

**Appendix “C” – Modifications and Updates Summary to Section 4: General Provisions**

Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p><del>Grey highlighted strikethrough text = text to be deleted</del>      <b>bolded text = text to be added</b></p>			
<p><b>4.6g)</b>  (new regulation)</p>	<p><b>An existing building may encroach, or further encroach, into a required yard to a maximum of 0.15 metres for the purpose of recladding the building.</b></p>	<p>An existing building may encroach, or further encroach, into a required yard to a maximum of 0.15 metres for the purpose of recladding the building.</p>	<p>A new zone regulation permitting an existing building to encroach, or further encroach into the required yard to a maximum of 0.15 metres for the purpose of recladding.</p> <p>This regulation exists in Hamilton Zoning By-law No. 6593 and applies to land owners who wish to reclad the existing building to the same or a different material that may be thicker than the original material.</p>
<p>4.18d)</p>	<p><del>Temporary tent(s), for the purpose of festivals or retail sales events, for a maximum of 5 consecutive days, and shall not be subject to any minimum or maximum yard setbacks or parking requirements of the zone, except as it relates to setbacks from residential-zoned property lines or zones.</del></p> <p><b>Temporary tent(s) or stage(s) in a Downtown Zone, Transit Oriented Corridor Zone, Commercial and Mixed Use Zone, or in a Parking (U3) Zone, in accordance with the following provisions:</b></p> <p><b>i) Shall not be in operation for more than 5 consecutive days;</b></p> <p><b>ii) Shall not be subject to any minimum or maximum yard setbacks or parking requirements of the zone,</b></p> <p><b>iii) Notwithstanding b) above, minimum</b></p>	<p>(deleted and replaced with new regulation)</p> <p>Temporary tent(s) or stage(s) in a Downtown Zone, Transit Oriented Corridor Zone, Commercial and Mixed Use Zone, or in a Parking (U3) Zone, in accordance with the following provisions:</p> <p>i) Shall not be in operation for more than 5 consecutive days;</p> <p>ii) Shall not be subject to any minimum or maximum yard setbacks or parking requirements of the zone;</p> <p>iii) Notwithstanding b) above, minimum setbacks shall apply if abutting a Residential Zone; and,</p>	<p>The original regulation to Section 4.18d) should be deleted in its entirety, and replaced with an amended regulation.</p> <p>The amended regulation applies to temporary tent(s) or stage(s) in a Downtown Zone, Transit Oriented Corridor Zone, Commercial and Mixed Use Zone, and the Parking (U3) Zone. This regulation provides some distance between the tent and abutting property belonging to one of the above zones.</p> <p>The changes to the regulation includes:</p> <ul style="list-style-type: none"> <li>• General format of the regulation for easier reading and interpretation; and,</li> <li>• Minimum setbacks apply for the tents and stages if it abuts a Residential Zone.</li> </ul>

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	<p>setbacks shall apply if abutting a Residential Zone; and,</p> <p>iv) Shall not occupy areas devoted to barrier-free parking space(s) or loading space(s).</p>	<p>iv) Shall not occupy areas devoted to barrier-free parking space(s) or loading space(s).</p>	
4.18f) (new regulation)	<p>Trailers used to provide a temporary restaurant service while the associated principal restaurant building is undergoing for a maximum of four months, shall not be subject to parking requirements provided the Gross Floor Area of the temporary trailer does not exceed the Gross Floor Area of the principal restaurant.</p>	<p>Trailers used to provide a temporary restaurant service while the associated principal restaurant building is undergoing for a maximum of four months, shall not be subject to parking requirements provided the Gross Floor Area of the temporary trailer does not exceed the Gross Floor Area of the principal restaurant.</p>	<p>A new regulation permitting temporary trailers which are used to provide a service while the restaurant is under renovation. The temporary trailer is permitted to operate for up to four months and shall not require parking provided the Gross Floor Area of the temporary trailer is less than the restaurant it is replacing while it is under renovation.</p>
4.19	<p>Where this By-law requires a visual barrier <del>is required</del> to be provided and maintained, such barrier shall act as a screen between uses and shall be constructed to a minimum height of 1.8 metres, <b>and to a maximum height of 2.5 metres where only that portion of a visual barrier consists</b> consisting of a fence or wall, shall have a maximum height of <del>2.5 metres</del> and shall not be located within 3.0 metres of a street line. A visual barrier shall consist of the following:</p>	<p>Where this By-law requires a visual barrier to be provided and maintained, such barrier shall act as a screen between uses and shall be constructed to a minimum height of 1.8 metres, and to a maximum height of 2.5 metres where a visual barrier consists of a fence or wall, and shall not be located within 3.0 metres of a street line. A visual barrier shall consist of the following:</p>	<p>The revision to the zone regulation is to provide further clarity. The intent of providing a visual barrier is maintained.</p>
4.21	<p>No person shall conduct a home business except as permitted herein <del>and in accordance with the regulations of Subsection b):</del></p>	<p>No person shall conduct a home business except as permitted herein:</p>	<p>The removal of an unnecessary portion of the regulation does not change its intent.</p>
4.21a)ix)	<p>Within the A1, A2, S1 and P6 Zones, an office of 1 physical or mental health <del>practitioner</del>, <b>professional</b> physician or dentist existing at the time of passing</p>	<p>Within the A1, A2, S1 and P6 Zones, an office of 1 physical or mental health professional, physician or dentist existing at the time of passing of this By-law.</p>	<p>A revision to the word “health practitioner” and replace with “health professional” as a defined term in Section 3 – Definitions, and provide more consistent</p>

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	of this By-law.		terminology with the rest of the Zoning By-law.
<b>4.21e)</b> (new regulation)	<b>A home business within a Dwelling Unit(s) in Conjunction with a Commercial Use shall not be permitted.</b>	A home business within a Dwelling Unit(s) in Conjunction with a Commercial Use shall not be permitted.	A new regulation added to prohibit home businesses in Dwelling Unit(s) in Conjunction with a Commercial Use.
4.32	<del>No person shall have deemed to have contravened any provisions of this By-law by reason only to the of the fact that a part or parts of any lot or have been conveyed, acquired, leased, or placement of easements by the City of Hamilton or the Government of Ontario for the placement of public transit facilities.</del>  <b>No lot shall be deemed to be in contravention of any provision(s) of this By-law by reason only of the fact that a part or parts of any lot has or have been conveyed to, or acquired, leased, or subject to an easement by the City of Hamilton or Province of Ontario for the placement of public transit facilities.</b>	No lot shall be deemed to be in contravention of any provision(s) of this By-law by reason only of the fact that a part or parts of any lot has or have been conveyed to, or acquired, leased, or subject to an easement by the City of Hamilton or Province of Ontario for the placement of public transit facilities.	A deletion of the original provision and a replacement of an amended provision. The amended provision provides further clarity and intention.  Where a public transit facility (i.e. station buildings, facilities, bus layby and manouvering) is proposed for a lot, any zone regulations are not deemed to be in contravention of the Zoning By-law.