

Section 4: General Provisions			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added	
4.3 b)	Where a building is developed or lot is legally tied to a common element condominium which has frontage on a abutting a private common element road that provides direct access to a street and is driveway constituting a common area or common element as part of a condominium registered under the Condominium Act, such driveway shall be deemed to also be a street for purposes of applying the provisions of this By-law.	Where a building or lot is legally tied to a common element condominium which has frontage on a common element road that provides direct access to a street and is registered under the Condominium Act, such driveway shall be deemed to also be a street for purposes of applying the provisions of this By-law.	On a site plan to facilitate a block townhouse development, a row of units are typically shown to abut a driveway. A driveway becomes a street once it goes through a condominium process under the Condominium Act. During the site plan review process, the road is treated as a driveway because the condominium application has either not been submitted or approved. The change to the regulation deems a driveway to be a street, and provides clarity to the regulation.
4.8.2 a) ii)	Building Setback from A Side Lot Line	Building Setback from A Side Lot Line	This change clarifies the intent of the regulation and corrects a typographical error.
4.8.3 a) ii)	1. Minimum 0.0 metres where a side rear lot line does not abut a Laneway	1. Minimum 0.0 metres where a side lot line abuts a Laneway	
4.8.4 a) ii)	2. Minimum 0.6 metre where a side rear lot line does not abut a Laneway.	2. Minimum 0.6 metre where a side lot line does not abut a Laneway.	
4.9	4.9 Mechanical and Unitary Equipment Add the words “hot boxes” to the beginning of the clause: Hot boxes, A air conditioners and pumps (including heat pumps and swimming pool pumps) and other similar mechanical equipment shall be located only in	Hot boxes, air conditioners and pumps (including heat pumps and swimming pool pumps) and other similar mechanical equipment shall be located only in accordance with the following regulations...	Hot boxes are required for certain commercial uses, such as car washes, to keep equipment warm

Section 4: General Provisions			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added	
	accordance with the following regulations...		
4.12 d)	Notwithstanding any other provisions of this By-law, any lot within the Rural and Agricultural 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.	Notwithstanding any other provisions of this By-law, any lot within the Rural 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.	This change clarifies the intent of the regulation, which is that the Vacuum Clause is applied across all Rural Zones (12.1-12.7).
4.12 i) New Regulation	<p>i) Notwithstanding Sections 1.4 and 1.7 of this By-law, a Building Permit for an Accessory Building may be issued in accordance with any minor variance, site specific zoning, or site plan that has been approved or conditionally approved by the City of Hamilton or the Ontario Land Tribunal as it read on the day before By-law 21-70 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. 21-70 came into effect. For the purposes of determining zoning conformity the following provisions shall apply:</p> <p>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 i) above.</p> <p>ii) Once the permit or approval under Subsection i) above, has been granted, the provisions of this By-law apply in all other respects to the land in question.</p>	<p>i) Notwithstanding Sections 1.4 and 1.7 of this By-law, a Building Permit for an Accessory Building may be issued in accordance with any minor variance, site specific zoning, or site plan that has been approved or conditionally approved by the City of Hamilton or the Ontario Land Tribunal as it read on the day before By-law 21-70 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. 21-70 came into effect. For the purposes of determining zoning conformity the following provisions shall apply:</p> <p>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 i) above.</p> <p>ii) Once the permit or approval under Subsection i) above, has been granted, the provisions of this By-law apply in all other respects to the land in question.</p>	<p>This change will add a new clause to the Section on Vacuum clauses.</p> <p>The accessory building regulations were replaced by By-law 21-71. A vacuum clause should have been included in By-law 21-71 to allow minor variances, rezoning's, etc that have been approved under the former regulations to be erected.</p>

Section 4: General Provisions			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added	
4. 18 c) i) - iii)	<p>Temporary retailing in a Downtown D1, D2, D3 or D4 Zone, in a Transit Oriented Corridor TOC1, TOC2, TOC3 or TOC4 Zone, or in a Commercial Mixed Use C1, C2, C3, C4, C5, C5a, C6, and C7 Zone in accordance with the following provisions:</p> <p>i) Retailing of flowers, souvenirs, and/or fireworks for a maximum period of 2 The retail use shall not be in operation for more than 5 consecutive days;</p> <p>ii) Seasonal Garden Centres, including the retail sales of Christmas trees, are subject to the following providing that the use:</p> <p>iii) Notwithstanding Subsection 4.18 c) i), retailing of fireworks on Victoria Day, Canada Day, and during the seven day period immediately preceding each of those days.</p>	<p>Temporary retailing in a Downtown D1, D2, D3 or D4 Zone, in a Transit Oriented Corridor TOC1, TOC2, TOC3 or TOC4 Zone, or in a Commercial Mixed Use C1, C2, C3, C4, C5, C5a, C6, and C7 Zone in accordance with the following provisions:</p> <p>i) The retail use shall not be in operation for more than 5 consecutive days;</p> <p>ii) Seasonal Garden Centres, including the retail sales of Christmas trees, are subject to the following:</p> <p>iii) Notwithstanding Subsection 4.18c) i), retailing of fireworks on Victoria Day, Canada Day, and during the seven day period immediately preceding each of those days.</p>	<p>Currently, Section 4.18 c) i) of 05-200 allows the retailing of fireworks for a maximum period of 2 consecutive days. People who are selling fireworks are retailing them for longer than 2 consecutive days. When they came in for their license, they were restricted to 2 consecutive days, meaning that they had to shut down for one day in between. Their license also had to stipulate this.</p> <p>Per By-law 02-285 (Fireworks by-law), “No person shall... sell family fireworks except on Victoria Day, Canada Day, and during the seven day period immediately preceding each of those days.”</p> <p>The proposed change allows for a seamless issuance of a business license and poses a minor change to the current regulations.</p>
4.18 d)	<p>Temporary tent(s) or stage(s) in a Downtown Zone, Transit Oriented Corridor Zone, Commercial and Mixed Use Zone, Institutional Zone or in a Parking (U3) Zone, Neighbourhood Park (P1) Zone, Community Park (P2) Zone, City Wide Park (P3) Zone, Open Space (P4) Zone, in accordance with the following provisions:</p>	<p>Temporary tent(s) or stage(s) in a Downtown Zone, Transit Oriented Corridor Zone, Commercial and Mixed Use Zone, Institutional Zone or in a Parking (U3) Zone, Neighbourhood Park (P1) Zone, Community Park (P2) Zone, City Wide Park (P3) Zone, Open Space (P4) Zone, in accordance with the following provisions:</p>	<p>Tents and stages used during festivals may be found in Institutional and certain Open Space and Parks Zones. This inclusion provides for more flexibility in event planning across multiple zones.</p> <p>The numbering change from b) to ii)</p>

Section 4: General Provisions			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
	Grey highlighted strikethrough text = text to be deleted	bolded text = text to be added	
	iii) Notwithstanding b) ii) above, minimum setbacks shall apply if abutting a Residential Zone; and,	iii) Notwithstanding ii) above, minimum setbacks shall apply if abutting a Residential Zone; and,	is for consistency and does not change the intent of the regulation.
4.18 e)	Temporary Performance Arts Theatre within an existing Educational Establishment or Place of Worship, in a Community Institutional (I2) Zone, and Major Institutional (I3) Zone for a maximum of two five consecutive days and shall not be subject to parking requirements.	Temporary Performance Arts Theatre within an existing Educational Establishment or Place of Worship, in a Community Institutional (I2) Zone, and Major Institutional (I3) Zone for a maximum of five consecutive days and shall not be subject to parking requirements.	Creates consistency in the Temporary Use regulations.
4.18 f)	Trailers used to provide a temporary restaurant service while the associated principal restaurant building is undergoing renovation, restoration, or construction 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.	Trailers used to provide a temporary restaurant service while the associated principal restaurant building is undergoing renovation, restoration, or construction 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.	The additional words are more specific and provide clarity as to the context in which a temporary trailer is permitted.
4.21 b) iii) 3.	Notwithstanding anything else in this By-law, parking spaces required for a home business and the dwelling shall be permitted in the form of stacked tandem parking spaces .	Notwithstanding anything else in this By-law, parking spaces required for a home business and the dwelling shall be permitted in the form of tandem parking.	Tandem parking space is a defined term in Zoning By-law 05-200 and is more appropriate to describe parking for a home business, whereas stacked parking is often used to described spaces for a drive thru.
4.28 a) 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), Community Park (P2) and City Wide Park (P3), Transit Oriented Corridor (TOC1), (TOC2) and (TOC4) and Commercial and Mixed Use (C3), (C4), (C5), (C5a)	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), Community Park (P2) and City Wide Park (P3), Transit Oriented Corridor (TOC1), (TOC2) and (TOC4) and Commercial and Mixed Use (C3), (C4),	The additional zones permit the use of Urban Farmer’s Market, therefore, they stand to be added to this list.

Section 4: General Provisions			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
	Grey highlighted strikethrough text = text to be deleted	bolded text = text to be added	
	and (C6) Zones	(C5), (C5a) and (C6) Zones	