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Report 18-002 (PED18012)
CM: February 14, 2018
Ward: 1, 3, 4, 5, 9
Bill No. 032

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 17 of Report PED18-002 of the Planning Committee, at its meeting held on the 14th day of February, 2018, which 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 Nos. 92 and 94.

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:
 - 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 Transit Oriented 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:”

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.”

- 3.4. That Subsection 5.6 c) iv. be amended by adding the following new regulation for “Shopping Centre” so that it reads as follows:

Shopping Centre (Transit Oriented Corridor Zones)	<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; and,</p> <p>iii) 1 for each 50.0 square metres of gross floor area greater than 4,000.0 square metres.</p>
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4. That SECTION 11: TRANSIT ORIENTED CORRIDOR ZONES be amended by:

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 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 on the date of passing 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 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.

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:

“11.1.4 SINGLE DETACHED, SEMI-DETACHED AND DUPLEX DWELLINGS EXISTING AT THE DATE OF THE PASSING OF THE BY-LAW (February 14, 2018)

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”

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"

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 on the date of passing 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.”

4.27. 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:

- “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 |
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shall be functionally separated from public areas associated with any commercial component.”

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 (February 14, 2018)

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 (February 14, 2018)

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:

“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
Long Term Care Facility
Medical Clinic
Microbrewery
Office
Performing Arts Theatre
Personal Services
Place of Assembly
Place of Worship
Repair Service
Restaurant
Retail
Retirement Home
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 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.

- 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 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.

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| 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.

- 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.
- h) Minimum Amenity Area for Dwelling Units in Conjunction with a Commercial
- On a lot containing more than 10 dwelling units, the following Minimum Amenity Area requirements shall be provided:

Use	<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	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	<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 be permitted in a front yard or flankage yard.
11.4.4 PARKING	In accordance with the requirements of Section 5 of this By-law.

- 11.4.5 ACCESSORY BUILDINGS**
- 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:
- 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 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
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

- 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 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 | <p>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,</p> <p>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.</p> |
| 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> <p>1. An area of 4.0 square metres for each dwelling unit less than 50 square metres;</p> <p>2. An area of 6.0 square metres for each dwelling unit more than 50 square metres;</p> <p>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,</p> |

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.

- 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 and 697 Queenston Road, the following special provision shall also apply:

- a) Notwithstanding Subsection 4.20 c), the existing outdoor commercial patio shall be permitted in the front yard.
- b) 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” – 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:

The following Table 1 is provided for information only:

Table 1

Gross Floor Area (GFA) (square metres)	Application
30,763.0	<p>Shall be considered 50% of the total site GFA existing on the date of passing of this By-law (February 14, 2018)</p> <p>This number is for the purposes of maximum alterations and building footprint redistribution permitted under the Vacuum Clause</p> <p>This number is also for the purposes of minimum demolition and reconstruction prior to trigger of Mixed Use Development (plus 0.1 square metre)</p>
59,992.0	Shall be considered the GFA of the principal shopping centre building (Eastgate Square) existing on the date of passing of this By-law (February 14, 2018)
60,000.0	Shall be considered the GFA of the principal shopping centre building (Eastgate Square) existing on the date of passing of this By-law (February 14, 2018), rounded up to the nearest ten
61,525.0	Shall be considered the total site GFA existing on the date of passing of this By-law (February 14, 2018), including the principal shopping centre building (59,992.0) and the two existing stand-alone commercial buildings (511.0 + 1,022.0)
80,405.0	<p>Shall be considered 130% of the GFA of the existing principal shopping centre building (59,992.0), plus the GFA approved by HM/A-08:316 (1,858.0)</p> <p>This number is for the purposes of expansions under the Vacuum Clause</p>

91,288.0	Shall be considered 150% of the total site GFA existing on the date of passing of this By-law (February 14, 2018)
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- a) The lands described as 75 Centennial Parkway North (Eastgate Square), as shown as Figure 11 of Schedule “F” – Special Figures shall be considered as one Corner Lot for zoning purposes, notwithstanding any consolidation or division of the lot.
- b) Notwithstanding the Definitions in Section 3, for the purposes of this By-law, the front lot line is deemed to be Centennial Parkway North.
- c) 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 the Definitions in 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 the Permitted Uses [Subsection 11.4.1], the following uses shall also be permitted:

Dwelling Unit(s)
Multiple Dwelling

- C) Notwithstanding the Permitted Uses [Subsection 11.4.1] and in addition to the Prohibited Uses [Subsection 11.4.2], a Block Townhouse Dwelling(s) shall not be permitted.
- D) Notwithstanding the Restricted Uses [Subsection 11.4.1.1], the residential uses contained in Subsection 11.4.1 and Clause b) B) of Special Exception No. 633 shall be permitted on the ground floor.
- E) Notwithstanding the Building Height requirements [Subsection 11.4.3 d)] the following Building Height shall apply:
 - i) Minimum 7.5 metres; and,

- ii) Maximum 11.0 metres.
- d) 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 the minimum and maximum Building Height requirements [Subsection 11.4.3 d) i), ii) and iv)], and in addition to the Building Height stepback requirements [Subsection 11.4.3 d) iii)], the following regulations shall apply to new development:
 - i) The minimum building height abutting Queenston Road shall be 11.0 metres;
 - ii) The minimum building height abutting Centennial Parkway North shall be 7.5 metres;
 - iii) The maximum building height shall be 62.0 metres; and,
 - iv) 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 streetline abutting Kenora Avenue and Delawana Drive within the extent of the boundaries of Area A.
 - B) Notwithstanding the minimum Building Height requirements [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.
 - C) Notwithstanding the regulations for Outdoor Commercial Patios [Subsection 4.20 c) and d)], an outdoor commercial patio shall be permitted to provide commercial entertainment consisting of recorded music only, on a lot where such lot is separated from a Residential Zone by a laneway or street.
 - D) Notwithstanding the minimum Building Façade Facing the Front and Flankage Lot Line requirements [Subsection 11.4.3 g) ii) and iii)], the following regulations apply:
 - i) The minimum width of the ground floor façade facing Queenston Road within Area B shall:
 - 1. Be greater than or equal to 75% of the measurement of that portion of the streetline abutting Queenston Road

located within Area B;

2. Comply with the maximum Building Setback from a Street Line requirements [Subsection 11.4.3 a)].
- ii) The minimum width of the ground floor façade facing Centennial Parkway North within Area B shall:
1. Be greater than or equal to 75% of the measurement of that portion of the streetline abutting Centennial Parkway North located within Area B; and,
 2. Comply with the maximum Building Setback from a Street Line requirements [Subsection 11.4.3 a)].
- iii) In addition to the minimum Building Façade Facing the Front and Flankage Lot Line requirements [Subsection 11.4.3 g) iv) and clauses d) D) i) and ii) of Special Exception No. 633], the calculation of the measurement of the streetline width shall not include:
1. Any portion of the lot width occupied by a public transit facility; and,
 2. Any portion of the lot width occupied by an existing building within 25.0 metres of the streetline abutting Centennial Parkway North.

E) Expansions to Existing Principal Shopping Centre Building

Notwithstanding Expansion Regulations for Existing Buildings [Subsections 4.12 e)ii)], maximum Building Setback from a Street Line [Subsection 11.4.3 a)i)], minimum Building Height [Subsection 11.4.3 d)i)], minimum Building Façade Facing the Front and Flankage Lot Lines [Subsection 11.4.3 g)ii) and iii)] and in addition to Location of Buildings Existing on the date of Passing of the By-law [Subsection 4.12 e)i)], the following regulations in Table 2 shall apply to the principal shopping centre building legally existing on the date of passing of the By-law:

Table 2	Maximum GFA of the Resulting Building	Minimum GFA of the Resulting Building
Expansions (not including any demolition)	80,405.0 square metres	N/A
Reconfiguration (with demolition and alteration)	80,405.0 square metres	30,764.0 square metres

F) Trigger for Mixed Use Development – Expansions of Existing Buildings on the Lot

- i) In addition to the Regulations of the Transit Oriented Corridor Mixed Use High Density (TOC4) Zone [Subsection 11.4.3], where development on the lot in the form of new buildings or additions to existing buildings exceeds 30,763 square metres, resulting in a total gross floor area that exceeds 91,288 square metres for the entire lot, the following regulation shall apply:

1. For each square metre of commercial or institutional use provided above 91,288 square metres, a minimum of 3.0 square metres of residential use shall be required.

G) Trigger for Mixed Use Development – Demolitions with Reconstruction of Existing Buildings on the Lot

- i) In addition to the Regulations of the Transit Oriented Corridor Mixed Use High Density (TOC4) Zone [Subsection 11.4.3], where development or redevelopment occurs on the lot in the form of demolitions with reconstruction, where the demolished portion exceeds a gross floor area of 30,763 square metres, the following regulation shall apply:

1. For each square metre of commercial or institutional use provided above 61,525 square metres, a minimum of 3.0 square metres of residential use shall be required.

H) Notwithstanding the minimum Building Height [Subsection 11.4.3 d)i) and Clause d)A) i) and ii) of Special Exception No. 633], minimum Building Façade Facing the Front and Flankage Lot Lines [Subsection 11.4.3 g)ii) and iii) and Clause d)D) of Special Exception No. 633] and Built Form Requirements for Small Scale Commercial Buildings [Subsection 11.4.3 g)viii)], for commercial development existing at the time of passing of this by-law, Subsections 11.4.3 g) ii) and iii) and Clause d)D) of Special

Exception No. 633 shall not apply to new commercial buildings subject to the following requirements:

- i) The maximum Gross Floor Area of each building shall be 1,000 square metres for single occupant commercial buildings;
 - ii) The maximum Gross Floor Area of each building shall be 1,200 square metres for multi-tenant commercial buildings; and,
 - iii) The minimum Building Height shall be 6.0 metres.
- l) The Principal Entrance requirements [Subsection 11.4.3 g)vi)] shall only apply to buildings constructed after the date of passing of this By-law (February 14, 2018).

634. Within the lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone, identified on Map 1091 of Schedule "A" – Zoning Maps, and 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.
- b) In addition to Subsection 4.12 e), Section 5, and Subsection 11.1.3, any parking spaces and drive aisles existing on the date of passing of this By-law (February 14, 2018) shall be deemed to comply with the regulations for any required setbacks, location on the lot, and number of parking spaces.

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).
- 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:

The following Table 1 is provided for information only:

Table 1

Gross Floor Area (GFA) (square metres)	Application
8,867.0	Shall be considered 50% of the total site GFA existing on the date of passing of this By-law (February 14, 2018)
9,671.0	Shall be considered the GFA of the largest stand-alone commercial building existing on the date of passing of this By-law (February 14, 2018) This number is for the purposes of minimum demolition and reconstruction prior to trigger of Mixed Use Development
13,540.0	Shall be considered 140% of the GFA of the largest stand-alone commercial building existing on the date of passing of this By-law (February 14, 2018) This number is for the purposes of expansions under the Vacuum Clause
17,733.0	Shall be considered the total site GFA existing on the date of passing of this By-law (February 14, 2018), including the multi-unit commercial building (6,245.0), large scale stand-alone commercial building (9,671.0), gas bar (108.0), four small scale stand-alone commercial buildings (282.0 + 277.0 + 500.0 + 650.0)
21,602.0	Shall be considered the total site GFA assuming a 40% expansion to the existing largest stand-alone commercial building existing on the date of passing of this By-law (February 14, 2018)
26,600.0	Shall be considered 150% of the total site GFA existing on the date of passing of this By-law (February 14, 2018)

- 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:
- A) The lands described as 670, 674, 686, 692, 700 and 706 Queenston Road, as shown as Figure 12 of Schedule “F” – Special Figures shall be considered as one Corner Lot for zoning purposes, notwithstanding any consolidation or division of the lot.
 - B) Notwithstanding Section 3, for the purposes of this By-law, the front lot line is deemed to be Queenston Road.
 - C) Notwithstanding Prohibited Uses [Subsection 11.4.2 i)], the following provisions apply:

- i) A Drive-Through Facility, existing on the date of passing of this By-law shall be permitted in Areas A1, A2, A3 and A5.
 - ii) A Motor Vehicle Service Station, existing on the date of passing of this By-law, shall be permitted only as an accessory use and may be permitted in Areas A and B.
 - iii) A Motor Vehicle Gas Bar, existing on the date of passing of this By-law, shall only be permitted in Area A4.
- D) For the existing building with a drive through facility located within Area A1, the following special regulations shall apply:
 - i) Subsection 4.25 c) ii) shall not apply; and,
 - ii) Subsection 11.4.3 g) v) shall not apply.
- E) Relocation of Drive Through Facilities outside Areas A1, A2, A3 and A5
 - i) The existing drive through facilities located within Areas A1, A2, A3 and A5 may be permitted to relocate on the same lot outside of Areas A1, A2, A3 and A5 subject to the following requirements:
 - 1. A maximum of four drive through facilities shall be permitted on the lot; and,
 - 2. All relocated drive through facilities shall comply with the Drive Through regulations and Built Form for New Development regulations [Subsections 4.25 and 11.4.3 g)].
- F) Reconstruction of Drive Through Facilities within Areas A1, A2, A3 and A5
 - i) Notwithstanding Subsection 11.4.3 g), the existing drive through facilities located within Areas A1, A2, A3 and A5 may be demolished and reconstructed within Areas A1, A2, A3 and A5; and,
 - ii) Notwithstanding Subsection 11.4.3 d)i) the minimum building height shall be 4.5 metres.
- G) The existing Motor Vehicle Gas Bar located within Area A4 may be permitted to relocate on the same lot outside of Area A4 subject to

the following requirements:

- a) Minimum Yard abutting a street 60.0 metres
- b) Minimum Yard for Fuel Pump Islands, Fuel Pumps and Canopies 60.0 metres
- c) Minimum Planting Strip Requirements 3.0 metres in width shall be required abutting any Residential Zone or Institutional Zone property line.
- d) Maximum Gross Floor Area for Accessory Retail Uses to a Motor Vehicle Gas Bar 175.0 square metres

H) Trigger for Mixed Use Development – Expansions of Existing Buildings on the Lot

- i) In addition to the Regulations of the Transit Oriented Corridor Mixed Use High Density (TOC4) Zone [Subsection 11.4.3], where development on the lot in the form of new buildings or additions to existing buildings exceeds 9,671.0 square metres, resulting in a total gross floor area that exceeds 26,600.0 square metres for the entire lot, the following regulation shall apply:

- 1. For each square metre of commercial or institutional use provided above 26,600.0 square metres, a minimum of 3.0 square metres of residential use shall be required.

I) Trigger for Mixed Use Development – Demolitions with Reconstruction of Existing Buildings on the Lot

- i) In addition to the Regulations of the Transit Oriented Corridor Mixed Use High Density (TOC4) Zone [Subsection 11.4.3], where development or redevelopment occurs on the lot in the form of demolitions with reconstruction, where the demolished portion exceeds a gross floor area of 9,671.0 square metres, the following regulation shall apply:

1. For each square metre of commercial or institutional use provided above 21,602.0 square metres, a minimum of 3.0 square metres of residential use shall be required.
- J) Notwithstanding the minimum Building Height [Subsection 11.4.3 d) i)], a minimum height of 6.0 metres shall be permitted for any addition to any building existing on the date of the passing of this By-law.
- K) Expansions to Existing Buildings:

Notwithstanding the Expansion Regulations for Existing Buildings [Subsections 4.12 e)ii)], the maximum Building Setback from a Street Line [Subsection 11.4.3 a)i)], minimum Building Height [Subsection 11.4.3 d)i)], minimum Building Façade Facing the Front and Flankage Lot Lines [Subsection 11.4.3 g)ii) and iii)] and in addition to Location Regulations of Buildings Existing on the date of Passing of the By-law [Subsection 4.12 e)i)], the following regulations in Table 2 shall apply to the buildings existing on the date of passing of the By-law:

Table 2	Maximum GFA of the Resulting Building	Minimum GFA of the Resulting Building
<i>Existing Largest Stand-Alone Commercial Building (at corner of Nash Road South and Dover Drive)</i>		
Expansions and reconfiguration	13,540.0 square metres	N/A
<i>All other Existing Buildings</i>		
Expansions (not including any demolition)	110% of the GFA of the buildings existing on the date of passing of this by-law	N/A

- b) For the purposes of Special Exception No. 637, the following special regulations shall apply to **Area A** as shown on Figure 12 of Schedule “F” – Special Figures:
- A) Notwithstanding the minimum Building Façade Facing the Front and Flankage Lot Lines [Subsection 11.4.3 g) ii) and iii)], the following regulations apply:
- i) The minimum width of the ground floor façade facing Queenston Road within Area A shall:

1. Be greater than or equal to 75% of the measurement of that portion of the streetline abutting Queenston Road located within Area A;
 2. Comply with the maximum Building Setback from a Street Line requirements [Subsection 11.4.3 a)].
- ii) The minimum width of the ground floor façade facing Nash Road within Area A shall:
1. Be greater than or equal to 75% of the measurement of that portion of the streetline abutting Nash Road located within Area A; and,
 2. Comply with the maximum Building Setback from a Street Line requirements [Subsection 11.4.3 a)].
- iii) In addition to Subsection 11.4.3 g) iv) and clauses b) A) i) and ii) of Special Exception No. 637, the calculation of the measurement of the streetline may not include the width of any lands located within Area A4.
- c) 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:
- A) In addition to the Definitions of Section 3, for the purpose of Special Exception No. 637, 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. |
|--------------------------|---|
- B) In addition to the Permitted Uses [Subsection 11.4.1], the following uses shall also be permitted:
- | | |
|--|--|
| Block Townhouse Dwelling
Conference or Convention Centre
Dwelling Unit(s)
Educational Establishment | |
|--|--|

Emergency Shelter
Lodging House
Long Term Care Facility
Multiple Dwelling
Residential Care Facility
Retirement Home

- C) Notwithstanding the Restricted Uses [Subsection 11.4.1.1], residential uses contained in Subsection 11.4.1 and Clause c) B) shall be permitted on the ground floor.
- D) In addition to the Restricted Uses regulations [Subsection 11.4.1.1], the following restriction of uses shall apply:
- i) Residential Care Facility
 1. Maximum capacity for a Residential Care Facility is 20 residents.
 - ii) Emergency Shelter
 2. Maximum capacity for an Emergency Shelter is 50 residents.
 - iii) Emergency Shelter and Residential Care Facility:
 1. Except as provided in Clause c) D) iii) 2., 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 on the date of passing 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.

E) Notwithstanding the maximum Building Setback from a Street Line, minimum and maximum Building Height, stepback regulations, and minimum Building Façade Facing the Front or Flankage Lot Line requirements [Subsection 11.4.3 a), d) i), ii), iii) and iv), g) iii)], the following regulations shall apply:

- | | |
|-----------------------------------|---|
| i) Building Setback from a Street | <ol style="list-style-type: none">1. Minimum 3.0 metres for a building with residential units on the ground floor facing a street;2. Maximum 4.5 metres, except where a visibility triangle is required for a driveway access;3. Notwithstanding Clause c) E) i) 2., a minimum setback of 6.0 metres is required for that portion of a building providing access to a driveway or garage; and,4. Where a building(s) exists and complies with Subsection c) E) iii) 1., additional building(s) constructed on the lot shall not be subject to Clauses c) E) i) 1. and 2. |
| ii) Building Height | <ol style="list-style-type: none">1. Minimum 7.5 metres;2. Maximum 22.0 metres;3. In addition to minimum Building Height [Subsection 11.4.3 d) i)] and notwithstanding maximum Building Height [Clause c) E) ii) 2.], the minimum building height may be equivalently increased as the yard increases beyond the minimum yard requirement established in Subsections 11.4.3 b) and c), when abutting a Residential or Institutional Zone, to a maximum of 22.0 metres. |
| iii) Built Form for New | <ol style="list-style-type: none">1. The minimum width of the ground floor façade facing Nash Road within |

Development

Area B shall be greater than or equal to 40% of the measurement of that portion of the streetline abutting Nash Road located within Area B.

- F) Notwithstanding any other provisions of this By-law, vehicular access for commercial purposes shall be prohibited from Dover Drive.

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 Figures 11 and 12.

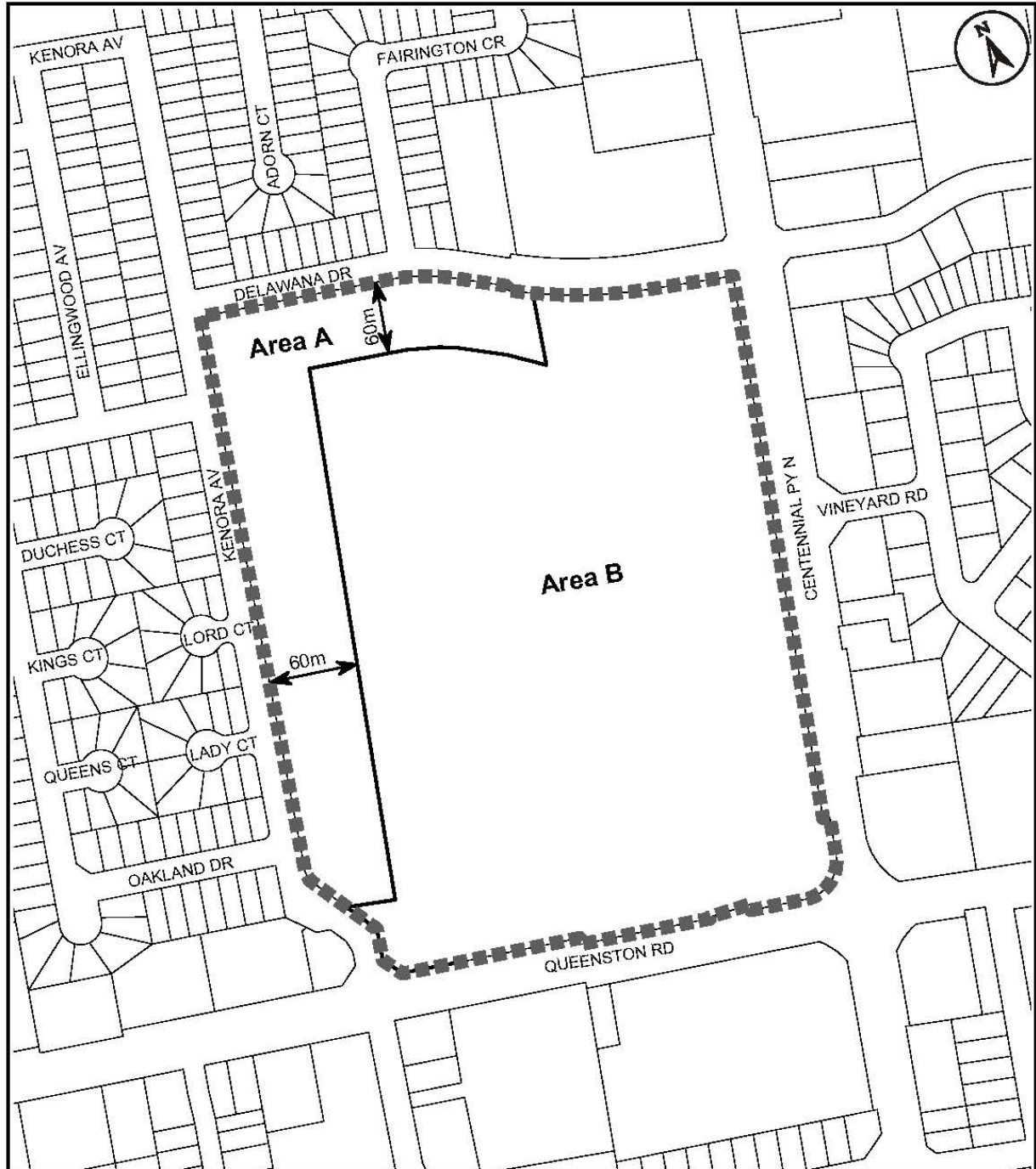


Figure 11: 75 Centennial Parkway North (Eastgate Square)

Date:
January 9, 2018

Legend

■ ■ ■ ■ Subject Area - Special Exception 633



Hamilton
PLANNING AND ECONOMIC
DEVELOPMENT DEPARTMENT

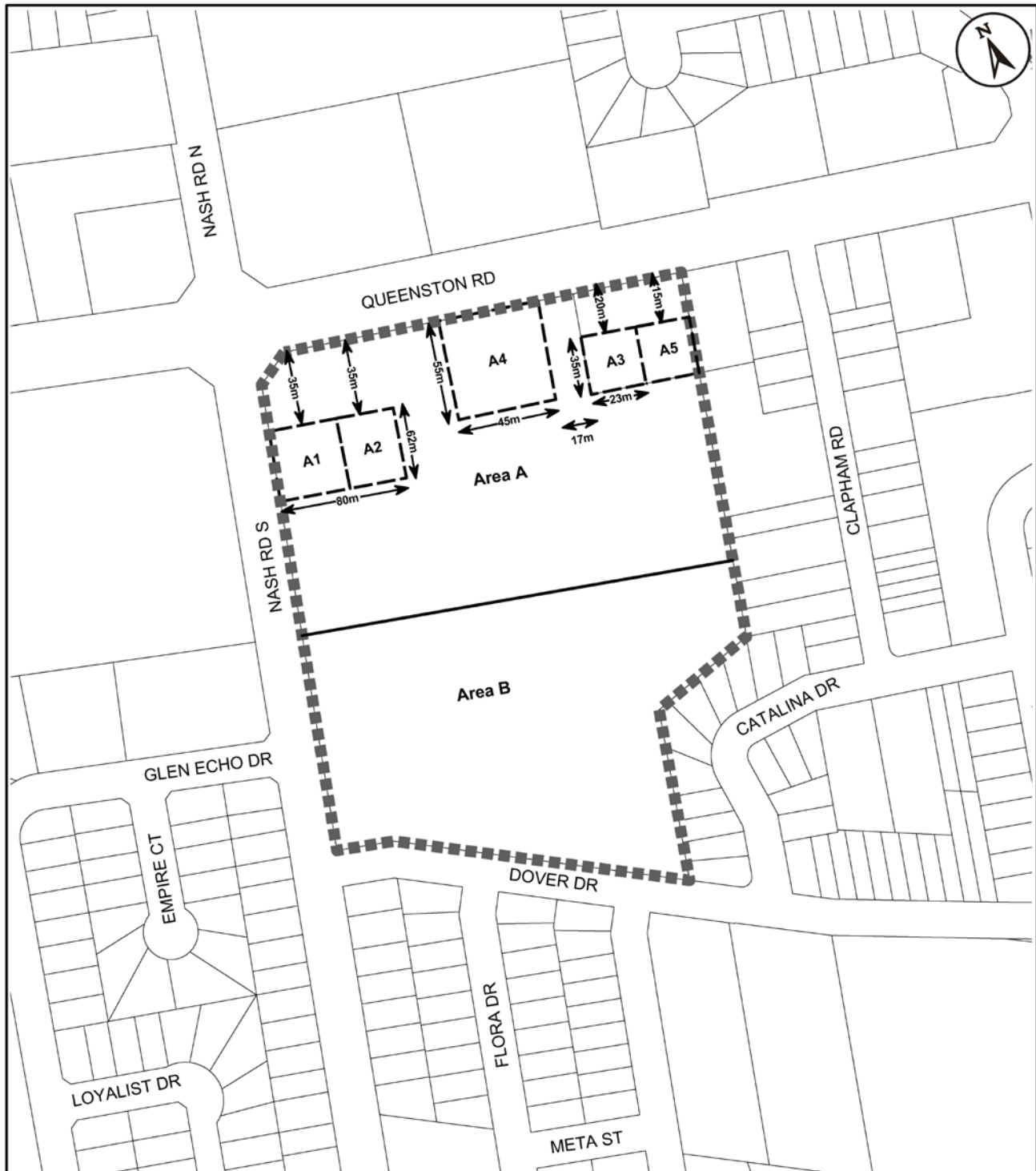


Figure 12: 670, 674, 686, 692, 700 and 706 Queenston Road, Hamilton

Date:
February 7, 2018

Legend

■ ■ ■ ■ Subject Area - Special Exception 637

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 14th day of February, 2018.

F. Eisenberger
Mayor

R. Caterini
City Clerk



Hamilton

City of Hamilton
Zoning By-Law 05-200

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

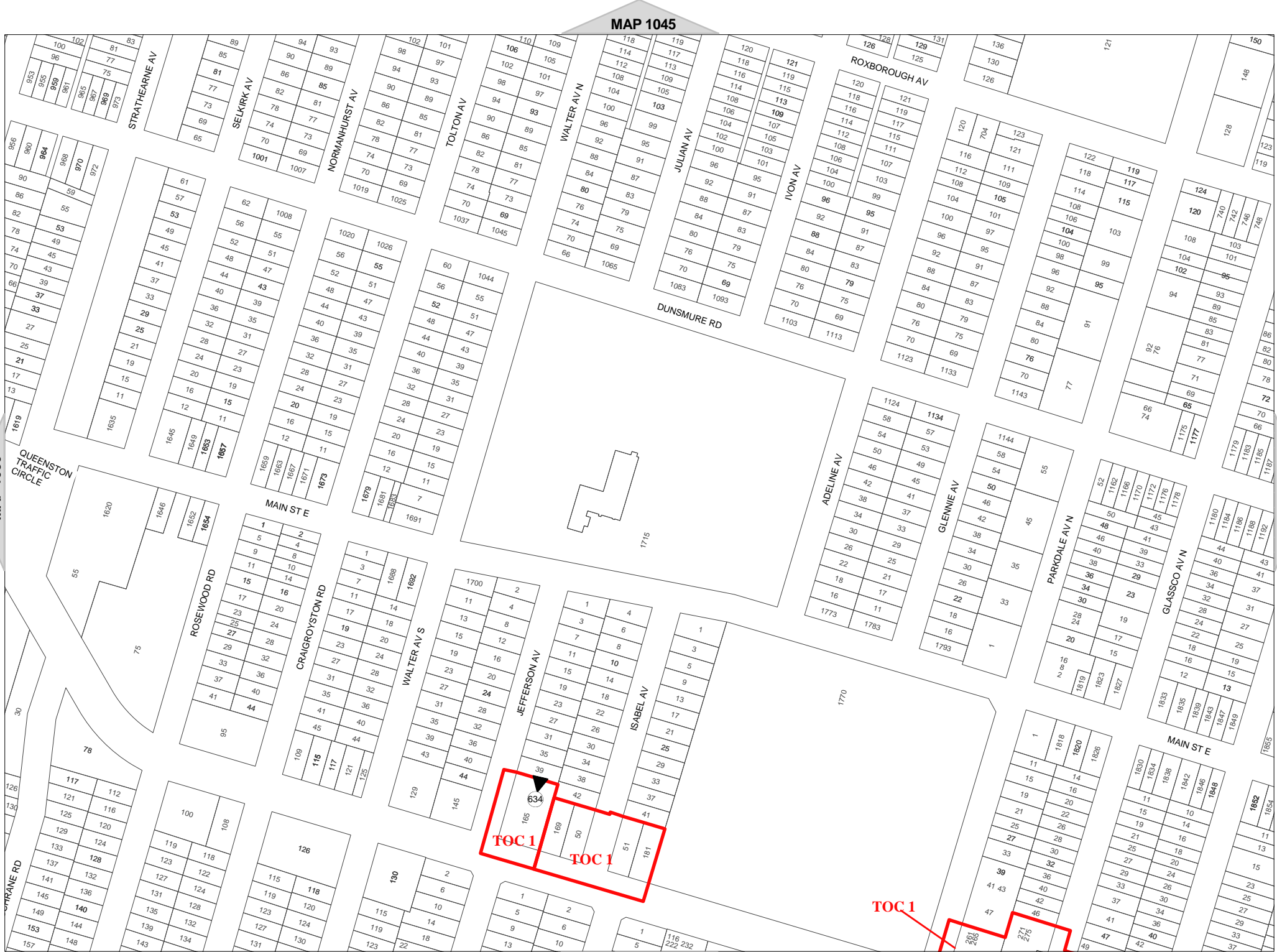
Note: Features in the Legend may not appear in each individual map for every batch series of map

NORTH



SCALE 1 : 3,332

MAP 1091 of Schedule 'A'



MAP 1045

MAP 1090

MAP 1092

MAP 1140



Hamilton

City of Hamilton
Zoning By-Law 05-200

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

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

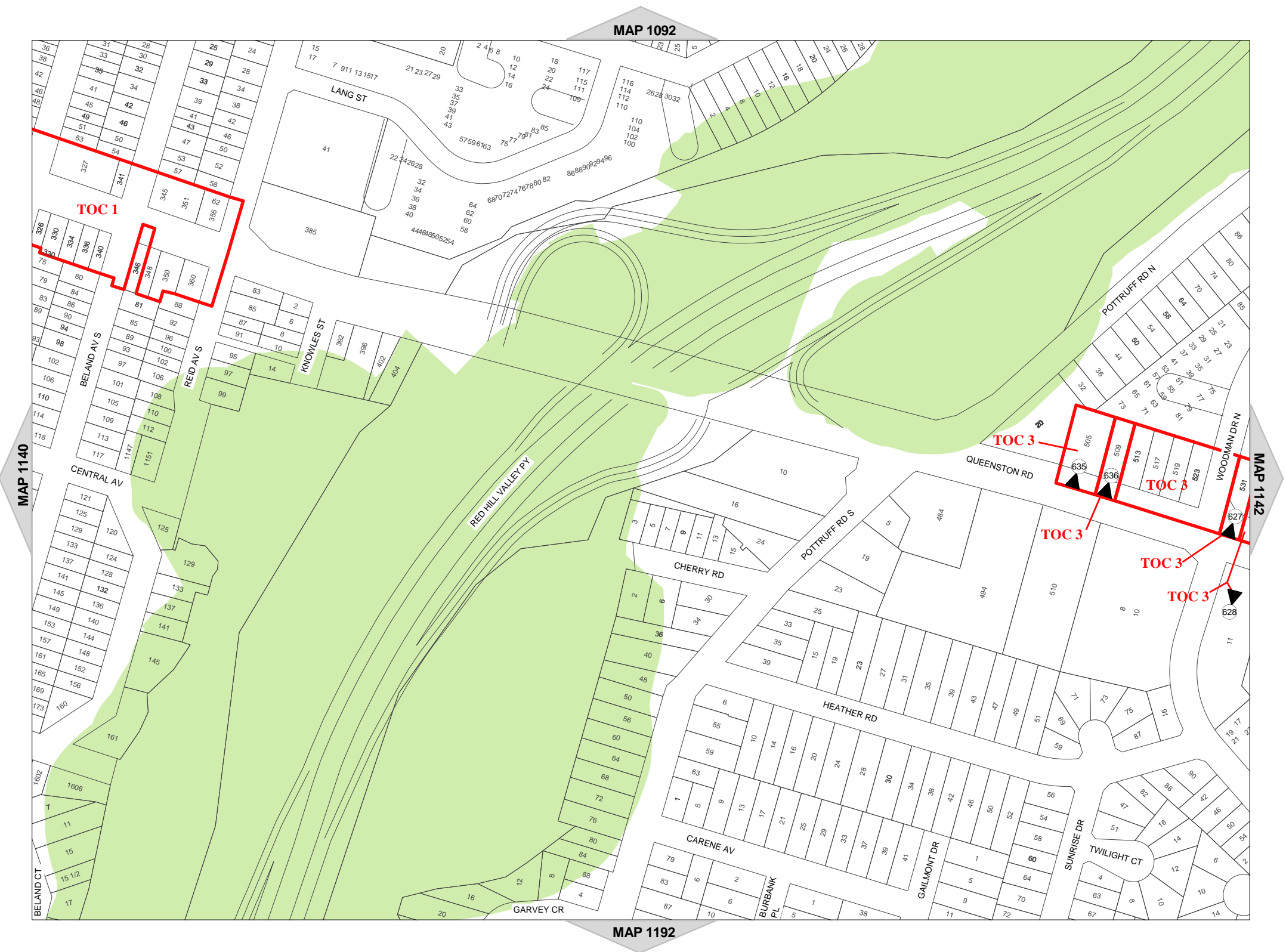
Note: Features in the Legend may not appear in each individual map for every batch series of map

NORTH



SCALE 1 : 3,332

MAP 1141 of Schedule 'A'





Hamilton

City of Hamilton
Zoning By-Law 05-200

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

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

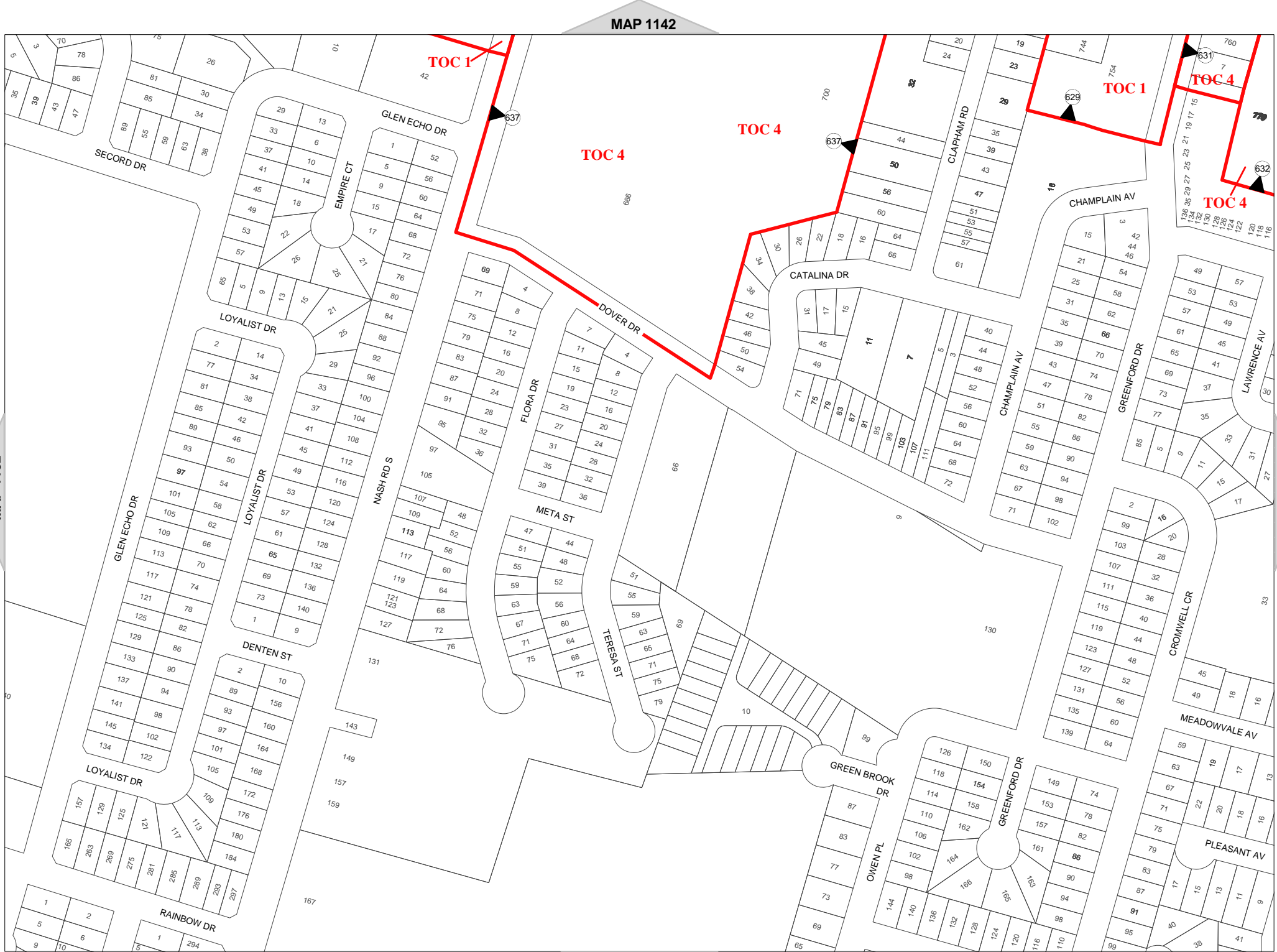
Note: Features in the Legend may not appear in each individual map for every batch series of map

NORTH



SCALE 1 : 3,332

MAP 1193 of Schedule 'A'





Hamilton

City of Hamilton
Zoning By-Law 05-200

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'

