive	1748
Part of 3234 Homestead Drive	1748
3239 Homestead Drive	1748
3249 Homestead Drive	1748
3250 Homestead Drive	1748
3253 Homestead Drive	1748
3260 Homestead Drive	1748
3263 Homestead Drive	1748 and 1785
3266 Homestead Drive	1748
3269 Homestead Drive	1748 and 1785
3272 Homestead Drive	1748 and 1785
3275 Homestead Drive	1785
3287 Homestead Drive	1785
3300 Homestead Drive	1748 and 1785
3311 Homestead Drive	1748, 1749, and 1785
2910 Upper James Street	1711
2918 Upper James Street	1711

The following special provision shall apply:

- a) Notwithstanding Subsection 10.6.1 and in addition to Subsection 10.6.2, the following uses shall be prohibited:
  - i) Day Nursery;
  - ii) Dwelling Unit(s); and,
  - iii) Multiple Dwelling.

581. Within the lands zoned Neighbourhood Commercial (C2) Zone, Community Commercial (C3) Zone, Mixed Use Medium Density (C5) Zone and Mixed

## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 205 of 255)

Use Medium Density – Pedestrian Focus (C5a) Zone, identified on Maps 861, 862, 902 and 903 of Schedule “A” – Zoning Maps and described as:

Property Address	Map Number
41 Baldwin Street	903
45 Baldwin Street	903
47 Baldwin Street	903
4 Cootes Drive	903
10 Cootes Drive	903
16 Cootes Drive	903
32 Cootes Drive	903
33, 35 Cootes Drive	861 and 903
39 Cootes Drive	861 and 903
40 Cootes Drive	903
42 Cootes Drive	903
47 Cootes Drive	861
50 Cootes Drive	903
51 Cootes Drive	861
55 Cootes Drive	861
10 Court Street	861 and 903
11 Court Street	861 and 903
25 Court Street	903
27 Court Street	903
29 Court Street	903
81 Dundas Street	903
1 East Street North	861 and 862
7 Governors Road	903
10 Governors Road	903
2 Hatt Street	903
6 Hatt Street	903
122 Hatt Street	860 and 902
33 King Street East	861
49 King Street East	861
69 King Street East	861
72 King Street East	861
76 King Street East	861
78 King Street East	861
80 King Street East	861 and 903
82 King Street East	861
84 King Street East	861
86 King Street East	861
90 King Street East	861
92 King Street East	861

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City  
of Hamilton

(Page 206 of 255)

Property Address	Map Number
94 King Street East	861
96 King Street East	861
106 King Street East	861
108 King Street East	861
110 King Street East	861
124 King Street East	862
140 King Street East	862
1 Osler Drive	903
86, 90, 94 Main Street	903
Part of 68 South Street West	903
4 Thorpe Street	861
8 Thorpe Street	861
9 Thorpe Street	861
22 Thorpe Street	903
24 Thorpe Street	903
32 York Road	861
48 York Road	861
30 York Street	903

The following special provision shall apply:

- a) Notwithstanding Subsections 10.2.1, 10.3.1, 10.5.1 and 10.5a.1, and in addition to Subsections 10.2.2, 10.3.2, 10.5.2 and 10.5a.2, the following uses shall be prohibited:
  - i) Day Nursery;
  - ii) Hospital;
  - iii) Long Term Care Facility;
  - iv) Residential Care Facility;
  - v) Retirement Home; and,
  - vi) Warehouse.
- b) Notwithstanding Subsection 10.5.3 h), no Habitable Room within a Dwelling Unit(s) or Multiple Dwelling shall be permitted in a basement or cellar.
- c) Clause a) shall not apply on those lands zoned Community Commercial (C3) Zone and described as:

## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 207 of 255)

Property Address	Map Number
122 Hatt Street	860 and 902
7 Governor’s Road	903
10 Governor’s Road	903
86, 90, 94 Main Street	903

582. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Maps 445, 481, 482, 516 and 517 of Schedule “A” – Zoning Maps and describes as:

Property Address	Map Number
Part of 50 Culotta Drive	516
221 Dundas Street East	516
229 Dundas Street East	516
233 Dundas Street East	516 and 517
241 Dundas Street East	516 and 517
245 Dundas Street East	482 and 517
255 Dundas Street East	481 and 482
267 Dundas Street East	482
271 Dundas Street East	482
5 Hamilton Street North	482
9 Hamilton Street North	482
61 Hamilton Street North	481 and 482
71 Hamilton Street North	481 and 482
79 Hamilton Street North	481
81 Hamilton Street North	481
83 Hamilton Street North	481
87 Hamilton Street North	481
89 Hamilton Street North	481
95 Hamilton Street North	481
115 Hamilton Street North	481 and 445
145 Hamilton Street North	445
170 Rockhaven Lane	481

- a) In addition to Subsection 10.5.1, the following uses shall also be permitted:
- i) Duplex;
  - ii) Stacked townhouse;
  - iii) Townhouse; and,

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 208 of 255)

iv) Triplex.

583. Within the lands zoned District Commercial (C6) Zone, identified on Maps 444 and 445 of Schedule "A" – Zoning Maps and described as the southeasterly portion of 619 Centre Road and 645 Wigood Drive, the following special provisions shall apply:

a) In addition to Subsection 10.6.1, the following use shall also be permitted:

i) Multiple Dwellings; and,

ii) Retirement Home.

b) Notwithstanding Subsection 10.6.1 and in addition to Subsection 10.6.2, the following uses shall also be prohibited:

i) Hotel;

ii) Motor Vehicle Rental Establishment;

iii) Motor Vehicle Service Station; and,

iv) Motor Vehicle Washing Establishment.

c) Notwithstanding Subsection 10.6.1.1i)1.A. the following regulation shall apply:

i) A minimum of 1,858.0 square metres of Commercial gross floor area shall be provided within the extent of the lands subject to Special Exception No. 583.

584. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map 414 of Schedule "A" – Zoning Maps and described as 485 Dundas Street East, the following special provisions shall apply:

a) In addition to Subsection 10.5.1 the following use shall also be permitted:

i) Live-Work Unit.

b) In addition to Section 3: Definitions, for the purpose of Special Exception No. 584, the following definition shall apply:

Live-Work Unit          A street townhouse or townhouse dwelling



To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 209 of 255)

that may contain residential uses and the following commercial uses on the ground floor:

Retail;  
Personal Services;

Service Shop;

Office; and,

Dry Cleaning Distribution Station.

- c) Notwithstanding the definition of Lot Line – Front in Section 3: Definitions, Sections 4.6 a), d), e), f), 5.6 c), 10.5.3 a), b), c), d), g) v), and j, the following regulations shall apply to the use identified in Clause a):

- i) Minimum Lot Area 165.0 square metres;
- ii) Minimum Lot Frontage 6.0 metres;
- iii) Maximum Height 12.5 metres;
- iv) Minimum Front Yard Setback 1.5 metres;
- v) Minimum Rear Yard Setback 6.0 metres;
- vi) Minimum Interior Yard Setback 1.2 metres, except for the side yard related to the common wall of the street townhouses, in which case a minimum side yard of 0.0 metres shall be provided.
- vii) Minimum Exterior Yard Setback 2.5 metres;
- viii) Planting Strip Section 5.2 v) b) shall not apply.
- ix) Yard Encroachments

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

<b>Structure or Item</b>	<b>Yard Into Which Encroachment is Permitted</b>	<b>Maximum Encroachment Permitted Into Required Yard</b>
Sills, beltcourses, cornices, fireplaces, chimney breasts, pilasters, eaves, or gutters	All	0.65 metres
Bay, Bow or Box Window with or without a foundation	Required front, required rear, and required exterior side yard	1.0 metres plus a further 0.3 metres for eaves
Steps, enclosed and unenclosed porches	Required front, required rear, and required exterior side yard	Porches – 2.0 metres; Steps – 0.6 metres from the streetline
Setback of all structures from a corner sight triangle on a common element road	Required front, required rear, and required exterior side yard	0.3 metres minimum setback from the hypotenuse of a sight triangle

- x) Principal building entrances for Commercial uses shall face Spring Creek Drive which shall be deemed the front yard.
- x) Spring Creek Drive shall be deemed the front lot line.
- xii) Notwithstanding Section 5.6, any commercial uses at-grade shall be exempt from the applicable parking requirement.
- xiii) Commercial Uses – permitted only within the at-grade portion of the unit except accessory storage may be permitted on floors below grade.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 211 of 255)

585. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map 414 of Schedule "A" – Zoning Maps and described as 493 Dundas Street East, the following special provisions shall apply:

- a) Notwithstanding Subsections 10.5.1, only the following uses shall be permitted within the building existing as of August 14, 2015, and any additions and alterations to the building existing as of August 14, 2015:
  - i) Uses existing as of August 14, 2015, not in conjunction with any other permitted use;
  - ii) Art Gallery, Museum or Public Use;
  - iii) Custom Work Shop;
  - iv) Financial Institution;
  - v) Funeral Home
  - vi) Personal Services;
  - vii) Office;
  - viii) Retail; and,
  - ix) Service Shop.
  
- b) Notwithstanding Subsection 5.1a)v)b), 5.2b)i), 5.2f), and 5.2i) the following regulations shall also apply:
  - i) **Parking Space Access** A minimum two-way access driveway width of 6.0 metres shall be provided except for a minimum two-way access driveway width of 5.0 metres which shall be provided to provide vehicular access to the westerly portion of the parking lot.
  
  - ii) **Dimensions of Parking Spaces** All required surface parking spaces shall have minimum dimensions of 2.5 x 5.8 metres.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 212 of 255)

- iii) Barrier Free Parking Stall Size Dimension      A minimum barrier free parking stall size dimension of 4.1 metres by 5.8 metres shall be provided.
    - iv) Subsection 5.1a)v)b) shall not apply.
- c) In addition to Subsection 10.5.3g) vi), and notwithstanding Subsections 10.5.3a), b), g)ii), iii), iv), and vii), and i) the following regulations shall also apply:
  - i) Maximum Yard Abutting a Street      14.2 metres
  - ii) Minimum Rear Yard Setback      1.0 metres
  - iii) Principal Entrance of the Building      A minimum of one principal entrance shall be provided on the west building façade of the building, and shall be accessible from the building façade with direct access from the public sidewalk.
  - iv) Rear Yard Planting Strip      A minimum of 1.0 metres planting strip shall be provided between the rear lot line and the garage.
  - v) Location of Parking Spaces      Parking spaces and driveway providing access to the parking spaces shall be permitted in the front yard located within 5.5 metres from the front lot line, and shall be permitted between the building and the west lot line.
  - vi) Subsections 10.5.3g)ii) and iii) shall not apply

586. Within the lands zoned Arterial Commercial (C7) Zone, identified on Maps 1457, 1505, 1506 of Schedule “A” – Zoning Maps and described as 3 Green Mountain Road and 333 Upper Centennial Parkway, the following special provisions shall apply:

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 213 of 255)

- a) In addition to Subsection 10.7.1, uses permitted under Subsection 10.6.1 shall also be permitted.
- b) Notwithstanding Subsection 10.7.3 b), 10.7.4 c), the following shall apply for a Motor Vehicle Service Station and a Car Washing Establishment on a property located at 3 Green Mountain Road:
  - i) Minimum Rear Yard 1.5 metres
  - ii) Minimum Landscape Open Space A landscaped strip shall only be required adjacent to every portion of any lot line that abuts any street, except for points of ingress and egress, and be a minimum width of 3.2 metres.
  - iii) Width of Entrance and Exit Ramp The width of an entrance or exit ramp shall be not more than 12.9 metres abutting Upper Centennial Parkway and 12.4 metres abutting Green Mountain Road West. The width of an entrance or exit ramp shall be not less than 9.0 metres along either street.
  - iii) Additional features of a Landscape Strip A gateway feature shall be required within the Landscaped Strip at the corner of Green Mountain Road West and Upper Centennial Parkway which may include, but not be limited to, a decorative wall, signage, lighting and / or metal works.

587. Within the lands zoned Arterial Commercial (C7) Zone, identified on Maps 1505, 1456 of Schedule “A” – Zoning Maps and described as 272 First Road West, the following special provisions shall apply:

- a) In addition to Subsection 10.7.1, the following uses shall also be permitted:
  - i) Uses permitted under Section 10.6.1;
  - ii) Library;
  - iii) Movie Theatres

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 214 of 255)

- b) In addition to Clause a) above, the following regulations shall also apply:
  - i) Maximum Gross Floor Area for Individual Commercial Uses 10,000 square metres.
  - ii) Maximum Total Gross Floor Area for Office 2,000 square metres.

588. Within the lands zoned Arterial Commercial (C7) Zone, identified on Maps 1505 and 1552 of Schedule “A” – Zoning Maps and described as:

Property Address	Map Number
Part of 219 Upper Centennial Parkway	1552, 1505
225 Upper Centennial Parkway	1505
Part of 237 Upper Centennial Parkway	1505
249 Upper Centennial Parkway	1505

The following special provisions shall apply:

- a) In addition to Subsections 10.7.1, the following uses shall also be permitted:
  - i) Place of Worship; and,
  - ii) Day Nursery.
- b) In addition to Subsection 10.7.3 f), a 15 metres landscaped area shall be provided and maintained along the Upper Centennial Parkway lot line.

589. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Maps 1548, 1549, 1593, 1594 of Schedule “A” – Zoning Maps and described as:

Property Address	Map Number
Portions of 1603 Rymal Road East	1548
Portions of 1645 Rymal Road East	1548
1655 Rymal Road East	1548
1825 Rymal Road East	1548
1829 Rymal Road East	1548
Portions of 1831 Rymal Road East	1548

## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 215 of 255)

Property Address	Map Number
1835 Rymal Road East	1548
1837 Rymal Road East	1548
1841 Rymal Road East	1548
1843 Rymal Road East	1548
1845 Rymal Road East	1548
1847 Rymal Road East	1548
1865 Rymal Road East	1548, 1593
1869 Rymal Road East	1548, 1593
1873 Rymal Road East	1549, 1593, 1594
1877 Rymal Road East	1594
1883 Rymal Road East	1594
1885 Rymal Road East	1594
1889 Rymal Road East	1594
1893 Rymal Road East	1594
1897 Rymal Road East	1594
1899 Rymal Road East	1594
1901 Rymal Road East	1594
1907 Rymal Road East	1594
1911 Rymal Road East	1594
1925 Rymal Road East	1594
1933 Rymal Road East	1594
1937 Rymal Road East	1594
1941 Rymal Road East	1594

The following special provisions shall apply:

- a) In addition to Subsection 10.5.2 and notwithstanding Subsection 10.5.1, the follow use shall also be prohibited:
    - i) Hotel.
  - b) Notwithstanding Subsection 10.5.3 d), the maximum height shall be 14.0 metres.
590. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Maps 909 and 951 of Schedule “A” – Zoning Maps and described as:

Property Address	Map Number
74 New Street	909
76 New Street	909
78 New Street	909
448 Main Street West	909
450 Main Street West	909

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 216 of 255)

Property Address	Map Number
451 Main Street West	909
452 Main Street West	909
453 Main Street West	909
455 Main Street West	909
457 Main Street West	909
459 Main Street West	909
460 Main Street West	909
461 Main Street West	909
463 Main Street West	909
465 Main Street West	909
454 Jackson Street West	909 and 951
456 Jackson Street West	909 and 951
25 Dundurn Street South	909
33 Dundurn Street South	909
35 Dundurn Street South	909
37 Dundurn Street South	909
39 Dundurn Street South	909
41 Dundurn Street South	909
47 Dundurn Street South	909
49 Dundurn Street South	909
51, 53 Dundurn Street South	909
57 Dundurn Street South	909
59 Dundurn Street South	909
61 Dundurn Street South	909
63 Dundurn Street South	909
67 Dundurn Street South	909
71 Dundurn Street South	909
75 Dundurn Street South	909
91 Dundurn Street South	909
93 Dundurn Street South	909
95 Dundurn Street South	909

- a) Notwithstanding Subsection 10.5.1 and in addition to Subsection 10.5.2, the following uses shall also be prohibited:
  - i) Motor Vehicle Gas Bar; and,
  - ii) Motor Vehicle Washing Establishment.

591. Within the lands zoned Arterial Commercial (C7) Zone, identified on Map 1046 of Schedule “A” – Zoning Maps and described as Part of 221 Melvin Avenue, the following special provisions shall apply:



To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 217 of 255)

- a) In addition to Subsection 10.7.1, parking lot serving the Multiple Dwelling located at 221 Melvin Avenue shall also be permitted.
592. With the lands zoned Parking (U3) Zone, identified on Map 1124 of Schedule “A” – Zoning Maps and described as 0 Old Dundas Road the following special provisions shall apply:
- a) Notwithstanding Subsection 12.3.1, with an approximate frontage of 43 metres and depth of 72 metres, shall only be used for a parking area in conjunction with the commercial uses permitted on 548 Old Dundas Road.
593. Within the lands zoned Neighbourhood Commercial (C2) Zone, identified on Map 482 of Schedule “A” – Zoning Maps and described as 272 Dundas Street East, the following special provisions shall apply:
- a) Notwithstanding Subsection 10.2.3b), c), d) and j) and in addition to Section 5.1 v), the following regulations shall apply:
- |      |   |  |
|------|---|--|
| i)   | Maximum Height  | 12.0 metres.   |
| ii)  | Minimum Lot Coverage  | 46%.   |
| iii) | Minimum Rear Yard   | 0.0 metres shall be provided to the decorative archway which forms part of the principal building. |
| iv)  | Minimum Interior Side Yard  | 0.0 metres shall be provided to a decorative archway which forms part of the principal building.   |
| v)   | Planting Strip Requirements abutting a Street                         | No Planting Strip shall be provided across all lot lines adjacent to a street.                     |
| vi)  | Planting Strip Requirements abutting Rear and Interior Side Lot Lines | No Planting Strip shall be provided along the rear and interior side lot line.                     |
| vii) | Parking Area Location   | The parking area shall be 0.0 metres from the boundary of a residential zone.                      |

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 218 of 255)

- viii) **Underground Parking Area**      The underground parking area shall be 0.0 metres from any lot line.

594. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Maps 860 and 902 of Schedule "A" - Zoning Maps and described as 65 Hatt Street, the following special provisions shall apply:

- a) In addition to Subsection 10.5.1, the following use shall also be permitted and only within the building existing as of August 16, 2013:

a) **Craft Brewery**

- b) In addition to Section 3: Definitions, for the purpose of Special Exception No. 594, the following definition shall apply:

**Craft Brewery**      A facility at which malt beverages fermented on the premises are packaged and sold for distribution, retail, or wholesale. The facility may include retail sales, tours, and a hospitality and tasting area, but shall not include a restaurant, tavern, bar, night club, or take-out food service.

- c) The following regulation shall apply to the use identified in Clause a) above:

**Maximum Gross Floor Area**      The maximum gross floor area devoted to the retail and tasting component of the Craft Brewery shall not exceed 450.0 square metres.

595. Within the lands zoned District Commercial (C6) Zone, identified on Map 1711 of Schedule "A" - Zoning Maps and described as 3017 Homestead Drive, the following special provision shall apply:

- a) In addition to Subsections 10.6.1, and notwithstanding Subsection 10.6.2, the following uses shall also be permitted:

i) **Garden Centre; and,**

ii) **A Single Detached Dwelling on the same lot existing on the date of the passing of this By-law.**

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 219 of 255)

- b) In addition to Subsection 10.6.2 and notwithstanding Subsection 10.6.1, the following uses shall be prohibited:
    - i) Boat and/or motorized snow vehicle sales establishments;
    - ii) Cold storage locker establishments;
    - iii) Dairies;
    - iv) Farm equipment sales establishments;
    - v) Recreational vehicle sales establishments;
    - vi) Taxi Establishment; and,
    - vii) Motor Vehicle Service Station.
  - c) Notwithstanding Subsection 10.6.3 c), a minimum southerly side yard of 2.3 metres shall be provided and maintained.
  - d) In addition to Subsections 10.6.1, the single detached dwelling existing on the date of the passing of this By-law, and buildings and structures accessory thereto shall be permitted as an ancillary residential use to the garden centre.
596. Within the lands zoned Mixed Use Medium Density Pedestrian Focus (C5a) Zone, identified on Map 1935 of Schedule "A" - Zoning Maps and described as 2605 Binbrook Road East, the following special provision shall apply:
- a) Notwithstanding Subsections 10.5a.1, permitted uses shall be limited to the following:
    - i) Financial Establishment;
    - ii) Retail;
    - iii) Commercial School;
    - iv) Day Nursery;
    - v) Personal Service;
    - vi) Funeral Home;
    - vii) Hotel;

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 220 of 255)

- viii) Office;
  - ix) Studio;
  - x) Commercial Entertainment;
  - xi) Place of Assembly;
  - xii) Restaurant;
  - xiii) Veterinary Service; and,
  - xiv) Dwelling Unit.
- b) Dwelling units are permitted above any use permitted on the ground floor. Dwelling units are permitted on the ground floor (but not in a basement or cellar) but shall not be located on the portion of the ground floor facing Binbrook Road East or Southbrook Drive.
- c) Notwithstanding Subsections 10.5a.3 a), c) and d), the following regulations shall also apply to the uses identified in Clause a):
- i) Minimum Front Yard 0.0 metres
  - ii) Minimum Side Yard 0.0 metre except 7.5 metres abutting a side lot line which is the boundary of any Residential or Institutional Zone.
  - iii) Maximum Height 10.7 metres but a maximum height of 14.1 metres is permitted to the top of an ornamental dome or other such architectural feature.
- d) In addition to Subsection 5.1 a) v), no parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle within 1.5 m of the boundary of any Residential Zone or within 1.25 m of any Institutional Zone.
- e) Notwithstanding Subsections 10.5a.3 i) and j), a landscaped area in the form of a planting strip having a minimum width of 1.5 m and a fence having a minimum height of 1.8 m shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a Residential Zone. A landscaped area having a minimum width of 1.25 m shall be provided and thereafter maintained adjacent to every portion of

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 221 of 255)

any lot line that abuts an Institutional Zone. A transformer shall be permitted within the planting strips.

- f) In addition to Subsection 5.1a) v) c), a transformer is permitted within the 3.0 metre planting strip that abuts the street line.
  - g) Notwithstanding Subsections 5.2 f), each barrier-free parking space shall have a minimum width of 4.4 metres and a minimum length of 5.5 metres, except where two (2) barrier-free parking spaces are located together, a minimum width of 3.5 metres for each space shall be permitted.
  - h) In addition to Subsection 5.1 a) v), where a parking area which is required to provide for more than four (4) vehicles abuts any Residential Zone, a landscaped area consisting of a permanently maintained planting strip with a minimum width of 1.5 m shall be provided and shall also include fencing to provide a solid and effective screen. Where a parking area which is required to provide for more than four (4) vehicles abuts any Institutional Zone, a landscaped area with a minimum width of 1.25 m shall be provided.
  - i) Notwithstanding Subsection 5.6 c), parking spaces shall be provided at a rate of 1.25 spaces per residential dwelling unit, and 1 space per every 34.0 square metres of gross floor area for all other permitted uses, and visitor parking for the residential uses is permitted to be shared with parking for other permitted uses.
  - j) Notwithstanding Subsection 5.2 b), each parking space shall have a minimum width of 2.6 metres and a minimum length of 5.5 metres.
597. Within the lands zoned Arterial Commercial (C7) Zone, identified on Maps 1434 and 1483 of Schedule "A" - Zoning Maps and described as 1172 Wilson Street West, the following special provision shall apply:
- a) In addition to Subsection 10.7.1, the following uses shall also be permitted within the existing building:
    - i) Retail;
    - ii) Personal Service;
    - iii) Restaurant;
    - iv) Commercial School;

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 222 of 255)

- v) Medical Clinic;
- vi) Office; and,
- vii) Financial Establishment.

598. Within the lands zoned Community Commercial (C3) Zone, identified on Maps 1548 and 1593 of Schedule "A" – Zoning Maps and described as 21 and 31 Trinity Church Road and 1816 Rymal Road East, the following special provisions shall apply:

- a) Notwithstanding Subsection 10.3.1 and in addition to Subsection 10.3.1 10.3.2, the following use shall also be prohibited:
  - i) Motor Vehicle Service Station.
- b) In addition to Subsection 10.3.1 and notwithstanding Subsection 10.3.2, the following use shall also be permitted:
  - i) Drive-Through Restaurant accessory to a Motor Vehicle Gas Bar
- c) Notwithstanding the definition of Motor Vehicle Gas Bar, Medical Clinic, and Office in Section 3: Definitions, for the purpose of Special Exception No. 598, the following definitions shall apply:

Motor Vehicle Gas Bar A place with one or more pump islands consisting of one or more fuel pumps for the sale of fuel, liquids and small accessories essential for the operation of motor vehicles, and may include a shelter and a Motor Vehicle Washing Establishment accessory to a Motor Vehicle Gas Bar, but does not include motor vehicle repairs, oil changes or greasing.

Medical Clinic A building or part thereof used by qualified medical practitioner(s), dentist(s), chiropractor(s), physiotherapist(s), osteopath(s) or other drugless practitioner(s), for public or private medical, surgical physiotherapeutic or other human health purposes, except when included within or accessory to a private or public hospital.

Office Any office where professionally qualified persons, technical assistants and clerical

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 223 of 255)

staff are employed and where clients receive advise, but does not include a medical clinic or personal service shop.

d) Notwithstanding Subsections 5.1a v), 5.6 c), 10.3.3 a), b), c), g) and j), the following regulations shall apply:

- i) Maximum Gross Leasable Floor Area of Any Individual Commercial Establishment: Not more than half of the total leasable floor area provided on the site.
- ii) Maximum Gross Leasable Floor Area of any Group of Local Commercial Uses: 2,500 square metres
- iii) Maximum Gross Leasable Floor Area of any Group of Medical Clinic Uses: 210 square metres
- iv) Minimum Front Yard: 1.3 metres
- v) Minimum Easterly Side Yard: 4.5 metres
- vi) Minimum Westerly Side Yard: 3.7 metres (except for a Motor Vehicle Gas Bar and accessory uses to a Motor Vehicle Gas Bar, a Minimum Westerly Side Yard of 25 metres is required)
- vii) Minimum Rear Yard: 1.5 metres
- viii) Minimum Number of Parking Spaces: A minimum of one parking space for every 25.5 square metres of gross floor area.
- ix) Parking Space Requirements:
  1. A drive-through lane shall have a minimum width of 4 metres.
  2. The access driveway located between the canopy of a Motor

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 224 of 255)

Vehicle Gas Bar and a Drive-Through lane shall have a minimum width of 4.2 metres.

3. A landscaped area along Rymal Road East with a minimum average width of 2 metres but not less than 1.3 metres shall be provided and thereafter maintained along the street line, and it shall be continuous except for driveways required for access to such parking area.

4. A landscaped area along Trinity Church Road with a minimum width of 3 metres shall be provided and thereafter maintained along the street line, and it shall be continuous except for driveways required for access to such parking area.

x) Minimum Landscaping Requirements: A landscape area in the form of a planting strip having a minimum width of 4.5 metres and a fence having a minimum height of 1.8 metres shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a Residential Zone or any Zone where the adjoining land is used for residential purposes.

e) Notwithstanding Subsection 5.2b) and 5.2f), the following special Parking provisions shall also apply:

i) Parking Stall Size Dimension A minimum parking stall size dimension of 2.6 metres by 5.5 metres shall be provided.

ii) Barrier Free Parking Stall Size Dimension A minimum barrier free parking stall size dimension of 4.4 metres by 5.5 metres shall be provided.



To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 225 of 255)

599. Within the lands zoned Arterial Commercial (C7) Zone, identified on Map 1547 of Schedule "A" – Zoning Map and described as 212 Glover Road and 0 Rymal Road, the following special provisions shall apply:
- a) In addition to Subsection 10.7.1, the following uses shall also be permitted:
    - i) Banks, Financial Institutions, and Personal Service;
    - ii) Food Stores;
    - iii) Hardware Stores, Beer Store, LCBO Stores, and Drug Store;
    - iv) Offices;
    - v) Retail Stores; and,
    - vi) Stores primarily selling apparel, housewares, electronics, sporting goods, or general merchandise.
  - b) The maximum total combined gross floor area for uses identified in Subsection retail, food store, and stores primarily selling apparel, housewares, electronics, sporting goods, or general merchandise shall be 10,000 square metres.
  - c) The total maximum gross floor area for office shall be 2,000 square metres.
  - d) Maximum gross floor area for all other uses shall not apply.
600. Within the lands zoned Arterial Commercial (C7) Zone, identified on Map 1499 of Schedule "A" - Zoning Map and described as 1575 Upper Ottawa Street, the following special provisions shall apply:
- a) In addition to Subsection 10.7.1, the following uses shall also be permitted:
    - i) Retail;
    - ii) Personal Services; and,
    - iii) Financial Establishment.
  - b) In addition to Subsection 10.7.3, the following regulation shall apply:

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 226 of 255)

- ix) Combined Maximum Gross Floor Area for Office 1,767 square metres for each lot.
- x) Combined Maximum Gross Floor Area for Retail 1,500 square metres for each lot.”

601. Within the lands zoned District Commercial (C6) Zone, identified on Maps 1413 and 1483 of Schedule “A” – Zoning Maps, and described as:

Property Address	Map Number
111, 115 Portia Drive & 1175, 1179 Wilson Street West	1434 and 1483
117, 123, 129 Portia Drive & 1183, 1187, 1191 Wilson Street West	1434

The following special provisions shall apply:

- a) In addition to the definition of Retail in Section 3: Definitions, the following definition shall also apply:

**Supermarket:** A store in which various kinds of food and non-food items are offered or kept for sale, including fresh meats and fresh produce, provided that the area devoted to food items is predominant, and the non-food items may include but are not limited to flowers, hardware, patent medicines, toiletries, household supplies, garden supplies, wine, photofinishing, magazines and videos.

- i) In addition to the definition of Lot in Section 3: Definitions, the lands described as 111, 115, 117, 123, 129 Portia Drive and 1143, 1175, 1179, 1183, 1187, 1191 Wilson Street West shall be considered one lot for zoning purposes.
- b) In addition to Subsection 10.6.1, the following uses shall also be permitted:
  - i) Art Gallery
  - ii) Auctioneer Establishments

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 227 of 255)

- iii) Building and Lumber Supply Establishment, within a wholly enclosed building
- iv) Cold Storage Locker Establishment
- v) Commercial Entertainment, within a wholly enclosed building
- vi) Commercial Parking Facility
- vii) Commercial Recreation, within a wholly enclosed building
- viii) Community Garden
- ix) Craftsperson Shop
- x) Day Nursery
- xi) Educational Establishment
- xii) Financial Establishment
- xiii) Funeral Home
- xiv) Laboratory
- xv) Library
- xvi) Major Recreational Equipment Sales and Service Establishment
- xvii) Manufacturing, limited to a Printing and / or Publishing Establishment
- xviii) Medical Clinic
- xix) Museum
- xx) Office
- xxi) Personal Service
- xxii) Post Office
- xxiii) Private Club or Lodge

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 228 of 255)

- xxiv) Repair Service
  - xxv) Restaurant
  - xxvi) Retail
  - xxvii) Supermarket
  - xxviii) Transportation Depot
  - xxix) Urban Farm
  - xxx) Urban Farmer’s Market
- c) In addition to Subsection 10.6.2, the following uses shall also be prohibited:
- i) Body Rub Parlour
  - ii) Department Store
  - iii) Dwelling Unit
  - iv) Open Storage
- d) Notwithstanding Subsections 5.6 c), 10.6.3 a), b), c), f), g), and in addition to Subsection 10.6.3 h), the following regulations apply:
- i) Minimum Front Yard: 1.5 metres, except as provided in Clause viii) below
  - ii) Minimum Side Yard: 1.5 metres, except where an interior side yard abuts a private vehicular turnaround, a 0.0 metre side yard shall be permitted
  - iii) Minimum Rear Yard: 10.0 metres
  - iv) Minimum Frontage: 30.0 metres
  - v) Maximum Total Aggregate Gross Floor Area for all uses not including a Supermarket: 4,975 square metres

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 229 of 255)

- |       |   |   |
|-------|---|---|
| vi)   | Maximum Gross Floor Area for a Supermarket: | 4,725 square metres   |
| vii)  | Built Form for New Development:             | <p>Within 20 metres of the Wilson Street West Lot Line, the minimum façade shall be greater than or equal to 40% of the measurement of the Wilson Street Lot Line, excluding access driveways to Wilson Street West and enhanced bioswale areas, and shall be subject to the following:</p> <ul style="list-style-type: none"><li>A) A maximum building setback of 6.0 metres is permitted</li><li>B) A minimum of 40% of the area of the ground floor façade facing Wilson Street West shall be composed of windows and doors, except that 80 metres of façade facing the Wilson Street West frontage shall be exempt from this requirement</li><li>C) No parking, driveways, drive through lanes, stacking lanes, or aisles shall be located between the building façade facing Wilson Street West and Wilson Street West</li></ul> |
| viii) | Minimum Planting Strip:                     | 3.0 metres adjacent to each lot line which abuts a public street or lot containing a dwelling comprising one or two dwelling units (but shall permit the location of principal buildings, walkways / sidewalks, retaining walls, curbs, signs, and light standards within required Planting Strips).  |
| ix)   | Minimum Parking Requirement:                | Parking for all uses shall be provided at a rate of 3.5 spaces for each 93 square metres of Gross Floor Area, or part thereof.  |

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 230 of 255)

602. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Maps 1126, 1127, 1177, 1178, 1179, 1462, 1463, 1501, 1502 of Schedule "A" - Zoning Maps and described as:

Property Address	Map Number
122 Martindale Crescent	1127, 1179
1775 Stone Church Road	1462, 1463, 1501, 1502

The following special provision shall apply:

- a) Notwithstanding Subsection 10.5.3 k), the display of goods or materials for retail purposes accessory to a Retail use shall be permitted on any yard;
- b) Notwithstanding Clause a), an Outdoor Storage area shall not be located on a planting strip, or required parking or loading area; and,
- c) Notwithstanding Subsection 10.5.3 k), an Outdoor Storage area shall be located 6.0 metres from a Residential or Institutional Zone or lot containing a residential use, or a lot line fronting onto a street, and shall be screened or fenced from view.
- d) Notwithstanding Subsection 10.5.3 k), an Outdoor Storage area attached to a building shall not exceed 500 square metres, or an area equivalent to 5% of the floor area, whichever is lesser.

603. Within the lands zoned Neighbourhood Commercial (C2) Zone, identified on Map 1187 of Schedule "A" - Zoning Map and described as 726 Upper Gage Avenue, the following special provisions shall apply:

- a) Notwithstanding Subsection 5.6 c), for a Medical Clinic, 1 parking space shall be provided for every 22.0 square metres.
- b) Notwithstanding Subsection 5.2b) and 5.2f), the following special Parking provisions shall also apply:
  - i) 

Parking Stall Size Dimension	A minimum parking stall size dimension of 2.6 metres by 5.5 metres shall be provided.
------------------------------	---
  - ii) 

Barrier Free Parking Stall Size Dimension	A minimum barrier free parking stall size dimension of 4.4 metres by 5.5 metres shall be provided.
---	--

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 231 of 255)

604. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map 1548 and 1593 of Schedule "A" - Zoning Map and described as Part of 1831 Rymal Road East, the following special provisions shall apply:
- a) Notwithstanding Subsection 10.5.1 and in addition to Subsection 10.5.2, the following uses shall be prohibited, even as an accessory use:
    - i) Drive-Through Facilities;
    - ii) Motor Vehicle Gas Bar;
    - iii) Motor Vehicle Washing Establishments;
    - iv) Motor Vehicle Dealerships;
    - v) Garden Centres;
    - vi) Hospitals; and,
    - vii) Hotels.
  - b) Notwithstanding Subsection 10.5.1 and in addition to Subsection 10.5.2, the following uses shall be prohibited as a primary use:
    - i) Motor Vehicle Service Stations; and,
    - ii) Garden Centres.
  - c) In addition to Subsection 10.5.1, the following uses shall also be permitted:
    - i) Masionettes; and,
    - ii) Townhouses.
  - d) Notwithstanding Subsection 10.5.3 d) ii) and iii), the maximum building height shall be 16.5 metres, or 4 storeys.
  - e) Notwithstanding the definition of Lot Line – Front Lot Line in Section 3: Definitions, and in addition to Section 3: Definitions, for the purpose of Special Exception No. 604, the following definitions shall apply:

Dwelling – Masionette:	Means back to back townhouse dwellings, containing not more than sixteen maisonette
---------------------------	--

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 232 of 255)

dwelling units within a block intended for maisonette dwellings.

- Dwelling –  
Townhouse: Means a building containing not less than three and not more than nine dwelling units with each unit separated by a common or party wall or walls, with a separate outside entrance to each unit.
- Lot Line – Front Lot Line: The frontage along Street “A” of the Draft Plan of “Part of Lot 33 – Concession 8”, 25T-201401, shall be deemed to be the front lot line.
- “Highway” or “Street” For the purpose of this Zone, the private driveway(s) or condominium road(s) are deemed to be a street(s), and parking, landscaping and amenity areas are permitted within the street(s).
- f) Notwithstanding the definition of Lot within Section 3: Definitions, those lands used for Maisonettes and Townhouses shall be considered as one lot.
- g) In addition to Subsections 4.6 b), d), f), 5.6 c), f), 10.5.3 a), b), c), d) and h), the following regulations shall only apply to Maisonettes and Townhouses:
- i) Minimum Front Yard 0.6 metres
  - ii) Minimum Side Yard 6.0 metres for any side yard including a flankage yard
  - iii) Minimum Rear Yard 6.0 metres; except for an end wall abutting a street, a minimum 2.4 metres shall be provided and maintained.
  - iv) Minimum Distance Between Buildings on the Same Lot
    - A) 12 metres between front walls;
    - B) 2.4 metres between end walls of a block townhouse and / or a block of maisonette units;
    - C) 12 metres between rear walls of a block of townhouses and / or a



To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 233 of 255)

block of maisonette units

- D) 7.0 metres between end walls and rear walls of a block of townhouse and / or a block of maisonette units
  - E) Separation distance shall not be applied to individual townhouse or maisonette units and / or their future property boundaries created by way of an application to remove part lot control and / or established by a condominium corporation.
- v) Density A minimum density of 55 units per net residential hectare and a maximum density of 75 units per net residential hectare shall apply.
- vi) Maximum Building Height 13.5 metres or 3 storeys.
- vii) Maximum Lot Coverage Not applicable
- viii) Privacy Area per Unit Notwithstanding the yard requirements in Clause i), ii), and iii), each townhouse unit shall have at least one area which serves as a privacy area which shall be adjacent to the dwelling unit and shall have a minimum depth of 3.5 metres. No privacy area shall be required for maisonette units.
- ix) Minimum Landscape Open Space 20%, except that landscape strips shall not be required between privacy areas and any lot line, nor adjacent to any portion of any lot that abuts a street.
- x) Parking Requirement 2 parking spaces for each maisonette and townhouse dwelling unit, and 0.25 visitors spaces shall be provided within the condominium road(s). Tandem parking is permitted for non-visitors parking spaces.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 234 of 255)

- xi) Parking Setback No parking areas may be located closer than 2.75 metres from a dwelling unit on the same lot. Future property and / or unit boundaries created through a Condominium Act or Planning Act application shall not be subject to this requirement.
  
- xii) Barrier-free Parking Space Dimensions 4.4 metres x 5.5 metres
  
- xiii) Yard Encroachment
  - A) Stairs may project into any required front yard a distance of not more than 3.5 metres;
  
  - B) Bay windows, with or without foundations, may project into any required front, rear and / or flankage yard a distance of not more than 0.9 metres; and,
  
  - C) Covered porches may project into any require front yard a distance of not more than 3.0 metres, and 1.8 metres for a flankage yard.”

605. Within the lands zoned Arterial Commercial (C7) Zone, identified on Maps 1500, 1546, 1547 of Schedule “A” – Zoning Maps and described as:

Property Address	Map Number
1308 and 1318 Rymal Road East	Map 1546, 1547
1315 Rymal Road East	Map 1500
1324 Rymal Road East	Map 1547
1333 Rymal Road East	Map 1500, 1547
1360 Rymal Road East	Map 1547
1361 Rymal Road East	Map 1547
1368 Rymal Road East	Map 1547
1380 Rymal Road East	Map 1547
1384 Rymal Road East	Map 1547

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 235 of 255)

1400 Rymal Road East	Map 1547
1411 Rymal Road East	Map 1500, 1547
145 Dartnall Road	Map 1500, 1547
172 Dartnall Road	Map 1547
173 Dartnall Road	Map 1547

The following special provisions shall apply:

- a) In addition to Subsection 10.7.1, the following uses shall also be permitted:
  - i) Adult Entertainment Parlours; and,
  - ii) Body Rub Parlours.
  
- 606. Within the lands zoned District Commercial (C6) Zone, identified on Map 1450 of Schedule “A” – Zoning Maps, and described as 1070 Stone Church Road East, the following special provisions shall apply:
  - a) Notwithstanding the definition of Front Lot Line in Section 3: Definitions of this By-law, the definition of the Front Lot Line shall mean any lot line of the lot abutting Stone Church Road East.
  - b) Notwithstanding Section 4.20c)i) and ii), an outdoor patio shall be permitted on the lot where any lot line abuts a Residential Zone, but shall not be permitted on portions of land between Tunbridge Crescent and a building.
  - c) Notwithstanding Sections 5.1v) and 10.6.4c), parking spaces and aisles giving direct access to the abutting parking space, shall not be located within 1.5 metres of a street line or Residential Zone or Institutional Zone except for points for ingress and egress, and a 1.5 metres planting strip being required and permanently maintained between the street line and the said parking spaces or aisles.
  
- 607. Within the lands zoned Arterial Commercial (C7) Zone, identified on Map 1499 of Schedule “A” – Zoning Maps, and described as 1112 Rymal Road East, the following special provisions shall apply:
  - a) Notwithstanding Subsection 10.7.1, the following uses shall be permitted within the building existing on the date of the passing of the By-law:
    - i) Medical Clinic; and,

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 236 of 255)

ii) Office.

646. Within the lands zoned District Commercial (C6) Zone, identified on Maps 1911 and 1912 of Schedule “A” – Zoning Maps, and described as 2400 Regional Road 56, the following special provisions shall apply:

- a) Notwithstanding Section 4.8.1a, an accessory building existing at the time of the passing of the By-law shall be permitted.
- b) Notwithstanding Subsection 10.6.3a), the Maximum Setback Fronting onto a Street Line shall be 28.0 metres.
- c) Subsection 10.6.3g)iv) shall not apply.

647. Within the lands zoned Mixed Use High Density (C4) Zone, identified on Maps 957, 958, 999, and 1000 of Schedule “A” – Zoning Maps and described as:

Property Address	Map Number
1091 Barton Street East	999
1111, 1115 Barton Street East	957, 999
1145, 1147, 1149, 1183, 1187, 1191, 1211, 1219, 1223, 1231, 1241, 1249, 1259, 1263 Barton Street East	957, 958, 999, 1000
1255, 1273, 1275, 1283, 1299, 1311, 1317, 1321 Barton Street East	958, 1000

The following special provisions shall apply:

- a) In addition to Subsection 10.4.1, following uses shall also be permitted:
  - i) Motor Vehicle Showroom
- b) In addition to Section 3: Definitions, for the purpose of Special Exception No. 647, the following definition shall apply:

Motor Vehicle Show Room	Shall mean an establishment located internal to a building where new motor vehicles are displayed for the purpose of sale or leasing, and may include accessory retailing of souvenir merchandise, and shall not include the storage of motor vehicles and Motor Vehicle Service Station.
-------------------------	---

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 237 of 255)

- c) A minimum building height of 6.0 metres shall be provided for commercial buildings containing only one or more of the following uses:
  - i) Financial Establishment;
  - ii) Personal Service;
  - iii) Restaurant; and,
  - iv) Retail.
- d) Where a building(s) on a lot exists on the date of the passing of the By-law, and have frontage on Barton Street East and/or Kenilworth Avenue North, Subsection 10.4.3a)i) shall not apply to any additional buildings.

648. Within the lands zoned Arterial Commercial (C7) Zone, identified on Map 1547 of Schedule “A” – Zoning Maps and described as 1324 Rymal Road East and 172 Dartnall Road, the following special provisions shall apply:

Notwithstanding Subsections 5.1v), 10.7.3a), and f), the following special regulations shall also apply:

- i) Maximum Yard 3.0 metres within 30.0 metres of the Abutting a Street intersection of the northerly and (Northerly Lot Line) easterly lot lines.
- ii) Maximum Yard 3.0 metres except a maximum Abutting a Street setback of 6.0 metres shall be (Easterly Lot Line) provided and maintained within 30.0 metres of the intersection of the northerly and easterly lot lines.
- iii) Landscaped Area 3.0 metres in depth and abutting the along Rymal Road street line shall be provided and East and Dartnall maintained. Road
- iv) Planting Strip A Planting Strip of not less than 1.5 Requirements metres in width shall be provided and maintained along every rear

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 238 of 255)

and side lot lines not abutting a street.

- v) Minimum Building Façade Requirement      A minimum width of the building façade shall be equal to 45% of the measurement of the northerly lot line and within 50 metres of the Dartnall lot line.
  
- vi) Window Requirements      All buildings shall have windows with a maximum sill height of 1.0 metres and a minimum height from finished floor to top of window of 2.4 metres for a minimum of 25% of the length of the façade facing the street.
  
- vii) Locational Requirement of a Parking space      No parking space or part thereof shall be located, and no land shall be used for the temporary parking or storage of any motor vehicle at a distance of not less than 6.0 metres from a street line or closer than 1.5 metres from the lot lines not abutting the street.

11. That Schedule “D” – Holding Provisions of By-law 05-200 is hereby amended by adding the following Holding Provisions:

“80. Notwithstanding Subsections 10.2, 10.3, 10.5 and 10.7 and Special Exception No. 300 of this By-law, on those lands zoned Neighbourhood Commercial (C2, 300) Zone, Modified, Community Commercial (C3, 300) Zone, Modified, Mixed Use Medium Density (C5, 300) Zone, Modified, and Arterial Commercial (C7, 300) Zone, Modified, identified on Maps 956, 957, 998, 999, 1046 and 1238 of Schedule “A” – Zoning Maps and described as:

Property Address	Map Number
194 Avondale Street	956
196 Avondale Street	956
197 Avondale Street	956

## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 239 of 255)

Property Address	Map Number
198 Avondale Street	956
199 Avondale Street	956
200 Avondale Street	956
201 Avondale Street	956
203 Avondale Street	956
204 Avondale Street	956
205 Avondale Street	956
206 Avondale Street	956
207 Avondale Street	956
208 Avondale Street	956
209 Avondale Street	956
210 Avondale Street	956
212 Avondale Street	956
214 Avondale Street	956
216 Avondale Street	956
217 Avondale Street	956
218 Avondale Street	956
219 Avondale Street	956
220 Avondale Street	956
221 Avondale Street	956
222 Avondale Street	956
223 Avondale Street	956
224 Avondale Street	956
226 Avondale Street	956
228 Avondale Street	956
797 Barton Street East	956
799 Barton Street East	956
889 Barton Street East	956
891 Barton Street East	956
893 Barton Street East	956
895 Barton Street East	956
897 Barton Street East	956
901 Barton Street East	956
903 Barton Street East	956
905 Barton Street East	956
909 Barton Street East	956
913 Barton Street East	956
915 Barton Street East	956
925 Barton Street East	956
954 Barton Street East	956 and 957
970 Barton Street East	957 and 999
973 Barton Street East	957

## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 240 of 255)

Property Address	Map Number
983 Barton Street East	957
984 Barton Street East	957 and 999
985 Barton Street East	957
986 Barton Street East	957 and 999
991 Barton Street East	957
999 Barton Street East	957 and 999
1015 Barton Street East	957 and 999
1850 Barton Street East	1046
1860 Barton Street East	1046
1870 Barton Street East	1046
1880 Barton Street East	1046
1890 Barton Street East	1046
1900 Barton Street East	1046
1910 Barton Street East	1046
1920 Barton Street East	1046
1930 Barton Street East	1046
1940 Barton Street East	1046
1950 Barton Street East	1046
1960 Barton Street East	1046
1970 Barton Street East	1046
1980 Barton Street East	1046
1990 Barton Street East	1046
190 Cavell Avenue	956
192 Cavell Avenue	956
193 Cavell Avenue	956
194 Cavell Avenue	956
196 Cavell Avenue	956
198 Cavell Avenue	956
204 Gage Avenue North	956
208 Gage Avenue North	956
210 Gage Avenue North	956
212 Gage Avenue North	956
214 Gage Avenue North	956
216 Gage Avenue North	956
218 Gage Avenue North	956
220 Gage Avenue North	956
200 Glendale Avenue North	957, 998 and 999
240 Glendale Avenue North	998 and 999
242 Glendale Avenue North	998 and 999
244 Glendale Avenue North	956, 998 and 999
246 Glendale Avenue North	998
248 Glendale Avenue North	956



## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 241 of 255)

Property Address	Map Number
250 Glendale Avenue North	956 and 957
1 Gordon Street	956
9 Gordon Street	956
10 Gordon Street	956
11 Gordon Street	956
12 Gordon Street	956
13 Gordon Street	956
14 Gordon Street	956
16 Gordon Street	956
17 Gordon Street	956
18 Gordon Street	956
19 Gordon Street	956 and 957
20 Gordon Street	956
21 Gordon Street	956 and 957
22 Gordon Street	956
23 Gordon Street	957
24 Gordon Street	956 and 957
25 Gordon Street	957
26 Gordon Street	956 and 957
28 Gordon Street	956 and 957
30 Gordon Street	957
32 Gordon Street	957
34 Gordon Street	957
36 Gordon Street	957
38 Gordon Street	957
40 Gordon Street	957
42 Gordon Street	957
44 Gordon Street	957
46 Gordon Street	957
48 Gordon Street	957
50 Gordon Street	957
51 Gordon Street	957
53 Gordon Street	957
132 Hester Street	1238
138 Hester Street	1238
141 Hester Street	1184 and 1238
143 Hester Street	1184 and 1238
146 Hester Street	1238
151 Hester Street	1238
152 Hester Street	1238
158 Hester Street	1238
160 Hester Street	1238

## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 242 of 255)

Property Address	Map Number
8 Lincoln Street	957
10 Lincoln Street	957
11 Lincoln Street	957
12 Lincoln Street	957
13 Lincoln Street	957
14 Lincoln Street	957
15 Lincoln Street	957
16 Lincoln Street	957
17 Lincoln Street	957
18 Lincoln Street	957
19 Lincoln Street	957
20 Lincoln Street	957
21 Lincoln Street	957
22 Lincoln Street	957
23 Lincoln Street	957
25 Lincoln Street	957
26 Lincoln Street	957
27 Lincoln Street	957
29 Lincoln Street	957
32 Lincoln Street	957
33 Lincoln Street	957
14 Linden Street	957
16 Linden Street	956 and 957
18 Linden Street	957
19 Linden Street	956 and 957
30 Linden Street	957
2 Lloyd Street	956
4 Lloyd Street	956
6 Lloyd Street	956
8 Lloyd Street	956
10 Lloyd Street	956
12 Lloyd Street	956
20 Lloyd Street	956
26 Lloyd Street	956
32 Lloyd Street	956
34 Lloyd Street	956
36 Lloyd Street	956
38 Lloyd Street	956
40 Lloyd Street	956
42 Lloyd Street	956
44 Lloyd Street	956
46 Lloyd Street	956

## To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 243 of 255)

Property Address	Map Number
50 Lloyd Street	956
52 Lloyd Street	956
54 Lloyd Street	956
56 Lloyd Street	956
221 Melvin Avenue	1046
291 Rosslyn Avenue North	957
1012 Upper Wellington Street	1238
1020 Upper Wellington Street	1238
1028 Upper Wellington Street	1238
1042 Upper Wellington Street	1238
335 Woodward Avenue	1046

Any proposed redevelopment of an existing industrial use(s) shall require the fulfilment of the following prior to redevelopment taking place:

- i) A signed Record of Site Condition (RSC) has been submitted to the Director of Planning and Chief Planner, and the Ministry of the Environment (MOE). This RSC, must be to the satisfaction of the City of Hamilton, including acknowledgement of receipt of the RSC by the MOE.
81. Notwithstanding Subsection 10.2 and Special Exception Nos. 304 and 333 of this By-law, on those lands zoned Neighbourhood Commercial (C2) Zone, Neighbourhood Commercial (C2, 304) Zone, Modified and Neighbourhood Commercial (C2, 333) Zone, Modified, identified on Maps 1388 and 1389 of Schedule “A” – Zoning Maps and described as 581, 587, 597 and 605 Garner Road East, no development shall be permitted until such time as:
- i) The lands are assembled and comprehensively planned and a site plan control application has been approved for the assemble property, which ensures that access driveways onto Garner Road East are minimized and property sited, to the satisfaction of the Director of Planning and Chief Planner;
  - ii) Until such time as the Holding (H) provision is removed and the lands are redeveloped, the existing residential uses and the existing commercial uses may continue and minor additions, alterations or renovations shall be permitted. Any intensification that compromises the comprehensive redevelopment of the lands shall be prohibited.
82. Notwithstanding Subsection 10.3 and Special Exception Nos. 304 and 579 of this By-law, on those lands zoned Community Commercial (C3, 304, 579) Zone, Modified, identified on Map 1502 of Schedule “A” – Zoning Maps and

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 244 of 255)

described as 136, 144 and 146 Upper Mount Albion Road, no development shall be permitted until such time as:

- i) Municipal sanitary sewers, municipal water and storm sewers are available and adequate to service the subject lands and a development agreement has been entered into by the owner with the City, to the satisfaction of the Senior Director of Growth Management.

83. Notwithstanding Subsection 10.7 and Special Exception No. 315 of this By-law, on those lands zoned Arterial Commercial (C7, 315) Zone, Modified, identified on Maps 1505 and 1506 of Schedule "A" – Zoning Maps and described as 267, 275 - 283 and 293 Upper Centennial Parkway, no development shall be permitted until such time as:

- i) There is adequate water and sanitary service capacity available to the subject lands and that it can be demonstrated that there are appropriate connections available for water and sanitary sewer, including the construction of a local sanitary sewer to the subject property to the satisfaction of the Senior Director of Growth Management.

84. Notwithstanding Subsection 10.2 and Special Exception No. 325 of this By-law, on those lands zoned Neighbourhood Commercial (C2, 325) Zone, Modified, identified on Map 1247 of Schedule "A" – Zoning Maps and described as 2791 King Street East, no development shall be permitted until such time as:

- i) The owner applies for and receives final approval Site Plan approval, to the satisfaction of the Director of Planning and Chief Planner, Planning and Economic Development Department; and,
- ii) That the Owner(s) of 2791 and 2803 King Street East enter into an agreement with the City to be registered against the title of both the lot upon which parking is to be provided and the lot containing the use requiring the parking, to the satisfaction of the Director of Planning and Chief Planner, Planning and Economic Development Department.

85. Notwithstanding Subsection 10.2 and Special Exception No. 328 of this By-law, on those lands zoned Neighbourhood Commercial (C2, 328) Zone, identified on Map 1388 of Schedule "A" – Zoning Maps and described as part of 515 Garner Road East and Parts of 515, 527, and 535 Garner Road East, and 523 Garner Road East, no development shall be permitted until such time as:

- i) The lands are assembled and comprehensively planned and a site plan control application has been approved for the assemble property, which

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 245 of 255)

ensures that access driveways onto Garner Road East are minimized, to the satisfaction of the Director of Planning and Chief Planner, Planning and Economic Development Department;

- ii) Until such time as the Holding (H) provision is removed and the lands are redeveloped, the existing residential uses and the existing commercial use may continue and minor additions, alterations or renovations shall be permitted. Any intensification that compromises the comprehensive redevelopment of the lands shall be prohibited.
86. Notwithstanding Subsection 10.5 and Special Exception No. 329 of this By-law, on those lands zoned Mixed Use Medium Density (C5, 329) Zone, Modified, identified on Maps 1178 and 1179 of Schedule "A" – Zoning Maps and described as 1173 and 1203 Old Golf Links Road, no development shall be permitted until such time as:
- i) The approval of a servicing study and posting of appropriate securities to ensure implementation of the study's recommendations, to the satisfaction of the Manager of Engineering Design and Construction;
  - ii) The approval of design drawings for the re-construction of Old Golf Links Road and the posting of appropriate securities to ensure implementation of the approved drawings, all to the satisfaction of the Manager of Engineering Design and Construction; and,
  - iii) The owner/applicant conducts an archaeological assessment of the entire development property and mitigating, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading or soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and Chief Planner confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
87. Notwithstanding Subsection 10.6 and Special Exception Nos. 337 and 570 of this By-law, on those lands zoned District Commercial (C6, 337, 570) Zone, Modified, identified on Map 1911 of Schedule "A" – Zoning Maps and described as Part of 39 Garinger Crescent, no development shall be permitted until such time as:
- i) The subject lands are developed in conjunction with the lands to the east, being 2544 Regional Road 56, to the satisfaction of the Director of Planning and Chief Planner, Planning and Economic Development Department.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 246 of 255)

88. Notwithstanding Subsection 10.5 and Special Exception No. 338 of this By-law, on those lands zoned Mixed Use Medium Density (C5, 338, H88, H89) Zone, Modified, identified on Maps 1639 and 1640 of Schedule "A" – Zoning Maps and described as 2100 - 2190 Rymal Road East, the H88 symbol may be removed by further amendment to this By-law at such time as the following matters have been completed:
- i) The submission and approval of a Traffic Impact Study to address the need for, and timing of, any other required road improvements, prior to development of the subject lands, to the satisfaction of the Manager of Traffic Engineering and Operations, Public Works Department; and,
  - ii) All roadway network upgrades required to facilitate the applications be identified and submitted, to the satisfaction of the Manager of Traffic Engineering and Operations, Public Works Department.
89. Notwithstanding Subsection 10.5 and Special Exception No. 338 of this By-law, on those lands zoned Mixed Use Medium Density (C5, 338, H88, H89) Zone, Modified, identified on Maps 1639 and 1640 of Schedule "A" – Zoning Maps and described as 2100 Rymal Road East, the H89 symbol may be removed by further amendment to this By-law at such time as the following matters have been completed:
- i) All matters listed under H88 have been satisfied; and,
  - ii) That the provision of adequate servicing has been allocated for the proposed development, to the satisfaction of the Senior Director of Growth Management, Planning and economic Development Department.
- While the lands are zoned Mixed Use Medium Density (C5, 338, H89) Zone, Modified, all uses shall be permitted, except for sit down, take-out and drive-through restaurants, coffee shops, laundromats, dry cleaning establishments, hair salons, beauty parlours, aestheticians, and barber shops, which uses shall be restricted to a total gross leasable floor area of 743 square metres.
90. Notwithstanding Subsection 10.5 and Special Exception No. 552 of this By-law, on those lands zoned Mixed Use Medium Density (C5, 552) Zone, Modified, identified on Maps 1185 and 1239 of Schedule "A" – Zoning Maps and described as 800 Upper Wentworth Street and 362 Mohawk Street East, no development shall be permitted until such time as:
- i) The owner receives final approval of a Site Plan Control application, to the satisfaction of the Director of Planning and Chief Planner, Planning and Economic Development Department.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 247 of 255)

91. Notwithstanding Subsection 10.6 and Special Exception No. 583, on those lands zoned District Commercial (C6, 583) Zone, identified on Map 444 and 445 of Schedule "A" – Zoning Maps and described as the southeasterly portion of 619 Centre Road and 645 Wigood Drive, no development shall be permitted until such time as:
- i) The final alignment of the East-West Corridor has been determined, to the satisfaction of the Senior Director of Growth Management.
  - ii) That no commercial uses be developed until such time that the east-West Corridor has been constructed adjacent to the subject lands.
92. Notwithstanding Subsection 10.6 and Special Exception No. 326 of this By-law, on those lands zoned District Commercial (C6, SE 326) Zone, Modified, identified on Maps 549, 580, 581, 582, 612 of Schedule "A" and described as Clappison's Corner, shown as Figure 9 of Schedule "F" – Special Figures, the H105 symbol may be removed by further amendment to this By-law at such time as the following conditions have been satisfied:
- i) The Holding Provision will prohibit development beyond 55,740 square metres of gross floor area for all uses within Blocks A and B only, excluding motel, hotel, community centre, and public uses until such time as arrangements financial or otherwise, are made for a road connection to Parkside Drive to the satisfaction of the Director of Planning and Chief Planner.
  - ii) The Holding Provision will prohibit the use of the subject lands for the proposed purposes as it affects Block E until such time that a municipal road allowance connecting the subject lands to Dundas Street East (Highway No. 5) has been dedicated to the City of Hamilton by way of a Plan of Subdivision to provide appropriate access to the subject lands, to the satisfaction of the Director of Planning and Chief Planner."
93. Notwithstanding Subsection 10.6 and Special Exception No. 562 of this By-law, on those lands zoned District Commercial (C6, 562) Zone, Modified, identified on Maps 1258 and 1259 of Schedule "A" – Zoning Maps and described as 1290 South Service Road, no development shall be permitted until such time as:
- i) The owner / applicant enters into an appropriate development agreement with the City to extent the sanitary sewer and watermain, and to complete any road or traffic improvements on the adjacent streets or to pay his/her fair share of the works in case those works have been completed by others, all to the satisfaction of the Senior Director of Growth Management; and,

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 248 of 255)

- ii) That the owner/applicant demonstrates that an appropriate treatment train approach can be implemented on site using LIDs to satisfy the level 2 quality control requirements, to the satisfaction of the Senior Director of Growth Management and the Hamilton Conservation Authority.
94. Notwithstanding Subsection 10.3.1, on those lands zoned Community Commercial (C3) Zone, identified on Map 1595 of Schedule "A" – Zoning Maps and described as 8 Kingsborough Drive, no development shall be permitted until such time as:
- i) The subject lands are consolidated with adjacent lands to ensure orderly development or demonstrate that the property can be developed on its own in accordance with the provisions of the Community Commercial (C3) Zone to the satisfaction of the Director of Planning and Chief Planner.
95. Notwithstanding Subsection 10.6 and Special Exception No. 349 of this By-law, on those lands zoned District Commercial (C6, 349, H95, H96, H100, H101) Zone, Modified, identified on Maps 1501 and 1502 of Schedule "A" – Zoning Maps and described as 512 Highland Road West, the H95 symbol may be removed by further amendment to this By-law at such time the Trinity Church Arterial Road is constructed to Rymal Road as the following condition has been satisfied:
- i) That the owner agrees, in writing, to implement recommendations from an approved Traffic Impact Study (TIS), prepared by Paradigm Transportation Solutions Ltd., which shall be revised as phasing of the development proceeds, to the satisfaction of the Director of Engineering Services, Public Works Department.
96. Notwithstanding Subsection 10.6 and Special Exception No. 349 of this By-law, on those lands zoned District Commercial (C6, 349, H95, H96, H100, H101) Zone, Modified, identified on Maps 1501 and 1502 of Schedule "A" – Zoning Maps and described as 512 Highland Road West, the H96 symbol may be removed to permit limited development abutting Stone Church Road by further amendment to this By-law at such time as the following conditions have been satisfied:
- i) That the owner agrees, in writing, to pay its proportionate share towards the existing stormwater management facility located on the north side of Stone Church Road East and services installed on Stone Church Road East, including road urbanization, to satisfy the best efforts obligation, as outlined in the Heritage Green Subdivision Agreement, to the satisfaction of the Senior Director of Growth Management.



To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 249 of 255)

- ii) That the owner agrees, in writing, to:
  - a) urbanize Upper Mount Albion Road from Stone Church Road East, including sanitary sewers, as required, from a midblock entrance to Stone Church Road East, to the satisfaction of the Senior Director of Growth Management, and the Director of Engineering Services, Public Works Department;
  - b) construct sidewalk from required street lighting on Stone Church Road East and Upper Mount Albion Road from the future Trinity Church Arterial Road to a midblock entrance on Upper Mount Albion Road; and,
  - c) construct a temporary sidewalk from a midblock entrance to Highland Road West;

all to the satisfaction of the Director of Engineering Services, Public Works Department.

- iii) That the owner agrees, in writing, to implement recommendations from an approved, revised TIS for the proposed use, which identifies the current road network conditions, identified restrictions to access on Stone Church Road East, and the impacts and mitigations required for the road and pedestrian network, to the satisfaction of the Director of Engineering Services, Public Works Department.

97. Notwithstanding Subsection 10.3 of this By-law, on those lands zoned Community Commercial (C3) Zone, identified on Map 1405 of Schedule "A" – Zoning Maps and described as 420 First Road West, no development shall be permitted until such time as:

- i) That those lands located within the 50 dBA sound level of the rock crushing establishment (All Around Contracting Yard) not be developed until such time as the establishment ceases to operate, to satisfaction of the Director of Planning and Chief Planner.

98. Notwithstanding Subsection 10.5.1 and Special Exception No. 604, on those lands zoned Mixed Use Medium Density (C5, 604) Zone, Modified, identified on Maps 1548 and 1593 of Schedule "A" – Zoning Maps and described as Part of 1831 Rymal Road East, no development shall be permitted until such time as:

- i) The subject lands have been consolidated with adjacent lands to a minimum 1,500 square metres or until such time as the owner / applicant has applied for and received final approval of a Site Plan Control

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 250 of 255)

application demonstrating a viable development, to the satisfaction of the Director of Planning and Chief Planner.

99. Notwithstanding Subsection 10.3 of this By-law, on those lands zoned Community Commercial (C3) Zone, identified on Map 1405 of Schedule "A" – Zoning Maps and described as 420 First Road West, no development shall be permitted until such time as:
- i) That all residential lands within 160 metres of the working licensed limits of the active quarry or the limits of the former quarry under rehabilitation shall not be developed until such time as the completion of mining and the completion of rehabilitation on the quarry lands immediately adjacent to the Holding (H) Zone have been finalized to the satisfaction of the Director of Planning and Chief Planner; and,
  - ii) That those lands located within the 50 dBA sound level demarcation of the All Around Contracting facility not be developed until such time as the facility ceases to operate, to the satisfaction of the Director of Planning and Chief Planner.
100. Notwithstanding Subsection 10.6 and Special Exception No. 349 of this By-law, on those lands zoned District Commercial (C6, 349, H95, H96, H100, H101) Zone, Modified, identified on Maps 1501 and 1502 of Schedule "A" – Zoning Maps and described as 512 Highland Road West, the H100 symbol may be removed for the remainder of the lands by further amendment to this By-law at such time as the following conditions have been satisfied:
- i) That the trunk sanitary and storm sewer outlets at Highland Road West and Upper Mount Albion Road are available, to the satisfaction of the Senior Director of Growth Management.
  - ii) That the owner agrees, in writing, to urbanize (sidewalk, streetlights, and sanitary sewers) for Highland Road West, from Upper Mount Albion to the Trinity Church Arterial Road and Upper Mount Albion Road from a midblock driveway to Highland Road West, to the satisfaction of the Senior Director of Growth Management.
101. Notwithstanding Subsection 10.6 and Special Exception No. 349 of this By-law, on those lands zoned District Commercial (C6, 349, H95, H96, H100, H101) Zone, Modified, identified on Maps 1501 and 1502 of Schedule "A" – Zoning Maps and described as 512 Highland Road West, the H101 symbol may be removed by further amendment to this By-law at such time as the following condition has been satisfied:

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City  
of Hamilton

(Page 251 of 255)

- i) That the owner complete water distribution upgrades to District 7 Pump Station, and provides adequate water supply to the subject lands, to the satisfaction of the Senior Director of Growth Management.
12. That Schedule "F" – Special Figures of By-law 05-200 is hereby amended by adding Special Figure 8.0 and Special Figure 9.0.

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton



**Figure 8: Heritage Green**

Date:  
August 3, 2017

**Legend**

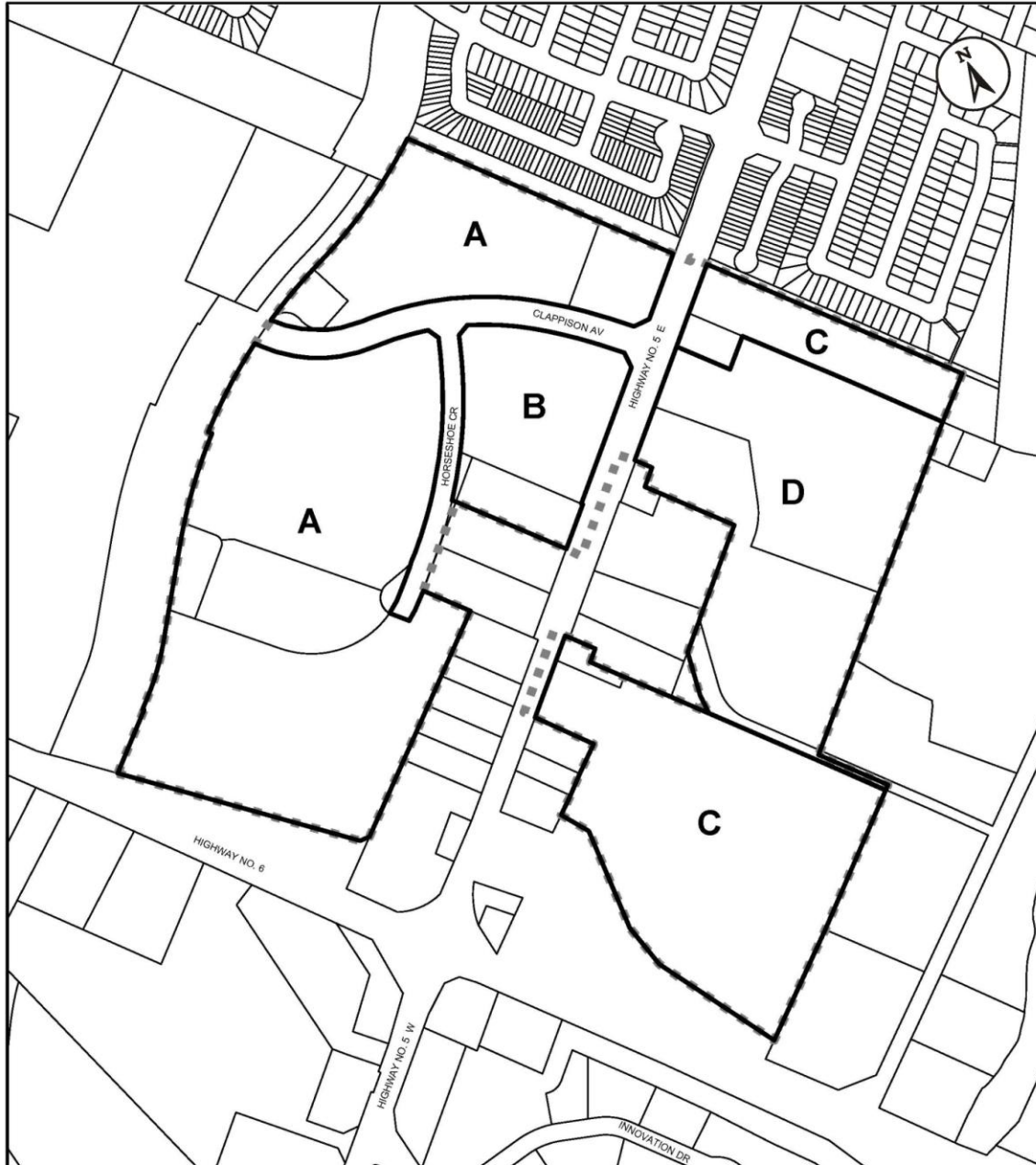
■ ■ ■ Subject Area - Special Exception 319



Hamilton

PLANNING AND ECONOMIC  
DEVELOPMENT DEPARTMENT

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton



**Figure 9: Clappison's Corner**

Date:  
April 2017

**Legend**

■ ■ ■ Subject Area - Special Exception 326



To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City  
of Hamilton

(Page 254 of 255)

13. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law in accordance with the Planning Act.
14. That for the purposes of the Building Code, this by-law or any part of it is not made until it has come into force as provided by section 34 of the *Planning Act*.
15. That this By-law comes into force in accordance with section 34 of the Planning Act.

PASSED this        day of October, 2017.

---

Fred Eisenberger  
Mayor

---

Rose Caterini  
City Clerk

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City  
of Hamilton

(Page 255 of 255)

*For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the  
Authority Section of the by-law*

Is this by-law derived from the approval of a Committee Report? Yes

Committee: PC

Report No.: PED16100(c) Date: 10/17/2017

Ward(s) or City Wide: Wards: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 15

(MM/DD/YYYY)

Prepared by: Timothy Lee

Phone No: 1249

*For Office Use Only, this doesn't appear in the by-law*