

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 16, 2018
SUBJECT/REPORT NO:	Proposed Transit Oriented Corridor Zones in Zoning By-law No. 05-200 - LRT Extension and Housekeeping Amendments (PED18012) (Wards 1,3, 4, 5 and 9)
WARD(S) AFFECTED:	Wards 1, 3, 4, 5 and 9
PREPARED BY:	Madeleine Giroux Planner II (905) 546-2424 Ext. 2664
SUBMITTED BY:	Steve Robichaud Director of Planning and Chief Planner
SIGNATURE:	

RECOMMENDATION

- (a) That approval be given to Official Plan Amendment (OPA) No. ____ to the Urban Hamilton Official Plan (UHOP) to amend policies, schedules and maps, to implement up-to-date mapping and policies for the extension of the Transit Oriented Corridor located along Queenston Road from east of Jefferson Avenue to Reid Avenue, on the following basis:
- (i) That the Proposed Official Plan Amendment, attached as Appendix “A” to Report PED18012, be adopted by Council; and,
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) 2014, and conforms to Growth Plan for the Greater Golden Horseshoe, 2017 (P2G).
- (b) That approval be given to **City Initiative CI-17-B** to add the Transit Oriented Corridor Mixed Use High Density (TOC4) Zone to Zoning By-law No. 05-200, to zone certain lands located on Queenston Road between Jefferson Avenue and Irene Avenue as Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone, Transit Oriented Corridor Local Commercial (TOC2) Zone, Transit Oriented Corridor Multiple Residential (TOC3) Zone and Transit Oriented Corridor Mixed Use High Density (TOC4) Zone, to amend the existing TOC1, TOC2, and TOC3 Zone to incorporate housekeeping amendments, to add special exceptions to Schedule “C”, to add two new special figures to Schedule “F”, and to amend

general provisions and other administrative sections of the By-law, on the following basis:

- (i) That the Proposed By-law, attached as Appendix “B” to Report PED18012 which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,
- (ii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. ____.
- (c) That Item 1 on the Outstanding Business List related to the range of local commercial uses to serve the immediate neighbourhood of King St E. between Barnesdale Avenue & Fairholt Street be removed.

EXECUTIVE SUMMARY

The purpose of this City Initiative is to amend the Urban Hamilton Official Plan and Zoning By-law No. 05-200. The amendment to the Official Plan is to extend the approved Area Specific Policy UH-6 in Volume 3 to additional lands along the extension of the LRT corridor, and to prohibit certain uses that are not supportive of the LRT system.

The changes to Hamilton Zoning By-law No. 05-200 are to add a new Transit Oriented Corridor Mixed Use High Density (TOC4) Zone and to apply the existing Transit Oriented Corridor Zones (TOC1, TOC2, and TOC3) and the new TOC4 Zone to certain lands located on Queenston Road between Jefferson Avenue and Irene Avenue. These lands are part of the proposed Light Rail Transit (LRT) corridor which was extended from the Queenston Traffic Circle to Eastgate Square.

The proposed zoning will implement:

- The policies of the Urban Hamilton Official Plan (UHOP) Volume 1 for those lands located between Jefferson Avenue and Reid Avenue; and,
- The policies of both the UHOP Volume 1 and the proposed Centennial Neighbourhoods Secondary Plan (Volume 2) for those lands between just east of Pottruff Road and Irene Avenue.

Other administrative changes have also been included in this Report:

- To rename the existing TOC1, TOC2, and TOC3 Zones to differentiate between the CMU Zones;

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- To update the regulations and terminology to be consistent with the Commercial and Mixed Use zoning;
- To permit minor expansions to legal non-conforming single detached, semi-detached and duplex dwellings (TOC1 and TOC3); and,
- To clarify the range of permitted commercial uses and associated regulations within the (TOC3) Zone.

The proposed TOC Zones Extension supports residential and commercial intensification that is beneficial to transit investment, establish regulations that do not impede the operation of the LRT System, that contribute to city building, and remove regulatory barriers for new investment and/or redevelopment opportunities in accordance with the City's Open for Business mandate.

Alternatives for Consideration – See Page 14

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider amendments to the Official Plan and Zoning By-law.

HISTORICAL BACKGROUND

1.0 Transit Oriented Corridor (TOC) Zones

The TOC Zones initiative was considered by Planning Committee on October 4, 2016 (see PED16100(a)) and approved by Council on October 12, 2016. It applied to properties on Main Street from McMaster University to Hwy No. 403, King Street from Hwy No. 403 to the Delta, Main Street East from the Delta to the Queenston Traffic Circle, and Queenston Road from the traffic circle to Jefferson Avenue. The initiative included:

- Site specific (UHOP) policy and zoning by-law regulations to prohibit such auto related uses as drive through facilities, gas bars, car washes and motor vehicle service stations because they conflict with the proposed LRT system; and,

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- The addition of three new zone categories into Zoning By-law No. 05-200, including the Mixed Use (TOC1) Zone, the Local Commercial (TOC2) Zone, and the Multiple Residential (TOC3) Zone;

The zones implement the UHOP designations by increasing opportunities for more commercial and residential uses, prohibiting certain uses that would conflict with the operation of the LRT, and establishing a built form that supports a more pedestrian friendly environment. The zoning is in effect, except for three properties that remain under appeal.

2.0 Transit Oriented Corridor (TOC) Zones Extension

Council considered and endorsed the amended Hamilton LRT Environmental Project Report (EPR) Addendum on April 26, 2017. The Council-endorsed EPR Addendum for the B-Line included an extension of the project from the Queenston Traffic Circle to Eastgate Square.

The TOC Zone study area was accordingly extended from Jefferson Avenue to Irene Avenue. This extension is known as the TOC Zones Extension project.

3.0 Council Motion

On October 11, 2017, City Council passed the following Motion:

WHEREAS, the City of Hamilton adopted transit corridor zoning regulations in October, 2016 to support and encourage investment along the Light Rail Transit (LRT) corridor;

WHEREAS, the zoning for the lands on King Street East between Barnesdale Avenue and Fairholt Street, limits the non-residential uses to the uses existing as of October, 2016 but this area has been undergoing a renaissance;

WHEREAS, this area provides local commercial uses such as retail, restaurants, cafés, bars, and personal services that serve the immediate neighbourhood;

THEREFORE BE IT RESOLVED:

That staff be directed to review the current zoning and schedule a public meeting of the Planning Committee to consider changes to the zoning by-law to broaden the range of permitted uses to include new local commercial uses that serve the immediate neighbourhood.

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The purpose of this motion is to consider expanding the list of permitted commercial uses within existing buildings for lands that are currently zoned TOC3.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

1.0 Provincial Policy

The UHOP Amendment and Zoning By-law No. 05-200 amendments are consistent with the Provincial Policy Statement, 2014 and conform to the Growth Plan for the Greater Golden Horseshoe, 2017. A detail Policy review is included in Report PED16100(a).

In summary, the amendments:

- Introduce land use permissions that will accommodate an appropriate range and mix of residential and commercial uses along the planned major transit corridor; and,
- Promote a well-designed, compact built form by restricting auto-related uses, establishing maximum setbacks from the streetline, as well as establishing minimum and maximum building heights with appropriate stepbacks and transitions from adjacent lower density residential uses, among other provisions, to create a pedestrian focus.

2.0 Urban Hamilton Official Plan (UHOP)

Report PED16100(a) provides detailed UHOP evaluation as it relates to the creation of the TOC1, TOC2 and TOC3 Zones.

2.1 Land Use Designations and Policies (Volume 1)

Only the policies of Volume 1 apply to the lands located between Jefferson Avenue and Reid Avenue. The following land use designations are implemented by the specific zones noted below:

Designation (Urban Hamilton Official Plan)	Proposed Zone (Zoning By-law No. 05-200)
<i>Schedule "E-1" of Volume 1 (for lands located outside of the Secondary Plan area – Jefferson Avenue to Reid Avenue)</i>	
Mixed Use – Medium Density Designation	Mixed Use (TOC1) Zone

2.2 Proposed Centennial Neighbourhoods Secondary Plan (Volume 2)

Certain lands within the TOC Zones Extension project area are subject to the proposed Centennial Neighbourhoods Secondary Plan. The policies of the Secondary Plan are described in Report PED18007/PW18005. The following land use designations within the Secondary Plan are implemented by the specific zones noted below:

Designation (Urban Hamilton Official Plan)	Designation (Centennial Neighbourhoods Secondary Plan)	Proposed Zone (Zoning By-law No. 05- 200)
<i>Schedule "E-1" of Volume 1</i>	<i>Map B.6.7-1 of Volume 2 (for lands located just east of Pottruff Road to Irene Avenue)</i>	
Neighbourhoods Designation	Medium Density Residential 2 Designation	Multiple Residential (TOC3) Zone
Neighbourhoods Designation	Local Commercial Designation	Local Commercial (TOC2) Zone
Mixed Use – Medium Density Designation	Mixed Use – Medium Density Designation	Mixed Use (TOC1) Zone
Mixed Use – High Density Designation	Mixed Use – High Density Designation	Transit Oriented Corridor Mixed Use High Density (TOC4) Zone

2.2.1 Medium Density Residential 2 Designation

The TOC Zones Extension project area contains existing residential areas which are included in the TOC Zones instead of the future Residential Zones because **these lands are in** close proximity to the LRT extension **and thereby** result in redevelopment potential. The Multiple Residential (TOC3) Zone implements the Medium Density Residential 2 designation on Map B.6.7-1. These lands include 505-537 Queenston Road; a cluster of single detached dwellings that have existed for a number of years. A number of these properties have been converted to offices on the ground floor and will accordingly contain a Special Exception to recognize the existing uses in accordance with Site Specific Policy Area E on Map B.6.7-4 of the proposed Centennial Neighbourhoods Secondary Plan.

Lands located within the Medium Density Residential 3 and High Density Residential 1 designations on Map B.6.7-1 have not been included within the TOC Zone Phase 2 project and will be zoned through the future Residential Zoning project.

2.2.2 Local Commercial Designation

The Local Commercial (TOC2) Zone applies to lands designated Local Commercial on Map B.6.7-1. The zone allows for a range of commercial uses to provide for the daily and weekly needs of the neighbourhood. Residential permissions are also included in the TOC2 Zone; however, they have been restricted to maintain the planned retail and service commercial function set out in the Neighbourhoods Designation of Volume 1 and the Local Commercial Designation of Volume 2. The TOC2 Zone, which was approved in October, 2016 throughout the LRT Corridor will specifically be applied to 561 and 565 Queenston Road.

2.2.3 Mixed Use – Medium Density Designation

A portion of lands within the TOC Zone Extension project area is designated as Mixed Use – Medium Density on Map B.6.7-1 of the proposed Secondary Plan. The Mixed Use (TOC1) Zone will be applied to these lands to implement the Mixed Use – Medium Density policies.

2.2.4 Mixed Use – High Density Designation

A portion of lands along the LRT extension are designated as Mixed Use – High Density under the Urban Land Use Designations - Schedule E-1 (Volume 1) and under Map B.6.7-1 of the proposed Secondary Plan (Volume 2). Furthermore, these lands are identified as locating within the Eastgate Sub-Regional Service Node. The policies of this designation allow for a diverse development of the City's nodes and corridors. A range of permitted uses, including service commercial, entertainment, retail, restaurants, office, and high density residential uses, and a variety of design standards, provide for a pedestrian oriented, mixed use area. The intent is for Mixed Use – High Density areas to appeal to a broad regional market and serve residents across the City and the surrounding area, as well as to provide day-to-day retail facilities and services to residents in the immediate area.

The proposed Secondary Plan identifies the majority of the lands designated Mixed Use – High Density along Queenston Road as being within a "Pedestrian Focus" Street. Accordingly the "Pedestrian Focus" policies of E.4.3 (Volume 1) and B.6.7.7.5 (Volume 2) have been integrated into the parent regulations of the proposed TOC4 Zone.

A Transit Oriented Corridor Mixed Use High Density (TOC4) Zone will be applied to lands designated Mixed Use – High Density in the UHOP. A full discussion can be found in the Analysis and Rationale for Recommendation Section of this Report.

2.3 Proposed Amendments

An amendment to Volume 3 of the UHOP is required to extend the Area Specific Policy “UH-6” (which was previously approved through the TOC Zones Phase 1) to Reid Avenue to prohibit drive-through facilities, gas bars, car washes and motor vehicle service stations and provide a special policy for drive-through facilities to be permitted if they can meet certain criteria.

The proposed amendments are consistent with the PPS, 2014, conform to the Growth Plan for the Greater Golden Horseshoe, 2017 and align the policies of the UHOP with the implementation of the LRT system. The proposed TOC Zones Extension implements the land use policies for each of the designations in Volumes 1 and 2.

A separate Amendment for the lands within the Centennial Neighbourhoods Secondary Plan is included in Report PED18007.

RELEVANT CONSULTATION

The proposed regulations were circulated for review and comment to the following internal Divisions within the Planning and Economic Development Department:

- Building Engineering and Zoning Section, Building Division;
- Development Planning, Heritage and Design Section, Planning Division;
- Community Planning Section, Planning Division; and,
- Light Rail Transit Section, Light Rail Transit Division.

Individual letters were mailed out to property owners with lands in the TOC Zone Extension project area between September 15 and 27, 2017 advising them of the proposed changes. In addition, a Notice of Public Meeting was included in the December 15, 2017 edition of the Hamilton Spectator.

1.0 Property Owner Concern about Proposed Zoning

A primary concern received from property owners was the desire for applicable zoning to maintain existing permitted uses and existing built form regulations.

Staff are proposing to maintain the majority of existing permitted uses, introduce additional supporting uses, and eliminate certain uses that conflict with the proposed LRT system and the pedestrian focus of the area. Staff are not proposing to maintain the existing built form regulations because they were approved under a policy framework that is no longer applicable, does not achieve a mixture of uses or an appropriate density for a Sub-Regional Service Node, and does not achieve the principles of the Pedestrian Focus area (UHOP Volume 1), Transit Oriented

Development (TOD) Guidelines, or the Citywide Corridor Planning Principles and Design Guidelines.

Staff recognize the changing retail landscape and are proposing additional regulations to assist in the transition of larger commercial sites from low density single use sites to medium and high density mixed use sites. These proposed measures include permitting:

- Expansions of existing buildings up to 10% of the existing Gross Floor Area without conforming to the applicable regulations;
- New small-scale single use buildings under 650 square metres in GFA to be established without conforming to maximum setback or minimum building height regulations; and,
- Minor redevelopment (including demolitions and rebuilding, additions to existing buildings, and new construction) of the existing sites without triggering the requirement a mixed use component.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1.1 Amendment to the Urban Hamilton Official Plan

An amendment to the Urban Hamilton Official Plan is required to extend Area Specific Policy UH-6 in Chapter B – Urban Area Specific Policies in Volume 3 of the Urban Hamilton Official Plan by extending the lands from Jefferson Avenue to Reid Avenue South.

The purpose of the amendment is to include additional lands along the extension of the LRT into the Area Specific Policy UH-6 to prohibit those commercial uses that are not conducive to creating an attractive, safe, transit supportive and active pedestrian environment. Such prohibited uses include drive-through facilities, gas bars, car washes and vehicular service stations. These prohibited uses cater to motor vehicles that may impact pedestrian and cyclist safety, and do not create an animated and consistent streetscape and built edge. Furthermore, these uses generally do not contribute in a built form that creates an inviting and active pedestrian environment.

1.2 Application of Existing TOC Zones to the Extended Project Area

The three TOC Zones that were approved in October, 2016 will be applied to portions of the Queenston Road Corridor between Jefferson Avenue and Irene Avenue:

- Mixed Use(TOC1) Zone;
- Local Commercial (TOC2) Zone; and,
- Multiple Residential (TOC3) Zone.

The purpose and intent of these zones is discussed fully in Report PED16100(a).

The TOC1 Zone will apply to properties designated Mixed Use – Medium Density on Schedule E-1 in Volume 1 and Map B.6.7-1 of Volume 2. The areas comprise the following:

- Outside the Secondary Plan includes properties located on Queenston Road between Jefferson Avenue and Reid Avenue; and,
- Inside the Secondary Plan area includes 558 Queenston Road, 600, 623-651 Queenston Road, Part of 686 Queenston Road, 711-771 Queenston Road, 816-822 Queenston Road, and 100 Centennial Parkway South.

The TOC2 Zone will only apply to those properties designated Neighbourhoods on Schedule E-1 in Volume 1 and Local Commercial on Map B.6.7-1 of Volume 2. These properties include 561 and 565 Queenston Road.

The TOC3 Zone will only apply to those properties designated Neighbourhoods on Schedule E-1 in Volume 1 and Medium Density Residential 2 on Map B.6.7-1 of Volume 2. These properties include 505-537 Queenston Road.

1.3 Addition of Transit Oriented Corridor Mixed Use High Density (TOC4) Zone

Staff are also proposing an additional TOC zone: the Transit Oriented Corridor Mixed Use High Density (TOC4) Zone.

The purpose of the proposed TOC4 Zone is to implement the Mixed Use – High Density designation on Schedule E-1 of Volume 1 and Map B.6.7-1 of Volume 2. The proposed TOC4 Zone applies to the majority of the lands in proximity to Eastgate Square (including Eastgate Square).

The TOC4 Zone allows for the development of a mixed use area that encourages an active, pedestrian oriented ground floor, and provides the opportunity for additional residential density. This flexibility will allow uses to be established more organically and allow the market to determine the best locations for stand-alone uses and mixed use buildings. To create a consistent street wall and additional density, the proposed TOC4 Zone requires that new development is built at a minimum building height of 11.0 m

(three storeys) and allows for a maximum building height of 40.0 m (12storeys). All lands proposed to be zoned TOC4 are identified as “Pedestrian Focus” in the UHOP; accordingly, the TOC4 Zone will implement the “Pedestrian Focus” policies. Additional built form regulations and use restrictions in the pedestrian focus area include:

- prohibition of residential uses at grade;
- prohibition of automotive-related uses including drive through facilities, motor vehicle dealerships, gas bars, rental establishments, service stations, and washing establishments;
- maximum building setbacks of 3.0m from the street;
- Queenston Road orientation of buildings;
- minimum amenity area requirements;
- parking lot restrictions to the rear of properties; and,
- building height stepback requirements when abutting residential or institutional zones.

Additional regulations have also been included to allow for short term incremental change: individual commercial buildings can expand by 10% and are exempt from certain built form requirements, and small-scale infill development under 650 square metres in GFA (pad stores) is not required to conform to minimum height and maximum building setback from a street.

1.4 Special Exceptions

A comprehensive review of all existing and recently approved site specific exceptions within the City of Hamilton Zoning By-law No. 6593 and the City of Stoney Creek Zoning By-law No. 3692-92 was undertaken.

Additional Special Exceptions were established to address the “Pedestrian Focus” policies of the UHOP, and the Site Specific Policy Areas established by the proposed Centennial Neighbourhoods Secondary Plan. Special Exceptions were also developed for large sites over 2.5 hectares in area to address transitional policies in the proposed Secondary Plan; these sites include 670-706 Queenston Road (Canadian Tire site) and 75 Centennial Parkway North (Eastgate Square).

In total, 12 Special Exceptions are proposed and are included in Appendix “B” of Report PED18012.

1.5 Other Changes to the By-law

In addition to the inclusion of the new TOC4 Zone provisions, amendments are required to the General Provisions and Parking Regulations to ensure that the TOC4 Zone nomenclature is properly referenced in all sections of the By-law.

2.0 Amendments and Revisionsto the ExistingTOC1, TOC2 and TOC3 Zones

Since the approval of the initial TOC Zones, regulations and two additional uses have been included in the Commercial and Mixed Use (CMU) Zoning By-law which should also be included in the existing TOC Zones. These changes do not alter the intent of the TOC Zones but ensure consistency between them. Further, there are some minor amendments to correct errors and to clarify language and structure of the Zones.

2.1 Changes to TOC Zones Title

The Commercial and Mixed Use (CMU) Zones implemented the urban land use designations within the UHOP. As these land use designations are also located along portions of the LRT corridor, staff propose to rename the existing TOC1, TOC2 and TOC3 Zones to differentiate and avoid confusion in the titles between the TOC Zones and the CMU Zones. The proposed housekeeping changes are:

Existing Name	Proposed Name
Mixed Use (TOC1) Zone	Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone
Local Commercial (TOC2) Zone	Transit Oriented Corridor Local Commercial (TOC2) Zone
Multiple Residential (TOC3) Zone	Transit Oriented Corridor Multiple Residential (TOC3) Zone

2.2 Expansion of Single Detached, Semi-Detached and Duplex Dwellings Legally Existing At the Date of the Passing of the By-Law in the TOC 1 and TOC3 Zones

There are several single detached, semi-detached and duplex dwellings that were legally establishedalong the length of the LRT corridor prior to the TOC zoning. These uses are now legal non-conforming. The long term intent is that legal non-conforming uses cease and are replaced by uses that conform to UHOP and the Zoning By-law. However in the interim it is appropriate to permit limited building alterations / expansions to a maximum of 10% of the existing gross floor areas

2.3 Commercial Uses within the TOC3 Zone (Council **Direction)**

The existing Multiple Residential (TOC3) Zone was developed as part of the original TOC Zones project, and currently applies to lands along King Street East between Arthur Avenue South and Proctor Boulevard,between Garfield Avenue and Hilda Avenue (Ward 3), and certain properties in Westdale (Ward 1).

Subsection 11.3.1 of the existing TOC3 Zone currently states that “existing uses shall also be permitted within the existing building.” This permission is unclear and often interpreted to mean that existing specific uses are permitted to continue, but should they propose to change to a new commercial use, then that new use would not be permitted.

The intent of Subsection 11.3.1 is to allow commercial uses to continue to exist, and to allow new commercial uses to establish only where legally established commercial uses have previously been located. The intent of the zone is to encourage redevelopment of properties into stand-alone multiple residential buildings. Until redevelopment occurs, the existing commercial spaces will be recognized on portions of the corridor that previously had commercial uses.

It should be noted that if an existing building has legally established a residential use within a former commercial space (i.e. the conversion of a storefront to a residential unit), then it has lost its as-of-right commercial permissions and therefore only residential uses are permitted.

Staff propose to amend Subsection 11.3.1 to allow many of the commercial uses permitted within the Local Commercial (TOC2) Zone to be located within the existing legally established commercial buildings. This change will address Council's motion as described in Section 3.0 of Historical Background Section. Staff note, however, that the Council Motion speaks to lands located between Barnesdale Avenue and Fairholt Road. As the existing TOC3 Zone also exists between Arthur Avenue South and Proctor Boulevard, between Garfield Avenue and Hilda Avenue, and on certain properties located in Westdale, staff propose to include these lands in the amendment as well.

2.4 Updated Permitted Uses and Regulations Resulting from the Commercial and Mixed Use Zones

Minor amendments are required to ensure consistency in the by-law, correct errors and provide clarity. These amendments include:

- Adding Communications Establishment, Dwelling Unit in conjunction with a Commercial Use and Performing Arts Theatre, and renaming “Studio” to “Artist Studio”;
- Adding the requirement for amenity areas for residential uses,
- Removing redundant regulations; and
- Restructuring the TOC Zone to reflect CMU Zones.

ALTERNATIVES FOR CONSIDERATION

That City Council not adopt the OPA and Zoning By-law amendment. The existing UHOP policies will remain in effect and the City of Hamilton Zoning By-law No. 6593 and the City of Stoney Creek Zoning By-law No. 3692-92 will remain in effect for the lands along the LRT Corridor.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

- | | |
|---------------|--|
| Appendix "A": | Urban Hamilton Official Plan Amendment |
| Appendix "B": | Zoning By-law Amendment |

Schedule "1"

Draft Urban Hamilton Official Plan Amendment No. XX

The following text, together with:

Appendix "A"	Volume 3, Map 1 – Area Specific Policies Key Map
Appendix "B"	Volume 3, Map H-12 – Area Specific Policies

attached hereto, constitutes Official Plan Amendment XX to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose of this amendment is to extend the approved Area Specific Policy UH-6 in Volume 3 of the Urban Hamilton Official Plan to implement new Transit Oriented Corridor Zoning.

The effect of this amendment to the Urban Hamilton Official Plan is to prohibit certain uses that are not supportive of an LRT system.

2.0 Location:

The lands affected by this Amendment are located on Queenston Road between Jefferson Avenue and Reid Avenue.

3.0 Basis:

The basis for permitting this Amendment is as follows:

- The changes ensure the City's planning documents:
 - support residential and commercial intensification;
 - do not impede the operation of the LRT system;
 - incorporate the appropriate built form and urban design regulations; and,
 - remove regulatory barriers for new investment and / or redevelopment opportunities in accordance with the City's Open for Business mandate; and,
- The Amendment is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe.

Schedule “1”

4.0 Text and Schedule / Map Changes:

4.1 Volume 3 – Special Policy Areas, Area Specific Policies and Site Specific Policies

4.1.1 Text

- a) That Area Specific Policy UH-6 in Chapter B - Urban Area Specific Policies be amended by
- i. deleting the title “Certain lands located on King Street between Victoria Street and the Delta and Queenston Road between the Delta and just west of Parkdale Avenue” and replacing it with “Certain lands located on King Street East between Victoria Avenue and the Delta, Main Street East between the Delta and the Queenston Traffic Circle, and Queenston Road between the Queenston Traffic Circle and Reid Avenue South”; and,
 - ii. deleting the text “certain lands located on King Street between Victoria Street and the Delta and Queenston Road between the Delta and just west of Parkdale Avenue, shown as Area Specific UH-6 on Maps H-9 to H-11” and replacing it with “Lands located on King Street East between Victoria Avenue and the Delta, Main Street East between the Delta and the Queenston Traffic Circle, and Queenston Road between the Queenston Traffic Circle and Reid Avenue South, shown as Area Specific UH-6 on Maps H-9 to H-12”;

so that the Policy reads as follows:

“UH-6 Lands located on King Street East between Victoria Avenue and the Delta, Main Street East between the Delta and the Queenston Traffic Circle, and Queenston Road between the Queenston Traffic Circle and Reid Avenue South

1.0 The following policies shall apply to lands located on King Street East between Victoria Avenue and the Delta, Main Street East between the Delta and the Queenston Traffic Circle, and Queenston Road between the Queenston Traffic Circle and Reid Avenue South, shown as Area Specific “UH-6” on Maps H-9 to H-12:”

Schedule "1"

4.1.2 Volume 3 Maps

- a) That Map 1 – Area Specific Policies Key Map be amended by identifying Area Specific Policy "UH-6", as shown on Appendix "A" of this amendment.
- b) That new Area Specific Policies Map H-12 be added to Chapter C - Urban Area Specific Policies, as shown on Appendix "B" of this amendment.

5.0 Implementation:

An implementing Zoning By-law Amendment will give effect to this Amendment.

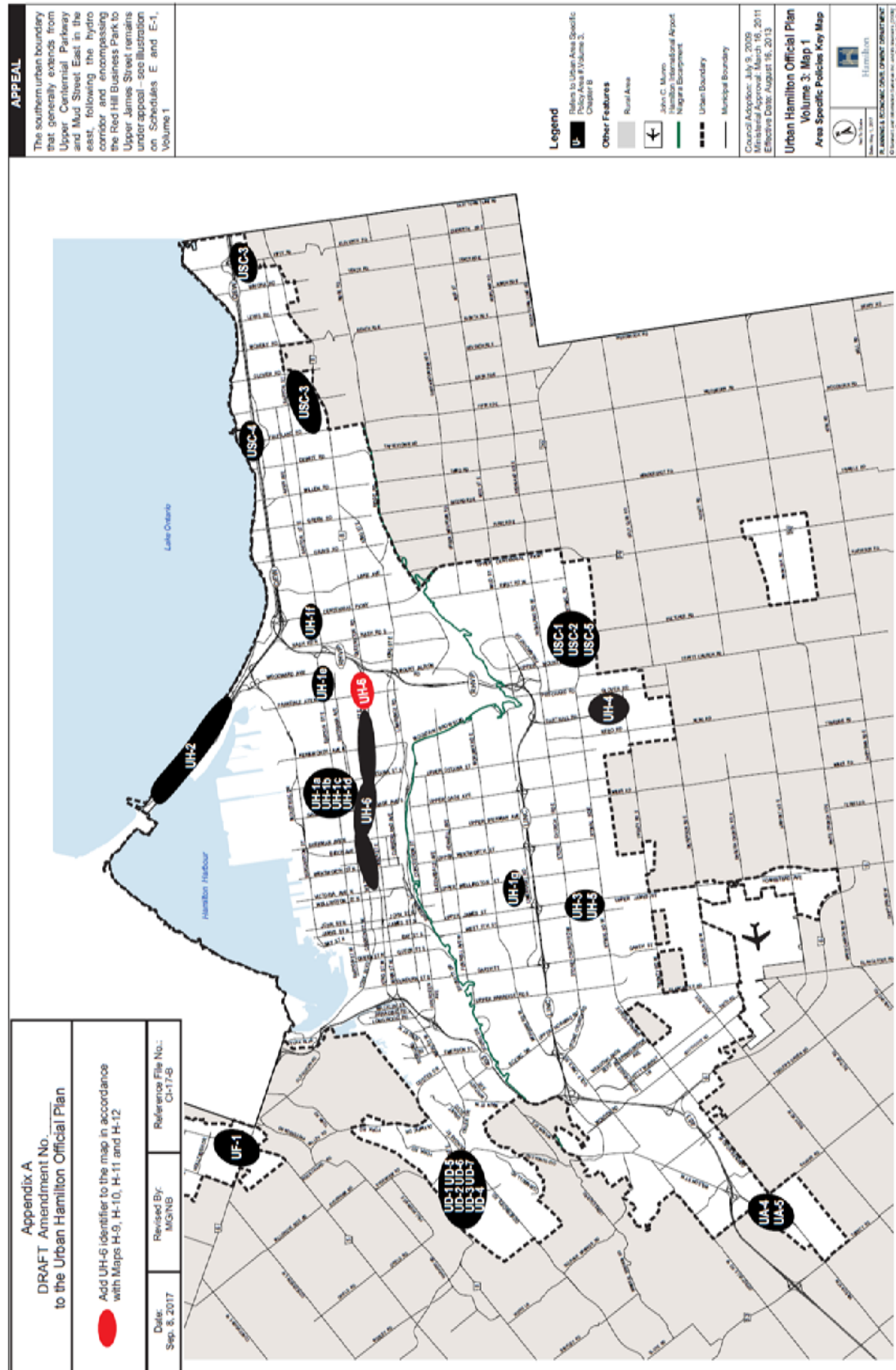
This is Schedule "1" to By-law No. 18-XXX passed on the XX day of XXX, 2018.

**The
City of Hamilton**

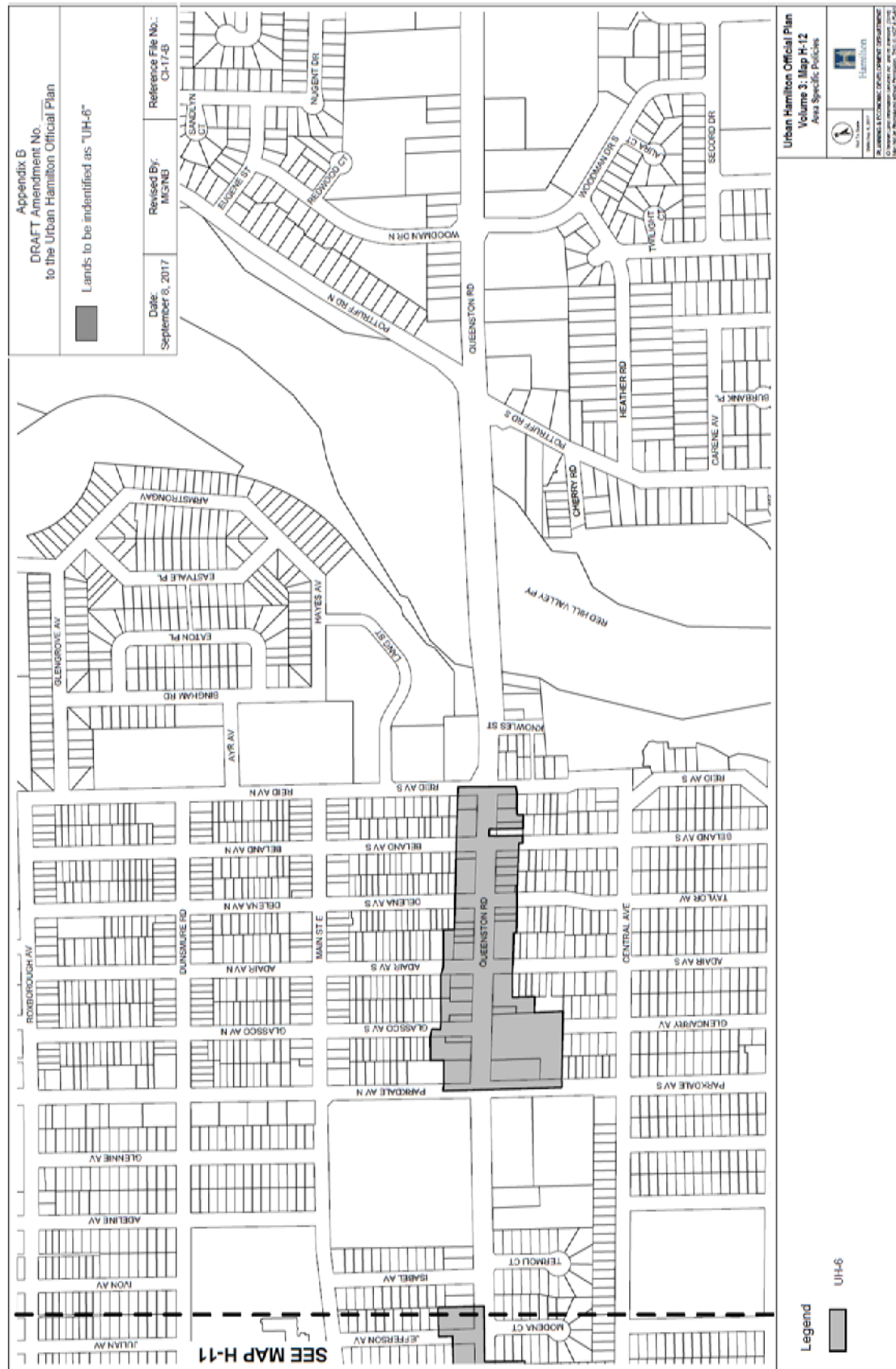
Fred Eisenberger
MAYOR

Rose Caterini
CITY CLERK

Schedule "1"



Schedule "1"



Authority: Item ,
Report (PED18012)
CM:
Wards: 3, 4, 5 and 9

Bill No.

CITY OF HAMILTON

BY-LAW NO. 18-____

To Amend Zoning By-law No. 05-200

To Extend New Transit Oriented Corridor Zones between Jefferson Avenue (Hamilton) and Irene Avenue (Stoney Creek), Create One New Transit Oriented Corridor Zone, and Amend Existing Transit Oriented Corridor Zones

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

WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

WHEREAS the first stage of the new Zoning By law, being By-law No. 05-200, came into force on the 25th day of May, 2005;

WHEREAS the Council of the City of Hamilton, in adopting Item **XX** of Report PED18012 of the Planning Committee, at its meeting held on the 16th day of January, 2018, recommended that Zoning By-law No. 05-200 be amended as hereinafter provided; and,

WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Official Plan Amendment No. **XX**.

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

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

**To Amend Zoning By-law No. 05-200
To Extend New Transit Oriented Corridor Zones between Jefferson Avenue (Hamilton) and Irene
Avenue (Stoney Creek), Create One New Transit Oriented Corridor Zone, and Amend Existing
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- 1.1. That Section 2.1.g) be deleted and replaced as follows:

"g)	Transit Oriented Corridor Zones	
	Transit Oriented Corridor Mixed Use Medium Density	TOC1
	Transit Oriented Corridor Local Commercial	TOC2
	Transit Oriented Corridor Multiple Residential	TOC3
	Transit Oriented Corridor Mixed Use High Density	TOC4"

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

- 2.1. That Subsection 4.12 VACUUM CLAUSE be amended by deleting Subsection e) and replacing it with the following new clauses:

"e) Transit Oriented Corridor Zones

- i) Notwithstanding any other provisions of this By-law, any lot within the Transit Oriented Corridor 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, flankage yard, rear yard, lot width, lot area, and building height and are permitted by this By-law.
- ii) In addition to Subsection i), and notwithstanding Subsections 11.4.3 a) i), 11.4.3 d) i), and 11.4.3 g) ii) and iii), within the lands zoned Corridor Mixed Use High Density (TOC4) Zone, an addition or alteration to an 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."

- 2.2. That Subsection 4.18 c) TEMPORARY USES be amended by deleting the word "or" after TOC2, and by adding the words "or TOC4" after the word TOC3, so that it reads as follows:

"Temporary retailing in a Downtown D1, D2, D3 or D4 Zone or in a Transit Oriented Corridor TOC1, TOC2, TOC3, or TOC4 Zone, or in a Commercial and Mixed use C1, C2, C3, C4, C5, C5a, C6, and C7 Zone in accordance with the following provisions:"

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3. That SECTION 5: PARKING REGULATIONS of By-law No. 05-200 is hereby amended as follows:

- 3.1. That Subsection 5.6 h) be amended by deleting the word "and" after the word (TOC2), and by adding the words "and (TOC4)" after the word "(TOC3)", so that it reads as follows:

"Notwithstanding Subsection e), for any use, except a Medical Clinic, within a Transit Oriented Corridor (TOC1), (TOC2), (TOC3) and (TOC4) Zone located in all or part of a building existing on the effective date of this By-law, no parking spaces are required, provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained except a use shall not be required to provide additional parking beyond that which is required by Subsection 5.6.e) of this By-law. Where an addition, alteration or expansion of an existing building is proposed, the parking requirements of Subsection 5.6.e) shall only apply to the increased gross floor area of the building."

- 3.2. That Subsection 5.7 e) be amended by deleting the word "and" after the word (TOC2), and by adding the words "and (TOC4)" after the word "(TOC3)", so that it reads as follows:

"Notwithstanding Subsection b) and in addition to Subsection c), in the Transit Oriented Corridor (TOC1), (TOC2), (TOC3), and (TOC4) Zones, long-term bicycle parking shall be provided in the minimum quantity specified in accordance with the following requirements:"

- 3.3. That Subsection 5.7 f) be amended by deleting the word "above" after the words "Section c) and e)", deleting the word "a" after the word "within" and before the word "the", and by deleting the words "(TOC1), (TOC2) and (TOC3)" before the word "Zones" so that it reads as follows:

"Notwithstanding Subsections c) and e), for any use within the Transit Oriented Corridor Zones or the Commercial and Mixed Use Zones, located in all or part of a building existing on the effective date of this By-law, no bicycle parking spaces are required, provided that the number of bicycle parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained except a use shall not be required to provide additional bicycle parking beyond that which is required by Subsection c) and e) of this By-law. Where an addition, alteration or expansion of an existing building is proposed, the bicycle parking requirements of Subsections c) and e) shall only apply to the increased gross floor area of the building."

4. That SECTION 11: TRANSIT ORIENTED CORRIDOR ZONES be amended by:

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- 4.1. That the title of SECTION 11.1 be amended by deleting "11.1 MIXED USE (TOC1) ZONE" and replacing it with "11.1 TRANSIT ORIENTED CORRIDOR MIXED USE MEDIUM DENSITY (TOC1) ZONE";
- 4.2. That Subsection 11.1.1 be amended by deleting the word "Studio" and replacing it with "Artist Studio";
- 4.3. That Subsection 11.1.1 be amended by adding the following new permitted uses:
- "Communications Establishment
Performing Arts Theatre"
- 4.4. That Subsection 11.1 be amended by adding the following new Subsection:

**"11.1.1.1 RESTRICTED
USES**

In addition to Subsection 11.1.1, the following use 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 Subsection 11.1.1.1 i) 1., a minimum of one dwelling unit shall be permitted in a basement or cellar.
- ii) Residential Care Facility:
 - 1. Maximum Capacity for Residential Care Facility is 20 residents.
- iii) Emergency Shelter:
 - 1. Maximum Capacity for Emergency Shelter is 50 residents.
- iv) Emergency Shelter and Residential Care Facility:
 - 1. Except as provided for in Subsection 2, every Emergency Shelter and Residential Care Facility shall be situated on a lot having a minimum radial separation distance of 300

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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.

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, either of the existing Residential Care Facility or Emergency 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."
- 4.5. That Subsection 11.1.3 a) iii) be amended by deleting the word "maximum" between the words "a" and "setback" and replacing it with "minimum";
 - 4.6. That Subsection 11.1.3 a) v) be deleted;
 - 4.7. That Subsection 11.1.3 c) i) be amended by adding the words "or lot containing a residential use" after the words "Institutional Zone";
 - 4.8. That Subsection 11.1.3 c) ii) be deleted;
 - 4.9. That Subsection 11.1.3 d) be amended by adding the following new subsection:
 - "iv) In addition to the definition of Building Height, 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

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belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall not exceed 10% of the floor area of the storey directly beneath;

- B. The wholly enclosed or partially enclosed 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 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."

4.10. That Subsection 11.1.3 g) ii) and iii) be deleted and replaced with the following regulations:

- "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 75% 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 the street."

4.11. That Subsection 11.1.3 g) be amended by adding the following new regulation:

- "iv) In addition to Subsection 11.1.3 g) 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."

4.12. That Subsections 11.1.3 g) iv), v), vi) and vii) be renumbered to 11.1.3 g) v), vi), vii) and viii) respectively.

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4.13. That Subsection 11.1.3 g) be amended by adding the following new regulation:

"ix) Notwithstanding Subsection 11.1.3, 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 Subsection."

4.14. That Subsection 11.1.3 h) be deleted and replaced with the following new regulations:

"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 shall be provided:

- i) An area of 4.0 square metres for each dwelling unit less than 50 square metres;
- 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, an Amenity Area located outdoors shall be unobstructed and shall be at or above the surface, and exposed to light and air and may include balconies and patios; and,
- iv) In addition to the definition of Amenity Area, the required Amenity Area shall be provided exclusively for the residential component and shall be functionally separated from public areas associated with any commercial component."

4.15. That Subsections 11.1.3 k), l) and m) be deleted.

4.16. That SECTION 11.1 be amended by adding the following new subsection as Section 11.1.4 as follows:

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**"11.1.4 SINGLE DETACHED,
SEMI-DETACHED
AND DUPLEX
DWELLINGS
EXISTING AT THE
DATE OF THE
PASSING OF THE
BY-LAW (January,
2018-specific day to
be included)**

In addition to Subsection 4.12 f) 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 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) Subsection 11.1.3 d) i) shall not apply; and,
- iii) The existing side yard setbacks are maintained for the addition."

4.17. That Subsections 11.1.4 Parking, 11.1.5 Accessory Buildings, 11.1.6 Urban Farmers Market, and 11.1.7 Regulations for Community Gardens and Urban Farms as Accessory Uses be renumbered to 11.1.5 Parking, 11.1.6 Accessory Buildings, 11.1.7 Urban Farmers Market, and 11.1.8 Regulations for Community Gardens and Urban Farms as Accessory Uses;

4.18. That the title of SECTION 11.2 be amended by deleting "11.2 LOCAL COMMERCIAL (TOC2) ZONE" and replacing it with "11.2 TRANSIT ORIENTED CORRIDOR LOCAL COMMERCIAL (TOC2) ZONE";

4.19. That Subsection 11.2.1 be amended by adding the following new permitted uses in alphabetical order to the existing permitted uses:

"Artist Studio
Communications Establishment
Dwelling Unit in Conjunction with a Commercial Use
Performing Arts Theatre"

4.20. That Subsection 11.2.1 be amended by deleting the following permitted uses:

"Dwelling Unit(s)
Multiple Dwelling
Studio"

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4.21. That Subsection 11.2 be amended by adding the following new Subsection:

"11.2.1.1 RESTRICTED USES In addition to Subsection 11.2.1, the following use shall be permitted in accordance with the following restrictions:

i) Uses Permitted Above the Ground Floor:

1. Notwithstanding Subsection 11.2.1, a Dwelling Unit(s) in Conjunction with a Commercial Use shall only be permitted above the ground floor."

4.22. That Subsection 11.2.3 h) be deleted.

4.23. That Subsections 11.2.3 i) and j) be renumbered to Subsections 11.2.3 h) and i) respectively.

4.24. That the title of SECTION 11.3 be amended by deleting "11.3 MULTIPLE RESIDENTIAL (TOC3) ZONE" and replacing it with "11.3 TRANSIT ORIENTED CORRIDOR MULTIPLE RESIDENTIAL (TOC3) ZONE";

4.25. That Subsection 11.3.1 be amended by:

- i) deleting the phrase "Existing uses shall also be permitted within the existing building"; and,
- ii) adding the following commercial uses in alphabetical order to the existing permitted uses:

"Artist Studio
Catering Service
Commercial School
Communications Establishment
Craftsperson Shop
Day Nursery
Financial Establishment
Office
Performing Arts Theatre
Personal Services
Repair Service
Restaurant
Retail
Tradesperson's Shop"

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4.26. That Subsection 11.3 be amended by adding the following new Subsection

"11.3.1.1 RESTRICTED USES In addition to Subsection 11.3.1, the following use 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 Subsection 11.3.1.1 i) 1., a minimum of one dwelling unit shall be permitted in a basement or cellar.
- ii) Residential Care Facility and Emergency Shelter:
 - 1. Maximum Capacity for Residential Care Facility is 20 residents.
- iv) Emergency Shelter and Residential Care Facility:
 - 1. Except as provided for in Subsection 2, every Emergency Shelter and 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.
 - 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, either of the existing Residential Care

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Facility or Emergency 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."

- 4.27. That Subsection 11.3.2 a) iii) be amended by deleting the word "maximum" between the words "a" and "setback" and replacing it with "minimum";
- 4.28. That Subsection 11.3.3 c) ii) be amended by renumbering it to 11.3.3 c) iii) and deleting the word "maximum" between the words "a" and "setback" and replacing it with "minimum" so that it reads as follows:
- "iii) Notwithstanding ii), minimum 6.0 metres for that portion of a building providing an access driveway to a garage."
- 4.29. That Subsection 11.3.2 e) be amended by deleting the words "with the exception of TOC3 Zone" after "Institutional Zone" and before "to a maximum of 22.0 metres" and by adding the following new subsection:
- "iv) In addition to the definition of Building Height, 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 shall not exceed 10% of the floor area of the storey directly beneath;
- B. The wholly enclosed or partially enclosed 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 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."
- 4.30. That Subsection 11.3.2 f) ii) and iii) be deleted and replaced with the following regulations:

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- "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 50% 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 30% of the measurement of all lot lines abutting the street."

4.31. That Subsection 11.3.2 f) be amended by adding the following new regulation:

- "iv) In addition to Subsection 11.3.2 f) 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."

4.32. That Subsections 11.3.2 f) iv), v) and vi) be renumbered to 11.3.2 f) v), vi) and vii) respectively.

4.33. That Subsection 11.3.2 h) be deleted and replaced with the following new regulations:

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| "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 shall be provided: <ul style="list-style-type: none">i) An area of 4.0 square metres for each dwelling unit less than 50 square metres;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, an Amenity Area located outdoors shall be unobstructed and shall be at or above the surface, and exposed to light and air and may include balconies and patios; and,iv) In addition to the definition of Amenity Area, the required Amenity Area shall be provided exclusively for the residential component and shall be functionally separated from public areas associated with any commercial component." |
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4.34. That Subsections 11.3.2 j) and k) be deleted.

4.35. That SECTION 11.3 MULTIPLE RESIDENTIAL (TOC3) ZONE be amended by adding the following new subsections as SECTIONS 11.3.4 and 11.3.5 and renumbering the subsequent Subsections:

**"11.3.4 SINGLE DETACHED,
SEMI-DETACHED
AND DUPLEX
DWELLINGS
EXISTING AT THE
DATE OF THE
PASSING OF THE
BY-LAW (January,
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be included)**

In addition to Subsection 4.12 f), an addition or alteration to a single detached or duplex dwelling not permitted by the by-law but 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) Subsection 11.3.3 e) i) shall not apply; and,
- iii) The existing side yard setbacks are maintained for the addition.

**11.3.5 COMMERCIAL USES
IN COMMERCIAL
BUILDINGS
EXISTING AT THE
DATE OF THE
PASSING OF THE
BY-LAW (January,
2018-specific day to
be included)**

Commercial uses that were legally established within buildings existing at the date of the passing of the by-law may convert to any commercial use permitted in Subsection 11.3.1."

4.36 That SECTION 11: TRANSIT ORIENTED CORRIDOR ZONES is amended by including the following new subsections:

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"11.4 TRANSIT ORIENTED CORRIDOR MIXED USE HIGH DENSITY (TOC4) ZONE"

Explanatory Note: *The TOC4 Zone is applied within the Centennial Sub-Regional Service Node, along the major arterial road that functions as a higher order transit corridor. The Zone provides for a mixture of service commercial and retail uses intended to serve a regional market and the day-to-day needs of residents in the immediate area. The intent of the built form requirements is to create a people place through the design and physical arrangement of service commercial, retail and high density residential uses to facilitate the function of the area as a major transit hub.*

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Transit Oriented Corridor Mixed Use High Density (TOC4) 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:

11.4.1 PERMITTED USES

Artist Studio
Beverage Making Establishment
Catering Service
Commercial Entertainment
Commercial Recreation
Commercial School
Communications Establishment
Craftsperson Shop
Day Nursery
Dwelling Unit(s) 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
Tradesperson's Shop
Urban Farmers Market
Veterinary Service

11.4.1.1 RESTRICTED USES i) In addition to Subsection 11.4.1, the following

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use shall be permitted in accordance with the following restrictions:

1. Restriction of Uses within a Building

- A. Notwithstanding Subsection 11.4.1, a Dwelling Unit(s) in conjunction with a Commercial Use shall only be permitted above the ground floor.

**11.4.2 PROHIBITED
USES**

- i) Notwithstanding Subsection 11.4.1, the following uses are prohibited, even as an accessory use:

Drive-Through Facility
Motor Vehicle Dealership
Motor Vehicle Gas Bar
Motor Vehicle Rental Establishment
Motor Vehicle Service Station
Motor Vehicle Washing Establishment

- ii) Notwithstanding Subsection 11.4.1, the following use is prohibited, except if considered an accessory use to another permitted use:

Garden Centre

11.4.3 REGULATIONS

- a) Building Setback
from a Street Line

- i) Maximum 3.0 metres, except where a visibility triangle is required for a driveway access.
- ii) Notwithstanding Subsection i), a minimum setback of 6.0 metres for that portion of a building providing an access driveway to a garage.
- iii) Where a building(s) exists and complies with Subsection 11.4.3 g) ii) and iii), additional building(s) constructed on the lot shall not be subject to Subsection 11.4.3 a) i) and ii) as it relates to the setback from a lot line.

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- b) Minimum Rear Yard 7.5 metres.
- c) Minimum Interior Side Yard 7.5 metres abutting a Residential Zone or Institutional Zone.
- d) Building Height
 - i) Minimum 11.0 metres;
 - ii) Maximum 40.0 metres;
 - iii) In addition to Subsection 11.4.3 d) i) and notwithstanding Subsection 11.4.3 d) ii), any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum yard requirement established in Subsection 11.4.3 b) and c) when abutting a Residential or Institutional Zone, to a maximum building height of 22.0 metres;
 - iv) Any portion of a building above 22.0 metres in height, to a maximum of 40.0 metres, shall be setback a minimum of 29.5 metres from the rear or interior side lot line when abutting a Residential or Institutional Zone;
 - v) In addition to the definition of Building Height, 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 shall not exceed 10% of the floor area of the storey directly beneath;
 - B. The wholly enclosed or partially enclosed amenity area, or portion of a building designed to provide access to a rooftop amenity area

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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 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 Microbrewery | 700.0 square metres. |
| f) Maximum Gross Floor Area for an Office Building | 10,000.0 square metres. |
| g) Built Form for New Development | <p>In the case of buildings constructed after the effective date of this by-law or additions to buildings existing as of the effective date of this by-law:</p> <ul style="list-style-type: none"> 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 75% 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 75% of the measurement of all lot lines abutting a street. iv) In addition to Subsection 11.4.3 g) ii) and iii), the minimum width of the ground floor façade facing the front lot line shall exclude access driveways and required yards along a lot line abutting a street. |

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- v) No parking, stacking lanes, or aisles shall be located between the required building façade and the front lot line or flankage lot line.
- vi) A minimum of one principal entrance shall be provided:
 - 1. within the ground floor façade that is setback closest to the street; and,
 - 2. shall be accessible from the building façade with direct access from the public sidewalk.
- vii) Notwithstanding the definition of planting strip, a sidewalk shall be permitted where required by Subsection vi).
- viii) For commercial development existing at the time of passing of this by-law, Subsections 11.4.3 g) 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 Subsection 11.4.3 d) i), the minimum Building Height shall be 4.5 metres.
- ix) Notwithstanding Subsection 11.4.3, 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.
- x) The first storey shall have a minimum height of 3.6 metres and a maximum height of 4.5 metres.

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- | | |
|---|--|
| h) Minimum Amenity Area for Dwelling Units in Conjunction with a Commercial Use | <p>On a lot containing more than 10 dwelling units, the following Minimum Amenity Area requirements shall be provided:</p> <ul style="list-style-type: none"> i) An area of 4.0 square metres for each dwelling unit less than 50 square metres; 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, an Amenity Area located outdoors shall be unobstructed and shall be at or above the surface, and exposed to light and air and may include balconies and patios; and, iv) In addition to the definition of Amenity Area, the required Amenity Area shall be provided exclusively for the residential component and shall be functionally separated from public areas associated with any commercial component. |
| i) Planting Strip Requirements | <p>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.</p> |
| j) Visual Barrier | <ul style="list-style-type: none"> i) A visual barrier shall be required along any lot line abutting an Institutional Zone or Residential Zone in accordance with the requirements of Subsection 4.19 of this By-law. ii) Notwithstanding Subsection 11.4.3 j) i), no visual barrier(s) shall be permitted between the building façade and the street. |
| k) Outdoor Storage | <ul style="list-style-type: none"> i) No outdoor storage of goods, materials, or equipment shall be permitted. ii) Notwithstanding Subsection 11.4.3 k) i), the display of goods or materials for retail purposes accessory to a retail use shall only |

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be permitted in a front yard or flankage yard.

- | | |
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| 11.4.4 PARKING | In accordance with the requirements of Section 5 of this By-law. |
| 11.4.5 ACCESSORY BUILDINGS | <ul style="list-style-type: none"> i) In accordance with the requirements of Subsection 4.8 of this By-law. ii) Notwithstanding Subsection 11.4.5 i), accessory buildings and structures shall not be subject to 11.4.3 a). |
| 11.4.6 URBAN FARMERS MARKET | In accordance with the requirements of Subsection 4.28 of this By-law." |
5. That Schedule "A" – Zoning Maps of By-law No. 05-200 is hereby amended by including the Transit Oriented Corridor Zone boundaries, as shown on the Maps numbered 1091, 1140-1143, 1193 and 1194, attached as Schedule "1" of this By-law.
6. That Schedule "C" – Special Exceptions of By-law No. 05-200 is hereby amended by adding additional Special Exceptions as follows:
- "627. Within the lands zoned Transit Oriented Corridor Multiple Residential (TOC3) Zone, identified on Maps 1141 and 1142 of Schedule "A" – Zoning Maps, and described as 531 Queenston Road, the following special provisions shall apply:
- | | |
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| a) In addition to Subsection 11.3.1, the following use shall also be permitted within the building existing on the date of passing of this By-law. | |
| Medical Clinic | |
| b) Planting Strip | A planting strip with an average width of 1.0 metre, but not less than 0.9 metres, shall be provided and maintained along the northerly lot line, commencing at the easterly lot line, westerly for a distance of at least 8.0 metres. |
| c) Visual Barrier | Notwithstanding Subsection 4.19, a visual barrier not less than 1.2 metres in height and not more than 2.0 metres in height shall be provided and maintained along the entire northerly lot line. |
628. Within the lands zoned Transit Oriented Corridor Multiple Residential (TOC3) Zone, identified on Maps 1141 and 1142 of Schedule "A" – Zoning Maps, and described as 535 and 537 Queenston Road, the following special provisions

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shall apply:

- a) In addition to Subsection 11.3.1, the following uses shall also be permitted within the building existing on the date of passing of this By-law.

Medical Clinic.

- b) In addition to Clause a), the maximum Gross Floor Area of the use permitted in Clause a) shall be 65 square metres.

- c) Notwithstanding Subsection 5.1.a) v) b), a 3.0 metre wide planting strip shall be required and permanently maintained between the street line and any parking spaces and aisles giving direct access to abutting parking spaces, excluding driveways extending directly from the street, only where an encroachment agreement has not been entered into with the City of Hamilton, for a minimum 3.0 m planting strip within the widened road allowance limits of Queenston Road.

- d) Subsection 5.1.b) v) shall not apply for the existing building(s).

- e) Subsection 5.1.b) ix) shall not apply for the existing building(s).

- f) Visual Barrier i) Notwithstanding Subsection 4.19, a visual barrier not less than 1.2 metres in height and not more than 2.0 metres in height shall be provided and maintained along the entire northerly lot line for the lands located at 535 Queenston Road.

- ii) Notwithstanding Subsection 4.19, a visual barrier not less than 1.2 metres in height and not more than 2.0 metres in height shall be provided and maintained along the entire easterly and northerly lot lines for the lands located at 537 Queenston Road.

629. Within the lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone, identified on Maps 1142, 1193, 1194 of Schedule "A" – Zoning Maps, and described as:

Property Address	Map Number
711 Queenston Road	Map 1142
714 Queenston Road	Map 1142
720 Queenston Road	Map 1142
724 Queenston Road	Map 1142

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727 Queenston Road	Map 1142
732 Queenston Road	Map 1142
735 Queenston Road	Map 1142
736 Queenston Road	Map 1142
744 Queenston Road	Map 1142 and Map 1193
750 Queenston Road	Map 1142 and Map 1193
754 Queenston Road	Map 1142 and Map 1193
771 Queenston Road	Map 1142
816 Queenston Road	Map 1194
822 Queenston Road	Map 1194
16 Clapham Road	Map 1142

The following special provisions shall also apply:

- a) Notwithstanding Subsection 11.1.1, only the following uses shall be permitted:

Artist Studio
 Beverage Making Establishment
 Catering Service
 Commercial Entertainment
 Commercial Recreation
 Commercial School
 Communications Establishment
 Craftsperson Shop
 Day Nursery
 Dwelling Unit(s) in conjunction with a Commercial Use
 Financial Establishment
 Hotel
 Laboratory
 Medical Clinic
 Microbrewery
 Office
 Performing Arts Theatre
 Personal Service
 Place of Assembly
 Place of Worship
 Repair Service
 Restaurant
 Retail
 Social Services Establishment
 Tradesperson's Shop
 Transportation Depot
 Urban Farmer's Market
 Veterinary Service

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b) Notwithstanding Subsections 11.1.3 g).iii).1., and h), and in addition to Subsections 11.1.1, 11.1.3 d) and 11.1.3 g) ii) and iii) 2., the following regulations shall also apply:

i) **Restricted Uses** In addition to Subsection 11.4.1, the following use shall be permitted in accordance with the following restrictions:

1. **Restriction of Uses within a Building**

A. Notwithstanding Subsection 11.4.1, a Dwelling Unit(s) in conjunction with a Commercial Use shall only be permitted above the ground floor.

B. Notwithstanding Subsection 11.4.1, a Day Nursery shall only be permitted above the ground floor.

i) **Building Height** In addition to the definition of Building Height, 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 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

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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.

- | | | |
|------|--|---|
| iii) | Built Form for New Development | <ol style="list-style-type: none"> 1. 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 75% of the measurement of the front lot line and flankage lot line; and, 2. In addition to Subsection 11.1.3 g) ii) and iii) 2., and in addition to Clause b) iii) 1., the minimum width of the ground floor façade facing the front lot line shall exclude access driveways and required yards along a lot line abutting a street. |
| iv) | Minimum Amenity Area for Dwelling Units in conjunction with a Commercial Use | <p>On a lot containing more than 10 dwelling units, the following Minimum Amenity Area requirements shall be provided:</p> <ol style="list-style-type: none"> 1. An area of 4.0 square metres for each dwelling unit less than 50 square metres; 2. An area of 6.0 square metres for each dwelling unit more than 50 square metres; 3. In addition to the definition of Amenity Area, an Amenity Area located outdoors shall be unobstructed and shall be at or above the surface, and exposed to light and air; and, 4. In addition to the definition of Amenity Area, the required Amenity Area shall be provided exclusively for the residential component and shall be functionally separated from public areas associated with any commercial component. |

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

630. Within the lands zoned Transit Oriented Corridor Mixed Use High Density (TOC4) Zone, identified on Map 1142 of Schedule "A" – Zoning Maps, and described as part of 695 Queenston Road, the following special provision shall also apply:
- a) Notwithstanding Subsection 11.4.3 d) ii) and iv), the maximum Building Height shall be 22.0 metres.
631. Within the lands zoned Transit Oriented Corridor Mixed Use High Density (TOC4) Zone, identified on Maps 1142 and 1193 of Schedule "A" – Zoning Maps, and described as 7 & 9 Greenford Drive, 760 Queenston Road, and part of 770 Queenston Road, the following special provision shall also apply:
- a) Notwithstanding Subsection 11.4.3 d) ii) and iv), the maximum Building Height shall be 22.0 metres.
632. Within the lands zoned Transit Oriented Corridor Mixed Use High Density (TOC4) Zone, identified on Maps 1142, 1143, 1193 and 1194 of Schedule "A" – Zoning Maps, and described as:

Property Address	Map Number
Part of 770 Queenston Road	1142, 1143, 1193 & 1194
792 Queenston Road	1194
800 Queenston Road	1194
817 Queenston Road	1143 & 1194

The following special provisions shall also apply:

- a) Notwithstanding Subsection 11.4.3 d) ii) and iv), and in addition to Subsection 11.4.3 d) i) and iii), the following regulations shall apply:
- i) Maximum Building Height shall be 47.0 metres; and,
- ii) Any portion of a building above 22.0 metres in height, to a maximum of 47.0 metres, shall be setback a minimum of 29.5 metres from the rear or interior side lot line when abutting a Residential or Institutional Zone.
633. Within the lands zoned Transit Oriented Corridor Mixed Use High Density (TOC4) Zone, identified on Maps 1142, 1143, and 1194 of Schedule "A" –

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Zoning Maps, and described as 75 Centennial Parkway North (Eastgate Square), shown as Figure 11 of Schedule "F" – Special Figures, the following special provisions shall also apply:

- a) For the purposes of Special Exception No. 633, the following provisions shall apply to **Area A** as shown on Figure 11 of Schedule "F" – Special Figures:

- A) In addition to Section 3, for the purpose of Special Exception No. 633, the following definition shall apply:

Block Townhouse Dwelling	Shall mean a dwelling divided vertically into three or more dwelling units, by common walls which prevent internal access between units and extend from the base of the foundation to the roof line and for a horizontal distance of not less than 35 percent of the horizontal depth of the building but shall not include a maisonette.
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- B) In addition to Subsection 11.4.1, the following uses shall also be permitted:

Dwelling Unit(s)
Multiple Dwelling
Street Townhouse Dwelling

- C) Notwithstanding Subsection 11.4.1 and in addition to Subsection 11.4.2, a Block Townhouse Dwelling(s) shall not be permitted.

- D) Notwithstanding Subsection 11.4.1.1, the residential uses contained in Subsection 11.4.1 and Clause A) shall be permitted on the ground floor.

- E) Notwithstanding Subsection 11.4.3 d) the following Building Height shall apply:

- i) Minimum 7.5 metres; and,
- ii) Maximum 11.0 metres.

- F) Notwithstanding Subsection 11.4.3 g) ii), iii), and iv), the following regulation applies:

- i) For an interior lot or a through lot, the minimum width of the ground floor façade facing the streetline shall:

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1. Be greater than or equal to 40% of the measurement of the front lot line; and,
 2. Comply with Subsection 11.4.3 a).
 - ii) For a corner lot or a lot where all lot lines are streetlines, the minimum combined width of the ground floor façade facing the front lot line and flankage lot line(s) shall:
 1. Be greater than or equal to 50% of the measurement of the front lot line and flankage lot line; and,
 2. Comply with Subsection 11.4.3 a).
 - b) For the purposes of Special Exception No. 633, the following provisions shall apply to **Area B** as shown on Figure 11 of Schedule "F" – Special Figures:
 - A) Notwithstanding Subsection 11.4.3 d) ii) and iv), and in addition to Subsection 11.4.3 d) i) and iii), the following regulations shall apply to new development:
 - i) Maximum building height shall be 62 metres; and,
 - ii) Any portion of a building above 22.0 metres in height, to a maximum of 62.0 metres, shall be setback a minimum of 89.5 metres from any lot line abutting a Residential or Institutional Zone.
 - B) Notwithstanding Subsection 11.4.3 d), a minimum height of 6.0 metres shall be permitted for any addition to the principal building existing on the date of the passing of this By-law.
 - C) In addition to Subsection 11.4.3, where the development or redevelopment occurs on the site, including demolitions with new buildings or additions, additions to existing buildings, or new buildings, which exceeds 50% of the total Gross Floor Area of the site existing on the date of passing of the By-law, being 61,525 square metres, the following regulation shall apply:
 - i) For each square metre of commercial or institutional use provided, 3.0 square metres of residential use shall be required.
634. Within the lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone, identified on Map 1091 of Schedule "A" – Zoning Maps, and

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described as 165 Queenston Road, the following special provision applies:

- a) In addition to Subsection 11.1.1 Permitted Uses, and notwithstanding Subsection 11.1.2 Prohibited Uses, the existing Motor Vehicle Service Station shall also be permitted.

635. Within the lands zoned Transit Oriented Corridor Multiple Residential (TOC3) Zone, identified on Map 1141 of Schedule "A" – Zoning Maps, and described as 505 Queenston Road, the following special provisions apply:

- a) In addition to Subsection 11.3.1, the following use shall also be permitted within the building existing on the date of passing of this By-law.

Office

- b) In addition to Subsection 5.1 a) v), a minimum of 140 square metres of landscaped area shall be provided and maintained within the required front yard.
- c) In addition to Clause a), a visual barrier shall be required along any lot line abutting an Institutional Zone or Residential Zone, with the exception of TOC3 Zone, in accordance with the requirements of Subsection 4.19 of this By-law.

636. Within the lands zoned Transit Oriented Corridor Multiple Residential (TOC3) Zone, identified on Map 1141 of Schedule "A" – Zoning Maps, and described as 509 Queenston Road, the following special provisions shall also apply:

- a) In addition to Subsection 11.3.1, the following use shall also be permitted within the building existing on the date of passing of this By-law:

Denture Clinic

- b) Notwithstanding Subsection 5.1 a) v), a 1.5 metre wide planting strip shall be required and permanently maintained between the street line and any parking spaces and aisles giving direct access to abutting parking spaces, excluding driveways extending directly from the street,

only where an encroachment agreement has not been entered into with the City of Hamilton, for a minimum 1.5 metre planting strip within the widened road allowance limits of Queenston Road.
- c) Subsection 5.1.b) iii) shall not apply for the existing building(s).
- d) Subsection 5.1.b) ix) shall not apply for the existing building(s).

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- e) Visual Barrier
 - i) Notwithstanding Subsection 4.19, a visual barrier not less than 1.2 metres and not more than 2.0 metres in height shall be required and maintained along the northerly lot line.
 - ii) Notwithstanding Subsection 4.19, a visual barrier not less than 1.2 metres and not more than 2.0 metres in height shall be required and maintained along the easterly lot line, commencing at the northerly lot line, southerly for a distance of at least 26.0 metres.
- 637. Within the lands zoned Transit Oriented Corridor Mixed Use High Density (TOC4) Zone, identified on Maps 1142 and 1193 of Schedule "A" – Zoning Maps, and described as 670, 674, 686, 692, 700 and 706 Queenston Road, shown as Figure 12 of Schedule "F" – Special Figures, the following special provisions shall also apply:
 - a) For the purposes of Special Exception No. 637, the following special regulations shall apply to **Areas A and B**, as shown on Figure 12 of Schedule "F" – Special Figures:
 - i) In addition to Subsection 11.4.3, where development or redevelopment occurs on the site, including demolitions with new buildings or additions, additions to existing buildings, or new buildings, which exceeds 50% of the total Gross Floor Area of the site existing on the date of passing of the By-law, being 17,403 square metres, the following regulation shall apply:
 - 1) For each square metre of commercial or institutional use provided, 3.0 square metres of residential use shall be required.
 - ii) Notwithstanding Subsection 11.4.3 d) i), a minimum height of 6.0 metres shall be permitted for any addition to the principal building existing on the date of the passing of this By-law.
 - b) For the purposes of Special Exception No. 637, the following special provisions shall apply to **Area B** as shown on Figure 12 of Schedule "F" – Special Figures:
 - i) In addition to Section 3, for the purpose of Special Exception No. 637, the following definition shall apply:

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Block Townhouse Dwelling	Shall mean a dwelling divided vertically into three or more dwelling units, by common walls which prevent internal access between units and extend from the base of the foundation to the roof line and for a horizontal distance of not less than 35 percent of the horizontal depth of the building but shall not include a maisonette.
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- ii) In addition to Subsection 11.4.1, the following uses shall also be permitted:

Conference or Convention Centre
Dwelling Unit(s)
Educational Establishment
Emergency Shelter
Lodging House
Long Term Care Facility
Multiple Dwelling
Residential Care Facility
Retirement Home

- iii) Notwithstanding Subsection 11.4.1 and in addition to Subsection 11.4.2, a Block Townhouse Dwelling(s) shall not be permitted.

- iv) Notwithstanding Subsection 11.4.1.1, residential uses contained in Subsection 11.4.1 and Clause b) i) shall be permitted on the ground floor.

- v) In addition to Subsection 11.4.1.1, the following restriction of uses shall apply:

1) Residential Care Facility

- A. Maximum capacity for a Residential Care Facility is 20 residents.

2) Emergency Shelter

- A. Maximum capacity for an Emergency Shelter is 50 residents.

3) Emergency Shelter and Residential Care Facility:

- A. Except as provided in Clause b) iii) 3) B), every Emergency Shelter or Residential Care Facility shall be

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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,

- B) 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.
- vi) Notwithstanding Subsection 11.4.3 a), d) ii), iii) and iv), g) iii), the following regulations shall apply:
- | | |
|-----------------------------------|---|
| 1) Building Setback from a Street | <ul style="list-style-type: none">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 Clause b) iv) 1) i), a minimum setback of 6.0 metres is required for that portion of a building providing access to a driveway or garage; and,iv) Where a building(s) exists and complies with Subsection 11.4.3 g) ii) and iii), additional building(s) constructed on the lot shall not be subject to Clause b) iv) 1) i) and ii). |
| 2) Building Height | <ul style="list-style-type: none">i) Maximum 22.0 metres;ii) In addition to Subsection 11.4.3 d) i) and notwithstanding Clause b) iv) 2) i), the minimum building height may |

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be equivalently increased as the yard increases beyond the minimum yard requirement established in Subsection 11.4.3 b) and c), when abutting a Residential or Institutional Zone, to a maximum of 22.0 metres.

- | | |
|-----------------------------------|---|
| 3) Built Form for New Development | i) 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. |
|-----------------------------------|---|

638. Within the lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone, identified on Map 1142 of Schedule "A" – Zoning Maps, and described as 558 Queenston Road, the following special provisions shall also apply:

- a) Notwithstanding Subsection 4.20 c) i), an outdoor commercial patio shall be permitted on a lot where any lot line abuts a Residential Zone; and,
- b) Notwithstanding Subsection 11.1.3 b), no minimum rear yard setback is required."

- 7. That Schedule "F" – Special Figures of By-law No. 05-200 is hereby amended by adding Special Figure 11.0.
- 8. 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*.
- 9. That for the purposes of the Building Code, this By-law or any part of it is not made until it has actually come into force as provided by Section 34 of the *Planning Act*.
- 10. That this By-law come into force in accordance with Section 34 of the *Planning Act*.

PASSED this _____, 2018

F. Eisenberger
Mayor

R. Caterini
City Clerk

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*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: Chair and Members Report No.: PED18012 Date: 01/16/2018

Ward(s) or City Wide: Ward 1, 3, 4, 5 and 9 (MM/DD/YYYY)

Prepared by: Madeleine Giroux, Planner II Phone No: 905-546-2424 ext.2664

For Office Use Only, this doesn't appear in the by-law

**To Amend Zoning By-law No. 05-200
To Extend New Transit Oriented Corridor Zones between Jefferson Avenue (Hamilton) and Irene**

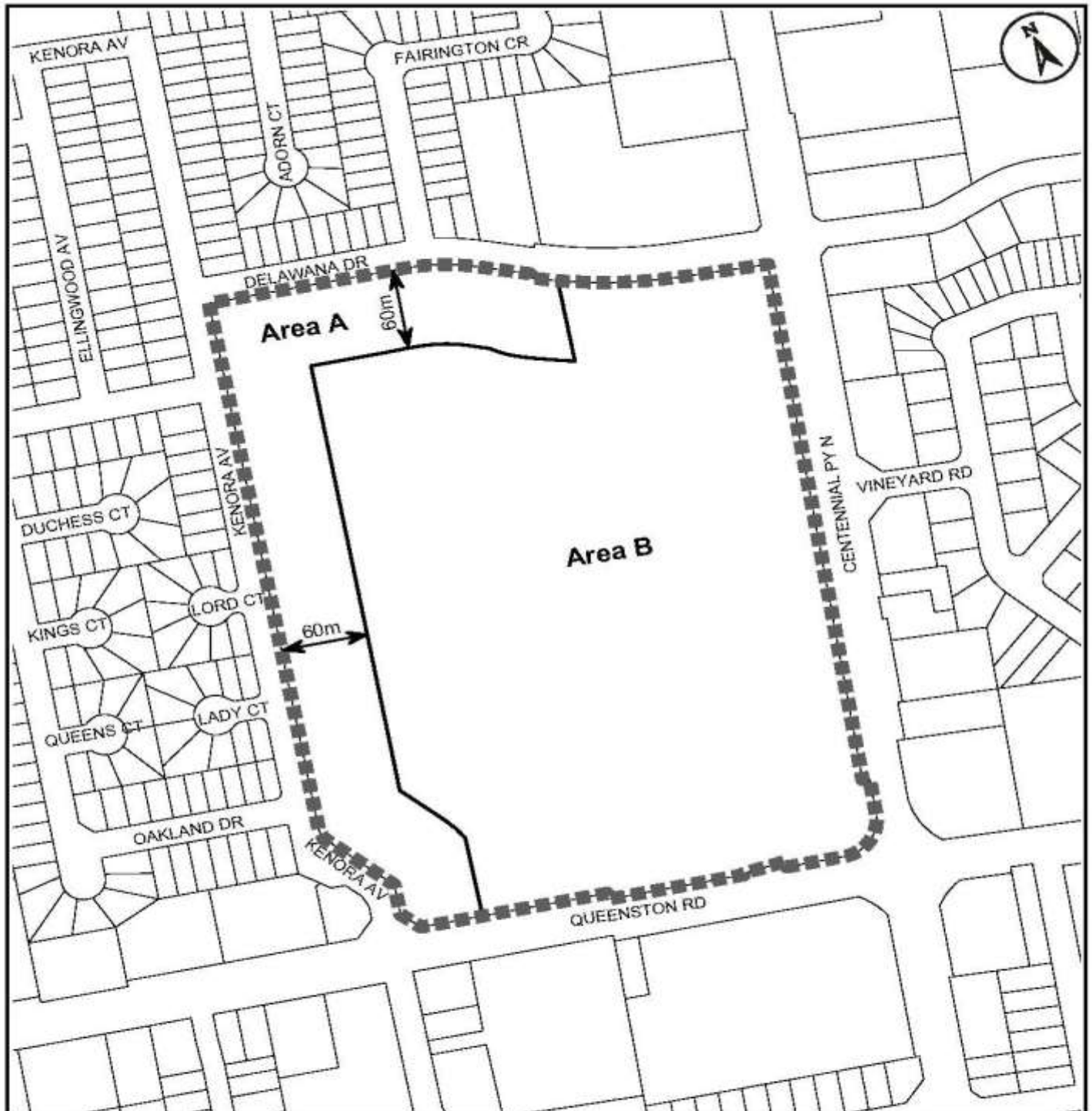


Figure 11: 75 Centennial Parkway North (Eastgate Square)

Date:
November 10, 2017

Legend

■■■■■ Subject Area - Special Exception 633

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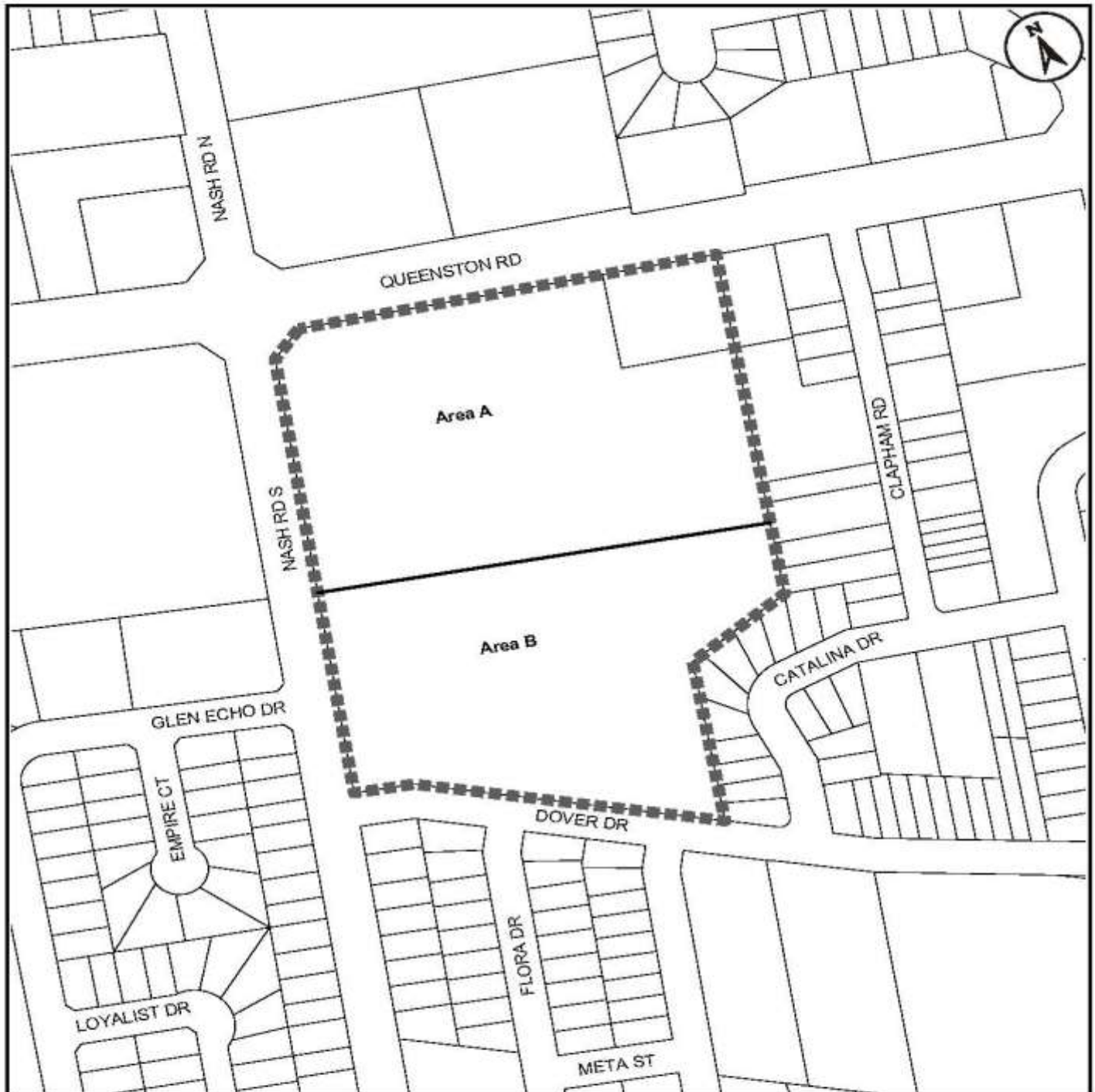


Figure 12: 670, 674, 686, 692, 700 and 706 Queenston Road, Hamilton

Date:
November 21, 2017

Legend

■■■■■ Subject Area - Special Exception 637



Hamilton
City of Hamilton
Zoning By-Law 05-200

DRAFT

Map Reference Number	By-Law Number	Effective Date of By-Law

Legend

- Special Exception
- Holding Provision
- Urban Boundary
- Zoning Boundary
- C.A. Regulated Area
- Lake
- Railway

Note: Features in the Legend may not appear in each individual map for every batch series of map

NORTH



SCALE 1 : 3,332

MAP 1091 of Schedule 'A'





City of Hamilton
Zoning By-Law 05-200

DRAFT

Map Reference Number	By-Law Number	Effective Date of By-Law

Legend

- Special Exception
- Holding Provision
- Urban Boundary
- Zoning Boundary
- C.A. Regulated Area
- Lake
- Railway

Note: Features in the Legend may not appear in each individual map for every batch series of map

NORTH



SCALE 1 : 3,332

MAP 1140 of Schedule 'A'





Hamilton

City of Hamilton
Zoning By-Law 05-200

DRAFT

Map Reference Number	By-Law Number	Effective Date of By-Law

Legend

- Special Exception
- Holding Provision
- Urban Boundary
- Zoning Boundary
- C.A. Regulated Area
- Lake
- Railway

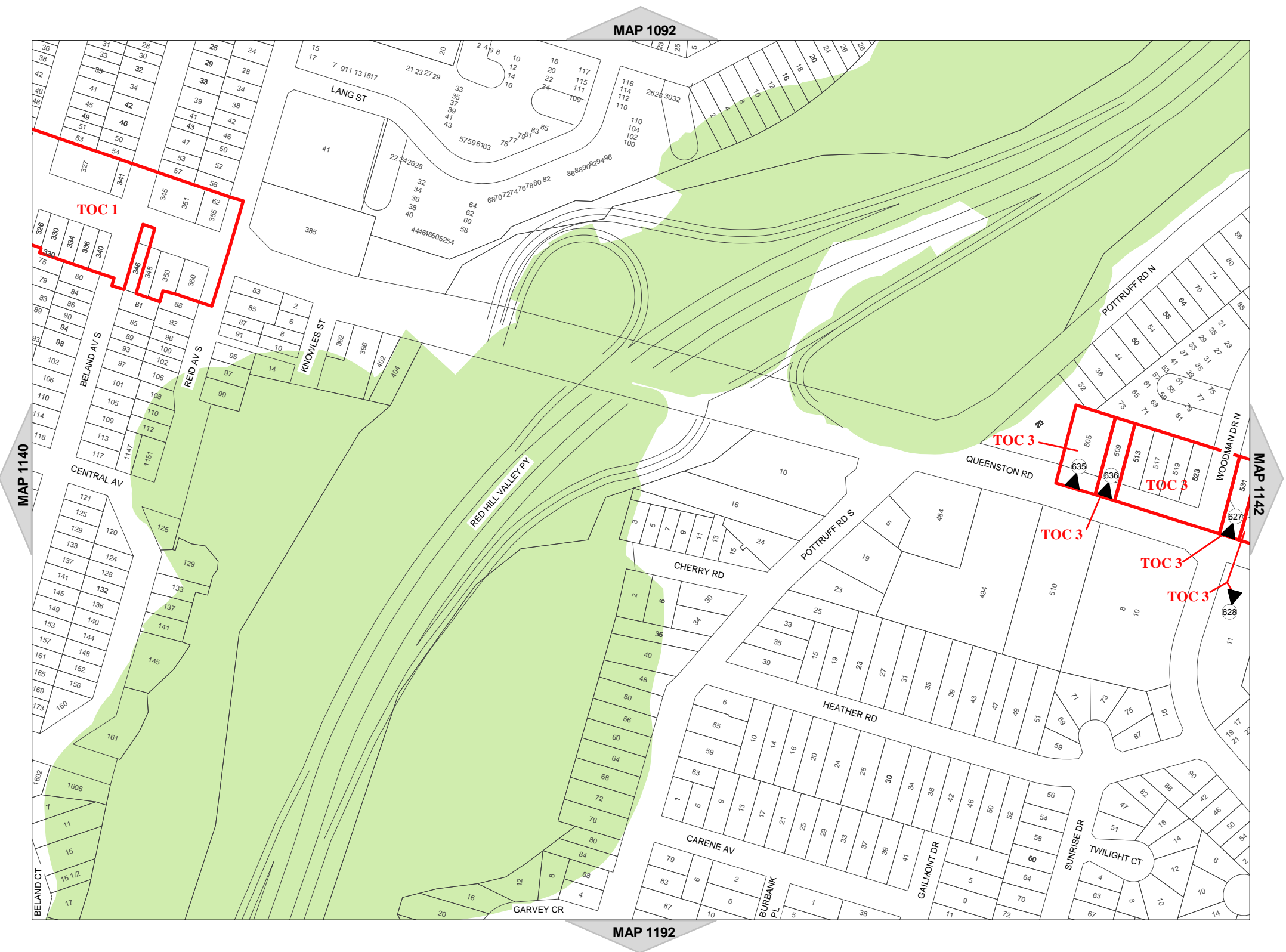
Note: Features in the Legend may not appear in each individual map for every batch series of map

NORTH



SCALE 1 : 3,332

MAP 1141 of Schedule 'A'





Hamilton
City of Hamilton
Zoning By-Law 05-200

DRAFT

Map Reference Number	By-Law Number	Effective Date of By-Law

Legend

- Special Exception
- Holding Provision
- Urban Boundary
- Zoning Boundary
- C.A. Regulated Area
- Lake
- Railway

Note: Features in the Legend may not appear in each individual map for every batch series of map

NORTH



SCALE 1 : 3,332

MAP 1142 of Schedule 'A'





Hamilton

City of Hamilton
Zoning By-Law 05-200

DRAFT

Map Reference Number	By-Law Number	Effective Date of By-Law

Legend

- Special Exception
- Holding Provision
- Urban Boundary
- Zoning Boundary
- C.A. Regulated Area
- Lake
- Railway

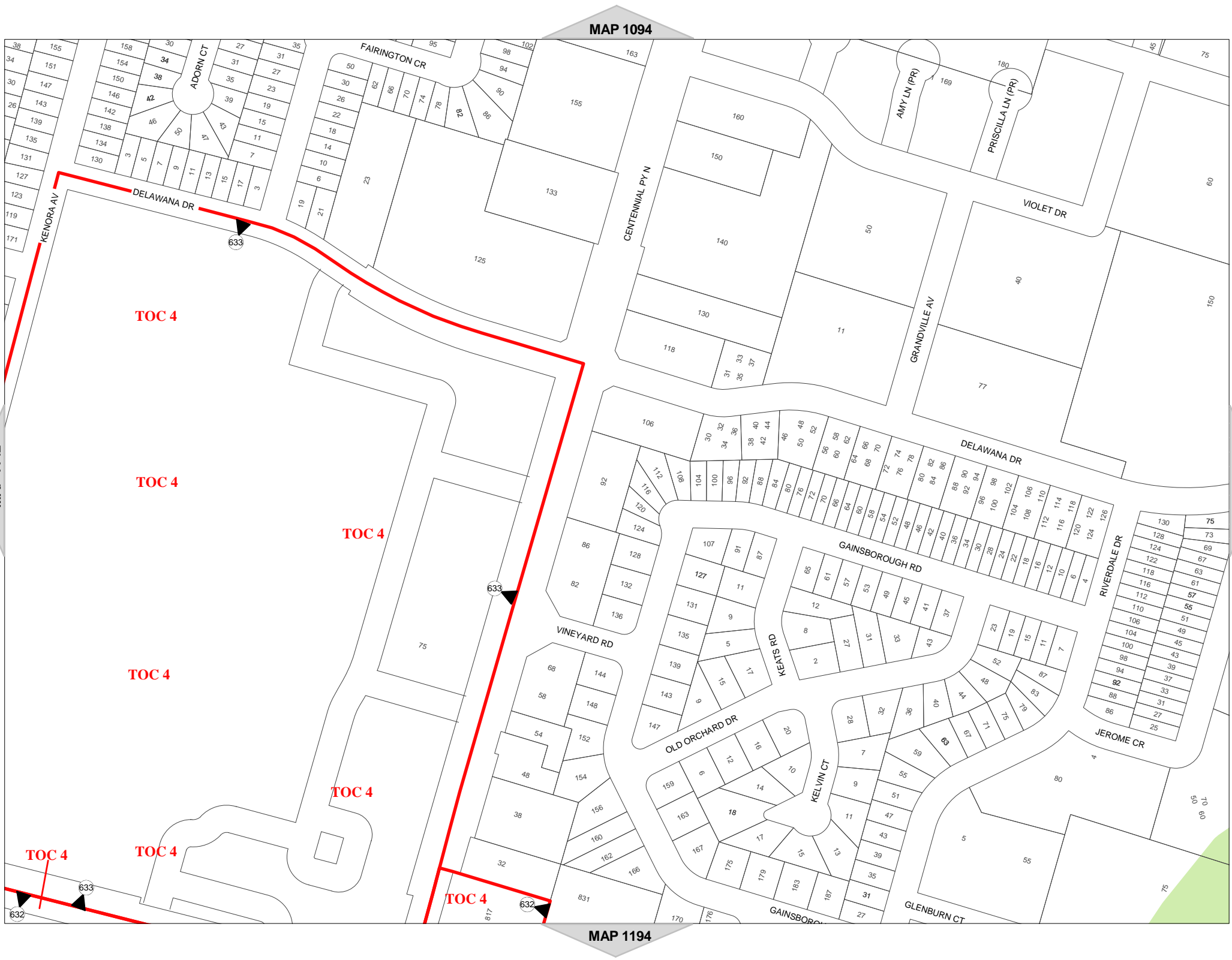
Note: Features in the Legend may not appear in each individual map for every batch series of map

NORTH



SCALE 1 : 3,332

MAP 1143 of Schedule 'A'





Hamilton
City of Hamilton
Zoning By-Law 05-200

DRAFT

Map Reference Number	By-Law Number	Effective Date of By-Law

Legend

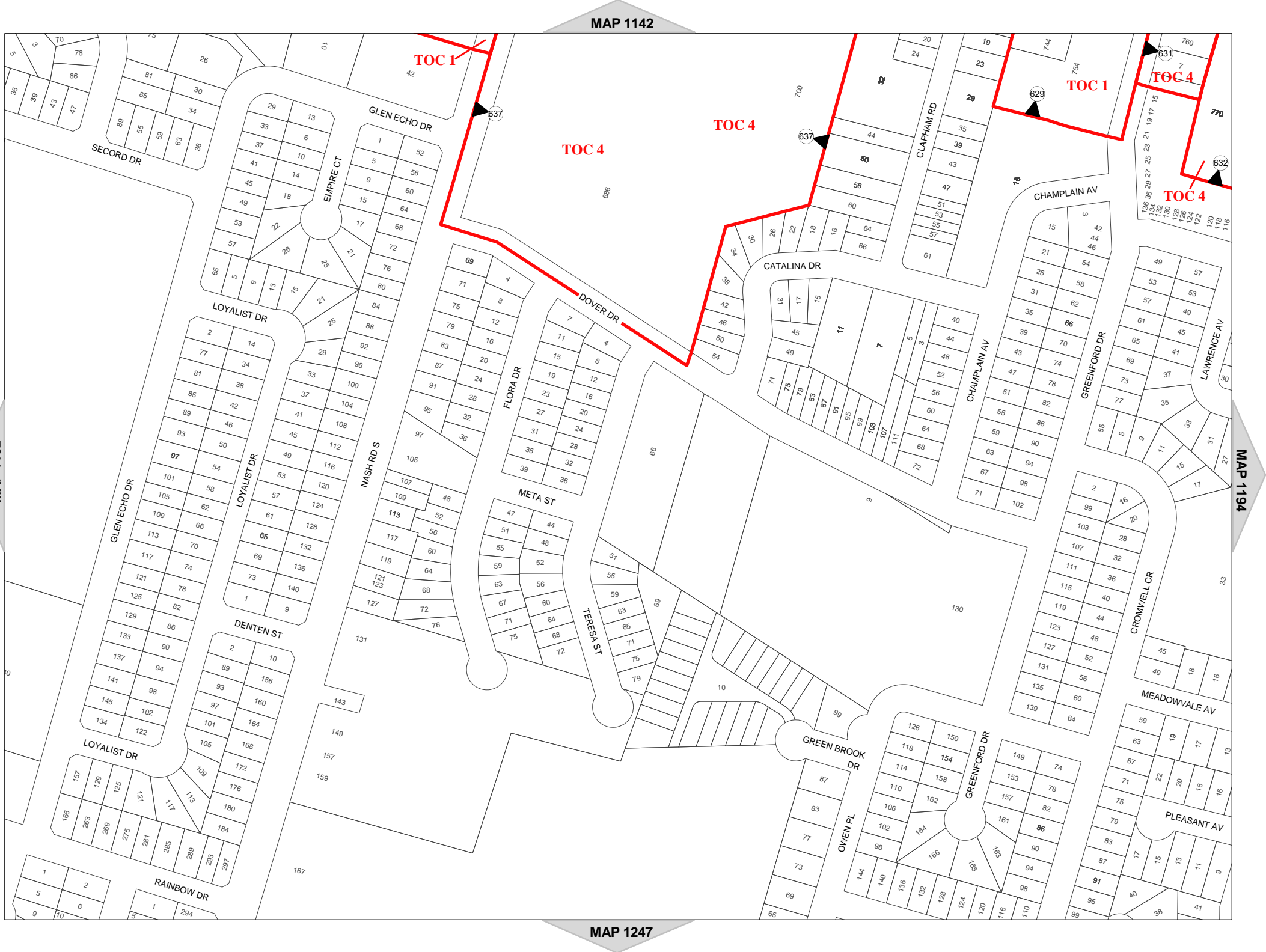
- Special Exception
- Holding Provision
- Urban Boundary
- Zoning Boundary
- C.A. Regulated Area
- Lake
- Railway

Note: Features in the Legend may not appear in each individual map for every batch series of map



SCALE 1 : 3,332

MAP 1193 of Schedule 'A'





Hamilton
City of Hamilton
Zoning By-Law 05-200

DRAFT

Map Reference Number	By-Law Number	Effective Date of By-Law

Legend

- Special Exception
- Holding Provision
- Urban Boundary
- Zoning Boundary
- C.A. Regulated Area
- Lake
- Railway

Note: Features in the Legend may not appear in each individual map for every batch series of map

NORTH



SCALE 1 : 3,332

MAP 1194 of Schedule 'A'

