

CITY OF HAMILTON

BY-LAW NO. 18-

To Amend Zoning By-law No. 05-200 Respecting Downtown Zones & New Utility (U2) Zone

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the *City of Hamilton Act, 1999*, Statutes of Ontario, 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 Zoning By-law No. 05-200 was enacted on the 25th day of May, 2005;

WHEREAS the Council of the City of Hamilton, in adopting Item 7 of Report 18-006 of the Planning Committee, at its meeting held on the 25th day of April, 2018 which recommended that Zoning By-law No. 05-200 be amended as hereinafter provided; and,

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

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

1. That SECTION 1: ADMINISTRATION of By-law 05-200 is hereby amended as follows

1.1. That the following Section be added:

"1.12 TRANSITIONAL PROVISION

Notwithstanding Sections 1.4 and 1.7 of this By-law a building permit may be issued in accordance with the following provisions:

- a) Within the D1, D2, or D5 Zone, a building permit may be issued to permit the *erection* of a *building* or *structure* in accordance with any minor variance, site specific zoning, site plan, consent, plan of subdivision or plan of condominium that has been approved or conditionally approved by the City of Hamilton or the Local Planning Area Tribunal as it read on the day before By-law 18-114 was passed by Council, provided the Building Permit application complies with Zoning By-law 05-200, as amended, that affected the lot before By-law No. 18-114 came

into effect. For the purposes of determining zoning conformity the following shall apply:

- i) This By-law is deemed to be modified to the extent necessary to permit a *building* or *structure* that is *erected* in accordance with Subsection a) above.
- ii) Once the permit or approval under Subsection a) above, has been granted, the provisions of this By-law apply in all other respects to the land in question.

2. That SECTION 2: INTERPRETATION of By-law 05-200 is hereby amended as follows:

2.1. That Section 2.1 a) be amended by deleting the following:

Downtown Local Commercial Zone D4

2.2. That Section 2.1 a) be amended by deleting reference to the “Downtown Prime Retail Zone” and replacing with “Downtown Mixed Use – Pedestrian Focus Zone”.

2.3. That Section 2.1 f) be amended by adding the following:

Utility Zone U2

3. That SECTION 3: DEFINITIONS of By-law 05-200 is hereby amended as follows:

3.1. That the following definitions be added:

Demolition	Any act or process which destroys in part or on whole any building or structure or any act or process which threatens to destroy a Cultural Heritage Resource by failure to maintain it in a condition of good repair and maintenance.
Development	A change in the use of any land, building, or structure for any purpose, and shall include the carrying out of any building, engineering construction or other operation in, on, over or under land, or the construction, addition or alteration of any building or structure.
Façade Height – Building Base	Shall mean the maximum vertical distance measured between the base of the façade at finished grade level to the first required stepback.
Green Roof	A treatment to a rooftop that supports living vegetation and includes a synthetic, high quality waterproof membrane, drainage layer, root barrier, soil layer, and vegetation layer.

Urban Square	Shall mean an unobstructed, publicly accessible and predominantly hardscaped open space located between non-residential ground floor façade and the street line exclusive of any driveway, aisle, or parking. An Urban Square shall not be considered as any required landscape area and/or amenity area.
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4. That SECTION 4: GENERAL PROVISIONS of By-law 05-200 is hereby amended as follows:

4.1. That Subsection 4.12 g) is amended by adding the following:

(ii) Notwithstanding any other provisions of this By-law, parking spaces located within any D1, D2 or D5 Zone and approved or subject to a Formal Consultation request or Development Application after May 25, 2005 and prior to the effective date of the By-law 18-114, being 9th day of May, 2018, be recognized and deemed to comply with the Zoning By-law regulations in terms of length, width and are permitted by this By-law”

4.2. That Subsection 4.28 (a) (i) is amended by deleting reference to “D4” and adding “and D2” between the words “the D1” and “zones” so that it reads as follows:

“4.28 URBAN FARMERS MARKET

(a) No person shall conduct an urban farmers market except as permitted herein and in accordance with the requirements of subsection 4.28:

(i) An urban farmers market may be permitted in the D1 and D2 Zones in accordance with the requirements of Section 4.28;”

4.3. That Subsection 4.28 (a) (ii) is amended by deleting reference to “D4” so that it reads as follows:

(ii) Notwithstanding the definition of accessory, an urban farmers market may be permitted on the same lot as the following existing uses in the Downtown (D5) and (D6), Institutional (I1), (I2) and (I3), and Community Park (P2) and City Wide Park (P3) Zones:”

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

5.1. That Subsection 5.6 PARKING SCHEDULES be amended by deleting Subsection “a) Parking Schedules for all Downtown Zones”, including the table and replacing it with the following table:

a) Parking Schedule for all Downtown Zones

Column 1		Column 2	
i. Residential Uses			
Single Detached Dwelling, Semi-Detached Dwelling, Street Townhouse Dwelling Duplex Dwelling, Dwelling Unit		0 parking spaces per unit.	
a)	Multiple Dwelling	Minimum	Maximum
	i)	Dwelling units less than 50.0 square metres in gross floor area	
		Units 1-12	0 per unit
		Units 13+	0.3 per unit
			1.25 per unit
	ii)	Units greater than 50.0 square metres in gross floor area	
		Units 1-12	0 per unit
		Units 13-50	0.5 per unit
		Units 51+	0.7 per unit
			1.25 per unit
	iii)	Units with 3 or more bedrooms	
		Units 1-12	0 per unit
		Units 13+	0.3 per unit
			1.25 per unit
b)	Residential Care Facility, Emergency Shelter, Lodging House, Retirement Home	1 for each 3 persons accommodated or designed for accommodation.	
ii. Institutional			
a)	Long Term Care Facility	1 for each 3 patient beds.	
b)	Day Nursery	i.	1 for each 125.0 square metres of gross floor area which accommodates such use.

		ii.	Notwithstanding i. above, no parking shall be required where a Day Nursery is located within an Education Establishment.
c)	Social Services Establishment		1 for each 50.0 square metres of gross floor area which accommodates such use.
iii. Educational Establishments			
a)	Elementary School		1.25 for each classroom.
b)	Secondary School		3 for each classroom plus 1 for each 7 seat capacity in an auditorium, theatre or stadium
c)	University, College		5 for each classroom plus 1 for every 7 seat capacity in an auditorium, theatre or stadium <u>or</u> 5 spaces for every classroom plus 1 space for each 23 square metres of the gross floor area which accommodates the auditorium, theatre or stadium, whichever results in greater requirement.
d)	Residential use on the same lot as a University or College		No parking shall be required for any residential use on the same lot as a University or College.
iv. Commercial			No parking shall be required unless specifically listed in the subsection below.
a)	Commercial School		1 space for each 50 square metres of gross floor area in excess of 450 square metres, which accommodates such use.
b)	Financial Establishment		1 for each 50 square metres of gross floor area in excess of 450 square metres, which accommodates such use.
c)	Hotel		0.6 per guest room.

d)	Conference or Convention Centre	1 for each 100 square metres of gross floor area in excess of 450 square metres, which accommodates such use.
e)	Medical Clinic	1 for each 50 square metres of gross floor area in excess of 450 square metres, which accommodates such use.
f)	Office	1 for each 50 square metres of gross floor area in excess of 450 square metres, which accommodates such use.
g)	Veterinary Service	1 for each 50 square metres of gross floor area in excess of 450 square metres, which accommodates such use.

5.2. That Section 5.6 b) be deleted and replaced with the following:

- “b) For lands within a Downtown (D1), (D2), and (D5) Zone the following provisions shall apply,
- i) The number of parking spaces provided shall not exceed the maximum parking standard established in Section a) above.
 - ii) Where the number of existing parking spaces exceed the maximum parking standard in Section 5.6 a) above, the parking spaces provided in excess of the maximum parking standard may be eliminated. However, in no case may the number of parking spaces provided be less than the minimum parking requirements for all uses listed in Section 5.6 a) above.
 - iii) Notwithstanding Section 5.6 a) above, for any permitted use, except a Medical Clinic, within any Downtown Zone located in all or part of a building existing on the effective date of this By-law, no parking spaces are required provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained. Where an addition or expansion of an existing building is proposed, the parking requirements of Section 5.6 a) above, shall only apply to the increased gross floor area.
 - iv) Where the application of the parking standards in Section 5.6 a) above, results in a numeric fraction, fractions shall be rounded down to the nearest whole number.

5.3. That Subsection 5.7 c) is amended by adding the words “Downtown (D1), (D2) and (D5) Zones,” between the words “In the” and “Transit Oriented Corridor”, so that it reads as follows:

“c) In the Downtown (D1), (D2) and (D5) Zones, Transit Oriented Corridor Zones and Commercial and Mixed Use Zones short-term bicycle parking shall be provided in the minimum quantity specified in accordance with the following requirements:

<u>Column 1: Uses</u>	<u>Column 2: Short Term Spaces</u>
i) Residential Uses	
All Downtown (D1), (D2), and (D5) Zones, TOC and Commercial and Mixed Use Zones	
Multiple Dwelling	5
ii) Commercial Uses	
All Commercial and Mixed Use Zones	
Hotel	None
Commercial Parking Facility	None
Commercial Recreation	10
All Downtown (D1), (D2), and (D5) Zones, TOC and Commercial and Mixed Use Zones	
Commercial Entertainment	10
Other commercial	5

<u>Column 1: Uses</u>	<u>Column 2: Short Term Spaces</u>
uses not listed above	
iii) Institutional Uses	
All Downtown (D1), (D2), and (D5) Zones, TOC Zones and Commercial and Mixed Use (C4) and (C5) Zones	
Educational Establishment	2 for each classroom
All Downtown (D1), (D2), and (D5) Zones, TOC and Commercial and Mixed Use Zones	
Place of Worship	5

5.4. That Subsection 5.7 e) is amended by adding the words “Downtown (D1), (D2) and (D5) Zone and the” between the words “in the” and “Transit Oriented Corridor”, so that it reads as follows:

“e) Notwithstanding Section b) and in addition to c) above, in the Downtown (D1), (D2), and (D5) Zone and the Transit Oriented Corridor Zones long-term bicycle parking shall be provided in the minimum quantity specified in accordance with the following requirements:

Column 1: Uses	Column 2: Long- Term Spaces	
i) Residential Uses		
Multiple Dwelling		
Units 1-4	0 per unit	
Units 5+	0.5 per dwelling unit	
ii) Commercial Uses		
All commercial uses	i)	0 where less than 450.0 square metres of gross floor area;
	ii)	2 per unit for those uses

		between 450.0 square metres and 1,000.0 square metres of gross floor area; and,
	iii)	5 per unit for those uses between 1,001.0 square metres and 10,000.0 square metres of gross floor area; and,
	iv)	7 per unit for those uses in excess of 10,001.0 square metres of gross floor area.

5.5. That Subsection 5.7 f) is amended by adding the words “Downtown (D1), (D2) and (D5) Zones and the” between the words “within the” and “Transit Oriented Corridor” so that it reads as follows:

“f) Notwithstanding Sections c) and e) above, for any use within the Downtown (D1), (D2) and (D5) Zones and 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 Section c) and e) of this By-law. Where an addition, alteration or expansion of an existing building is proposed, the bicycle parking requirements of Section c) and e) above shall only apply to the increased gross floor area of the building.”

5.6. That the following be added to Subsection 5.7:

“h) Where the application of the bicycle parking standards in Section 5.7 above, results in a numeric fraction, fractions shall be rounded down to the nearest whole number.”

6. That Section 6: DOWNTOWN ZONES of By-law 05-200 is hereby amended as follows:

6.1. That the following new Section 6.0 Downtown Zones General Provisions shall be added:

“6.0 DOWNTOWN ZONES GENERAL PROVISIONS

In addition to the regulations of Sections 6.1, 6.2, and 6.5 of this By-law, the following Downtown Zones General Provisions shall also apply:

- a) Notwithstanding Section 3: Definitions as it relates to the definition of Development and Front Lot Line – Corner Lot the following shall apply:
- i) **Development** A change in the use of any land, building, or structure for any purpose, and shall include the carrying out of any building, engineering construction, demolition, or other operation in, on, over or under land, or the construction, addition or alteration of any building or structure.
 - ii) **Front Lot Line – Corner Lot** shall mean at the option of the owner, either of the lot lines abutting a public street.
- b) In the case of buildings constructed after the effective date of this By-law, for any building equal to or less than 44.0 metres in height the following special regulations shall also apply:
- i) A minimum 3.0 metre setback shall be required from the building base façade height shown in Schedule “F” – Special Figure 15.
 - ii) A minimum 3.0 metre setback shall be required for any portion of a building exceeding 22.0 metres in height from a side or rear lot line.
- c) In the case of buildings constructed after the effective date of this By-law, for any building exceeding 44.0 metres in height the following special regulations shall also apply:
- i) A minimum 3.0 metre setback shall be required from the building base façade height shown in Schedule “F” – Special Figure 15.
 - ii) A minimum 3.0 metre setback shall be required for any portion of a building exceeding 22.0 metres in height from a side or rear lot line except any flankage lot line.
 - iii) The following additional setbacks shall be required for any portion of building exceeding 44.0 metres in height:
 - 1. Minimum of 9.5 metres from a lot line abutting a laneway; and,
 - 2. Minimum 12.5 metres from all side and rear lot lines

except any flankage lot line.

- iv) Notwithstanding Section 6.1.3 a) i) of this By-law, for lands zoned Downtown Central Business District (D1) Zone, a maximum 10.0 metre setback from a street line shall be permitted for a yard where an Urban Square with a minimum size of 135.0 square metres has been provided.
 - v) Notwithstanding Section 4.7 of this By-law a minimum lot frontage of 35.0 metres is required.
 - vi) Notwithstanding Section 4.7 of this By-law a minimum lot area of 1,575.0 square metres is required.
- d) In addition to 6.0 a) above, for that portion of a building exceeding 44.0 metres in height a distance of 25.0 metres shall be provided between exterior walls on the same property.
- e) For the lots delineated as a Heritage Character Zone on Figure 2 of Schedule “F” – Special Figures, where construction and/or alteration to the façade of a building are proposed, the following regulations shall also apply:
- i) A minimum of 60% of the area of the ground floor façade shall be comprised of clear glazed windows and doors. Window and doorframes, clear glazed transoms and sidelights, doors with at least 50% clear glazing, and a sill up to 0.6m in height are permitted to be included in the calculation of the clear glazed area. Signage and opaque/spandrel glazing shall not be included in the calculation of the clear glazed area;
 - ii) A minimum of 25% and a maximum of 40% of the façade of the second and third storeys shall be composed of windows. Window and doorframes, clear glazed transoms and sidelights, doors with at least 50% clear glazing, and a sill up to 0.6m in height are permitted to be included in the calculation of the clear glazed area. Signage and opaque/spandrel glazing shall not be included in the calculation of the clear glazed area;
 - iii) The ground floor storey shall be no less than 3.6 metres in height and no greater than 4.5 metres in height. The second and third storeys shall each be no less than 3.0 metres in height and no greater than 4.0 metres in height; and,
 - iv) Exterior building cladding for the first three storeys, except decorative architectural features (such as window and door frames, sills, lintels, surrounds, and cornices), shall be of either one or a combination of no more than two of the following

materials:

1. Brick;
 2. Concrete panels;
 3. Stone block, stone veneer or artificial stone;
 4. Stucco; or,
 5. Metal and metal panels, excluding aluminium siding or any metal variant thereof.
- f) Notwithstanding the above, 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.
- g) Parking Unless otherwise regulated by the Downtown Zones, parking shall be provided in accordance with Section 5 of this By-law.
- h) Accessory Buildings Unless otherwise regulated by the Downtown Zones, Accessory Buildings shall be in accordance with the requirements of Section 4.8 of this By-law.

6.2. That Section 6.1 be deleted in its entirety and replaced with the following:

“6.1 DOWNTOWN CENTRAL BUSINESS DISTRICT (D1) ZONE

***Explanatory Note:** The D1 Zone represents the cultural, institutional, residential, and commercial make-up of Downtown Hamilton. The Zone provides for a wide variety of mixtures in stand-alone or mixed use buildings. The intent of the permitted uses and built form is to create a complete, vibrant, transit-oriented area where people come to live, work, and play.*

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Downtown D1 Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply Section 6.0 Downtown Zones General Provisions and with the prescribed regulations below:

- 6.1.1 PERMITTED USES**
- Artist Studio
 - Beverage Making Establishment
 - Catering Service
 - Commercial Entertainment
 - Commercial Recreation
 - Commercial School

Community Garden
Conference or Convention Centre
Craftsperson Shop
Day Nursery
Duplex Dwelling
Dwelling Unit(s)
Educational Establishment
Exhibition Facility
Financial Establishment
Hotel
Laboratory
Lodging House
Long Term Care Facility
Medical Clinic
Motor Vehicle Rental Establishment
Multiple Dwelling
Office
Personal Services
Place of Assembly
Place of Worship
Repair Service
Restaurant
Retail
Retirement Home
Social Services Establishment
Tradesperson's Shop
Transportation Depot
Urban Farm
Urban Farmers Market
Veterinary Service

**6.1.1.1 RESTRICTED
USES**

- i) In addition to Section 6.1.1, the following uses shall only be permitted in accordance with Section 6.1.3 and the following additional restrictions:

1. Parking Facility

In the case of a Parking Facility developed after the effective date of this By-law, such facility:

- A. shall only be contained within a building; and,
B. with the exception of an access driveway to the parking facility, the ground floor of the facility

which faces any street shall only be used for permitted uses, other than parking.

C. in addition to 6.1.1.1 i) 1. B. above, any parking structure located above the ground floor shall be screened from view from the public sidewalk.

2. Microbrewery

A Microbrewery shall have a maximum Gross Floor Area of 700.0 square metres.

3. Motor Vehicle Rental Establishment

Any motor vehicles that are stored or parked for rental purposes shall only be located in an enclosed parking structure or a fully enclosed building.

4. Duplex Dwelling

A Duplex Dwelling shall only be permitted as a result of the conversion of an existing Single Detached Dwelling.

6.1.2 PROHIBITED USES

i) Notwithstanding Section 6.1.1, the following uses are prohibited, even as an accessory use:

Drive-Through Facility
Dry Cleaning Plant
Motor Vehicle Dealership
Motor Vehicle Gas Bar
Motor Vehicle Service Station
Motor Vehicle Washing Establishment

ii) Notwithstanding Section 6.1.1, the following uses are prohibited, except if considered an accessory use to another permitted use:

Amusement Arcade
Garden Centre

6.1.3 REGULATIONS

- a) Building Setback from a Street Line
- i) Maximum 4.5 metres for any portion of building below 11.0 metres in height, except where a visibility triangle shall be provided for a driveway access;
 - ii) Notwithstanding Section 6.1.3 a) i) above, a maximum setback of 6.0 metres for that portion of a building providing an access driveway to a garage.
 - iii) Section 6.1.3 a) i) above, shall not apply for any portion of a building that exceeds the requirement established in Section 6.1.3 c) ii) or iii) below.
 - iv) Where a building(s) has been constructed and complies with Section 6.1.3 c) ii) or iii) below, additional buildings constructed on the subject property shall not be subject to Section 6.1.3 a) i) above, as it relates to the setback from a front lot line.
 - v) Rooftop mechanical penthouse, stair tower and elevator bulkhead shall not be subject to Section 6.1.3 a) i) above.
 - vi) Accessory buildings and structures shall not be subject to Section 6.1.3 a) i).
- b) Building Height
- i) Minimum 7.5 metres; and,
 - ii) Maximum Building Height shall be in accordance with Figure 1 of Schedule “F” – Special Figures.
- c) Built Form for New Development
- 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 the following regulations shall apply:

- i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street; and,
- ii) For an interior lot or a through lot the minimum width of the ground floor façade facing the front lot line shall:
 - 1. be greater than or equal to 75% of the measurement of the front lot line; and,
 - 2. comply with Section 6.1.3 a) i) above.
- iii) For a corner lot the minimum combined width of the ground floor façade facing the front lot line and flankage lot line 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 Section 6.1.3 a) i) above.
- iv) Notwithstanding Section 6.1.3 c) ii) and iii) above, a driveway with a maximum width of 7.5 metres shall be permitted for ingress and egress.
- v) No parking 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 setback the least distance from a street; and,
 - 2. shall be accessible from the building façade with direct access from the public sidewalk.
- vii) Notwithstanding the definition of a

planting strip, a sidewalk shall be permitted where required by Section 6.1.3 c) vi) above.

- d) Outdoor Storage
 - i) No outdoor storage of goods, materials, or equipment shall be permitted.
 - ii) Notwithstanding Section 6.1.3 d) i) above, the outdoor display of goods or materials for retail purposes accessory to a retail use shall only be permitted in a front yard or flankage yard.
- e) Maximum Lot Coverage 85%
- f) Minimum Amenity Area for Dwelling Units and Multiple Dwellings
 - On a lot containing more than 10 dwelling units, the following Minimum Amenity Area requirements be provided:
 - i) An area of 4.0 square metres for each dwelling unit; and,
 - ii) In addition to the definition of Amenity Area in Section 3: Definitions, an Amenity Area located outdoors shall be unobstructed and shall be at or above the surface, and exposed to light and air.
- g) Green Roof for Multiple Dwelling
 - Notwithstanding Section 6.1.3 f) i) above, for every 0.5 square metres of Green Roof area provided, the required Amenity Area may be reduced by 1.0 square metre.
- 6.1.4 URBAN FARM REGULATIONS** In accordance with the requirements of Section 4.26 of this By-law.
- 6.1.5 COMMUNITY GARDEN REGULATIONS** In accordance with the requirements of Section 4.27 of this By-law.
- 6.1.6 URBAN FARMERS MARKET REGULATIONS** In accordance with the requirements of Section 4.28 of this By-law.

- 6.3. That Section 6.2 Prime Retail Streets (D2) Zone be deleted in its entirety and replaced with the following:

“6.2 DOWNTOWN MIXED USE - PEDESTRIAN FOCUS (D2) ZONE

Explanatory Note: *The D2 Zone applies along King Street, James Street and portions of Hess Village and King William Street. These streets have been acknowledged as vibrant streets with active street level uses and pedestrian oriented built form. To maintain the character of these streets the D2 Zone requires that commercial uses be located at the street level and allows for residential uses above the ground floor. The intent of the D2 Zone is to provide a range of uses and built form that creates an inviting pedestrian experience.*

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Downtown D2 Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply Section 6.0 Downtown Zones General Provisions and with the prescribed regulations below:

**6.2.1 PERMITTED
USES**

Artist Studio
Beverage Making Establishment
Catering Service
Commercial Entertainment
Commercial Recreation
Commercial School
Community Garden
Conference or Convention Centre
Craftsperson Shop
Day Nursery
Dwelling Unit(s)
Educational Establishment
Financial Establishment
Hotel
Laboratory
Lodging House
Medical Clinic
Microbrewery
Multiple Dwelling
Office
Personal Services
Place of Assembly
Place of Worship
Repair Service
Restaurant
Retail
Tradesperson’s Shop
Urban Farm

Urban Farmers Market
Veterinary Service

**6.2.1.1 RESTRICTED
USES**

i) In addition to Section 6.2.1, the following uses shall only be permitted in accordance with Section 6.2.3 and the following additional restrictions:

1. Day Nursery
Dwelling Unit(s)
Multiple Dwelling
Place of Worship

A. Shall not be permitted within the ground floor, except for access, accessory office and utility areas.

2. Microbrewery

A Microbrewery shall have a maximum Gross Floor Area of 700.0 square metres.

3. Parking Facility

In the case of a Parking Facility developed after the effective date of this By-law, such facility:

A. Shall only be contained within a building; and,

B. With the exception of an access driveway to the parking facility, the ground floor of the facility which faces any street shall only be used for permitted uses, other than parking.

C. In addition to 6.2.1.1 i) 3. B) above, any parking structure located above the ground floor shall be screened from view from the public sidewalk.

**6.2.2 PROHIBITED
USES**

i) Notwithstanding Section 6.2.1, the following

uses are prohibited, even as an accessory use:

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

- ii) Notwithstanding Section 6.2.1, the following uses are prohibited, except if considered an accessory use to another permitted use:

Amusement Arcade
Garden Centre

6.2.3 REGULATIONS

- a) Building Setback from a Street Line
- i) Maximum 2.0 metres for any portion of building below 11.0 metres in height, except where a visibility triangle shall be provided for a driveway access;
 - ii) Notwithstanding Section 6.2.3 a) i) above, a maximum setback of 6.0 metres for that portion of a building providing an access driveway to a garage.
 - iii) Section 6.2.3 a) i) above, shall not apply for any portion of a building that exceeds the requirement established in Section 6.2.3 c) ii) or iii) below.
 - iv) Where a building(s) has been constructed and complies with Section 6.2.3 c) ii) or iii) below, additional buildings constructed on the subject property shall not be subject to Section 6.2.3 a) i) above, as it relates to the setback from a front lot line.
 - v) Rooftop mechanical penthouse, stair tower and elevator bulkhead shall not be subject to Section 6.2.3 a) i) above.
 - vi) Accessory buildings and structures shall not be subject to Section 6.2.3 a) i).

- b) Building Height
- i) Minimum 11.0 metres;
 - ii) Maximum Building Height shall be in accordance Figure 1 of Schedule “F” – Special Figures.
- c) Built Form for New Development
- 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 the following regulations shall apply:
- 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:
 - 1. Be greater than or equal to 75% of the measurement of the front lot line; and,
 - 2. Comply with Section 6.2.3 a) i) above.
 - iii) For a corner lot the minimum combined width of the ground floor façade facing the front lot line and flankage lot line 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 Section 6.2.3 a) i) above.
 - iv) Notwithstanding Section 6.2.3 c) ii) and iii) above, a driveway with a maximum width of 7.5 metres shall be permitted for ingress and egress.
 - v) No parking 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 building façade setback the least distance from a street; and,
2. shall be accessible from the building façade with direct access from the public sidewalk.

- d) Outdoor Storage
- i) No outdoor storage of goods, materials, or equipment shall be permitted.
 - ii) Notwithstanding Section 6.2.3 d) i) above, the outdoor display of goods or materials for retail purposes accessory to a retail use shall only be permitted in a front yard or flankage yard.

6.2.4 URBAN FARM REGULATIONS In accordance with the requirements of Section 4.26 of this By-law.

6.2.5 COMMUNITY GARDEN REGULATIONS In accordance with the requirements of Section 4.27 of this By-law.

6.2.6 URBAN FARMERS MARKET In accordance with the requirements of Section 4.28 of this By-law.”

6.4. That Sections 6.4 Downtown Local Commercial (D4) Zone be deleted in its entirety.

6.5. That Section 6.5 Downtown Residential (D5) Zone be deleted and replaced with the following:

6.5 DOWNTOWN RESIDENTIAL (D5) ZONE

***Explanatory Note:** The D5 Zone applies stable residential areas in the Downtown. A balance of both commercial and residential uses is required to create a health and vibrant Downtown Core. The intent of the D5 Zone is to maintain residential areas by allowing for a range of housing forms and create opportunities for the integration of retail and commercial uses to meet the daily needs of the local residents.*

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Downtown D5 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 Section 6.0 Downtown Zones General Provisions and with the prescribed regulations below:

6.5.1 PERMITTED USES

Artist Studio
Community Garden
Commercial School
Day Nursery
Duplex Dwelling
Dwelling Unit
Educational Establishment
Emergency Shelter
Lodging House
Long Term Care Facility
Multiple Dwelling
Office
Personal Service
Place of Worship
Repair Service
Residential Care Facility
Restaurant
Retail
Retirement Home
Semi-Detached Dwelling
Single Detached Dwelling
Social Services Establishment
Street Townhouse Dwelling
Tradesperson Shop

6.5.1.1 RESTRICTED USES

i) In addition to Section 6.5.1, the following uses shall only be permitted in accordance with Section 6.5.3 and the following additional restrictions:

1. The following uses shall only be permitted on the ground floor of a Multiple Dwelling:

Artist Studio
Commercial School
Day Nursery
Personal Service
Repair Service
Retail
Restaurant
Tradesperson Shop

2. Office

An Office shall only be permitted on the ground floor of a Multiple Dwelling and shall be limited to a maximum gross floor area of 500.0 square metres.

6.5.2 PROHIBITED USES

Notwithstanding Section 6.5.1 above, an Outdoor Commercial Patio shall be prohibited even as an accessory use.

6.5.3 REGULATIONS

6.5.3.1 SINGLE DETACHED DWELLING AND DUPLEX DWELLING REGULATIONS

- a) Minimum Lot Area 225.0 square metres;
- b) Minimum Lot Width 9.0 metres;
- c) Maximum Front Yard
 - i) 4.5 metres; and,
 - ii) Notwithstanding Section 6.5.3.1 c) i) above, a maximum setback of 6.0 metre for that portion of a building providing an access driveway to an attached garage.
- d) Minimum Side Yard
 - i) 0.9 metres on one side and a minimum of 1.2 metres on the opposite side; and,
 - ii) Notwithstanding Section 6.5.3.1 d) i) above, a minimum 0.6 metres to an attached garage where the opposite side yard is a minimum of 1.2 metres.
- e) Minimum Rear Yard 7.5 metres;
- f) Building Height
 - i) Minimum 7.5 metres;
 - ii) Maximum Building Height shall be in accordance with Figure 1 of Schedule “F” – Special Figures.

- g) Driveway
 - i) A maximum of one driveway shall be permitted; and,
 - ii) A maximum width of 6.0 metres shall apply.

**6.5.3.2 SEMI-DETACHED
DWELLING
REGULATIONS**

- a) Minimum Lot Area for each Dwelling Unit 185.0 square metres;
- b) Minimum Lot Width for each Dwelling Unit 7.5 metres;
- c) Maximum Front Yard
 - i) 4.5 metres; and,
 - ii) Notwithstanding Section 6.5.3.2 c) i) above, a maximum of 6.0 metres for that portion of a building with an attached garage.
- d) Minimum Side Yard 1.2 metres except for the side yard related to the common wall of the dwelling unit, which shall have a minimum 0 metre side yard.
- e) Minimum Rear Yard 7.5 metres;
- f) Building Height
 - i) Minimum 7.5 metres; and,
 - ii) Maximum Building Height shall be in accordance with Figure 1 of Schedule “F” – Special Figures.

**6.5.3.3 STREET
TOWNHOUSE
DWELLING
REGULATIONS**

- a) Minimum Lot Area 150.0 square metres;
- b) Minimum Lot Width 5.5 metres;
- c) Front Yard
 - i) Maximum 3.0 metres for the dwelling; and,
 - ii) Notwithstanding Section 6.5.3.3 c) i) above, a

maximum setback of 6.0 metres for that portion of a building providing an access driveway to a garage.

- d) Minimum Side Yard 1.2 metres except for the side yard related to the common wall of the dwelling unit, which shall have a minimum 0 metre side yard.
- e) Minimum Flankage Yard 3.0 metres;
- f) Minimum Rear Yard 7.5 metres;
- g) Building Height
 - i) Minimum 7.5 metres;
 - ii) Maximum Building Height shall be in accordance with Figure 1 of Schedule “F” – Special Figures.

6.5.3.4 EDUCATIONAL ESTABLISHMENT, EMERGENCY SHELTER, LODGING HOUSE, LONG TERM CARE FACILITY, MULTIPLE DWELLING, PLACE OF WORSHIP, RESIDENTIAL CARE FACILITY, RETIREMENT HOME, AND SOCIAL SERVICES ESTABLISHMENT REGULATIONS

- a) Minimum Lot Area 300.0 square metres;
- b) Minimum Lot Width 12.0 metres;
- c) Maximum Front Yard 4.5 metres;
- d) Maximum Side Yard 7.5 metres;
- e) Maximum Flankage Yard 3.0 metres;
- f) Minimum Rear Yard 7.5 metres;
- g) Building Height
 - i) Minimum 7.5 metres; and,
 - ii) Maximum Building Height shall be in accordance Figure 1 of Schedule “F” – Special Figures.
- h) Minimum Amenity Area for Dwelling Units and Multiple On a lot containing more than 10 dwelling units, the following Minimum Amenity Area requirements be provided:

Dwellings

- i) An area of 4.0 square metres for each dwelling unit; and,
 - ii) In addition to the definition of Amenity Area in Section 3: Definitions, an Amenity Area located outdoors shall be unobstructed and shall be at or above the surface, and exposed to light and air.

- i) Green Roof for Multiple Dwelling Notwithstanding Section 6.5.3.4 h) i) above, for every 0.5 square metres of Green Roof area provided, the required Amenity Area may be reduced by 1.0 square metre.

- j) Minimum Landscaped Area for Multiple Dwellings Not less than 10% of the lot area shall be landscaped area.

- k) Maximum Capacity for Emergency Shelter, Long Term Care Facility and Residential Care Facility The maximum capacity shall not exceed 6 residents.

- l) Location of Emergency Shelter, Long term Care Facility and Residential Care Facility
 - i) Except as provided for in Subsection ii), herein, 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.
 - ii) Where the radial separation distance from the lot line of an Emergency Shelter or Residential Care Facility existing as of the effective date of this By-law, is less than 300 metres to the lot line of any other lot occupied by an existing Residential Care Facility, Emergency Shelter, Corrections Residence or Correctional Facility, 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.

- m) Prohibition of Residential Care Facility and Emergency Shelter Notwithstanding Section 6.5.1 within the lands bounded by Queen Street, Hunter Street, James Street and Main Street, no new Residential Care Facility or Emergency Shelter shall be permitted.
- n) Visual Barrier A visual barrier shall be required along any side or rear lot line abutting a Downtown D1 or D2 Zone in accordance with the requirements of Section 4.19 of this By-law.

6.5.3.7 COMMUNITY GARDEN REGULATIONS

In accordance with the requirements of Section 4.27 of this By-law.

7. That Section 13.2 Utility (U2) Zone be added to By-law 05-200 as follows:

“13.2 UTILITY (U2) ZONE

***Explanatory Note:** The U2 Zone applies to areas devoted to a railway use, including but not limited to freight, commuter, and passenger trains and any associated station locations.*

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Utility (U2) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

13.2.1 PERMITTED USES

Railway
Transportation Depot
Transport Terminal

13.2.2 REGULATIONS

- a) Minimum Yards 15.0 metres from any lot line.”

8. That Maps 868, 869, 909, 910, 911, 951, 952, 953, 954, 994, and 995 of Schedule “A” - Zoning Maps, of Zoning By-law No. 05-200, be amended the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”, “A1”, “A2”, “B”, “B1”, “B2”, “C”, “C1”, “C2”, “D”, “D1”, “D2” to this By-law, by:

- (i) Change in zoning from the Community Institutional (I2) Zone, Downtown Prime Retail (D2) Zone, Downtown Mixed Use (D3) Zone, Downtown Local Commercial (D4) Zone, Downtown Residential (D5) Zone, and Downtown Multiple Residential (D6) Zone to the Downtown Central Business District (D1) Zone;

- (ii) Change in zoning from the Downtown Prime Retail Streets (D2) Zone, Downtown Mixed Use (D3) Zone, Downtown Local Commercial (D4) Zone, Downtown Residential (D5) Zone and Downtown Multiple Residential (D6) Zone to the Downtown Central Business District (D1, H17, H19, H20) Zone;
- (iii) Change in zoning from the Local Commercial (D4) Zone to the Downtown Central Business District (D1, H17, H19, H20, 688) Zone;
- (iv) Change in zoning from the Downtown Mixed Use (D3) Zone, Downtown Multiple Residential (D6) Zone to the Downtown Central Business District (D1, H21) Zone;
- (v) Change in zoning from the Downtown Mixed Use (D3) Zone to the Downtown Central Business District (D1, H17, H19, H20, H21) Zone;
- (vi) Change from the Downtown Multiple Residential (D6) Zone to the Downtown Central Business District (D1, H21) Zone;
- (vii) Change in zoning from Community Institutional (I2) Zone to the Downtown Central Business District (D1) Zone
- (viii) Change in zoning from the Change in zoning from the Downtown Mixed Use (D3, 470) Zone to the Downtown Central Business District (D1, 470) Zone;
- (ix) Change in zoning from the Downtown Central Business District (D1) Zone, Downtown Mixed Use (D3) Zone to the Downtown Mixed Use – Pedestrian Focus (D2, H17, H19, H20) Zone;
- (x) Change in zoning from the Downtown Prime Retail Streets (D2) Zone to the Downtown Mixed Use – Pedestrian Focus (D2, H21) Zone;
- (xi) Change in zoning from the Downtown Prime Retail Streets (D2) Zone to the Downtown Mixed Use – Pedestrian Focus (D2, H17, H19, H20, H21) Zone;
- (xii) Change in zoning from the Downtown Mixed Use (D3) Zone to the Downtown Mixed Use – Pedestrian Focus (D2) Zone;
- (xiii) Change in zoning from the Downtown Prime Retail Streets (D2) Zone to the Downtown Mixed Use – Pedestrian Focus (D2, H17, H19, H20) Zone;
- (xiv) Change in zoning from the Major Institutional (I3) Zone to the Downtown Mixed Use – Pedestrian Focus (D2, H17, H19, H20) Zone;
- (xv) Change in zoning from Downtown Prime Retail Streets (D2) Zone to the Downtown Mixed Use – Pedestrian Focus (D2, 620) Zone;
- (xvi) Change in zoning from the Downtown Residential (D5) Zone to the Downtown Residential (D5, H21, 619) Zone;

- (xvii) Change in zoning from the Downtown Local Commercial (D4) Zone, Downtown Multiple Residential (D6) Zone to the Downtown Residential (D5) Zone;
- (xviii) Change in zoning from the Downtown Multiple Residential (D6) Zone to the Downtown Residential (D5, H17, H19, H20) Zone;
- (xix) Change in zoning from the Downtown Multiple Residential (D6) Zone to the Downtown Residential (D5, H17, H19, H20, 1) Zone;
- (xx) Change in zoning from the Downtown Residential (D5) Zone to the Downtown Residential (D5, H21) Zone;
- (xxi) Change in zoning from the Downtown Multiple Residential (D6) Zone to the Downtown Residential (D5, H21) Zone;
- (xxii) Change in zoning from the Downtown Local Commercial (D4) Zone to the Downtown Residential (D5, H17, H19, H20) Zone;
- (xxiii) Change in zoning from the Downtown Local Commercial (D4) Zone to the Downtown Residential (D5, 660) Zone;
- (xxiv) Change in zoning from the Downtown Residential (D5) Zone to the Downtown Residential (D5, H17, H19, H20) Zone;
- (xxv) Change in zoning from the Downtown Residential (D5) Zone to the Downtown Residential (D5, H17, H19, H20) Zone;
- (xxvi) Change in zoning from the Neighbourhood Institutional (I1) Zone to the Downtown Residential (D5) Zone;
- (xxvii) Change in zoning from the Neighbourhood Institutional (I1, 4) Zone to the Downtown Residential (D5, 4) Zone;
- (xxviii) Change in zoning from the Downtown Multiple Residential (D6) Zone to the Downtown Residential (D5, H21) Zone;
- (xxix) Change in zoning from the Open Space (P4) Zone to the City Wide Park (P3) Zone;
- (xxx) Change in zoning from Downtown Mixed Use (D3) Zone to the Open Space (P4) Zone;
- (xxxi) Change in zoning from the Downtown Central Business District (D1) Zone to the City Wide Park (P3) Zone;
- (xxxii) Change in zoning from Downtown Central Business District (D1) Zone to the Open Space (P4) Zone;

- (xxxiii) Change in zoning from the Downtown Mixed Use (D3, 2) Zone to the Community Institutional (I2, 618) Zone
- (xxxiv) Change in zoning from the Downton Mixed Use (D3, 2) Zone to the Community Institutional (I2, 2) Zone;
- (xxxv) Change in zoning from the Neighbourhood Park (P1) Zone to the Open Space (P4) Zone;
- (xxxvi) Change in zoning from Open Space (P4) Zone to Community Park (P2) Zone;
- (xxxvii) Change in zoning from the Open Space (P4) Zone to the City Wide Park (P3) Zone;
- (xxxviii) Change in zoning from the Downtown Residential (D5) Zone to the Community Park (P2) Zone;
- (xxxix) Change in zoning from the Multiple Residential (I2, 18) Zone to the Community Institutional (I2, 18) Zone;
- (xl) Change in zoning from the Open Space (P4) Zone to the City Wide Park (P3) Zone;
- (xli) Change in zoning from the Downtown Central Business District (D1) Zone to the Open Space (P4) Zone;
- (xlii) Lands to be added to Zoning By-law 05-200 as Downtown Central Business District (D1, H17, H19, H20) Zone;
- (xliii) Lands to be added to Zoning By-law 05-200 as Downtown Central Business District (D1, H21) Zone;
- (xliv) Lands to be added to Zoning By-law 05-200 as Downtown Central Business District (D1) Zone;
- (xlv) Lands to be added to Zoning By-law 05-200 as Downtown Mixed Use – Pedestrian Focus (D2, H21) Zone;
- (xlvi) Lands to be added to Zoning By-law 05-200 as Downtown Mixed Use – Pedestrian Focus (D2, 621) Zone;
- (xlvii) Lands to be added to Zoning By-law 05-200 as Downtown Mixed Use – Pedestrian Focus (D2) Zone;
- (xlviii) Lands to be added to Zoning By-law 05-200 as Downtown Residential (D5) Zone;
- (xlix) Lands to be added to Zoning By-law 05-200 as Downtown Residential (D5, H17, H19, H20) Zone;

- (l) Lands to be added to Zoning By-law 05-200 as Utility (U2) Zone;
 - (li) Lands to be added to Zoning By-law 05-200 as Utility (U2, 622) Zone;
 - (lii) Lands to be added to Zoning By-law 05-200 as Community Park (P2) Zone;
and,
 - (liii) Lands to be added to Zoning By-law 05-200 as Open Space (P4) Zone.
9. That SCHEDULE C – SPECIAL EXCEPTIONS of By-law 05-200 is hereby amended as follows:
- 9.1. That the following Special Exceptions be amended:
- a) Special Exception 1. shall be amended to delete the reference “6.6.2” and “D6” and replace with “6.5.3” and “D5”, so that it shall read as follows:

“Notwithstanding Section 6.5.3 of this By-law, within the lands zoned Downtown D5 Zone, identified on Map 910 of Schedule “A” – Zoning Maps and described as 47 Caroline Street North, a multiple dwelling is permitted subject to the following:”
 - b) Special Exception 2. shall be amended to delete reference to “6.3.1” and “Downtown D3 Zone” and replace with “8.2.1” and “Community Institutional (I2) Zone” and delete reference to 147 Cannon Street West, so that it shall read as follows:

“Notwithstanding Section 8.2.1 of this By-law, within the lands zoned Community Institutional (I2) Zone, identified on Map 910 of Schedule “A” – Zoning Maps and described as 79 Bay Street North, a utility plant for the generation and transmission of heat, steam and electricity shall also be permitted.”
 - c) Special Exception 4. shall be amended to add the words “and section 6.5.3.4” after the words “section 8.1.3.1 i)”, so that it shall read as follows:
“Notwithstanding section 8.1.3.1 i) and section 6.5.3.4 of this By-law, the following Maximum Capacity shall be permitted for the respective property.”
 - d) Special Exception 18. shall be amended to delete the words “Downtown Multiple Residential (D6) Zone” and replace them with “Community Institutional (I2, 18) Zone; and, delete subsection b) and replace it with the following:

“b) Notwithstanding Section 8.2.3.2 b) the maximum height shall be in accordance with Figure 1 of Schedule “F” – Special Figures of Zoning By-law 05-200”;

and, replace reference to Section 6.6 with Section 8.2 throughout, so that it shall read as follows:

“Within the lands zoned Community Institutional (I2, 18) Zone, identified on Map 953 of Schedule “A” – Zoning Maps and described as 99 Ferguson Avenue North (Dr. Edgar Davey Elementary School), the following special provisions shall apply:

- a) That notwithstanding Section 8.2.1 of this By-law, a Community Centre shall also be permitted;
 - b) That notwithstanding Section 8.2.3.2b) the Maximum Building Height shall be in accordance with Figure 1 of Schedule “F” – Special Figures of Zoning By-law 05-200.
 - c) “That notwithstanding Section 3 of this By-law, the definition of the Front Lot Line shall mean the lot line abutting Ferguson Avenue North;
 - d) That Section 5.1 a)v) and Section 5.1 a)vi) of this By-law shall not apply;
 - e) That Section 5.2a) of this By-law shall not apply;
 - f) That notwithstanding Section 5.6a) iii.a) of this By-law, a minimum of 39 parking spaces shall be provided and maintained for an Elementary School and Community Centre; and,
- e) Special Exception 442. shall be amended to delete reference to Section 6.3 Downtown Mixed Use and replace with Section 6.2 Downtown Mixed Use – Pedestrian Focus (D2) Zone so that it shall read as follows:

“Notwithstanding Section 6.2, on those lands zoned Downtown Mixed Use – Pedestrian Focus (D2) Zone Identified on Maps 867 and 868 of Schedule “A” – Zoning Maps, the following special regulations shall apply:

No person shall erect or use any building in whole or in part, or use any land in whole or in part, within the Downtown Mixed Use – Pedestrian Focus (D2) Zone for any purpose other than one or more of the following uses, or uses accessory thereto...”

- f) Special Exception 470. shall be amended to delete reference to “6.3.3” and Downtown Mixed Use (D3, 470) Zone and replace with “6.1.3” and “Downtown Mixed Use (D1, 470) Zone”, so that it shall read as follows:

“In addition to Sections 5.6(a) and 6.1.3 of this By-law, within the lands zoned Downtown Mixed Use (D1, 470) Zone, as identified on Map 953 of Schedule “A” – Zoning Maps and described as 220 Cannon Street East (Hamilton), the following special provisions shall apply:”

- g) Special Exception 473. shall be amended to delete the words “Downtown Prime Retail Streets” and replace them with “Downtown Mixed Use – Pedestrian Focus”; and delete reference to Section “6.2.3 a) ii)”, so that it shall read as follows:

“Within the lands zoned Downtown Mixed Use – Pedestrian Focus (D2, 473) Zone, identified on Map 952 of Schedule “A” to By-law 05-200 and described as 46-52 James Street North, the following special provisions shall apply:

Notwithstanding Sections 5.5, 5.6a)i), 6.2.3a)i) and iv), 6.2.3b) and 6.2.3c)ii) the following special provisions shall also apply:...”

- h) Special Exception 467. shall be amended to delete the words “Downtown Prime Retail Streets” and replace them with “Downtown Mixed Use – Pedestrian Focus”, so that it shall read as follows:

“In addition to Section 6.2.3 of this By-law, within the lands zoned Downtown Mixed Use – Pedestrian Focus (D2, 467, H56) Zone, identified on Map 952 of Schedule “A” to By-law 05-200 and described as 98 James Street South, the following special provisions shall apply:...”

9.2. That the following Special Exceptions be added:

“618. Within the lands zoned Community Institutional (I2) Zone, identified on Map 910 of Schedule “A” – Zoning Maps and described as 130 York Boulevard the following special provisions shall apply:

- a) In addition to Section 8.2.1 of By-law 05-200, the following uses shall also be permitted:

Beverage Making Establishment
Catering Service
Commercial Entertainment
Commercial Parking Facility
Commercial Recreation
Commercial School
Conference or Convention Centre
Craftsperson Shop
Dwelling Unit(s)
Exhibition Facility
Financial Establishment

Hotel
Laboratory
Lodging House
Long Term Care Facility
Medical Clinic
Microbrewery
Motor Vehicle Rental Establishment
Multiple Dwelling
Office
Personal Services
Place of Assembly
Repair Service
Restaurant
Retail
Studio
Tradesperson's Shop
Transportation Depot
Veterinary Service

- b) The uses permitted in a) above, shall comply with the regulations of Section 6.1.3 of this By-law.
619. Notwithstanding Section 6.5.1 of this By-law, within the lands zoned Downtown Residential (D5) Zone, identified on Map 952 of Schedule "A" – Zoning Maps and described as 1-22 Wesandford Place and 130, 134, 136, 138, 140, 142, and 144 Hunter Street West only Single Detached Dwelling shall be permitted.
620. Notwithstanding Section 6.2.1.1 i) 1. A. of this By-law, within the lands zoned Downtown Mixed Use – Pedestrian Focus (D2) Zone, identified on Map 911 of Schedule "A" – Zoning Maps and described as 252-254 James Street North a Place of Worship shall be permitted within the ground floor façade.
621. In addition to Section 6.2.1 of this By-law, within the lands zoned Downtown Mixed Use – Pedestrian Focus (D2) Zone, identified on Maps 910 and 911 of Schedule "A" – Zoning Maps and described as 200 James Street North an Armoury shall also be permitted.
622. Notwithstanding Section 13.2.1 of this By-law, within the lands zoned Utility (U2) Zone, identified on Maps 952 and 994 of Schedule "A" - Zoning Maps and described as 36 Hunter Street East (Hunter Street GO Station) an Office shall also be permitted.
660. In addition to Section 6.1.1 of this By-law within the lands zoned Downtown Central Business District (D1) Zone, identified on Map 911 of Schedule "A" – Zoning Maps and described as 136-146 Cannon Street East the following uses shall also be permitted:

Duplex Dwelling
Single Detached Dwelling
Semi-Detached Dwelling
Street Townhouse Dwelling

688. Notwithstanding Section 6.1.1 of this By-law within the lands zoned Downtown Central Business District (D1) Zone, identified on Map 910 of Schedule “A” – Zoning Maps and described as 107 MacNab Street North, Clothing Manufacturing shall also be permitted.

10. That SCHEDULE D – HOLDING PROVISIONS of By-law 05-200 is hereby amended as follows:

10.1. That the following additional Holding Provision be added:

“17. Notwithstanding Figure 1 – Special Figures of By-law 05-200, on those lands zoned Downtown (D1), (D2), and (D5) Zone, identified on Maps 868, 869, 909, 910, 911, 951, 952, 953, 954, 994, 995 of Schedule “A” – Zoning Maps development shall be restricted in accordance with the following:

a) For such time as the Holding Provision is in place, these lands shall only be used for permitted uses, buildings and structures listed in the (D1), (D2), or (D5) Zone.

b) Regulations

For such time as the Holding Provision is in place, these lands shall be subject to the regulations of the (D1), (D2), or (D5) Zones except where in conflict with the following:

i) No development exceeding the maximum height of 44.0 metres.

c) Conditions for Holding Provision Removal

The Holding Provision shall, upon application by the landowner, be removed by way of an amending Zoning By-law, from all or part of the lands subject to this provision when the following conditions have been satisfied:

i) That the landowner demonstrate to the satisfaction of the Director of Planning and Chief Planner, City of Hamilton, that sufficient land assembly has occurred to achieve the minimum lot area requirement and lot frontage requirement in accordance with Section 6.0 of this By-law.

ii) That the landowner demonstrate that the proposal conforms to the policies of the Downtown Hamilton Secondary Plan by submitting

the following studies to the satisfaction of the Director of Planning, and Chief Planner, City of Hamilton:

1. Shadow Impact Study;
 2. Pedestrian Level Wind Study;
 3. Visual Impact Assessment;
 4. Traffic Impact Study; and,
 5. Functional Servicing Report.
- iii) That the landowner demonstrate that the proposed development does not exceed the height of the Niagara Escarpment to the satisfaction of the Director of Planning and Chief Planner, City of Hamilton.
- iv) That conditional site plan approval be received, which shall address matters including but not limited to Design Review Panel advice, to the satisfaction of the Director of Planning and Chief Planner, City of Hamilton.
19. Notwithstanding Figure 1 – Special Figures of By-law 05-200, on those lands zoned Downtown (D1), (D2), and (D5) Zone, identified on Maps 868, 869, 909, 910, 911, 951, 952, 953, 954, 994, 995 of Schedule “A” – Zoning Maps development shall be restricted in accordance with the following:
- a) For such time as the Holding Provision is in place, these lands shall only be used for permitted uses, buildings and structures listed in the (D1), (D2), or (D5) Zone.
 - b) Regulations
- For such time as the Holding Provision is in place, these lands shall be subject to the regulations of the (D1), (D2), or (D5) Zones except where in conflict with the following:
- i) No development exceeding 44.0 metres in height.
- c) Conditions for Holding Provision Removal
- The Holding Provision shall, upon application by the landowner, be removed by way of an amending Zoning By-law, from all or part of the lands subject to this provision when the following conditions have been satisfied:
- i) That the landowner shall be required to enter into a Section 37 Agreement to secure provision of Community Benefits to the satisfaction of the Director of Planning and Chief Planner, City of Hamilton.

20. Notwithstanding Figure 1 – Special Figures of By-law 05-200 on those lands zoned Downtown (D1), (D2), and (D5) Zone, identified on Maps 868, 869, 909, 910, 911, 951, 952, 953, 954, 994, 995 of Schedule “A” – Zoning Maps development shall be restricted by the following:

a) For such time as the Holding Provision is in place, these lands shall only be used for permitted uses, buildings and structures listed in the (D1), (D2), or (D5) Zone.

b) Regulations

For such time as the Holding Provision is in place, these lands shall be subject to the regulations of the (D1), (D2), or (D5) Zones except where in conflict with the following:

i) No development exceeding 22.0 metres in height.

c) Conditions for Holding Provision Removal

The Holding Provision shall, upon application by the landowner, be removed by way of an amending Zoning By-law, from all or part of the lands subject to this provision when the following conditions have been satisfied:

i) That the landowner demonstrate that how any development having the effect of removing all or part of rental housing comprised of three or more units will be replaced to the satisfaction of the Director of Planning and Chief Planner, City of Hamilton.

ii) That the landowner enter into an Agreement with the City of Hamilton.

21. Notwithstanding Figure 1 – Special Figures of By-law 05-200, on those lands zoned Downtown (D1), (D2), and (D5) Zone, identified on Maps 868, 869, 909, 910, 911, 951, 952, 953, 954, 994, 995 of Schedule “A” – Zoning Maps, no development shall be restricted by the following:

a) For such time as the Holding Provision is in place, these lands shall only be used for permitted uses listed in the (D1), (D2), and (D5) Zone, within the existing buildings and structures.

b) Regulations

For such time as the Holding Provision is in place, development of accessory structures shall be permitted in accordance with the regulations of the applicable (D1), (D2), or (D5) Zone.

c) Conditions for Holding Provision Removal

The Holding Provision shall, upon application by the landowner, be removed by way of an amending Zoning By-law, from all or part of the lands subject to this provision when the following conditions have been satisfied:

- i) A Cultural Heritage Impact Assessment has been submitted demonstrating how the cultural heritage value has been incorporated and maintained to the satisfaction of the Director of Planning and Chief Planner, City of Hamilton; and,
- ii) That conditional site plan approval be received, to the satisfaction of the Director of Planning, and Chief Planner, City of Hamilton.”

10. That Schedule “F” – SPECIAL FIGURES of Zoning By-law 05-200 is hereby amended as follows:

- a) That Figure 1: Maximum Building Heights be deleted and replaced with Figure 1: Maximum Building Heights attached to this By-law.
- b) That Figure 15: Building Base Façade Heights attached to this By-law be added.

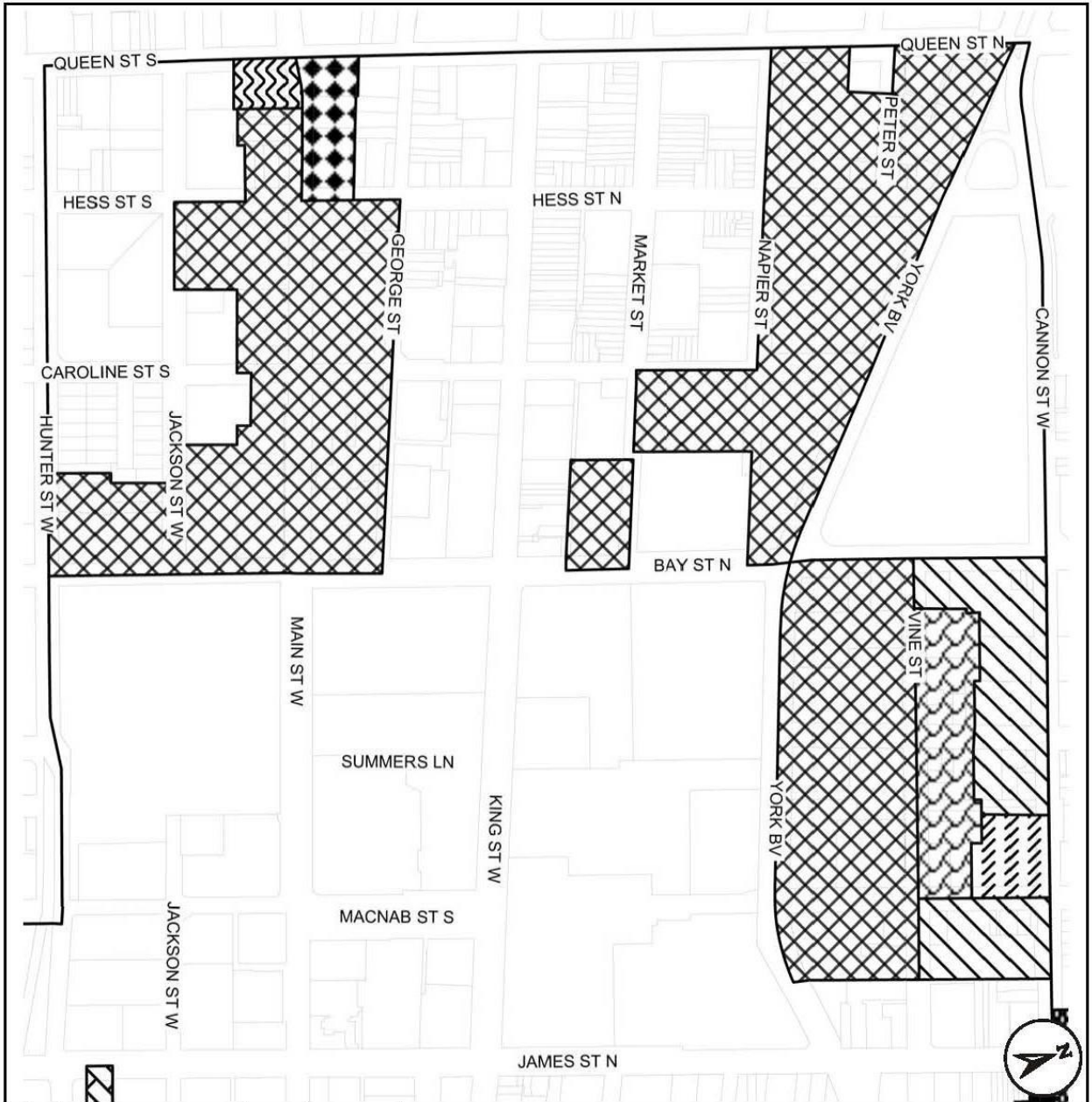
11. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law in accordance with the Planning Act.

12. That this By-law comes into force in accordance with section 34 of the Planning Act.

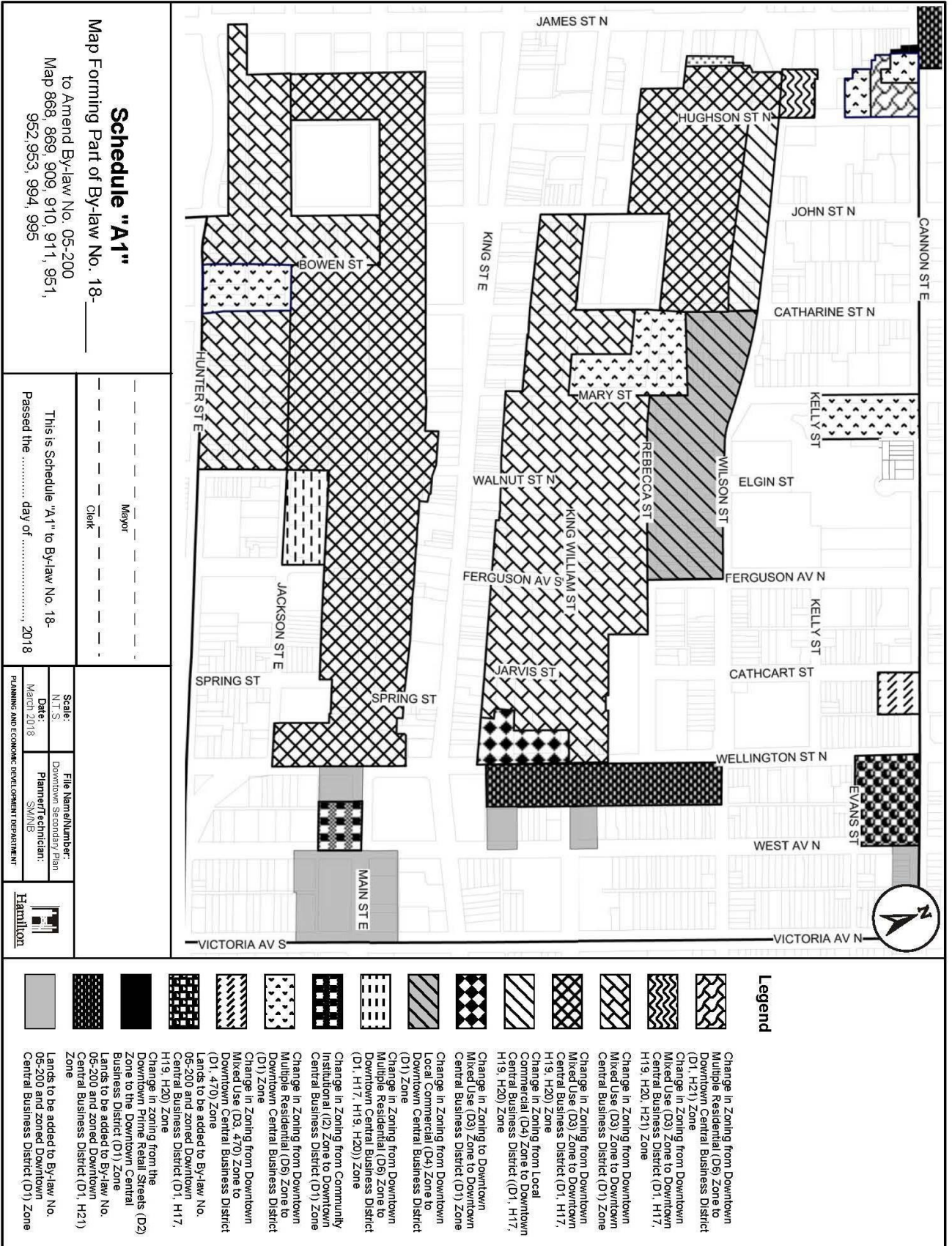
PASSED this 9th day of May, 2018.

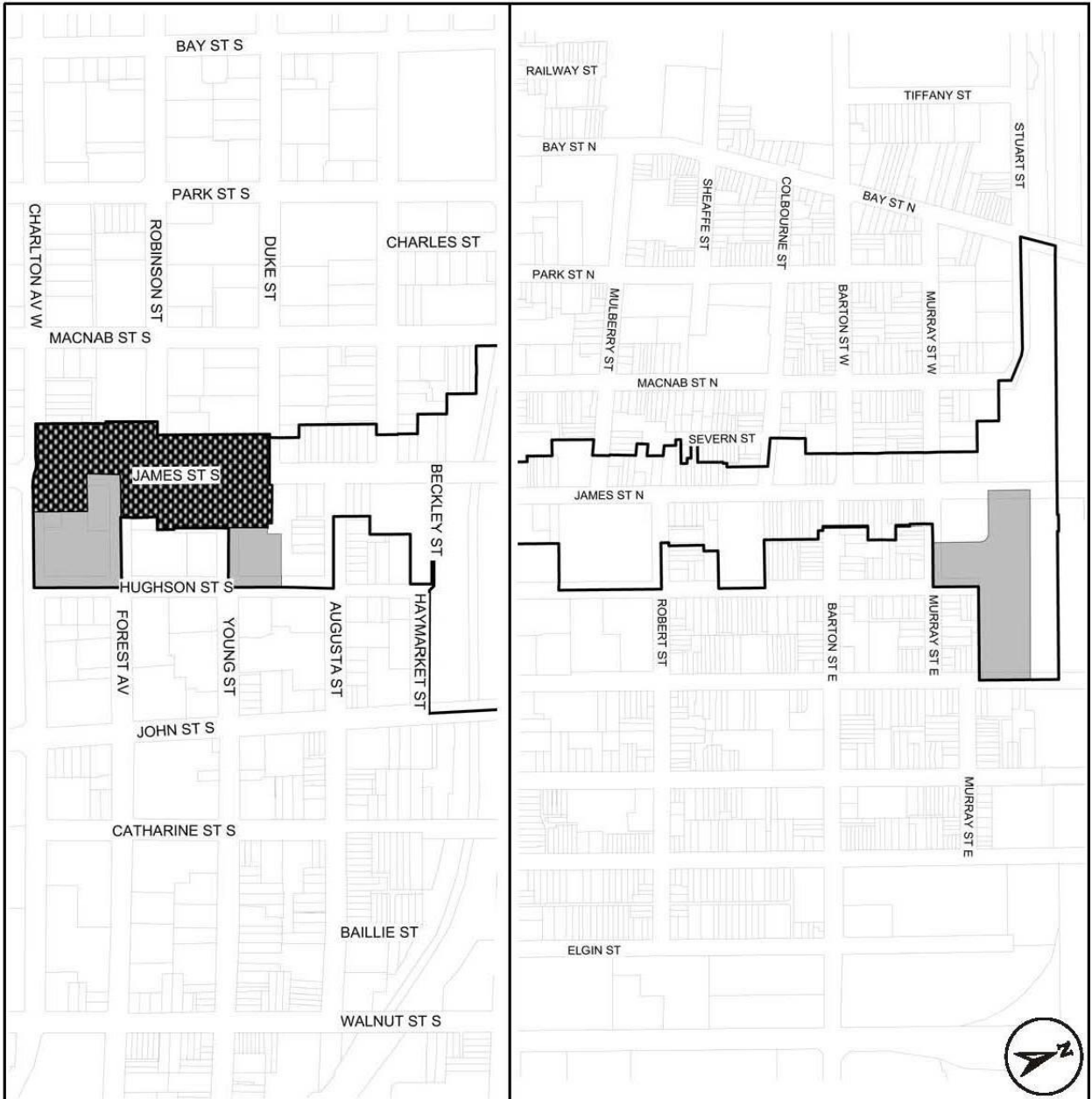
F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

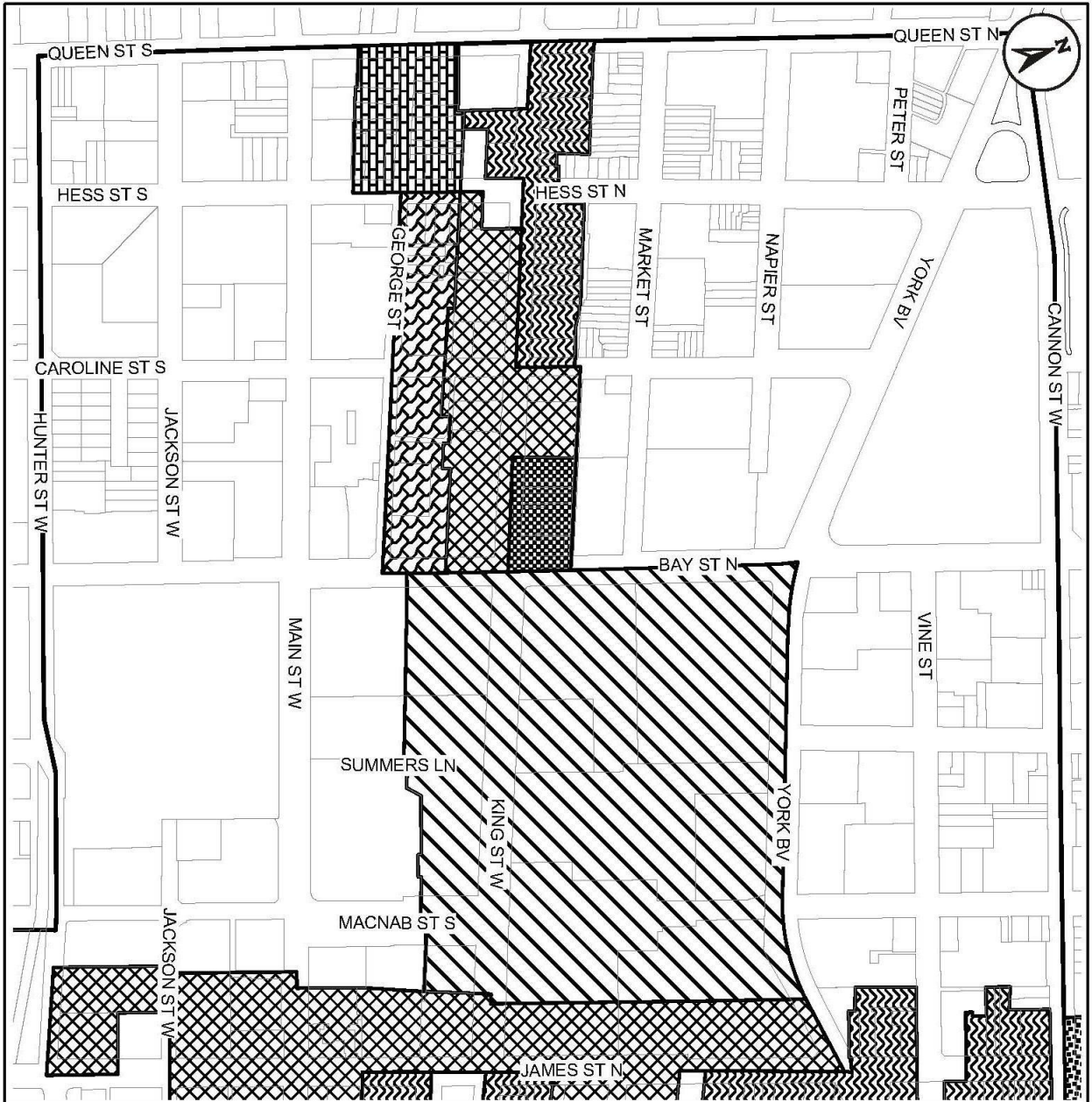


<p>Scale: N.T.S.</p> <p>Date: March 2018</p> <p>File Name/Number: Downtown Secondary Plan S.M.N.S.</p> <p>Planner/Technician: S.M.N.S.</p> <p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	<p>Schedule "A" Map Forming Part of By-law No. 18-_____</p> <p>to Amend By-law No. 05-200 Map 868, 869, 909, 910, 911, 951, 952, 953, 994, 995</p>	<p>This is Schedule "A" to By-law No. 18-_____</p> <p>Passed the _____ day of _____, 2018</p>	<p>_____ Mayor</p> <p>_____ Clerk</p>
<p>Legend</p> <ul style="list-style-type: none"> Change in Zoning from Downtown Local Commercial (D4) Zone to Downtown Central Business District (D1, H17, H19, H20, 689) Zone Change in Zoning from Downtown Mixed Use (D3) Zone to Downtown Central Business District (D1) Zone Change in Zoning from Downtown Central Business District (D1, H21) Zone Change in Zoning from Downtown Mixed Use (D3) Zone to Downtown Central Business District (D1, H17, H19, H20) Zone Change in Zoning from Downtown Mixed Use (D3) Zone to Downtown Central Business District (D1, H17, H19, H20) Zone Change in Zoning from Downtown Mixed Use (D3) Zone to Downtown Central Business District (D1, H17, H19, H20) Zone Change in Zoning from Downtown Local Commercial (D4) Zone to Downtown Central Business District (D1, H17, H19, H20) Zone Change in Zoning from Downtown Residential (D5) Zone to Downtown Central Business District (D1, H17, H19, H20) Zone Hamilton Downtown Secondary Plan Boundary 			

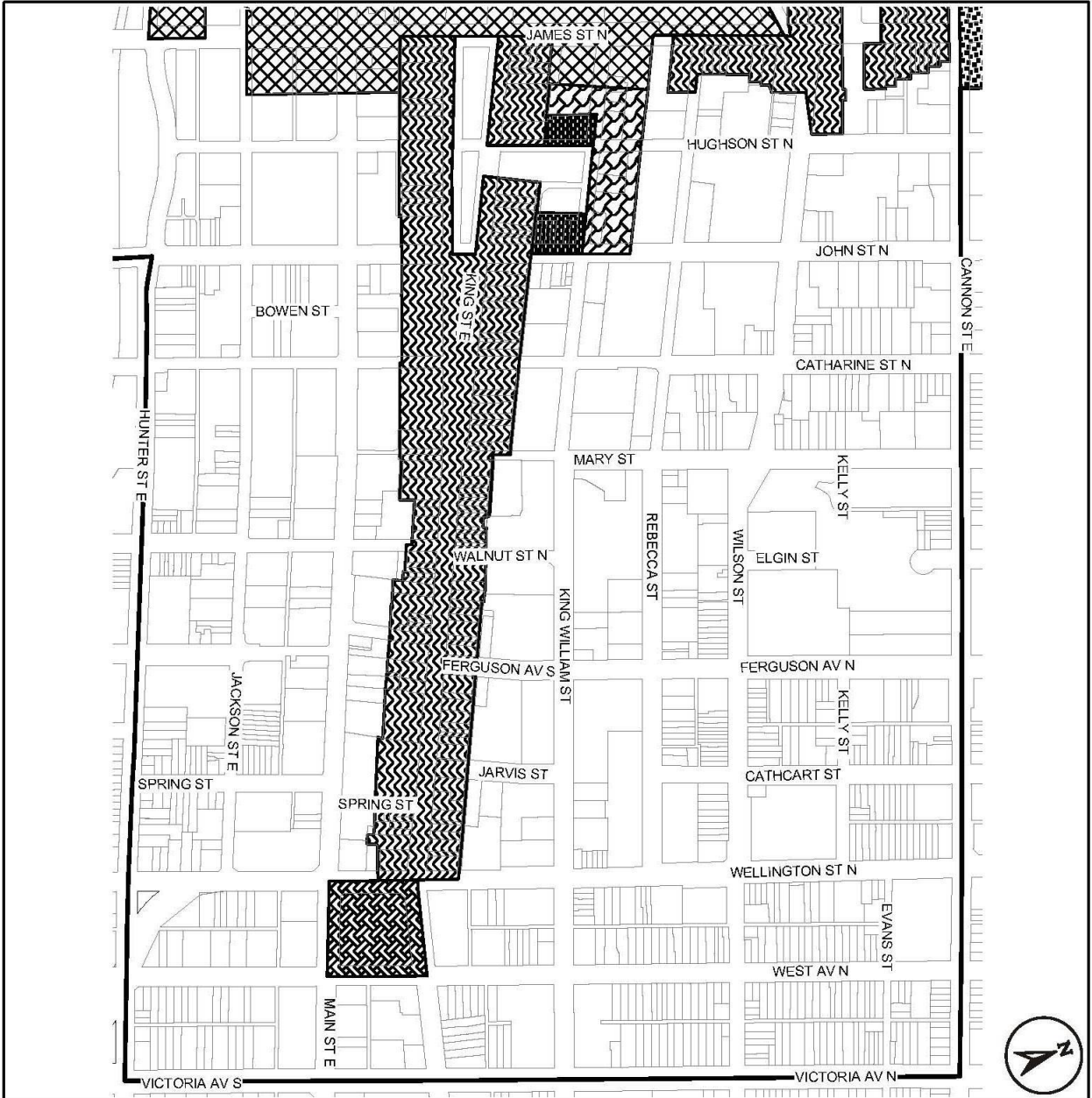




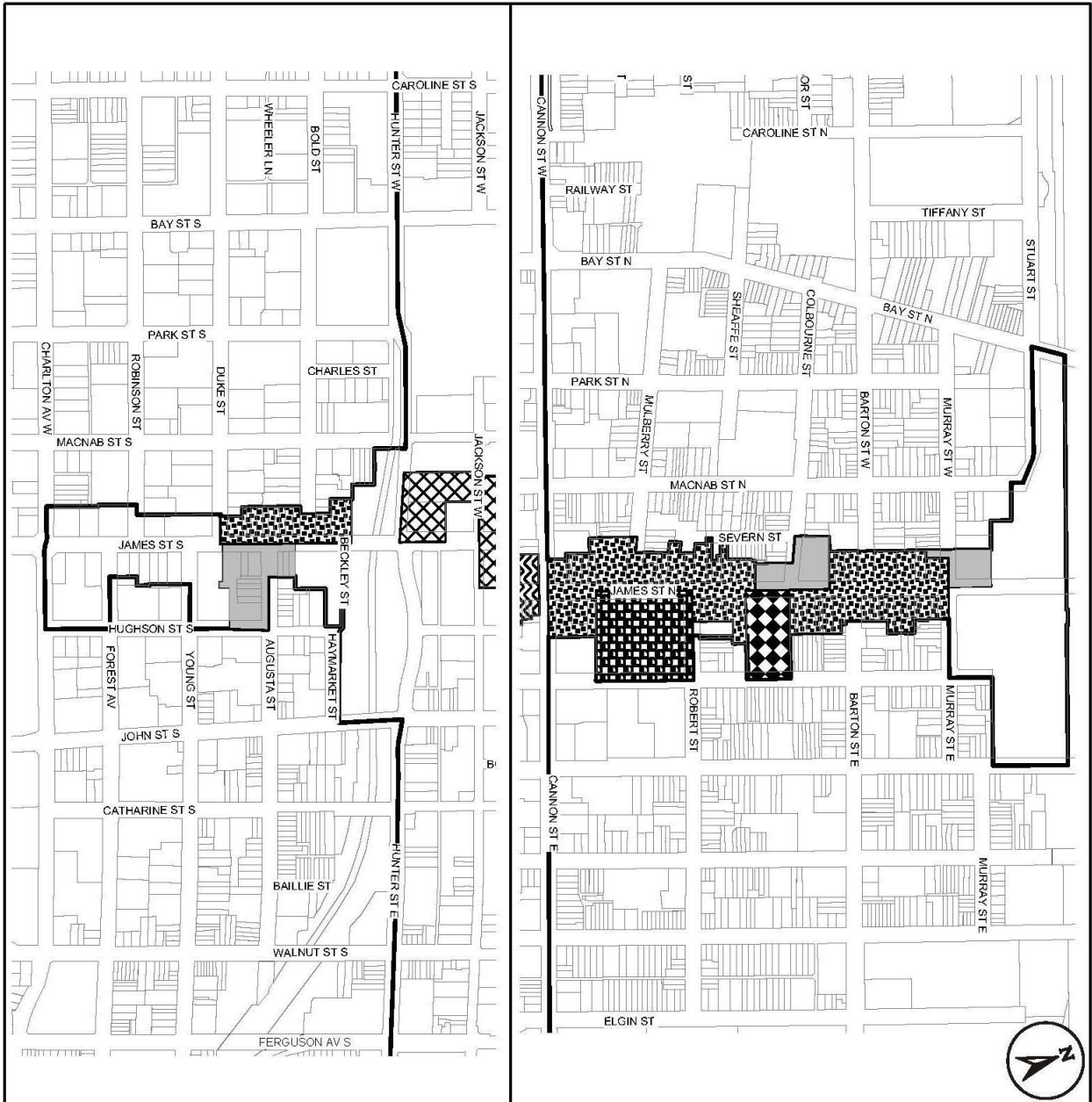
<p>Legend</p> <p> Lands to be added to By-law No. 05-200 and zoned Downtown Central Business District (D1) Zone Lands to be added to By-law No. 05-200 and zoned Downtown Central Business District (D1, H21) Zone Hamilton Downtown Secondary Plan Boundary </p>	
<p>This is Schedule "A2" to By-law No. 18- Passed the day of 2018</p>	
<p>Schedule "A2" Map Forming Part of By-law No. 18- to Amend By-law No. 05-200 Map 868, 869, 909, 910, 911, 951, 952, 953, 994, 995</p>	
<p>Scale: N.T.S. Date: March 2018</p>	<p>File Name Number: Downtown Secondary Plan Planner/Technician: SM/NB Planning and Economic Development Department</p>
<p>Hamilton</p>	








<p>Legend</p> <ul style="list-style-type: none"> Change in Zoning from Downtown Central Business District (D1) Zone to Downtown Mixed Use - Pedestrian Focus (D2, H17, H19, H20) Zone Change in Zoning from Downtown Prime Retail (D2) Zone to Downtown Mixed Use - Pedestrian Focus (D2, H17, H19, H20) Zone Change in Zoning from Downtown Prime Retail (D2) Zone to Downtown Mixed Use - Pedestrian Focus (D2, H21) Zone Change in Zoning from Downtown Prime Retail (D2) Zone to Downtown Mixed Use - Pedestrian Focus (D2, H17, H19, H20) Zone Change in Zoning from Downtown Mixed Use (D3) Zone to Downtown Mixed Use - Pedestrian Focus (D2) Zone Change in Zoning from Downtown Mixed Use (D3) Zone to Downtown Mixed Use - Pedestrian Focus (D2) Zone Hamilton Downtown Secondary Plan Boundary 	
<p>This is Schedule "B" to By-law No. 18- Passed the day of 2018</p>	
<p>Schedule "B" Map Forming Part of By-law No. 18- to Amend By-law No. 05-200 Map 868, 869, 909, 910, 911, 951, 952, 953, 994, 995</p>	
<p>Scale: N.T.S.</p>	<p>File Name/Number: Downtown Secondary Plan SWNB</p>
<p>Date: March 2018</p>	<p>Planned/Technician: SWNB</p>
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	



<p>Legend</p> <p>Change in Zoning from Downtown Prime Retail (D2) Zone to Downtown Mixed Use - Pedestrian Focus (D2, H17, H18, H20) Zone</p> <p>Change in Zoning from Downtown Prime Retail (D2) Zone to Downtown Mixed Use - Pedestrian Focus (D2, H21) Zone</p> <p>Change in Zoning from Downtown Mixed Use (D3) Zone to Downtown Mixed Use - Pedestrian Focus (D2, H17, H18, H20) Zone</p> <p>Change in Zoning from Downtown Mixed Use (D3) Zone to Downtown Mixed Use - Pedestrian Focus (D2, H21) Zone</p> <p>Change in Zoning from Major Institutional (S) Zone to Downtown Mixed Use - Pedestrian Focus (D2, H17, H18, H20) Zone</p> <p>Lands to be added to By-law No. 05-200 and zoned Downtown Mixed Use - Pedestrian Focus (D2, H21) Zone</p> <p>Hamilton Downtown Secondary Plan Boundary</p>	
<p>Scale: N.T.S.</p> <p>Date: March 2018</p> <p>File Name/Number: Downtown Secondary Plan</p> <p>Planner/Technician: SWANS</p>	<p>This is Schedule "B1" to By-law No. 18- Passed the day of, 2018</p> <p>Schedule "B1" Map Forming Part of By-law No. 18- to Amend By-law No. 05-200 Map 868, 869, 909, 910, 911, 951, 952, 953, 994, 995</p>
<p>Mayor</p> <p>Clerk</p>	<p>Hamilton</p>



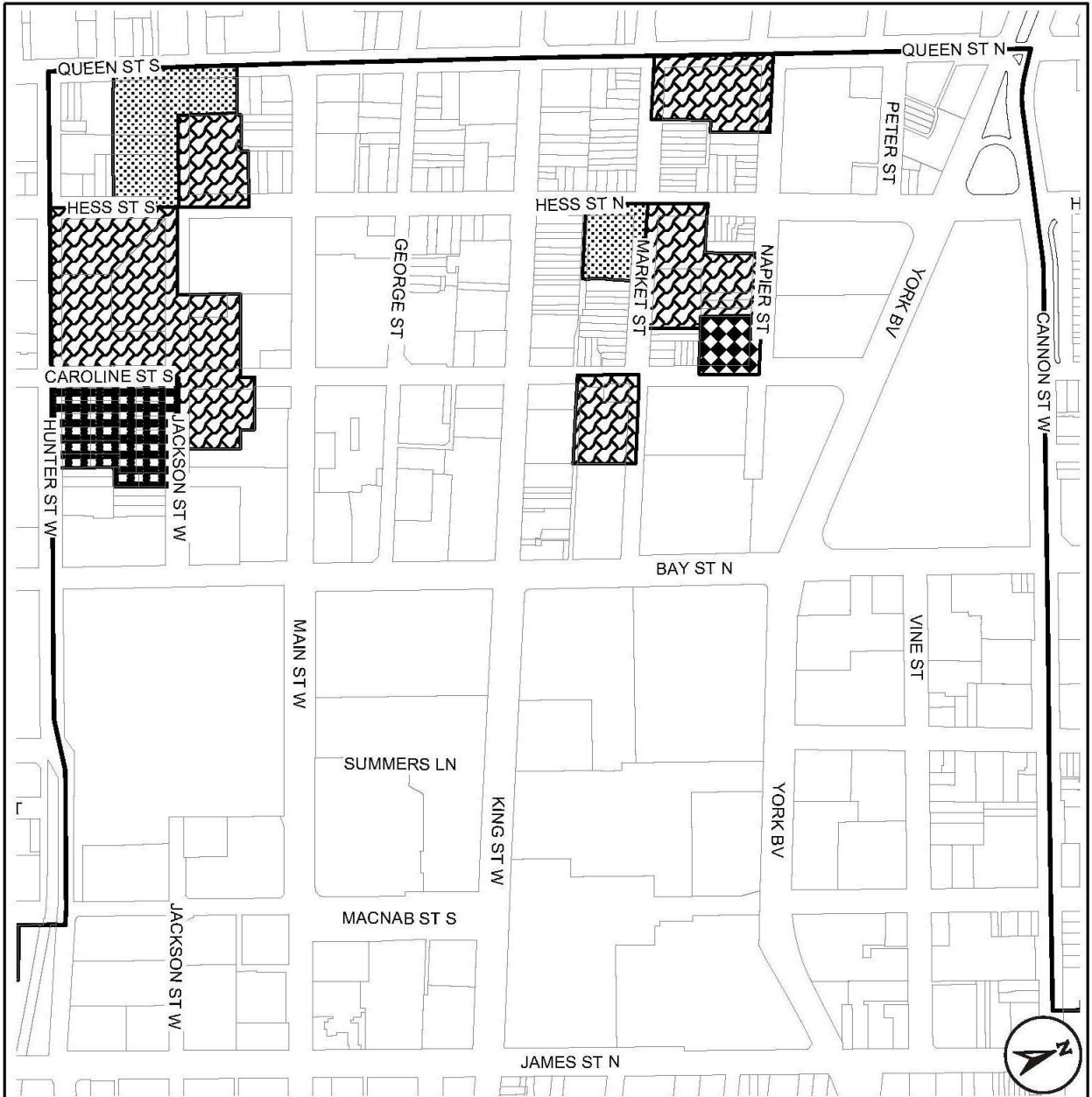
Legend

-  Change in Zoning from Downtown Prime Retail (D2) Zone to Downtown Mixed Use - Pedestrian Focus (D2, H17, H19, H20) Zone
-  Changes in Zoning from Night to District Institutional (I1) Zone to Downtown Mixed Use - Pedestrian Focus (D2, 620) Zone
-  Lands to be added to By-law No. 05-200 and zoned Downtown Mixed Use - Pedestrian Focus (D2, 621) Zone
-  Lands to be added to By-law No. 05-200 and zoned Downtown Mixed Use - Pedestrian Focus (D2) Zone
-  Lands to be added to By-law No. 05-200 and zoned Downtown Mixed Use - Pedestrian Focus (D2, H21) Zone
- Hamilton Downtown Secondary Plan Boundary

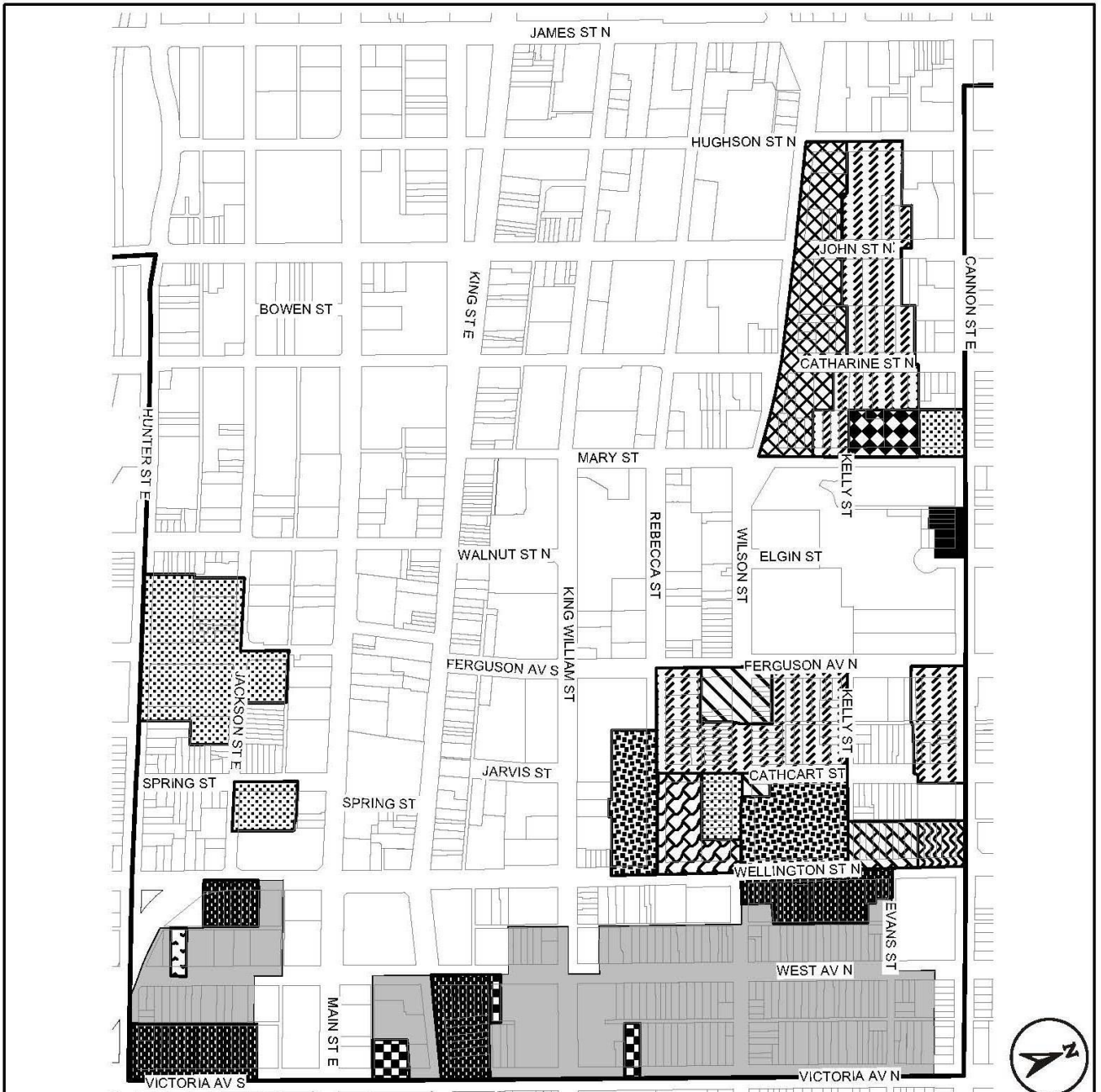
This is Schedule "B2" to By-law No. 18-
 Passed the day of 2018

Schedule "B2"
 Map Forming Part of
 By-law No. 18-
 to Amend By-law No. 05-200
 Map 868, 869, 909, 910, 911, 951,
 952, 953, 994, 995

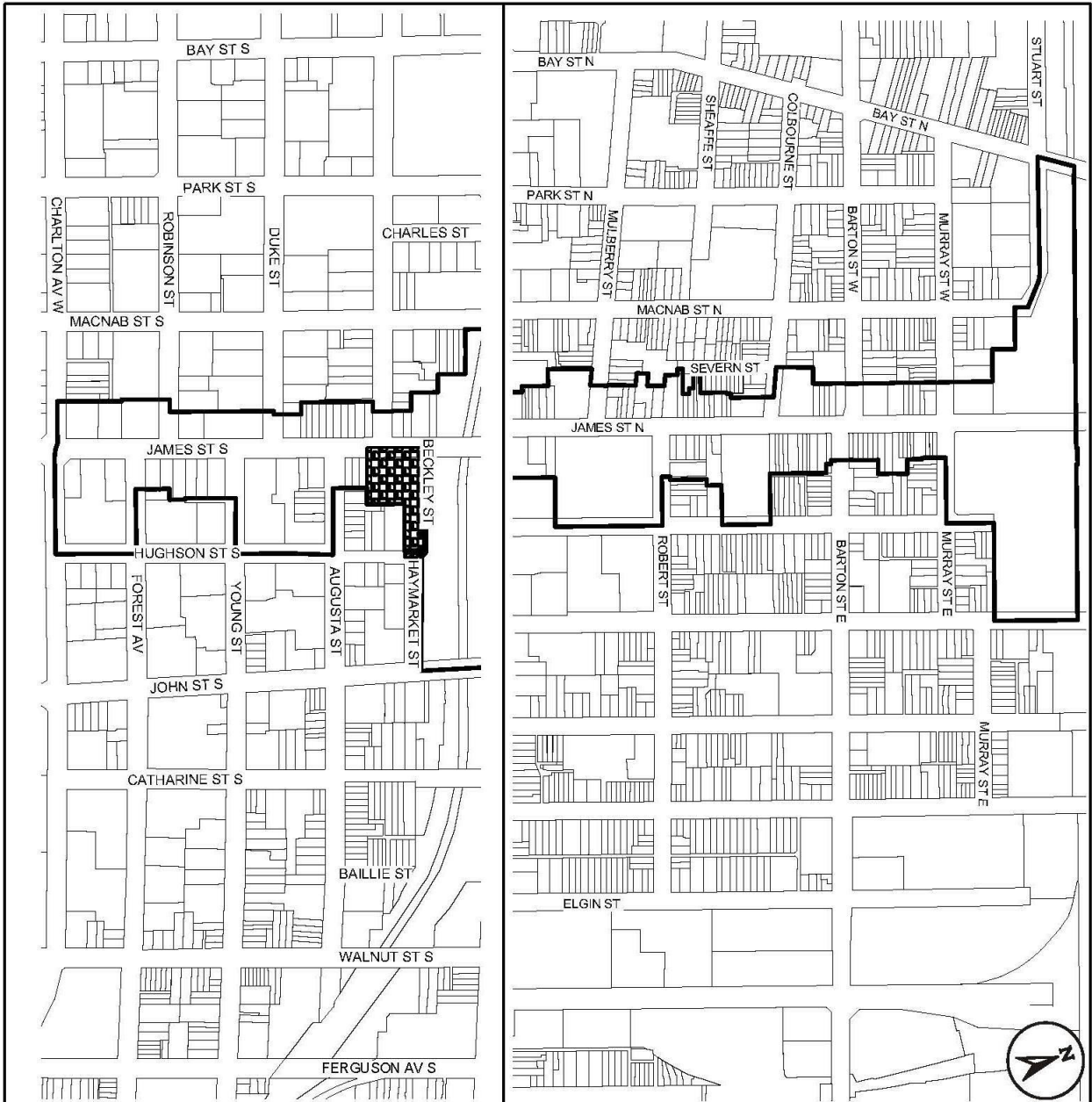
Scale:	File Name/Number:
N.T.S.	Downtown Secondary Plan
Date:	Drawn/Technician:
March 2018	SW/MS
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	
	






<p>Legend</p> <ul style="list-style-type: none"> Change in Zoning from Downtown Residential (D5) Zone to Downtown Residential (D5, 619, H21) Zone Change in Zoning from Downtown Multiple Residential (D6) Zone to Downtown Residential (D5) Zone Change in Zoning from Downtown Multiple Residential (D6) Zone to Downtown Residential (D5, H17, H19, H20) Zone Change in Zoning from Downtown Multiple Residential (D6, 1) Zone to Downtown Residential (D5, H17, H19, H20, 1) Zone Hamilton Downtown Secondary Plan Boundary 	
<p>----- Mayor</p> <p>----- Clerk</p>	
<p>This is Schedule "C" to By-law No. 18- Passed the day of, 2018</p>	
<p align="center">Schedule "C" Map Forming Part of By-law No. 18- to Amend By-law No. 05-200 Map 868, 869, 909, 910, 911, 951, 952, 953, 994, 995</p>	
<p>Scale: N.T.S.</p> <p>Date: March 2018</p> <p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	<p>File Number: Downtown Secondary Plan</p> <p>Prepared/Technician: S.M.N.B.</p> <p align="right"> </p>



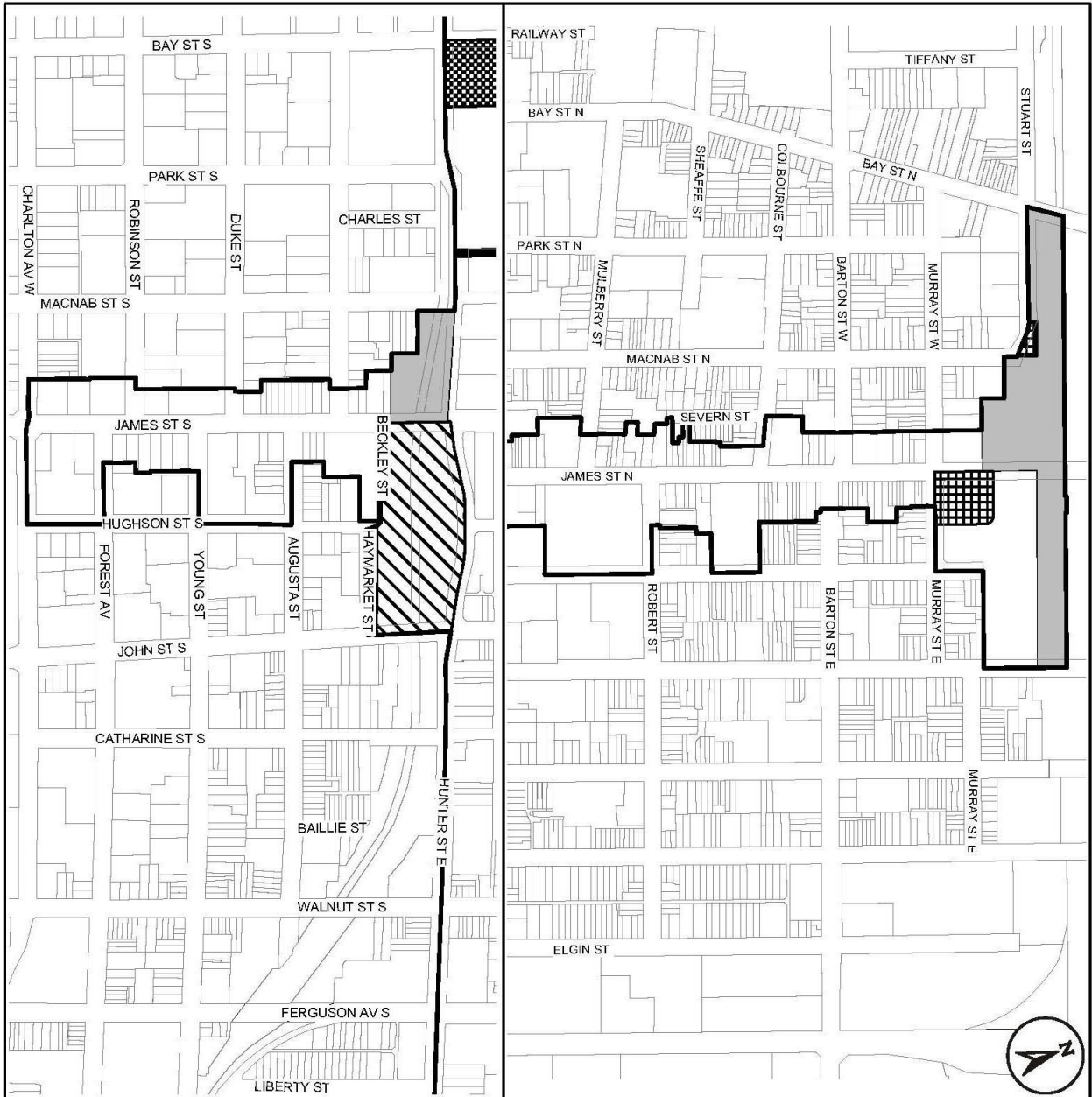
<p>Legend</p> <ul style="list-style-type: none"> Change in Zoning from Downtown Residential (D5) Zone to Downtown Residential (D5, H21) Zone Change in Zoning from Downtown Residential (D5) Zone to Downtown Central Business District (D1, 66D) Zone Change in Zoning from Downtown Multiple Residential (D6) Zone to Downtown Residential (D5, H21) Zone Change in Zoning from Downtown Local Commercial (D4) Zone to Downtown Residential (D5) Zone Change in Zoning from Downtown Local Commercial (D4) Zone to Downtown Local Commercial (D4) Zone to Downtown Residential (D5, H17, H19, H20, H21) Zone Change in Zoning from Downtown Residential (D5) Zone to Downtown Residential (D5, H17, H19, H20) Zone Change in Zoning from Downtown Multiple Residential (D6) Zone to Downtown Residential (D5) Zone Change in Zoning from Downtown Multiple Residential (D6) Zone to Downtown Residential (D5) Zone Change in Zoning from Downtown Multiple Residential (D6) Zone to Downtown Residential (D5, H17, H19, H20) Zone Change in Zoning from Neighbourhood Institutional (I1) Zone to Neighbourhood Residential (D5) Zone Change in Zoning from Neighbourhood Institutional (I1, 4) Zone to Downtown Residential (D5, 4) Zone Lands to be added to By-law 05-200 and zoned Downtown Residential (D5) Zone Change in Zoning from Downtown Multiple Residential (D6) Zone to Downtown Residential (D5, H21) Zone Hamilton Downtown Secondary Plan Boundary 	
<p>----- Mayor</p> <p>----- Clerk</p>	
<p>This is Schedule "C1" to By-law No. 18- Passed the day of 2018</p>	
<p align="center">Schedule "C1" Map Forming Part of By-law No. 18- to Amend By-law No. 05-200 Map 868, 869, 909, 910, 911, 951, 952, 953, 994, 995</p>	
<p>Scale: N.T.S. Date: March 2018</p>	<p>File Name/Number: Downtown Secondary Plan Planner/Technician: SM/NBS</p>
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	
<p align="right"></p>	



<p>Legend</p> <p> Lands to be added to By-law 05-200 and zoned Downtown Residential (D6, H17, H19, H20) Zone</p> <p> Hamilton Downtown Secondary Plan Boundary</p>	
<p>This is Schedule "C2" to By-law No. 18- Passed the day of 2018</p>	
<p>Schedule "C2" Map Forming Part of By-law No. 18- to Amend By-law No. 05-200 Map 868, 869, 909, 910, 911, 951, 952, 953, 994, 995</p>	
<p>Scale: N.T.S.</p>	<p>File Name/Number: Downtown Secondary Plan</p>
<p>Date: March 2018</p>	<p>Planner/Technician: SW/ND</p>
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	
	



<p>Legend</p> <ul style="list-style-type: none"> Change in Zoning from Open Space (P4) Zone to City Wide Park (P3) Zone Change in Zoning from Downtown Mixed Use (D3) Zone to Open Space (P4) Zone Change in Zoning from Downtown Central Business District (D1) Zone to City Wide Park (P3) Zone Change in Zoning from Downtown Central Business District (D1) Zone to Open Space (P4) Zone Change in Zoning from Downtown Mixed Use (D3) Zone to Community Institutional (I2, 616) Zone Change in Zoning from Downtown Mixed Use (D3) Zone to Community Institutional (I2, 616) Zone Lands to be added to By-law 05-200 and zoned Utility (U2) Zone Lands to be added to By-law 05-200 and zoned Utility (U2) Zone Hamilton Downtown Secondary Plan Boundary 	
<p>This is Schedule "D" to By-law No. 18- Passed the day of 2018</p>	
<p>Schedule "D" Map Forming Part of By-law No. 18- to Amend By-law No. 05-200 Map 868, 869, 909, 910, 911, 951, 952, 953, 994, 995</p>	
<p>Scale: N.T.S.</p>	<p>File Name/Number: Downtown Secondary Plan</p>
<p>Date: March 2018</p>	<p>Prepared/Technician: SWMB</p>
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	



Legend

- Change in Zoning from Open Space (P4) Zone to City Wide Park (P3) Zone
- Change in Zoning from Downtown Central Business District (D1) Zone to Open Space (P4) Zone
- Lands to be added to By-law No. 05-200 and zoned Open Space (P4) Zone
- Lands to be added to By-law No. 05-200 and zoned Utility (U2, 622, H21) Zone
- Lands to be added to By-law No. 05-200 and zoned Utility (U2) Zone
- Hamilton Downtown Secondary Plan Boundary

_____ Mayor
 _____ Clerk

This is Schedule "D2" to By-law No. 18-
 Passed the day of, 2018

Schedule "D2"
 Map Forming Part of
 By-law No. 18-
 to Amend By-law No. 05-200
 Map 868, 869, 909, 910, 911, 951,
 952, 953, 994, 995

Scale: N.T.S.	File Name/Number: Downtown Secondary Plan
Date: March 2018	Planner/Technician: SVM/MS
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	



NOTE: Building Heights are represented by the number illustrated on the map. All Building Heights are in metres.

Legend

- # Maximum Building Heights in metres
- █ Parks/Open Space
- Planning Boundary

Schedule F - Figure 1
Zoning By-law No. 05-200
Maximum Building Heights

City of Hamilton
 Hamilton
 100 King Street West
 Hamilton, Ontario L8R 2K9
 905.525.4100
 www.hamilton.ca

