

Addition of New Special Exceptions to Schedule "C" (Zoning By-law No. 05-200)

SE #	Proposed Special Exception	OPA Required	Rationale
657	<p>Within the lands zoned Neighbourhood Commercial (C2) Zone, identified on Map No. 1087 of Schedule "A7" – Zoning Maps and described as 952 – 954 Concession Street, the following special provisions shall apply:</p> <ul style="list-style-type: none"> a) Notwithstanding Subsection 4.6 a), the usual projections of window sills, chimney breasts, belt courses, cornices, eaves, troughs and other similar architectural features, ductwork, venting and other similar appurtenances may project not more than 0.35 metres into the required front yard, and not more than 0.3 metres into the required side yard along the easterly lot line. b) Notwithstanding Subsection 4.6 b), an exterior staircase may encroach into the required front yard to a maximum of 0.35 metres, and into the required side yard along the easterly lot line to a maximum of 0.3 metres. c) Notwithstanding Subsection 4.6 e), a balcony may encroach into the required front yard to a maximum of 0.35 metres, and into the required side yard along the easterly lot line to a maximum of 0.3 metres. d) Section 5.1 a) v) shall not apply. e) Notwithstanding Subsection 5.1 d) i), with the exception of any visitor parking or barrier free parking required by Section 5.6, required parking for multiple dwellings shall not be located between the façade and the front lot line or between the façade and flankage lot line. f) Notwithstanding Subsection 5.2 b) i), parking space sizes shall be a minimum 2.75 metres in width and 5.8 metres in length. g) Notwithstanding Subsections 5.6 c) and g), the following regulations shall apply: 	NO	<p>This property was the subject of ZAR-17-010 for an amendment to Zoning By-law No. 6593 and a LPAT decision dated August 16, 2018 to permit a veterinary within the existing plaza.</p> <p>These lands were not included in the 2017 CMU zoning. This property is being included in Zoning By-law No. 05-200 through this amendment. Subject lands to be added to Schedule "A" – Zoning Map of Hamilton Zoning By-law No. 05-200.</p>

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	<ul style="list-style-type: none"> i) 10 parking spaces shall be provided, which shall include one parking space per Dwelling Unit, one visitor parking space for all Dwelling Units, and one barrier free parking space. ii) The required visitor parking space shall be maintained for the shared use between the commercial use(s) and residential use, have a sign legibly marking that the parking space is for the shared use of both commercial and residential visitor parking, and shall be maintained readily accessible for either use, free and clear of all obstructions. h) Notwithstanding Subsections 5.7 c) and f), no short-term bicycle parking shall be required. i) In addition to Section 10.2.1, a Martial Arts Club shall be permitted. j) In addition to Section 10.2.1.1, the following restrictions shall apply: <ul style="list-style-type: none"> i) A Restaurant, with a maximum seating capacity of 25 shall be permitted. ii) A Veterinary Service, excluding cremation shall be permitted. iii) Commercial uses shall be restricted to the ground floor of the building, and further, the basement or cellar of the building, whichever is applicable, shall be used for storage for the commercial uses only. k) Notwithstanding Section 10.2.1.1 ii), a maximum of 3 Dwelling Units shall be permitted in conjunction with a commercial use and shall only be permitted above the ground floor except for access, accessory office and utility areas, and further, shall not occupy more than 50% of the total gross floor area of all the building(s) within the lot. 		

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	<p>l) In addition to Section 10.2.2, an outdoor patio is prohibited, even as an accessory use.</p> <p>m) Notwithstanding Section 10.2.3 a), the following regulations shall apply:</p> <p>i) The building setback from a street line shall be a minimum of 0.35 metres (Concession Street).</p> <p>ii) The building setback from a street line shall be a minimum of 0.30 metres (Upper Gage Avenue).</p> <p>n) Notwithstanding Section 10.2.3 b), a minimum rear yard setback of 0.0 metres shall be required.</p> <p>o) Notwithstanding Section 10.2.3 j), a minimum 0.9 metre wide Planting Strip shall be provided and maintained along the westerly property lot line.</p>														
674	<p>Within the lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, identified on Maps 1934 and 1956 of Schedule “A14”, and described as:</p> <table><tr><th>Property Address</th><th>Map Number</th></tr><tr><td>3100 Regional Road 56</td><td>1934</td></tr><tr><td>3110 Regional Road 56</td><td>1934</td></tr><tr><td>3120 Regional Road 56</td><td>1934, 1956</td></tr><tr><td>3140 Regional Road 56</td><td>1934, 1956</td></tr><tr><td>Block 131 of Registered Plan of Subdivision 62M-1062</td><td>1934</td></tr></table> <p>The following special provisions apply:</p> <p>a) Notwithstanding the definition of “Front Lot Line” in Section 3, Regional Road 56 shall be deemed the front lot line.</p>	Property Address	Map Number	3100 Regional Road 56	1934	3110 Regional Road 56	1934	3120 Regional Road 56	1934, 1956	3140 Regional Road 56	1934, 1956	Block 131 of Registered Plan of Subdivision 62M-1062	1934	NO	<p>This property was subject to UHOPA-16-019 and ZAC-16-054 for an amendment to the Township of Glanbrook Zoning By-law No. 464. It is subject to an LPAT settlement dated May 7, 2019.</p> <p>These lands were not included in the 2017 CMU Zoning. This property is being included in Zoning By-law No. 05-200 through this amendment. Subject lands to be added to Schedule “A” – Zoning Map of Hamilton Zoning By-law No. 05-200.</p>
Property Address	Map Number														
3100 Regional Road 56	1934														
3110 Regional Road 56	1934														
3120 Regional Road 56	1934, 1956														
3140 Regional Road 56	1934, 1956														
Block 131 of Registered Plan of Subdivision 62M-1062	1934														

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	<p>b) In addition to the definition of “Landscaped Area” in Section 3, Landscaped Areas may also include hydro transformers and similar appurtenances.</p> <p>c) The lands described as 3100, 3110, 3120, 3140 Regional Road 56 and Block 131 of Registered Plan of Subdivision 62M-1062 shall be deemed one lot for zoning purposes.</p> <p>d) In addition to Subsection 5.1 d) i) and 5.6 c), and notwithstanding Subsections 5.1 a) v), 5.2 b) and f), and 5.6 c) i. and iv., the following regulations shall apply:</p> <p>i) The minimum parking space size shall be 3.0 metres in width and 5.8 metres in length.</p> <p>ii) The minimum barrier-free parking space size shall be 4.4 metres in width and 5.8 metres in length, except where two (2) barrier-free parking spaces are located together, a minimum 3.5 metres in width shall be permitted for each space</p> <p>iii) Minimum Parking Requirements</p> <p>i. Residential Uses</p> <table><tr><td>Dwelling Units and</td><td>1 space per unit</td></tr><tr><td>Dwelling Units in Conjunction with a Commercial Use</td><td>0.5 visitor spaces per unit</td></tr></table> <p>iv. Commercial Uses</p> <table><tr><td>All Commercial Uses</td><td>1 for each 30 square metres of Gross Floor Area which accommodates such use</td></tr></table> <p>iv) Minimum Loading Space Requirements</p> <p>1 space</p> <p>e) Notwithstanding Subsection 4.6 a), d), e), and f), the following regulations apply:</p>	Dwelling Units and	1 space per unit	Dwelling Units in Conjunction with a Commercial Use	0.5 visitor spaces per unit	All Commercial Uses	1 for each 30 square metres of Gross Floor Area which accommodates such use		
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	<p>i) Sills, belt courses, cornices, eaves and gutters, chimneys, bay windows, and pilasters may project into any required yard a maximum 3.0 metres; and,</p> <p>ii) Balconies, canopies, fruit cellars, and unenclosed porches may project into any required front, rear or side yard a maximum 3.0 metres.</p> <p>f) In addition to Subsection 10.5a.1, the following uses shall also be permitted:</p> <p>i) Dwelling Unit</p> <p>ii) Multiple Dwelling</p> <p>iii) Private Club or Lodge</p> <p>g) Notwithstanding Subsection 10.5a.1.1 ii) 2., Dwelling Units shall be permitted on the ground floor.</p> <p>h) Notwithstanding Subsections 10.5a.3 a), d), h) x), i), and in addition to Subsection 10.5a.3 j) the following regulations shall apply:</p> <p>i) Maximum Building Setback from a Street Line No Maximum</p> <p>ii) Building Height The maximum building height shall be 11 metres.</p> <p>iii) Built Form for New Development The first storey shall have a minimum height of 3.5 metres and a maximum height of 4.5 metres.</p> <p>iv) Planting Strip Requirements Where a property lot line abuts a property lot line within a Residential Zone or an Institutional</p>		

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	<p>Zone and not a Laneway, a minimum 6.0 metre wide Planting Strip shall be provided and maintained.</p> <p>v) Visual Barrier A Visual Barrier shall also be required where a loading space abuts any Residential or Institutional Zone or a residential or institutional use.</p>		
734	<p>Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Maps 860 and 902 of Schedule "A20" – Zoning Maps and described as 118 Hatt Street, the following special provisions shall apply:</p> <p>a) Notwithstanding Subsection 5.1 a) v) b), the following regulations shall apply:</p> <p>i) A minimum 3.0 metre wide planting strip shall be provided and maintained between the street line and a parking space or aisle, except where the lot is used for a non-residential use, then no planting strip is required.</p> <p>b) Notwithstanding Subsection 10.5.3 a), c) and i), the following regulations shall apply:</p> <p>i) Minimum front yard setback 0.0 metres along McMurray Street and the hypotenuse of the daylight triangle</p> <p>ii) Minimum Flankage (east) Yard Setback 0.0 metres to the hypotenuse of the daylight triangle at the corner of Hatt Street and McMurray Street</p>	NO	<p>Zoning By-law Amendment application to Zoning By-law No. 3581-86 was approved by Council on August 18, 2017.</p> <p>These lands were not included in the 2017 CMU zoning. This property is being included in Zoning By-law No. 05-200 through this amendment. Subject lands to be added to Schedule "A" – Zoning Map of Hamilton Zoning By-law No. 05-200.</p>

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	<p>iii) Minimum 4.5 m Interior Side Yard Setback</p> <p>iv) Planting Strip Requirement A minimum 0.9 metre wide planting strip shall be provided and maintained along the westerly lot line.</p>		
735	<p>Within the lands zoned Arterial Commercial (C7) Zone, identified on Map 1290 of Schedule "A8" – Zoning Maps, and described as 1289 Upper James Street, Hamilton, the following special provisions shall apply:</p> <p>a) In addition to Subsection 10.7.1, the following uses shall also be permitted within the existing building: Office Retail</p> <p>b) In addition to Subsections 4.12.f) i) and 10.7.3, an addition or alteration to a legally existing commercial building containing office or retail uses shall be permitted, to a maximum of 10% of the existing Gross Floor Area existing on the date of passing of By-law.</p>	YES	An amendment to recognize existing retail and office uses on the property was approved through Minor Variance application HM/A-19:458.
737	<p>Within a portion of the lands zoned Rural (A2) Zone, identified on Maps 15 and 16 of Schedule "A22" – Zoning Maps and described as 1092 Gore Road, the following special provisions shall apply:</p> <p>a) In addition to the uses permitted in Section 12.2.1, the following additional uses shall be permitted; motor vehicle collision and repair establishment; and, motor vehicle service station.</p> <p>b) Section 12.6.3 b) to h), j) and k) shall apply to uses in a).</p>	NO	This special exception recognizes the previous Special exception A-23 in the Town of Flamborough Zoning By-law that applied to a portion of the lands. It permitted a motor vehicle repair and a motor vehicle collision centre. This exception was inadvertently omitted at the time of the Rural Zoning project.

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	<p>c) Outdoor storage shall be permitted in association with the uses permitted in a) and shall be screened from view with a visual barrier in accordance with Section 4.19 of this By-law adjacent to the street.</p>		
747	<p>Within the lands zoned Prestige Business Park (M3) Zone, identified on Maps 1451 and 1452 of Schedule "A6" – Zoning Maps, and described as 60 Harbour Road and 1375 Stone Church Road East (in part) the following special provisions shall also apply:</p> <p>a) Notwithstanding Subsection 9.3.1, only the following uses shall be permitted:</p> <ul style="list-style-type: none"> Alcohol Production Facility Aquaponics Artist Studio Biotechnological Establishment Building and Lumber Supply Establishment Building or Contracting Supply Establishment Cannabis Growing and Harvesting Facility Communications Establishment Computer, Electronic and Data Processing Establishment Conference or Convention Centre Contractor's Establishment Courier Establishment Craftsperson Shop Greenhouse Hotel Industrial Administrative Office Laboratory Labour Association Hall Office Pharmaceutical and Medical Establishment 	NO	<p>On February 13, 2020, the Province of Ontario signed Order in Council 228/2020, approving an amendment to the Niagara Escarpment Plan to re-designate the lands (approximately 1.2 ha) from "Escarpment Protection Area" to "Urban Area". The land abuts Lincoln Alexander Parkway to the north and is adjacent to employment uses to the south and east, as well as a Core Area to the west. Based on the foregoing, limited employment uses are appropriate for the use of the lands. This change was captured in the recent UHOP Housekeeping with a Site Specific Policy and a Business Park designation.</p> <p>Given its location adjacent to a natural area, and its proximity to Carmen's Banquet Centre, a small wedding chapel is appropriately recognized as an additional use permitted.</p>

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	<p>Production Studio Repair Service Research and Development Establishment Restaurant Science and Technology Establishment Surveying, Engineering, Planning or Design Business Trade School Tradesperson's Shop Warehouse Wedding Chapel</p> <p>b) The gross floor area of the wedding chapel shall not exceed 300 square metres.</p>		
748	<p>Within the lands zoned Arterial Commercial (C7) Zone, identified on Map 1548 of Schedule "A5" – Zoning Maps, and described as 1603 Rymal Road East the following special provisions shall also apply:</p> <p>a) In addition to Subsection 10.7.1, the following uses shall also be permitted:</p> <p>Retail Personal Services Office Hotel Financial Establishment Medical Clinic Day Nursery</p>	YES	<p>The lands were originally zoned M11 when purchased from the city. The applicant has requested that certain uses that were permitted at the time of purchased to applied to the lands as a site specific provision.</p>
749	<p>Within the lands zoned Neighbourhood Commercial (C2) Zone, identified on Map 1249 of Schedule "A4" – Zoning Maps, and described as 141 King Street East, the following special provisions shall also apply:</p>	NO	<p>This special exception recognizes the previous Special exception GC-5 in Stoney Creek Zoning By-law 3692-92 that applied to the lands. It permitted only professional and business offices or personal service shops within the existing building.</p>

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	<p>a) Notwithstanding Subsections 10.2.1 and 10.2.1.1, only the following uses shall be permitted within the existing building:</p> <p>Office Personal Services</p>		
750	<p>Within the lands zoned Neighbourhood Commercial (C2) Zone, identified on Map 1228 of Schedule “A18” – Zoning Maps, described as 144 Wilson Street East, the following special provisions shall also apply:</p> <p>a) Notwithstanding Subsections 10.2.1 and 10.2.1.1, only the following uses shall be permitted:</p> <p>Office Medical Clinic</p>	NO	This special exception recognizes the previous Special exception C3-674 in Ancaster By-law 87-57 that applied to the lands. It permitted only professional and business offices or medical clinics.
751	<p>Within the lands zoned Settlement Commercial (S2) Zone, identified on Map 107 of Schedule “A19” – Zoning Maps, described as 78 Highway No. 8, the following special provisions shall also apply:</p> <p>a) In addition to Subsection 12.4.1, a maximum of two Dwelling Units shall be permitted in conjunction with a commercial use in the same building.</p>	YES	This special exception recognizes the previous permitted uses under the previous SC Zone of Flamborough By-law 90-145-Z that applied to the lands, which permitted dwelling units in conjunction with a commercial use.