

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: September 25, 2024

CASE NO(S).:

OLT-24-000544

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: West End Home Builders Association, Hammer GP LP and Hammer GP Services Corp. & Cadillac Fairview Corporation
Subject: By-law No. 24-052
Description: To amend the Zoning By-law to expand permitted uses in low density residential zones, create the new low density large lot zone, and introduce new parking standards.
Reference Number: By-law No. 24-052
Property Address: City-Wide
Municipality/UT: Hamilton
OLT Case No.: OLT-24-000544
OLT Lead Case No.: OLT-24-000544
OLT Case Name: West End Home Builders Association et al v. Hamilton (City)

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Hammer GP LP and Hammer GP Services Corp. & Cadillac Fairview Corporation
Subject: By-law No. 24-051
Description: To amend the Zoning By-law to expand permitted uses in low density residential zones, create the new low density large lot zone, and introduce new parking standards.
Reference Number: By-law No. 24-051
Property Address: City-Wide
Municipality/UT: Hamilton
OLT Case No.: OLT-24-000544

OLT Lead Case No.: OLT-24-000544
OLT Case Name: Hammer GP LP and Hammer GP Services Corp. et al v. Hamilton (City)

PROCEEDING COMMENCED UNDER subsection 9(1) of the *Ontario Land Tribunal Act, 2021*, S.O. 2021, c. 4, Sched. 6

Request by: City of Hamilton
Request for: Request for Dismissal Without a Hearing

PROCEEDING COMMENCED UNDER subsection 9(1) of the *Ontario Land Tribunal Act, 2021*, S.O. 2021, c. 4, Sched. 6

Request by: City of Hamilton
Request for: Request for Directions

Heard: July 19, 2024 by Video Hearing

APPEARANCES:

Parties

Counsel

City of Hamilton

Patrick MacDonald

West End Home Builders' Association Denise Baker

Hammer GP LP and
Hammer GP Services Corp.

Nancy Smith
Anna Toumanians (*in absentia*)

Cadillac Fairview Corporation

Max Laskin

The Effort Trust Company

Scott Snider

MEMORANDUM OF ORAL DECISION DELIVERED BY C. I. MOLINARI ON JULY 19, 2024 AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] The Tribunal convened a Case Management Conference (“CMC”) in respect of appeals filed pursuant to s. 34(19) of the *Planning Act* (“Act”) by West End Home Builders’ Association (“WEHBA”), Hammer GP LP and Hammer GP Services Corp. (“Hammer”), and Cadillac Fairview Corporation (“CFC”) (collectively “Appellants”) against the approval by the City of Hamilton (“City”) of City-initiated and City-wide Zoning By-law Nos. 24-051 and 24-052 (“ZBL 051” and “ZBL 052” respectively), being amendments to the City’s comprehensive Zoning By-law No. 05-200 (“ZBL 200”). The Appellants filed the appeals specifically against the electric vehicle parking standards (“EV Parking Standards”) imposed through ZBL 051 and ZBL 052.

[2] ZBL 051 expands the permitted uses in low density residential zones, creates a new low density residential large lot zone, and introduces a definition of ‘Parking Space, Electric Vehicle’ (“EV Parking Space Definition”), while ZBL 052 introduces new comprehensive parking standards on a City-wide basis.

[3] This Decision and Order arise from both the CMC and a motion for partial approval filed by the City seeking approval of certain parts of ZBL 051 and ZBL 052 as detailed in paragraphs [39] to [81] (“Motion for Partial Approval”) below.

NOTICE

[4] An Affidavit of Service sworn on June 25, 2024 (“Affidavit of Service”), attesting to the giving of notice for this proceeding, was marked as **Exhibit 1**. There were no concerns raised regarding the notice and the Tribunal was satisfied that proper notice of this CMC was provided. In this regard, no further notice is required for the appeals.

BILL 185

[5] Although there were no submissions related to Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*, which, among other changes to the Act, limits third-party appeals brought pursuant to s. 34(19) of the Act, the Tribunal confirms that the appeals are valid and can be heard before the Tribunal.

PARTIES / PARTICIPANTS

[6] During the CMC, there were two status requests as discussed below, and no additional requests for Party or Participant status.

Party Status Request

[7] The Tribunal was in receipt of a request for Party status from The Effort Trust Company ("Trust") citing concerns associated with infrastructure and cost challenges related to the EV Parking Standards. The Party status request form also referenced bicycle parking standards ("BPS") and non-residential parking standards as they relate to the EV Parking Standards ("NREVPS"). Mr. Snider explained that the Trust was not aware of the EV Parking Standards in time to file an appeal, but has a direct and specific interest in the EV Parking Standards. He noted that the Trust develops and manages industrial, residential, and commercial projects across the City, has sites with hundreds of parking spaces, and recognizes the sheltering obligations of a non-appellant party.

[8] Mr. MacDonald noted that the BPS are not under appeal and the NREVPS are not under appeal City-wide, and as such, could not be pursued by the Trust pursuant to Rule 8.3 ("Rule 8.3") of the Tribunal's Rules of Practice and Procedure ("Rules"), but that the issue related to the NREVPS could be determined once the Issues List is addressed at a future date. Mr. Snider indicated that it was understood that the BPS are not under appeal. He noted that limiting the NREVPS to a site-specific basis is not reasonable but agreed that the Parties could have those discussions outside of the

hearing room, and that it could be determined at a later date. He added that such determination is not relevant to the request for Party status.

[9] The Trust was granted Party status as a non-appellant Party on consent of the Parties pursuant to ss. 34(24.1) and (24.2) of the Act and in accordance with Rule 8.3 requiring the Trust to shelter under an issue raised by one of the Appellants, in this case being limited to the EV Parking Standards.

[10] It is noted that Rule 8.3 states that a non-appellant Party may participate fully in the proceeding to the extent that the issue being sheltered under remains in dispute, but that the non-appellant Party has no independent status to continue an appeal should the appeal be withdrawn by an appellant Party.

Participant Status Request

[11] The Tribunal also received a request for Participant status from Jasminder Brar, with no cited concerns but requesting the Tribunal to expedite the resolution of the appeals given the urgency of the housing crisis. With the consent of the Parties, Participant status request was granted to Mr. Brar.

ORAL MOTION TO DISMISS

[12] Pursuant to Rule 10.10 of the Rules, the Tribunal granted leave to the City for an oral motion to dismiss appeals filed by Laurie Whitely against ZBL 051 and ZBL 052 (Ms. Whitely also filed an appeal against Zoning By-law No. 24-050 related to the City's Official Plan Amendment No. 202 ("OPA 202"), which does not form part of these proceedings).

[13] Rules 10.5 of the Rules requires a notice of motion to be served at least 15 days before the date of the motion to be held in person or by electronic hearing unless the Tribunal orders otherwise. The City sought, and was granted, an abridgement of the notice requirements of Rule 10.5 to allow for the motion to be brought at the CMC, due

to the City's lateness in becoming aware of the circumstances related to Ms. Whitely's appeals, as addressed below in paragraphs [16] to [26].

[14] The materials before the Tribunal on the motion to dismiss are:

- Ms. Whitely's notice of appeal ("NOA"); and
- emails between the City and Ms. Whitely dated May 15, 2024 and May 16, 2024.

[15] The grounds of appeal listed in Ms. Whitely's NOA are the following:

- a) No formal constituency vote re: amalgamation of the Communities of Ancaster, Flamborough, Glanbrook, former City of Hamilton, and Stoney Creek. It was ordered by then Premier Mike Harris in 2001
- b) No formal constituency vote re: Sanctuary City status – 2014
- c) No formal constituency vote re: Zoning By-Law Amendments to Urban Hamilton Official Plan
- d) 4,823 petition signatures opposing proposed development of 1065 Paramount Drive.
- e) Freedom of Information Document sent to City of Hamilton, Planning Department February 23, 2024, requesting initial report given to Mr. John Ariens (Mikmada (Paramount) Inc. (Approximately December 2023) regarding nondecision, Public has not been privy to this report – to date No Results
- f) February 2024 – Contact with Integrity Officer Mr. Charles Brown regarding Conflict of Interest between Arcadis (Mikmada (Paramount) Inc.) and City of Hamilton as employees of Arcadis are working within the City of Hamilton (City Hall)
- g) See attached presentation submitted by myself to the OLT (Ontario Land Tribunal) opposing proposed development at 1065 Paramount Drive. Initial hearing date scheduled for March 26, 2024, but adjourned by the City of Hamilton. To date no new date set. (Encl.)

Submissions by the Moving Party

[16] Mr. MacDonald advised that Ms. Whitely filed her appeals before the May 9, 2024 deadline for filing an NOA under s. 34(19) of the Act, and had subsequently withdrawn her appeals on May 15, 2024 via email to him in response to an email from the City to her explaining, and providing reasons, why the grounds of her appeals could not be addressed by the Tribunal. He submitted that he had advised her to notify the City Clerk's Department ("Clerk's Department") in writing of the withdrawal of her

appeals. He noted that, although she did not so notify the Clerk's Department, the City did not forward her NOA to the Tribunal as she had withdrawn her appeals within 15 days after the last day for filing an NOA, and the City was therefore not required to forward the material to the Tribunal pursuant to ss. 34(23) to 34(23.3) of the Act.

[17] With respect to the need for Ms. Whitely to notify the Clerk's Department of her withdrawal, Mr. MacDonald submitted that such step is administrative in nature, not explicitly required by the Act, and that Rule 1.3 of the Rules ("Rule 1.3") provides that matters be adjudicated in a just manner without requiring strict adherence to the Rules. He furthered that it is reasonable for the City and the other Parties to rely on her words in her email "I withdraw my Appeal", and that it would be prejudicial otherwise.

[18] Mr. MacDonald further advised that the City had subsequently operated on the basis that her appeals had been withdrawn, noting that Ms. Whitely did not notify him at any time after her email withdrawing her appeals to state that she did not intend to do so, until July 17, 2024 when she advised the City, via email, that she intended to appear at the CMC to proceed with her appeals. He indicated that this necessitated the City to proceed with the oral motion to dismiss her appeals on the basis that the reasons set out in the NOA do not disclose any apparent land use planning grounds upon which the Tribunal could allow all or part of the appeals. He added that her planning concerns are focused on 1065 Paramount Drive, which is the subject of a separate site-specific appeal to which she is seeking status (Tribunal file no. OLT-24-000051) ("1065 Paramount"), and to which neither ZBL 051 nor ZBL 052 would have any impact.

[19] Regarding notice of the CMC, Mr. MacDonald conceded that the City did not provide her with notice despite her being on the list of persons to be notified of the CMC, as the list noted her appeal as having been withdrawn. He added however, that there was no prejudice to her as she did ultimately receive notice in time for the CMC, was in attendance, and able to speak to the issue.

[20] Mr. MacDonald submitted that the Tribunal has the power, under s. 34(25)1.i. of the Act, to dismiss an appeal if there are no apparent land use planning grounds upon which the Tribunal could allow the appeal. He maintained that the reasons cited in the NOA are not grounds that the Tribunal has jurisdiction to adjudicate, and that, among the reasons listed, there is no reference to any section in ZBL 051 or ZBL 052. He noted that, other than a reference to 1065 Paramount, which is not the subject of these proceedings, the grounds for appeal are largely with reference to City processes, public engagement, a freedom of information request, and a complaint related to the City's integrity officer, of which none are land use planning related issues. Additionally, he noted that there is no reference in the NOA to a lack of consistency with the Provincial Policy Statement, 2020 ("PPS"), a lack of conformity with the A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 as amended ("Growth Plan"), or an applicable official plan, and that the silence on this is relevant and serves as another ground for dismissal under s. 34(25)3 of the Act.

[21] Citing ss. 19(1)(c) and (d) of the *Ontario Land Tribunal Act, 2021* ("OLTA"), Mr. MacDonald noted that the Tribunal may dismiss an appeal without a hearing "if the Tribunal is of the opinion that the proceeding has no reasonable prospect of success" or "in any circumstance listed in subsection 4.6(1) of the *Statutory Powers Procedure Act*". Specifically, he referenced s. 4.6(1)(b) of the *Statutory Powers Procedure Act* ("SPPA") which provides for the Tribunal to dismiss a proceeding without a hearing if "the proceeding relates to matters that are outside the jurisdiction of the tribunal". He proffered that Ms. Whitely's appeals have no reasonable prospect of success given the substance of the grounds of appeal, and that they are outside the jurisdiction of the Tribunal.

[22] Mr. MacDonald noted that, since her NOA was not forwarded to the Tribunal, Ms. Whitely's appeals did not go through the Tribunal's validity screening process, and that it is possible that the appeals would have been rejected by the Tribunal. Further, he noted that, although she sought relief from the appeal fee, the fee was not paid and the relief was not remedied. Additionally, Mr. MacDonald submitted that Ms. Whitely

has not suggested that the City did not follow all requirements of the Act for notice of the public meetings, of the passing of ZBL 051 or ZBL 052, or of anything covered in the Affidavit of Service.

[23] Mr. MacDonald referenced case law including *Toronto (City) v East Beach Community Assn.*, 1996 CarswellOnt 5740 (OMB) (“East Beach”) and *Clayton v Hamilton (City)*, 2022 CanLII 48568 (ON LT) (“Clayton”) in support of the motion to dismiss.

[24] With respect to East Beach, Mr. MacDonald noted the high-level principles for motions to dismiss that are still relevant and have expanded since East Beach, including that:

- there must be genuine, legitimate, and authentic land use planning reasons in the NOA; and
- the Tribunal must determine whether there is any authenticity in the grounds for appeal and whether they are worthy of the adjudicative process.

[25] With respect to Clayton, Mr. MacDonald quoted Shakespeare’s “what’s past is prologue” phrase in reference to notice requirements, stating that a mere defect in procedural notification is not fatal to the outcome of a matter, and that appellants are required to lead contrary evidence and not merely rest their case on dissatisfaction with the planning approval process in general, which the Tribunal has no power to remedy.

[26] Mr. MacDonald summarized that Ms. Whitely’s concerns are largely related to 1065 Paramount, that the broader issues are not land use planning matters on which the Tribunal can rule, and that she previously withdrew her appeal. Citing Rule 1.3 which provides for the Rules to be “liberally interpreted to offer the best opportunity for a fair, just, expeditious and cost-effective resolution of the merits of the proceedings”, he

proffered that the most just resolution is to allow for the dismissal of Ms. Whitely's appeal.

Submissions by the Responding Party

[27] Ms. Whitely provided some context around her appeal noting that, although having advised Mr. MacDonald via email that she would withdraw her appeal, she ultimately decided not to, and didn't officially withdraw it through the Clerk's Department, as she was advised to do by Mr. MacDonald. Based on subsequent emails with the Clerk's Department, she was therefore under the assumption that her appeal had been forwarded to the Tribunal. She added that she only learned of the CMC through inquiring through email to the Clerk's Department about the status of her appeal, noting that she did not receive notice of the CMC from the City or the Tribunal.

[28] Ms. Whitely noted that although the reasons for her appeal may not pertain specifically to ZBL 051 or ZBL 052, she wanted an opportunity to address her concerns with the Tribunal related to the "sweeping nature of notices and by-laws that are going through".

[29] In response to the City's motion to dismiss her appeals, Ms. Whitely only offered that she submitted the appeals as a resident of the City and believes she has a right to continue the appeal process.

Disposition of Motion to Dismiss

[30] The City put forth a fulsome and comprehensive argument as to the merits for the dismissal of Ms. Whitely's appeals. Ms. Whitely's submissions and response to the City's submissions amounts to no defense against the motion and provides no basis on which the motion could be denied, particularly since she did not address ZBL 051 or ZBL 052 in her appeal or in her submissions. In addition, Ms. Whitely did not submit the referenced emails from the Clerk's Department notifying her that her appeals had been forwarded to the Tribunal, nor does the Tribunal have record of her appeals.

[31] The Tribunal finds that the appeals were withdrawn by Ms. Whitely by way of her email to the City sent on May 15, 2024, and that they are therefore not validly before the Tribunal. That she did not contact the Clerk's Department in writing of her withdrawal is not determinative, nor does it negate the withdrawal of the appeals. In this circumstance, the Tribunal is therefore not required to determine the motion to dismiss. For certainty however, even if the appeals were to be determined to be validly before the Tribunal, they would be dismissed based on the reasons given below.

[32] The Tribunal's jurisdiction to dismiss an appeal without a hearing is established in s. 34(25) of the Act, including, among other grounds, if the Tribunal is of the opinion that "the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Tribunal could allow all or part of the appeal", or if the "appellant has not paid the fee charged by the Tribunal".

[33] In addition, s. 19(1) of OLTA provides the authority for the Tribunal to dismiss an appeal without a hearing if it is of the opinion that the proceeding has "no reasonable prospect of success". Additionally, as authorized by s. 4.6(1) of the SPPA, Rule 15.4 of the Rules provides for the Tribunal to dismiss a matter by adjudicative order where the appeal deals with matters that are outside the jurisdiction of the Tribunal.

[34] These grounds for dismissing an appeal are disjunctive and the Tribunal need only find that one of the grounds set out in the Act, OLTA, or the SPPA is met to warrant dismissing an appeal.

[35] Although the Tribunal understands that Ms. Whitely is self-represented and may be relatively inexperienced in land use planning matters and the Tribunal's appeal processes, in bringing an appeal before the Tribunal it is necessary for an appellant to put forward a legitimate evidentiary case to support an appeal. In this case, based on her grounds of appeal, it would be impossible for her to mount such a case within the purview of land use planning.

[36] The Tribunal is mindful that allowing an appeal to proceed to a full hearing where there is no likelihood that the appeal would be upheld would be patently unfair to the City and the Appellants. In the circumstances, the Tribunal would not be satisfied there would be a reasonable prospect for the appeal to be successful nor that there would be any land use planning basis for the appeal, and therefore, the holding of a hearing on the merits would not be justifiable.

[37] In this respect, although Ms. Whitely could have sought to be added as a party to the existing appeals, she did not request to be added, and the Tribunal would not have granted such a request for the reasons provided above.

[38] Furthermore, it is noted that neither the appeals by Ms. Whitely, nor the findings by the Tribunal on her appeals, impact the disposition of the Tribunal on the Motion for Partial Approval.

MOTION FOR PARTIAL APPROVAL

[39] The City filed an additional motion, on consent of the Appellants, seeking an order for partial approval, and for the deeming of parts of ZBL 051 and ZBL 052 to be in force. Specifically, the relief requested is for:

- a. An approval of a settlement of the appeals of City of Hamilton Zoning Bylaw 24-051 pursuant to subsection 34(26)(b) of the *Planning Act* by deleting the definition "Parking Space, Electric Vehicle" (which will allow for the coming into force of the remainder of said by-law pursuant to subsection 34(30) of the *Planning Act* following the withdrawal of all remaining appeals thereof); and
- b. An order pursuant to subsection 34(31) of the *Planning Act* to bring into force those parts of City of Hamilton Zoning By-law 24-052 that are not under appeal which are in the form of the draft orders attached as Tabs 3 and 4 to the City's Motion Record;

[40] An Affidavit of Service and supplemental Affidavit of Service sworn on July 9, 2024 and July 19, 2024 respectively, attesting to the service of the City's motion material and supplemental motion material, were marked as **Exhibits 2 and 4**. There

were no concerns raised regarding the notice and the Tribunal was satisfied that proper notice of the motion was provided.

[41] The materials before the Tribunal on the motion for partial approval are:

- Notice of Motion of the City dated July 4, 2024, including:
 - an Affidavit of Alana Fulford sworn on June 28, 2024; and
 - draft Orders for ZBL 051 and ZBL 052;
- Supplemental Affidavit of Alana Fulford sworn on July 17, 2024 (“Supplemental Affidavit”); and
- Revised draft Order for ZBL 052.

[42] The grounds for the motion are summarized as:

- significant public interest in the implementation of ZBL 051 and ZBL 052, which make amendments to ZBL 200;
- the City passed ZBL 051 and ZBL 052 on April 10, 2024 and subsequently the Appellants filed their appeals;
- there is public interest in having the uncontested portions of ZBL 051 and ZBL 052 come into force as soon as possible; and
- the Appellants consented to the motion and the form of the draft orders attached to the Supplemental Affidavit, and there is no prejudice to the Appellants if those parts of ZBL 051 and ZBL 052 that are not under appeal come into force.

[43] The Motion for Partial Approval was supported by submissions by Ms. Fulford, Acting Senior Project Manager in the Planning Division of the City, and supplemented with her sworn Affidavit addressing ZBL 051 and ZBL 052, as well as her supplemental Affidavit addressing ZBL 052. Ms. Fulford was qualified to provide expert opinion evidence on matters pertaining to land use planning. She adopted her Affidavit and supplemental Affidavit as part of her evidence and advised that she authored the City staff report on ZBL 051 and ZBL 052 ("Staff Report"), of which she adopted the findings as her professional opinion.

[44] The Tribunal was not in receipt of any responding material as the Appellants were in agreement with the Motion. Mr. MacDonald advised that a copy of the motion material was provided to Ms. Whitely but not to Mr. Snider, as the Trust was not then a Party to the proceedings.

Motion for Partial Approval as it relates to ZBL 051

[45] Ms. Fulford advised that the EV Parking Space Definition in ZBL 051 was appealed by all of the Appellants and that the definition would be a new addition to ZBL 200 as it did not previously include such a definition. She clarified that no other section of ZBL 051 was appealed.

[46] It was Ms. Fulford's account that the inclusion of the EV Parking Space Definition within ZBL 051 was inadvertent, as all related sections that implement the definition, as well as the definition itself, are included in ZBL 052. Further, the definition, as part of ZBL 052, was also appealed by the Appellants.

[47] To effect a settlement of the appeals to ZBL 051, Ms. Fulford advised that the City sought its approval with the deletion of the EV Parking Space Definition. This would allow for the coming into force of ZBL 051 following the withdrawal of all appeals against it, while the Appellants would maintain their objections to the EV Parking Space Definition through their appeals to ZBL 052.

[48] Ms. Fulford opined that, as detailed in the Staff Report, ZBL 051 is consistent with the PPS, and conforms to the Growth Plan, the Urban Hamilton Official Plan (“UHOP”), OPA 202, the Rural Hamilton Official Plan (“RHOP”), and the Hamilton-Wentworth Regional Official Plan (“ROP”). Further, in the Staff Report, Ms. Fulford proffered that ZBL 051 (and ZBL 052) supports a sustainable form of infill development and creates additional opportunities for intensification within existing buildings without the need for major redevelopment in areas already serviced and with access to the existing transportation network.

[49] Ms. Fulford opined that, as the EV Parking Space Definition remains under appeal in ZBL 052, and all parking standards and requirements related to that definition are found within ZBL 052, the approval of ZBL 051, with the deletion of the EV Parking Space Definition, represents good land use planning.

[50] Mr. MacDonald requested that wording be added to the Order to allow for the coming into force of the remainder of ZBL 051 pursuant to s. 34(30) of the Act following the withdrawal of all remaining appeals.

Disposition of Motion for Partial Approval as it relates to ZBL 051

[51] As all Appellants were in agreement with the Motion as it relates to ZBL 051, and no responding motion material was filed, the Tribunal accepted the uncontroverted evidence of Ms. Fulford.

[52] Given that there were no appeals against any section of ZBL 051 other than the EV Parking Space Definition, and the EV Parking Space Definition remains under appeal in ZBL 052, the Tribunal agreed with the evidence and submissions of the City, as supported by the Appellants, and determined that the most efficient resolution of the appeals against ZBL 051 is to delete the EV Parking Space Definition and deem the remainder of ZBL 051 to have come into force as of April 10, 2024 (the date of passage by City Council), pursuant to s. 34(30) of the Act.

[53] It is the Tribunal's determination that by allowing the appeal and deleting the EV Parking Space Definition, which in the words of s. 34(30) of the Act would finally dispose of the appeals, it is not necessary to require the withdrawal of the appeals for ZBL 051 to come into effect.

Trust Request related to ZBL 052

[54] Mr. Snider advised that he was provided with a copy of the Supplemental Affidavit ahead of the CMC. He noted that the motion seeks partial approval of certain aspects of ZBL 052 that are intended to be site-specific, to which he would like the opportunity to file responding motion material. In that respect, he requested the Tribunal to not approve sections 5.1.4 d) and e), and section 5.7.4 a) ii. of ZBL 052 ("Certain Subsections") on a City-wide basis until such time as he has had the opportunity to respond to the motion before the Tribunal at a later date.

[55] Mr. MacDonald noted that the Trust is beholden to the issues of the Appellants pursuant to Rule 8.3, which, for the Certain Subsections, are only under appeal on a site-specific basis, and therefore can't be broadened by the Trust to be under appeal City-wide. He added that there is significant support for the Certain Subsections and that, notwithstanding that they would be in force on a City-wide basis, they would remain unimplementable by the City until the EV Parking Space Definition is determined through a settlement or merit hearing.

[56] The Tribunal stood down to provide an opportunity for Mr. Snider and Mr. MacDonald to have a private discussion regarding Mr. Snider's request, although no resolution between the Parties was achieved.

[57] Mr. Snider stressed that this request would not impact the coming into force of the remainder of ZBL 052 on a City-wide basis and that Rule 8.3 is simply a Rule of the Tribunal, not a statutory provision, and is subject to the discretion of the Tribunal. He added that, as none of the provisions of the Certain Subsections can be implemented

until the EV Parking Space Definition is determined, there is no prejudice to the City or any other Party.

[58] In response, Mr. MacDonald noted the intent of Rule 1.3 is to offer the most just resolution of the appeals, and that the City would be prejudiced if the appeals of the Certain Subsections were to be widened to a City-wide basis.

[59] Mr. Snider made a final submission that the City could pursue all their points at a future motion hearing on the matter, no other Party had raised a concern with his request, Rule 1.3 also applies to his request, and it would not be fair to his client for him to have to argue against the motion today without filing materials in support of his request.

Disposition of Trust Request related to ZBL 052

[60] The Tribunal considered the submissions of both Mr. Snider and Mr. MacDonald and found that the Trust, as an added Party sheltering under the issues of an appellant Party in accordance with Rule 8.3, cannot pursue a City-wide appeal of the Certain Subsections as such is not under appeal on a City-wide basis by any of the Appellants.

[61] The Tribunal agrees that Rule 1.3 is applicable to the request of Mr. Snider, but found that his request does not offer the best opportunity for a fair, just, expeditious, and cost-effective resolution of the merits of the proceedings. In fact, it does the opposite as, in effect, it seeks to delay the proceedings to mount an argument to widen the scope of an issue from site-specific to City-wide, thereby introducing a new issue in the proceeding as prohibited by Rule 8.3.

[62] The request by the Trust was therefore denied at the CMC and the Tribunal will not reserve its decision on the Certain Subsections.

Motion for Partial Approval as it relates to ZBL 052

[63] Ms. Fulford advised that the following sections of ZBL 052 were appealed on a City-wide basis:

1. Section 3 – EV Parking Space Definition (appealed by CFC, Hammer and WEHBA);
2. Section 5.1.4 a) and c) (appealed by Hammer and WEHBA); and
3. Section 5.7.4 a) i. (appealed by CFC, Hammer and WEHBA).

[64] Ms. Fulford further advised that the following sections of ZBL 052 were appealed on a site-specific basis:

1. Sections 5.1.4 a), c), d), and e) (appealed by Hammer with respect to 75 Centennial Parkway North);
2. Section 5.7.1 a) i. regarding subsection b) of the Minimum Required Parking Rate Schedule for “Multiple Dwelling; Dwelling Unit, Mixed use, where the total number of such units is 5 or greater” (appealed by CFC with respect to 999 Upper Wentworth Street); and
3. Section 5.7.4 a) ii. (appealed by CFC with respect to 999 Upper Wentworth Street and Hammer with respect to 75 Centennial Parkway North).

[65] Ms. Fulford confirmed that the sections of ZBL 052 that are appealed on a City-wide basis are limited to the EV Parking Space Definition and the EV Parking Standards, while the sections appealed on a site-specific basis are limited to parking rates and the EV Parking Standards.

[66] Ms. Fulford advised that, other than the specific sections of ZBL 052 that are under appeal as identified above, ZBL 200, as amended by the remainder of ZBL 052 without the EV Parking Space Definition and the EV Parking Standards, can function on a City-wide basis and can therefore be implemented through approval of the unappealed portions of ZBL 052.

[67] Ms. Fulford confirmed that the sections of ZBL 052 that are not implementable until the EV Parking Space Definition is in force are not intended to be enforced by the City in the interim.

[68] Ms. Fulford opined that, as detailed in the Staff Report, the sections of ZBL 052 not under appeal have regard to matters of provincial interest pursuant to s. 2 of the Act, are consistent with the PPS, conform with the Growth Plan, the UHOP, OPA 202, the RHOP, and the ROP. As detailed in paragraph [48] above, ZBL 052 creates additional opportunities for intensification and infill development.

[69] Ms. Fulford further opined that the approval of ZBL 052, with the exception of the sections under appeal, represents good land use planning and is in the public interest.

Trust Submissions related to ZBL 052

[70] Mr. Snider submitted that the only evidence the Tribunal has with respect to the EV Parking Standards is that none of the provisions are implementable until such time as the EV Parking Space Definition has been resolved through the appeal process. He furthered that, without the definition, it is not possible to understand the impact of the EV Parking Standards, and therefore, it is not in the public interest, nor is it good land use planning for the Tribunal to approve them. He added that the EV Parking Standards would be an in-force requirement that, by force of the *Building Code Act*, would prevent the issuance of a building permit by the City's Chief Building Official ("CBO") due to the unresolved EV Parking Space Definition. He furthered that having the EV Parking Standards in place, without the EV Parking Space Definition, would be applicable law and would need to be complied with. In this respect, he posited that the

approval of ZBL 052, with the EV Parking Standards but without the EV Parking Space Definition, results in bad land use planning.

[71] Mr. Snider submitted that the EV Parking Standards should therefore not be approved by the Tribunal until they can be implemented when the EV Parking Space Definition has been determined.

[72] Mr. MacDonald countered that the evidence of Ms. Fulford was that the City will not be imposing the EV Parking Standards until the EV Parking Space Definition is in force, either by a resolution of the Appeals or through a merit hearing. In this respect, he proffered that, until such time, the EV Parking Standards being unimplementable would be to the benefit of any applicant seeking development approvals, as they would not be required to provide electric vehicle parking spaces. He posited that the approval of ZBL 052, with the EV Parking Standards being unimplementable, is in the public interest, as it allows for the unappealed portions of ZBL 052 to come into force. He furthered that the City is not intending to do what Mr. Snider is suggesting might happen, and that the City could issue a Zoning Interpretation Memo ("ZIM") to address this issue, noting that ZIMs are regularly prepared by the City to guide the CBO in the issuance of building permits.

[73] Ms. Baker then proffered a potential resolution of the issue with the suggestion for the issuance of an order granting partial approval of the unappealed portions of ZBL 052, other than the EV Parking Standards and EV Parking Space Definition, and a contingent order for the EV Parking Standards to come into force and effect once the EV Parking Space Definition comes into force and effect. She added that the Appellants are currently in mediation and anticipate a mediated resolution of the matter, or if not, a resolution through a merit hearing. In this respect, she proffered that a contingent order would resolve the issue of the EV Parking Standards being in force, yet unimplementable.

[74] Mr. Snider made a final submission suggesting that a contingent order is not appropriate in the circumstances as it would continue to create unnecessary uncertainty, and without the EV Parking Space Definition, the context of the EV Parking Standards would remain unknown. He added that there is no need, and no planning evidence, to support the EV Parking Standards until it is considered as a comprehensive package.

Disposition of Trust Submissions related to ZBL 052

[75] Similar to the findings related to the earlier request of the Trust, the Tribunal found that the Trust, as an added Party sheltering under the issues of an appellant Party in accordance with Rule 8.3, was attempting to widen site-specific appeals of the Certain Subsections to a City-wide appeal by raising an issue that no other appellant Party has raised, and that the City does not agree is an issue. Similarly, the Tribunal found that, with respect to Rule 1.3, Mr. Snider's request does not offer the best opportunity for a fair, just, expeditious, and cost-effective resolution of the merits of the proceedings, but does the opposite as, in effect, it seeks to introduce a new issue in the proceeding as prohibited by Rule 8.3.

[76] Further, the Tribunal cannot create appeal rights. Allowing the request for the Certain Subsections to be determined under appeal on a City-wide basis, would effectively allow the Trust to widen the scope of the appeals from site-specific to City-wide, thus creating an appeal right that is not prescribed by legislation. In essence, if the Trust wished to have the Certain Subsections under appeal on a City-wide basis, it should have filed an appeal.

[77] The request by the Trust was therefore denied at the CMC, and the Tribunal will not provide for the consideration of the Certain Subsections on a City-wide basis, contingent on future consideration of the EV Parking Standards and the EV Parking Space Definition.

Disposition of Motion for Partial Approval as it relates to ZBL 052

[78] Given that there were no appeals against any remaining sections of ZBL 052 other than those sections listed in paragraphs [63] and [64], and as the Appellants were in agreement with the Motion as it relates to ZBL 052, and no responding motion material was filed, the Tribunal accepted the uncontroverted evidence of Ms. Fulford.

[79] The Tribunal agreed with the evidence and submissions of the City, as supported by the Appellants, and is satisfied that the sections of ZBL 052 not under appeal have regard to matters of provincial interest pursuant to s. 2 of the Act, are consistent with the PPS, conform with the Growth Plan, the UHOP, OPA 202, the RHOP, and the ROP, represent good land use planning and are in the public interest.

[80] In that respect, the Tribunal finds that ZBL 052, with the exception of the sections under appeal and the unappealed EV Parking Standards applicable on a City-wide basis, should be deemed to have come into force on the day it was passed by City Council, being April 10, 2024.

[81] Further, the Tribunal finds that the unappealed EV Parking Standards applicable on a City-wide basis should be subject to a contingent order to be deemed to come into force and effect at the same time as EV Parking Space Definition comes into force and effect.

NEXT STEPS

[82] Mr. MacDonald advised the Tribunal that the Appellants were currently engaged in mediation efforts to resolve the appeals. The Appellants have had one mediation session and are scheduled for a second session. It was the wish of the Appellants to schedule a second CMC once the second mediation session has taken place. As such, no subsequent hearing dates were set at the CMC.

ORDER

[83] The Tribunal conferred Party status on The Effort Trust Company as a non-appellant Party sheltering under an issue raised by an appellant Party pursuant to Rule 8.3 of the Tribunal's *Rules of Practice and Procedure*.

[84] The Tribunal conferred Participant status on Jasminder Brar.

[85] The Tribunal determined that the appeals filed by Laurie Whitely were withdrawn within 15 days after the last day for filing a notice of appeal, and as such, was not before the Tribunal.

[86] **THE TRIBUNAL ORDERS THAT:**

1. The appeals against Zoning By-law No. 24-051 of the City of Hamilton are allowed, in part, and the by-law is amended by the deletion of the Section 3 definition of "Parking Space, Electric Vehicle" as set out in **Attachment 1** to this Order and is deemed to have come into force on the day it was passed, being April 10, 2024, in accordance with subsection 34(30) of the *Planning Act*.
2. The coming into effect of Zoning By-law 24-051 shall be strictly without prejudice to, and shall not have the effect of the following, with respect to appeals of City of Hamilton Zoning By-law 24-052:
 - a. limiting the resolution of an Appellant's appeal;
 - b. affecting a Party's right, to seek to modify, delete or add to the unapproved associated text; or

- c. limiting the jurisdiction of the Tribunal to consider and approve modifications, deletions or additions on a general or site-specific basis.
3. The amendment to and coming into force of By-law 24-051, as described in this, Order is strictly without prejudice to the positions taken by the Parties, including the City, on any appeal of Zoning By-law 24-052 so that if those appeals proceed to a hearing, either on their own or as may be consolidated with other appeals, the Appellants will not take the position that the Tribunal ought not to approve modifications to the Section 3 definition of “Parking Space, Electric Vehicle”, on the basis that such definition was deleted from By-law 24-051. However, this does not affect the City’s right to assert that that said definition within By-law 24-052 should be applied on a City-wide or site-specific basis without modification on the basis that it constitutes good planning.

[87] THE TRIBUNAL ORDERS THAT:

1. The appeals against Zoning By-law No. 24-052 of the City of Hamilton are allowed, in part, and the by-law is amended as set out in **Attachment 2** to this Order and is deemed to have come into force on the day it was passed, being April 10, 2024, in accordance with subsection 34(31) of the *Planning Act*, save and except for:
 - a. those sections thereof that remain under appeal on a City-wide basis as shown in **Attachment 2** to this Order;
 - b. Section 5.7.1(a)(i) “Multiple Dwelling; Dwelling Unit, Mixed use, where the total number of such units is 5 or greater”, subsection (b), and 5.7.4(a)(ii), with respect to the lands known municipally as 999 Upper Wentworth Street, as shown on **Attachment 3**, attached hereto;

- c. Sections 5.1.4(a), (c), (d) and (e) and 5.7.4(a)(i) and (ii), with respect to the lands known municipally as 75 Centennial Parkway North, as shown on **Attachment 4**, attached hereto; and
 - d. The sections noted in subparagraph [87] 2. below, which shall come into force at a future date as described therein.
- 2. The following sections of Zoning By-law 24-052 shall be deemed to come into force on all lands within the City other than 999 Upper Wentworth Street and 75 Centennial Parkway North at such time as the Section 3 definition of "Parking Space, Electric Vehicle" is in force, either through a future order of the Tribunal (which may include any modifications to such definition) or the withdrawal of any appeals of such definition, resulting in its coming into force without modification:
 - a. Sections 5.1.4(b), (d) and (e); and
 - b. Sections 5.7.4(a)(ii).
- 3. The coming into effect of portions of Zoning By-law 24-052 shall be strictly without prejudice to, and shall not have the effect of:
 - a. limiting the resolution of an Appellant's appeal;
 - b. affecting a Party's right, to seek to modify, delete or add to the unapproved associated text; or
 - c. limiting the jurisdiction of the Tribunal to consider and approve modifications, deletions or additions on a general or site-specific basis.

4. The coming into force of Section 5.7.1(a)(i) and 5.7.4(a)(ii) on certain lands in the City is without prejudice to the outstanding site-specific appeal of those provisions by Cadillac Fairview Corporation with respect to its property located at 999 Upper Wentworth Street, Hamilton, as shown on **Attachment 3**, attached hereto, and shall not have the effect of limiting that Appellant's rights to litigate those provisions as they relate to such lands, subject to subparagraph [87] 6. herein.
5. The coming into force of Sections 5.1.4(d) and (e) and 5.7.4(a)(ii) on certain lands in the City is without prejudice to the outstanding site-specific appeal of those provisions by Hammer GP LP and Hammer GP Services Corp. with respect to its property located at 75 Centennial Parkway North, Hamilton, as shown on **Attachment 4**, attached hereto, and shall not have the effect of limiting that Appellant's rights to litigate those provisions as they relate to such lands.
6. The City will not take the position that the Tribunal ought not to approve site-specific modifications to By-law 24-052 on the basis that they deviate from or are inconsistent with By-law 24-052 as in effect for other lands; however, this does not affect the City's right to assert that the in-effect provisions should be applied to any lands under a site-specific appeal without modification on the basis that they constitute good planning.
7. Notwithstanding anything ordered above, the City has not conceded that the following portion of By-law 24-052 that has not come into force and that is not deemed in effect is properly under appeal and the City has reserved the right to bring motions or take any other action to have the

breadth and scope of such appeal determined by the Tribunal at a future date:

- a. Section 5.7.4(a)(ii), with respect to the property known as 999 Upper Wentworth Street, as shown on **Attachment 3**, attached hereto.

[88] **THE TRIBUNAL ORDERS THAT** the sections of Zoning By-law No. 234-052 that remain under appeal shall be determined through settlement efforts or merit hearings.

[89] In all other respects, the Tribunal orders that the appeals are dismissed.

[90] No further notice is required.

[91] The Member is not seized for a settlement or merit hearing for the sections of Zoning By-law No. 24-052 that remain under appeal.

"C. I. Molinari"

C. I. MOLINARI
MEMBER

Ontario Land Tribunal

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT 1

Authority: Item 4, Planning Committee Report 24-003 (PED22154(a))
 CM: March 27, 2024 Ward: City Wide
 Written approval for this by-law was given by Mayoral Decision MDE-2024 10
 Dated April 10, 2024
Bill No. 051

CITY OF HAMILTON

BY-LAW NO. 24-051

To Amend Zoning By-law No. 05-200 for Updates and Amendments to the Low Density Residential (R1) and Low Density Residential – Small Lot (R1a) Zones, and Creation of a new Low Density Residential – Large Lot (R2) Zone, Repeal and Replacement of Section 5: Parking, and Associated Technical Amendments

WHEREAS Council approved Item 4 of Report 24-003 of the Planning Committee, at its meeting held on March 27, 2024;

AND WHEREAS this By-law conforms with the Urban Hamilton Official Plan upon adoption of Official Plan Amendment No. 202;

NOW THEREFORE Council amends Zoning By-law No. 05-200 as follows:

1. That Schedule "A" – Zoning Maps, Map Nos. are amended by adding lands to the Low Density Residential (R1) Zone, Low Density Residential – Small Lot (R1a) Zone, Low Density Residential – Large Lot (R2) Zone, for the lands the extent and boundaries of which are shown on Schedule "A1-A157" to this By-law.
2. That Section 1: Administration, Section 3: Definitions, Section 4: General Provisions, Section 15.1 Low Density Residential (R1) Zone and Section 15.2 Low Density Residential (R1a) Zone be amended in accordance with Schedule "B" attached to this By-law.
3. That the following new section be added to Section 15: Residential Zones:

"15.3 LOW DENSITY RESIDENTIAL – LARGE LOT (R2) ZONE"

Explanatory Note: The R2 Zone applies to low density residential areas where lots are predominantly larger than those in the R1 Zone and often located on roads with a rural cross section. The intent of the R2 Zone is to permit a range of low density residential housing types to meet the needs of the residents of the city.

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Low Density Residential – Large Lot (R2) Zone for any purpose other

To Amend Zoning By-law No. 05-200 for Updates and Amendments to the Low Density Residential (R1) and Low Density Residential – Small Lot (R1a) Zones, and Creation of a new Low Density Residential – Large Lot (R2) Zone, Repeal and Replacement of Section 5: Parking, and Associated Technical Amendments

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than one or more of the following uses or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

15.3.1 PERMITTED USES

Community Garden
Day Nursery
Duplex Dwelling
Fourplex Dwelling
Lodging House
Residential Care Facility
Retirement Home
Semi-Detached Dwelling
Single Detached Dwelling
Street Townhouse Dwelling
Triplex Dwelling
Urban Farm

15.3.2 REGULATIONS

15.3.2.1 SINGLE DETACHED, DUPLEX DWELLING, TRIPLEX DWELLING, DAY NURSERY, LODGING HOUSE, RESIDENTIAL CARE FACILITY AND RETIREMENT HOME REGULATIONS

- | | |
|---|----------------------|
| a) Minimum Lot Area | 630.0 square metres; |
| b) Minimum Lot Width | 18.0 metres; |
| c) Minimum Setback from the Front Lot Line | 4.0 metres; |
| d) Minimum Setback from a Side Lot Line | 2.0 metres |
| e) Minimum Setback from a Flankage Lot Line | 3.0 metres; |
| f) Minimum Setback from the Rear Lot Line | 7.5 metres; |
| g) Maximum Building Height | 10.5 metres; |
| h) Maximum Lot Coverage | 35% |

To Amend Zoning By-law No. 05-200 for Updates and Amendments to the Low Density Residential (R1) and Low Density Residential – Small Lot (R1a) Zones, and Creation of a new Low Density Residential – Large Lot (R2) Zone, Repeal and Replacement of Section 5: Parking, and Associated Technical Amendments

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- | | |
|----------------------------|--|
| i) Minimum Landscaped Area | i) 40%; |
| | ii) Within the landscaped area, the requirements of Section 4.35 of this By-law shall apply. |

15.3.2.2 SEMI-DETACHED DWELLING REGULATIONS

- | | |
|---|---|
| a) Minimum Lot Area for each Dwelling Unit | 315.0 square metres; |
| b) Minimum Lot Width for each Dwelling Unit | 9.0 metres; |
| c) Minimum Setback from the Front Lot Line | 4.0 metres; |
| d) Minimum Setback from a Side Lot Line | 2.0 metres, except for the side yard related to the common wall of the semi-detached dwelling unit, in which case a minimum 0 metre side yard shall be permitted. |
| e) Minimum Setback from a Flankage Lot Line | 3.0 metres; |
| f) Minimum Setback from the Rear Lot Line | 7.5 metres; |
| g) Maximum Building Height | 10.5 metres; |
| h) Minimum Landscaped Area | i) 35%; |
| | ii) Within the landscaped area, the requirements of Section 4.35 of this By-law shall apply. |

15.3.2.3 STREET TOWNHOUSE DWELLING REGULATIONS

- | | |
|--|---|
| a) Minimum Lot Area for each Dwelling Unit | 180.0 square metres for each dwelling unit. |
|--|---|

To Amend Zoning By-law No. 05-200 for Updates and Amendments to the Low Density Residential (R1) and Low Density Residential – Small Lot (R1a) Zones, and Creation of a new Low Density Residential – Large Lot (R2) Zone, Repeal and Replacement of Section 5: Parking, and Associated Technical Amendments

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- b) Minimum Unit Width for each Dwelling Unit 6.0 metres;
- c) Minimum Setback from the Front Lot Line 4.0 metres;
- d) Minimum Setback from a Side Lot Line 1.2 metres except for the side yard related to the common wall of the street townhouse dwelling unit, in which case a minimum 0 metre side yard shall be permitted.
- e) Minimum Setback from a Flankage Lot Line 3.0 metres;
- f) Minimum Setback from the Rear Lot Line 7.5 metres;
- g) Maximum Building Height 10.5 metres;
- h) Landscaped Area In accordance with the requirements of Section 4.35 a) and b) of this By-law.

15.3.2.4 FOURPLEX DWELLING REGULATIONS

- a) Minimum Lot Area 630.0 square metres;
- b) Minimum Lot Width 18 metres;
- c) Minimum Setback from the Front Lot Line 4.0 metres;
- d) Minimum Setback from a Side Lot Line 2 metres;
- e) Minimum Setback from a Flankage Lot Line 3.0 metres;
- f) Minimum Setback from the Rear Lot Line 7.5 metres;
- g) Maximum Building Height 10.5 metres;

To Amend Zoning By-law No. 05-200 for Updates and Amendments to the Low Density Residential (R1) and Low Density Residential – Small Lot (R1a) Zones, and Creation of a new Low Density Residential – Large Lot (R2) Zone, Repeal and Replacement of Section 5: Parking, and Associated Technical Amendments

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- | | |
|----------------------------|--|
| h) Maximum Lot Coverage | 35%; |
| i) Minimum Landscaped Area | i) 40%;

ii) Within the landscaped area, the requirements of Section 4.35 of this By-law shall apply. |
| j) Visual Barrier | i) A visual barrier shall be required along side lot lines and the rear lot line in accordance with the requirements of Section 4.19 of this By-law.

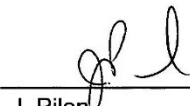
ii) Notwithstanding Section 15.3.2.4 j) i), rear yard parking shall comply with the requirements of Section 4.35 d). |
| k) Amenity Area | Amenity areas shall not be permitted in the side yard or on the roof-top of the dwelling. |
| l) Waste Storage | Outdoor waste storage shall be fully enclosed and shall not be located in the front yard." |

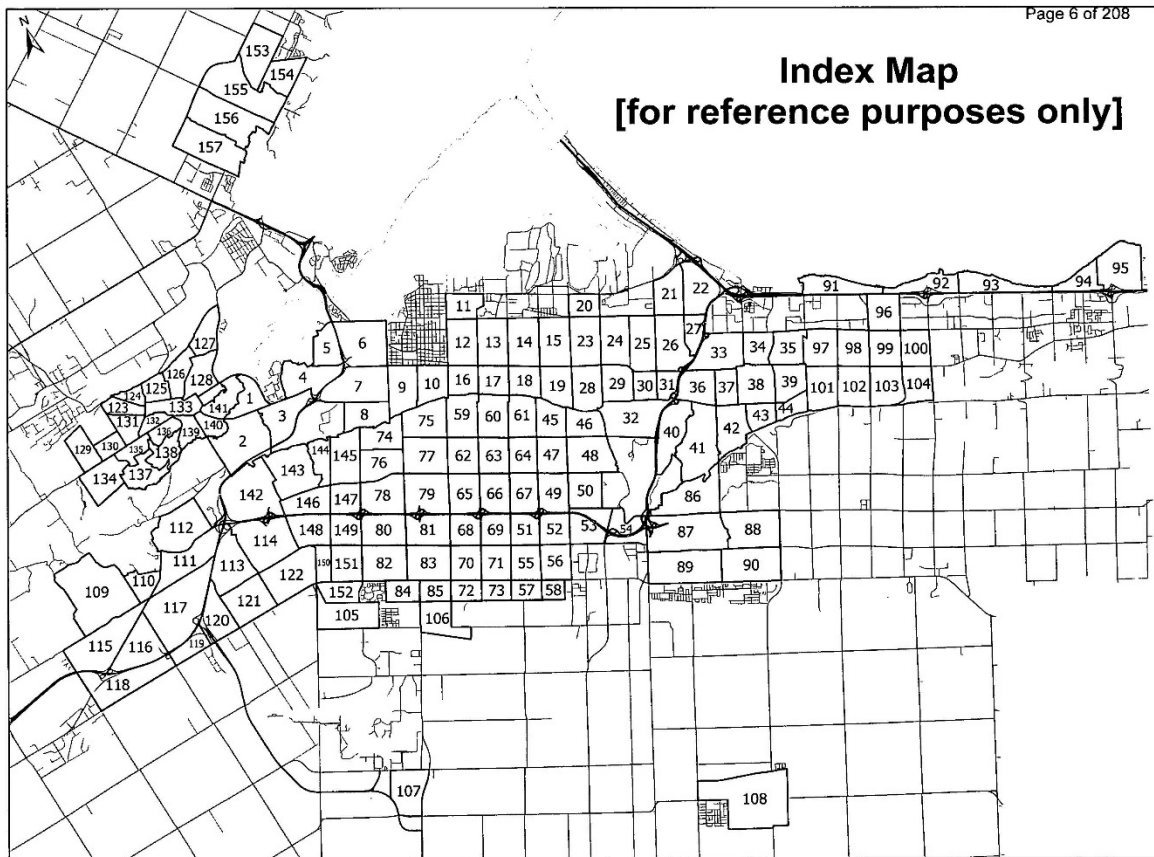
4. That Schedule "F" – Special Figures is amended by adding Figure No. 36 attached hereto as Schedule "C".
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

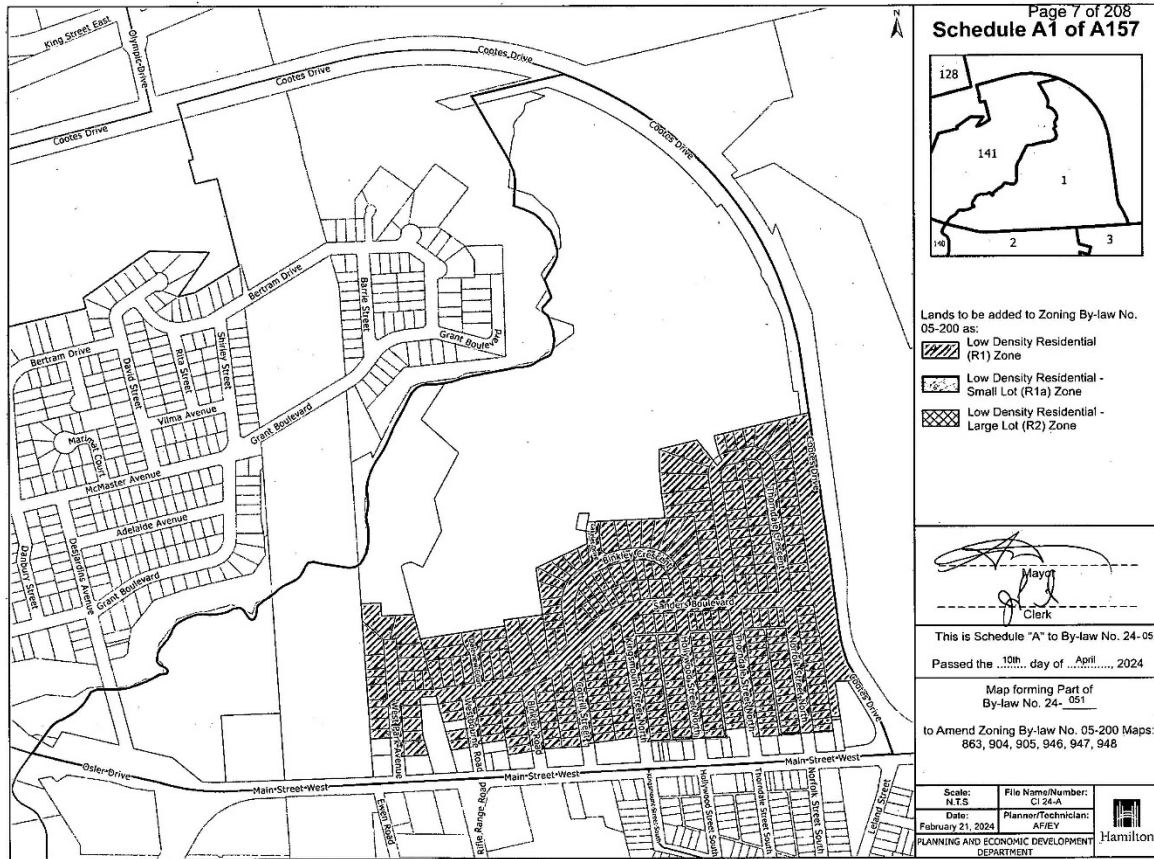
PASSED this 10th day of April, 2024


A. Horwath
Mayor

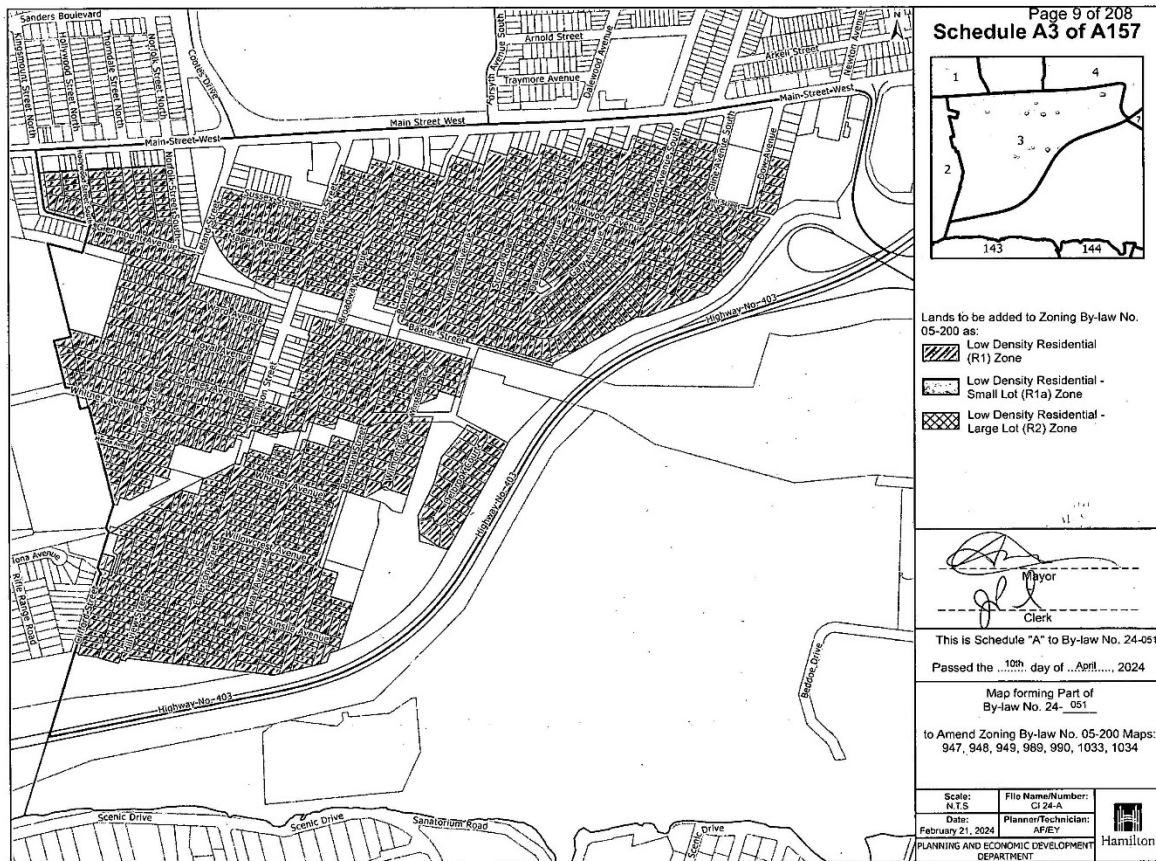
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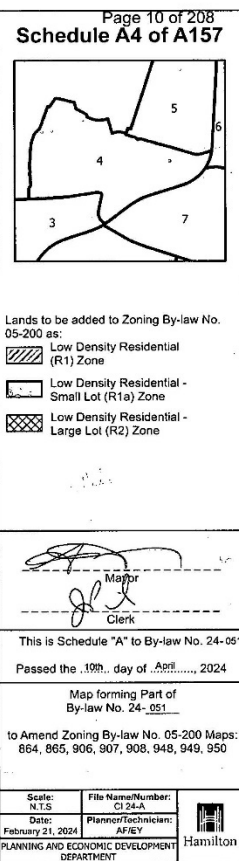

J. Pilon
Acting City Clerk

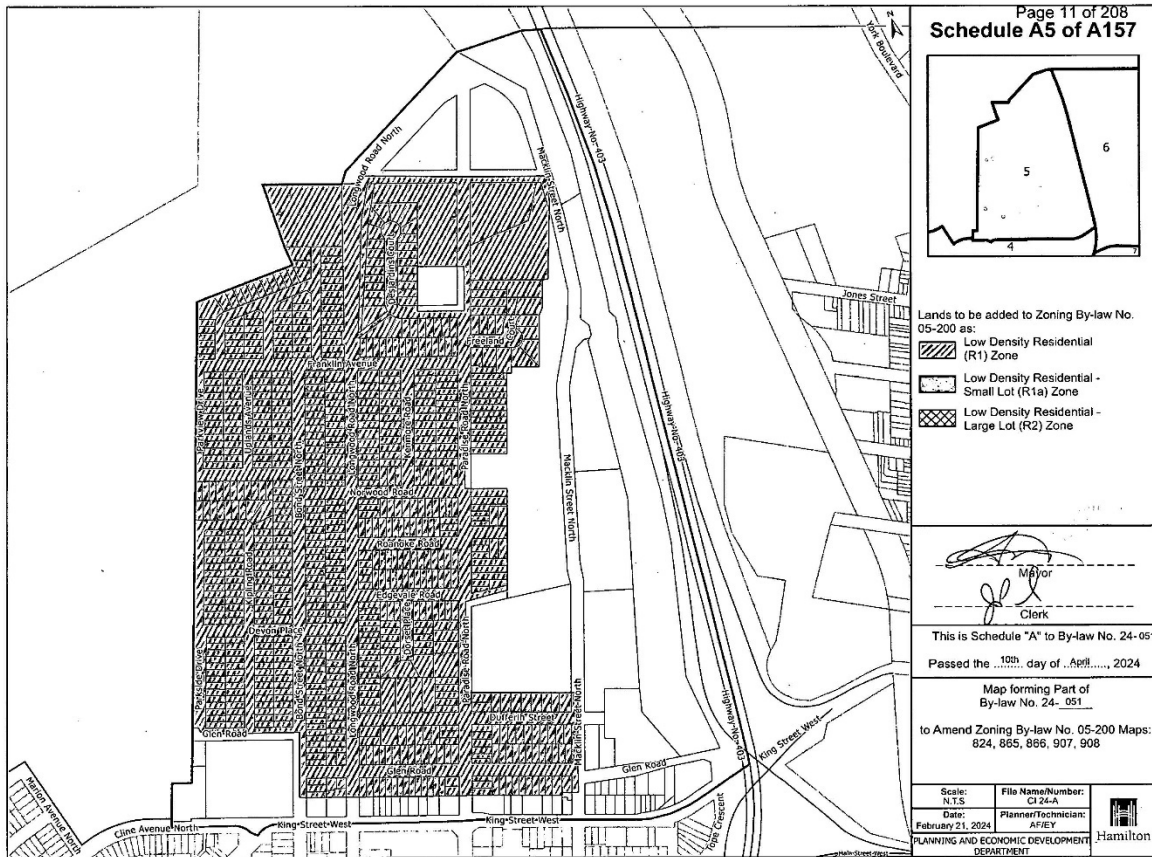




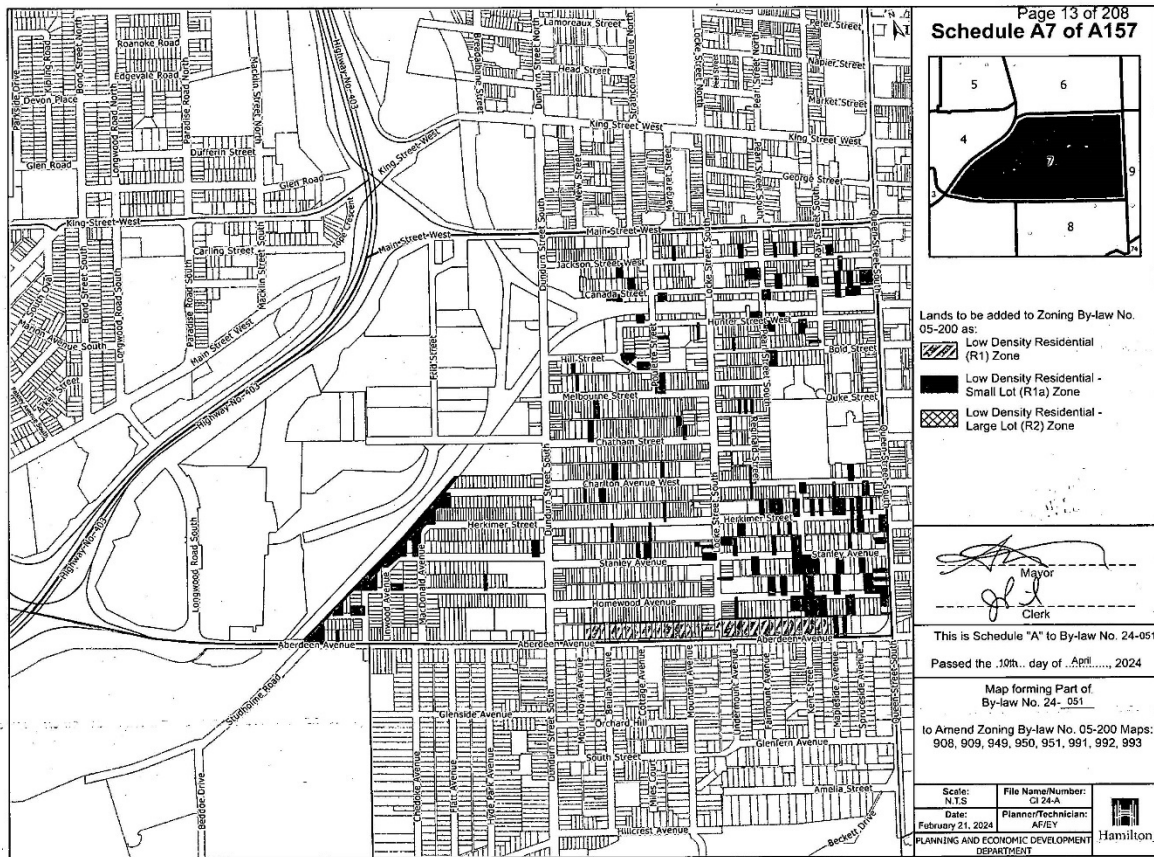


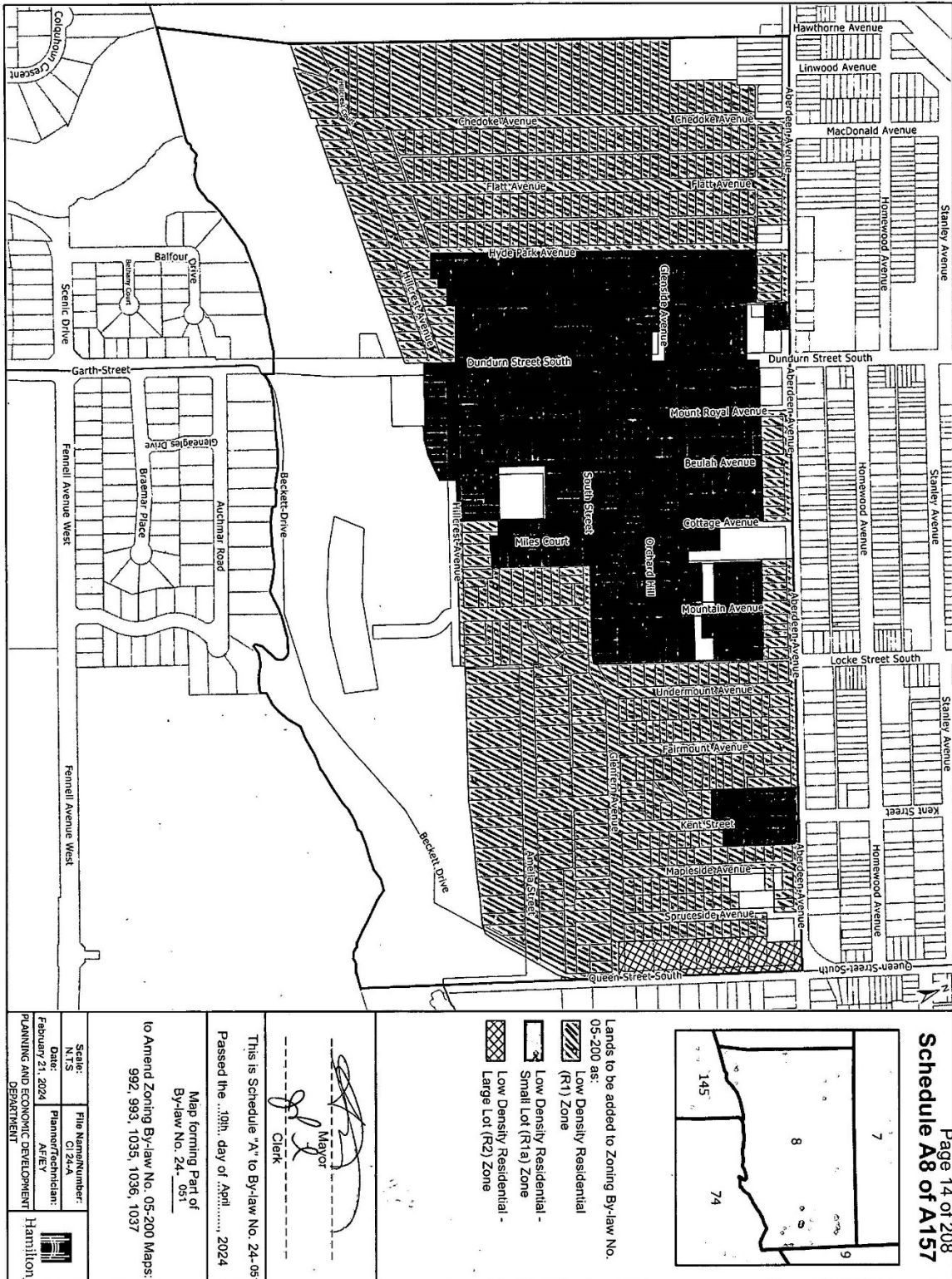


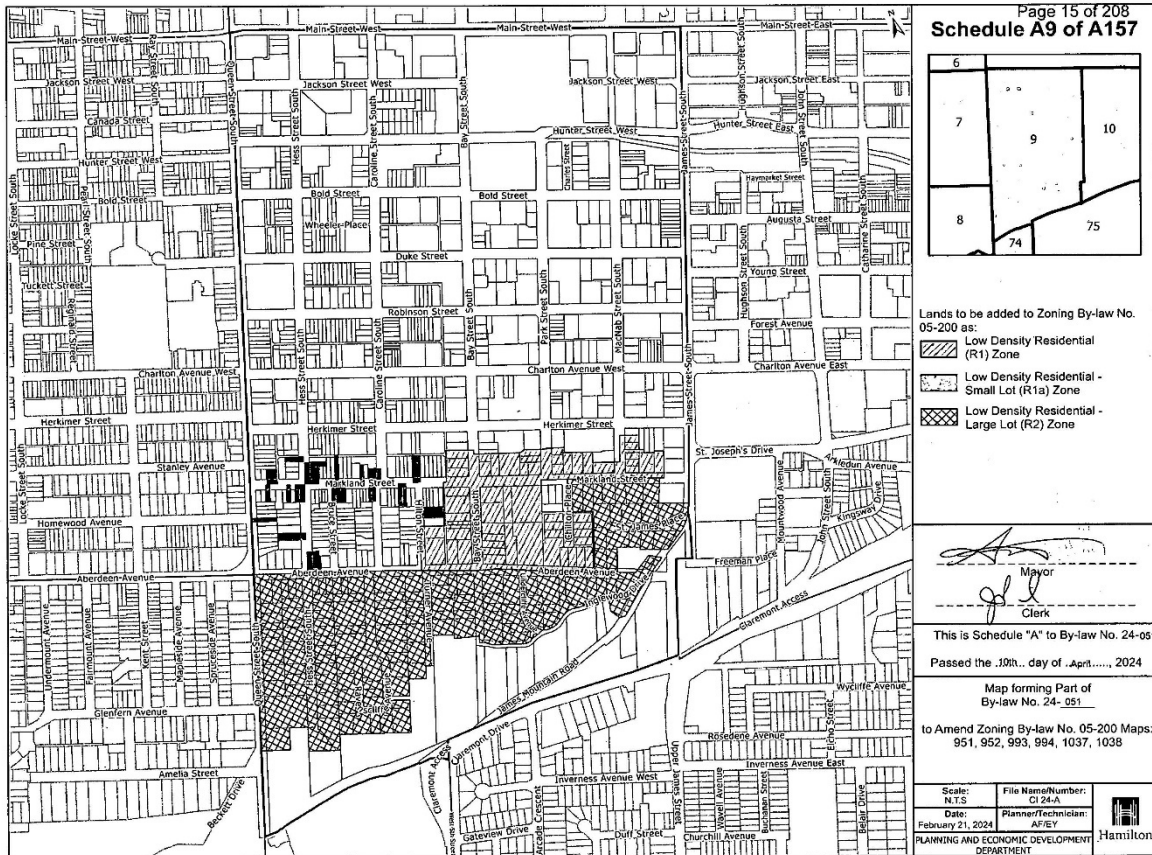


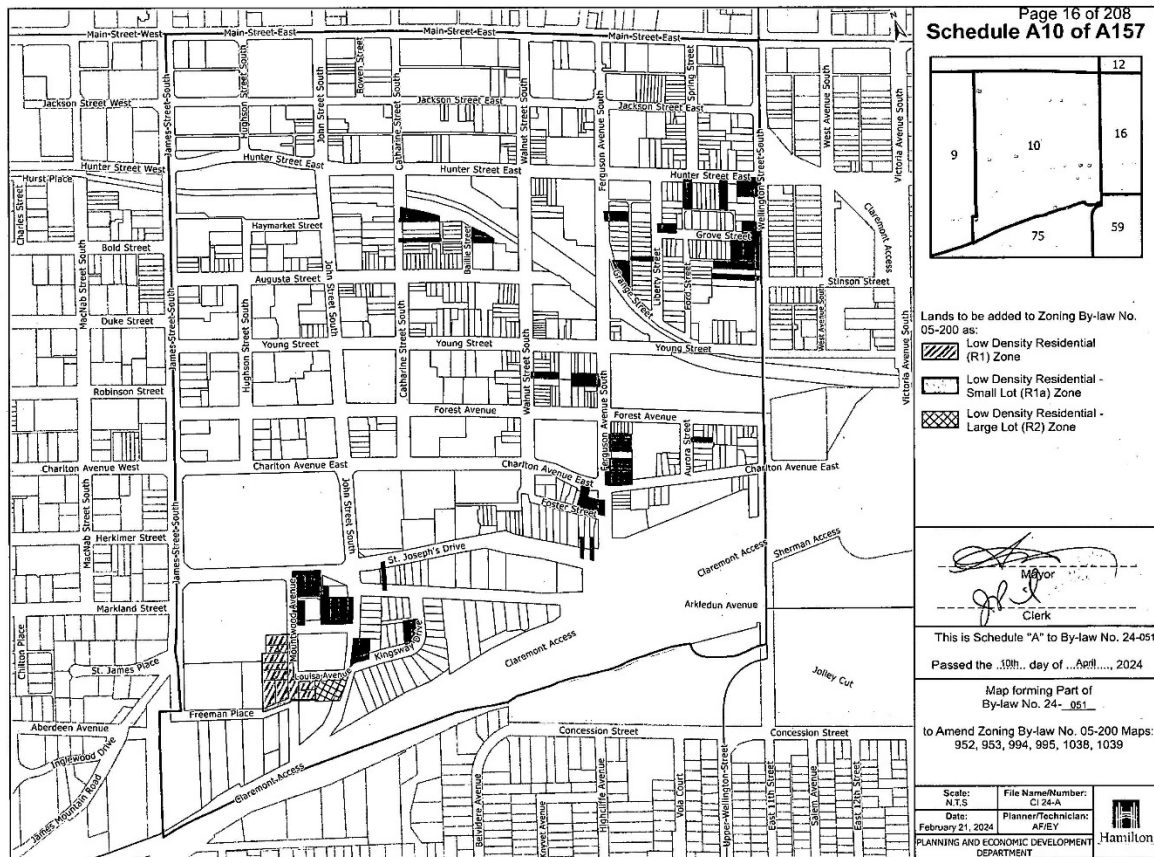


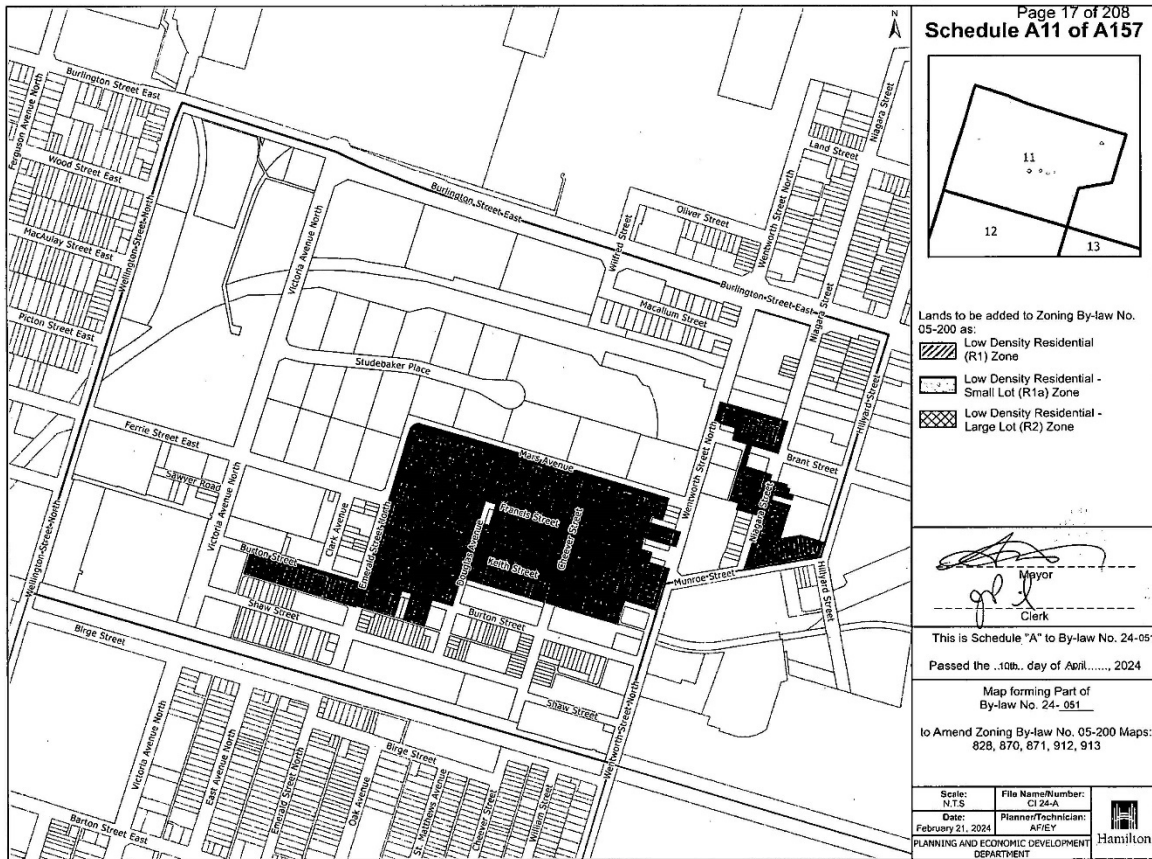


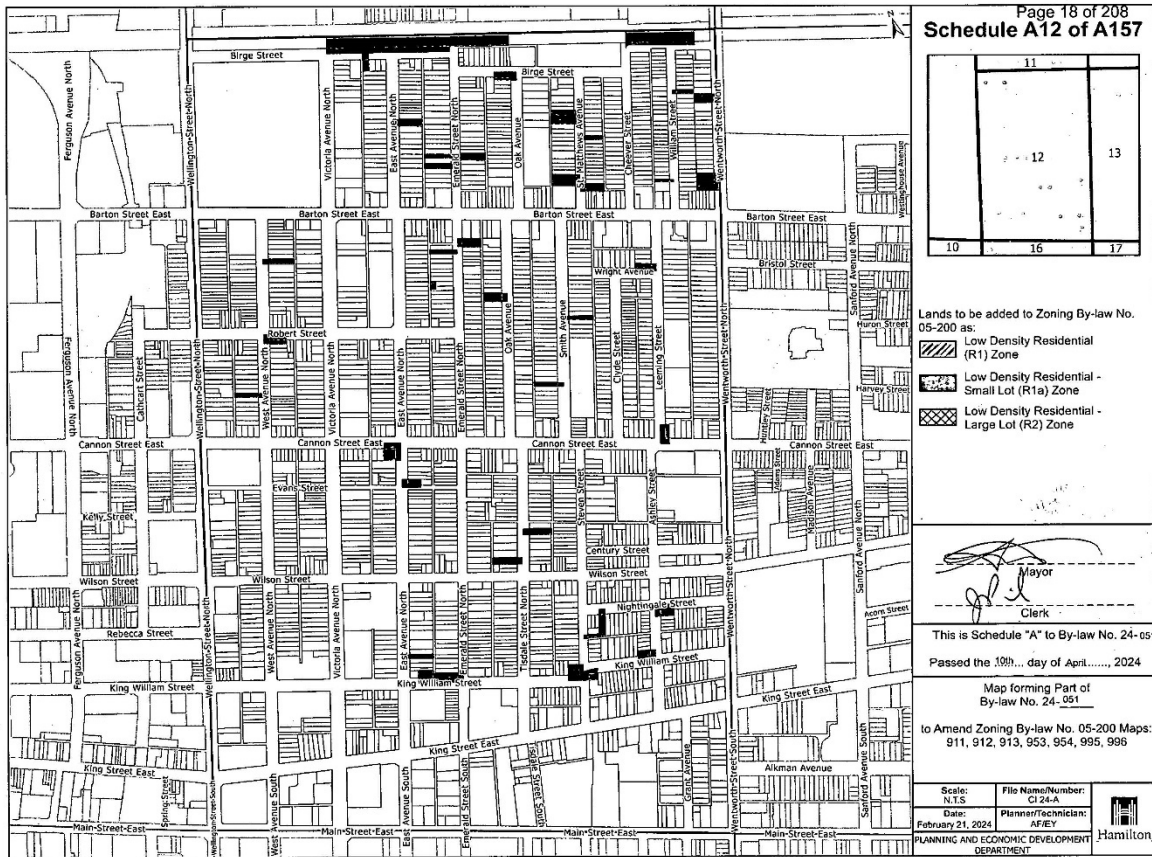


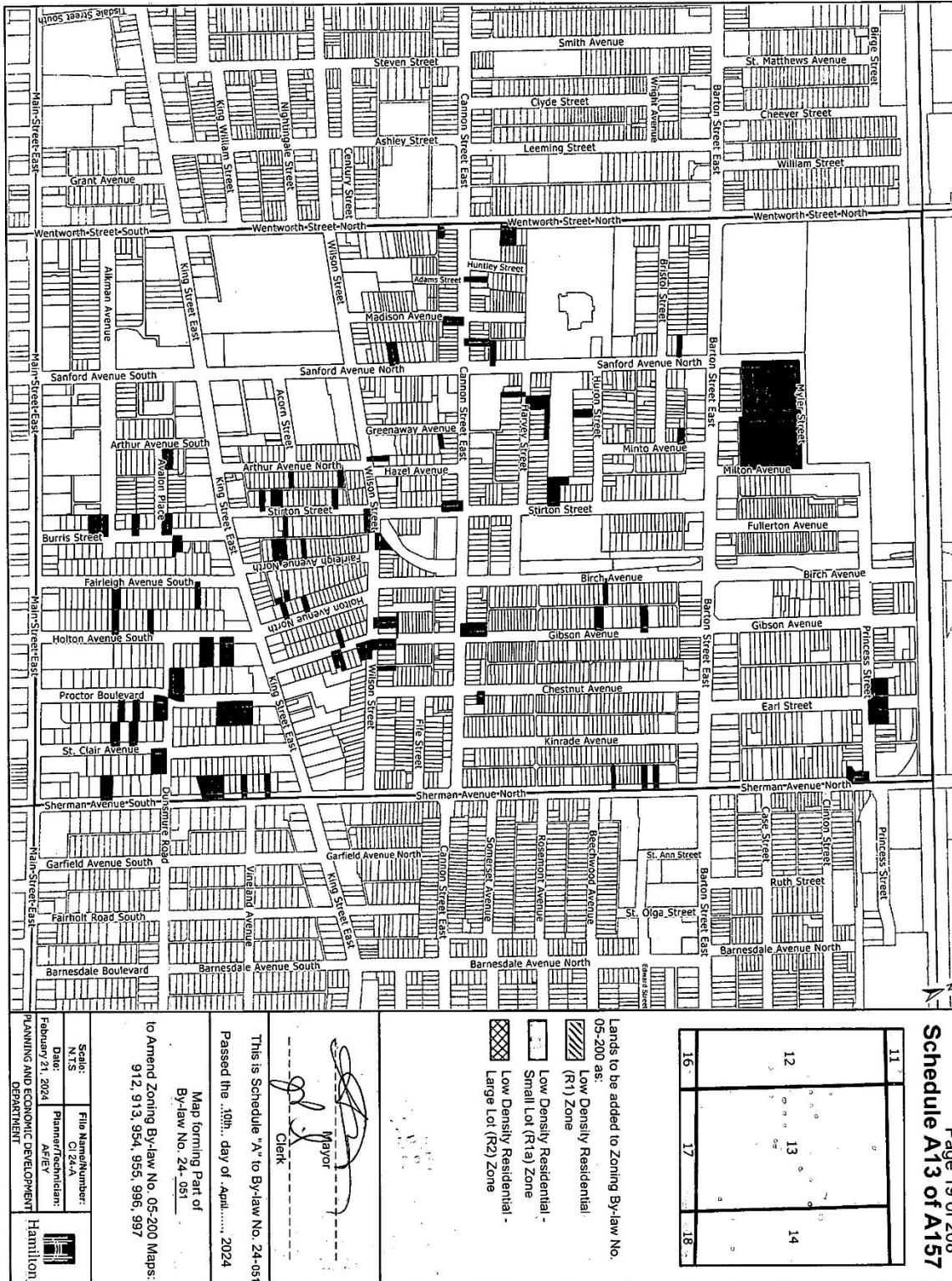


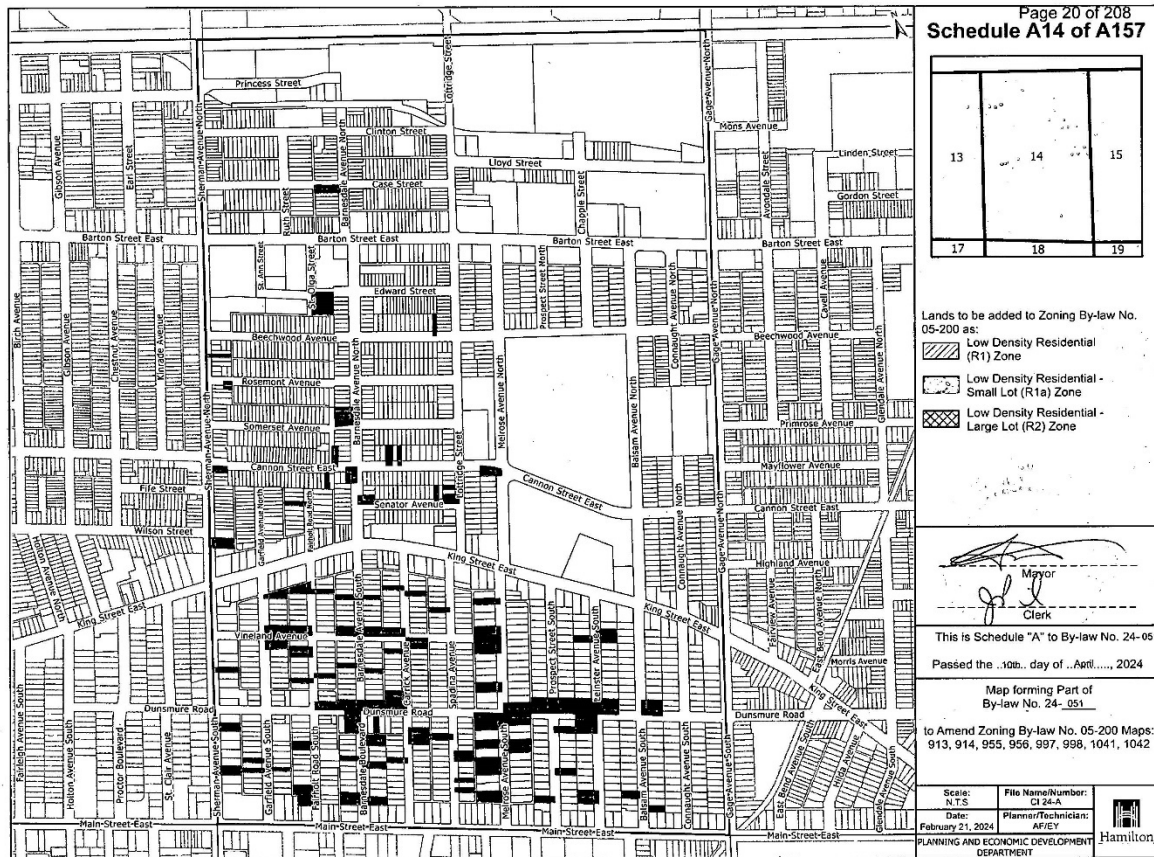


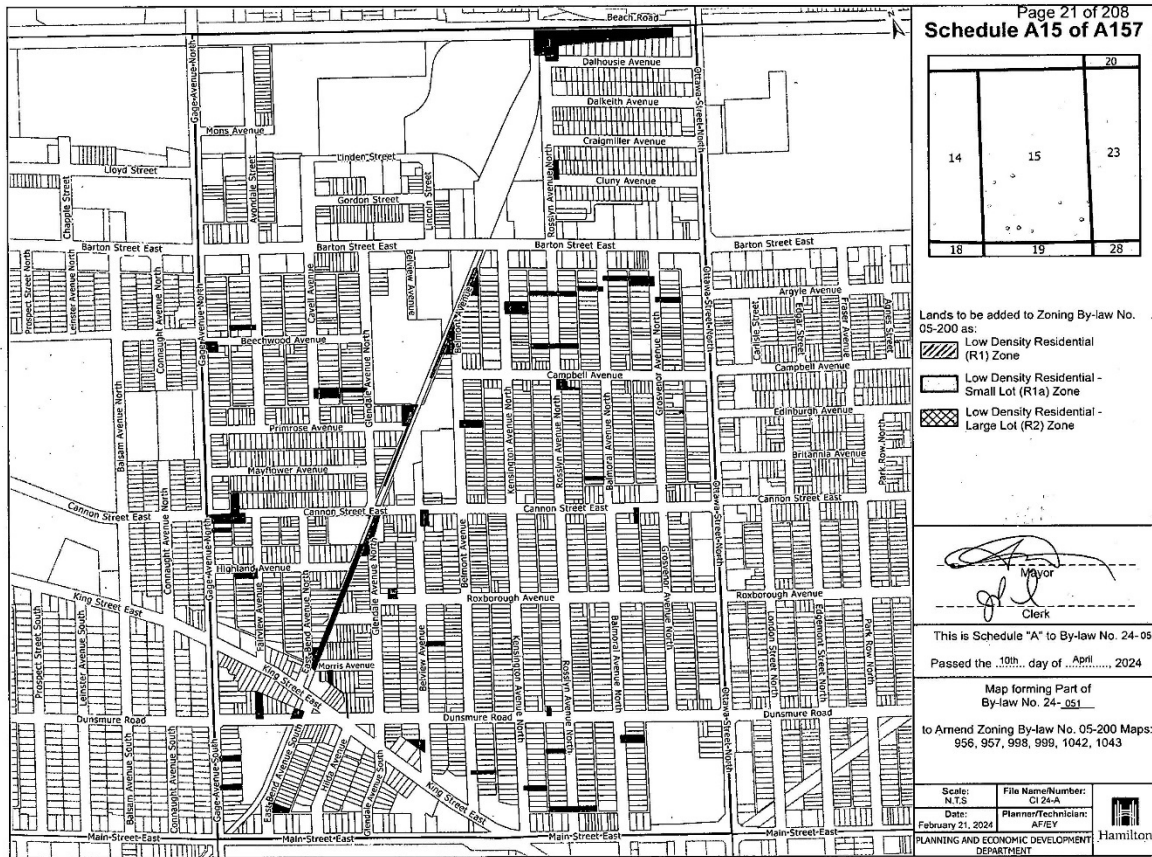




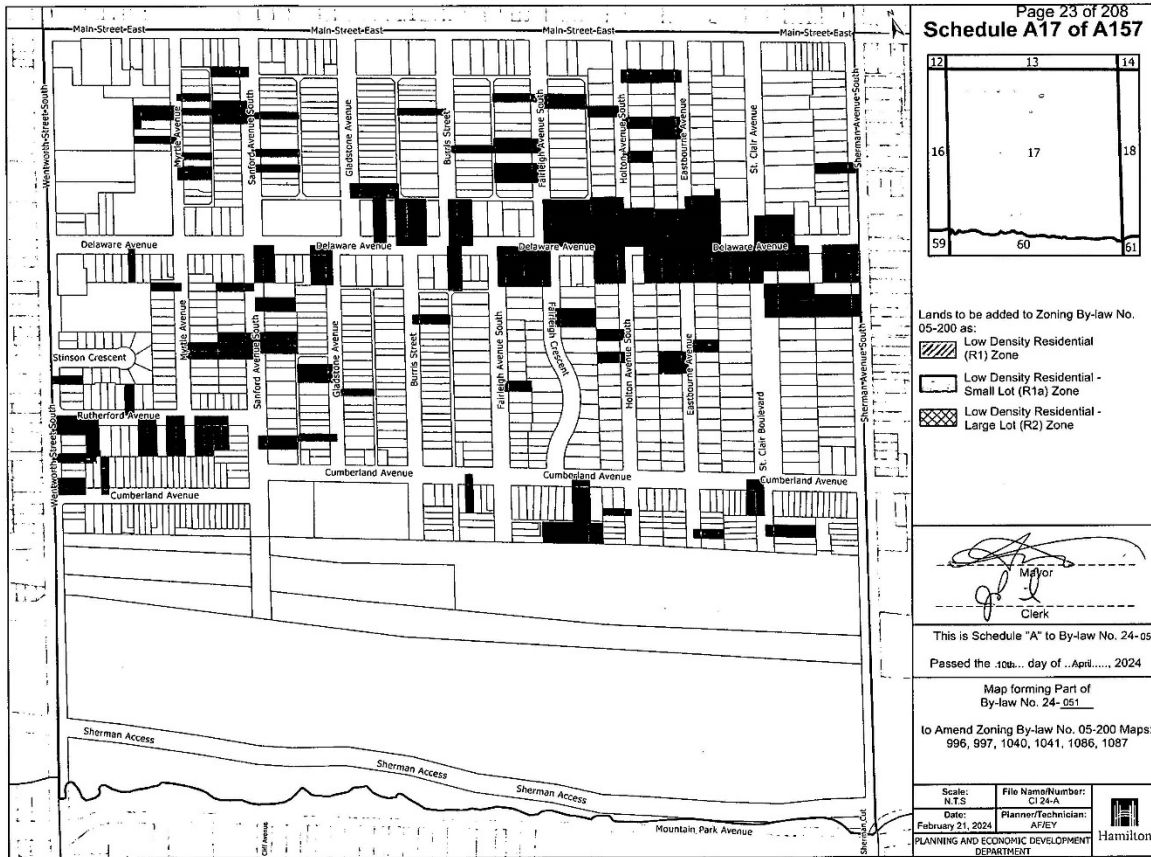


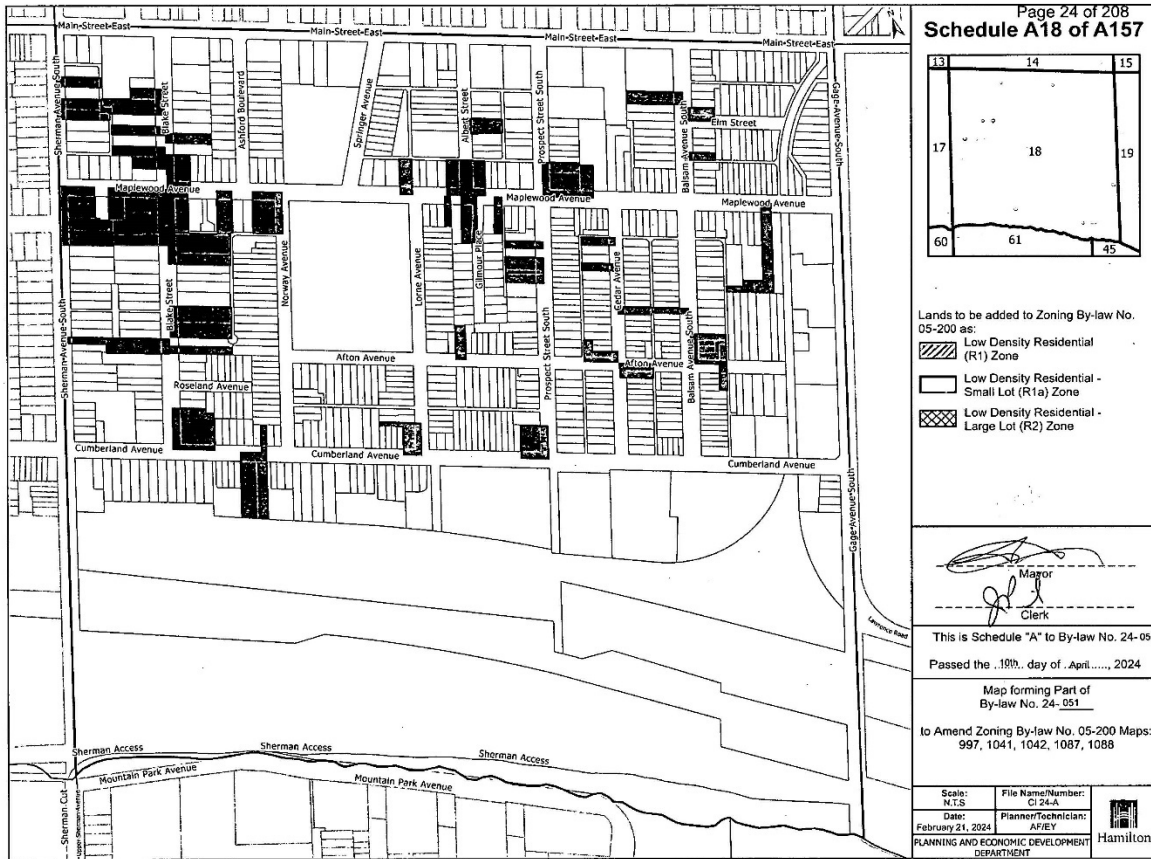


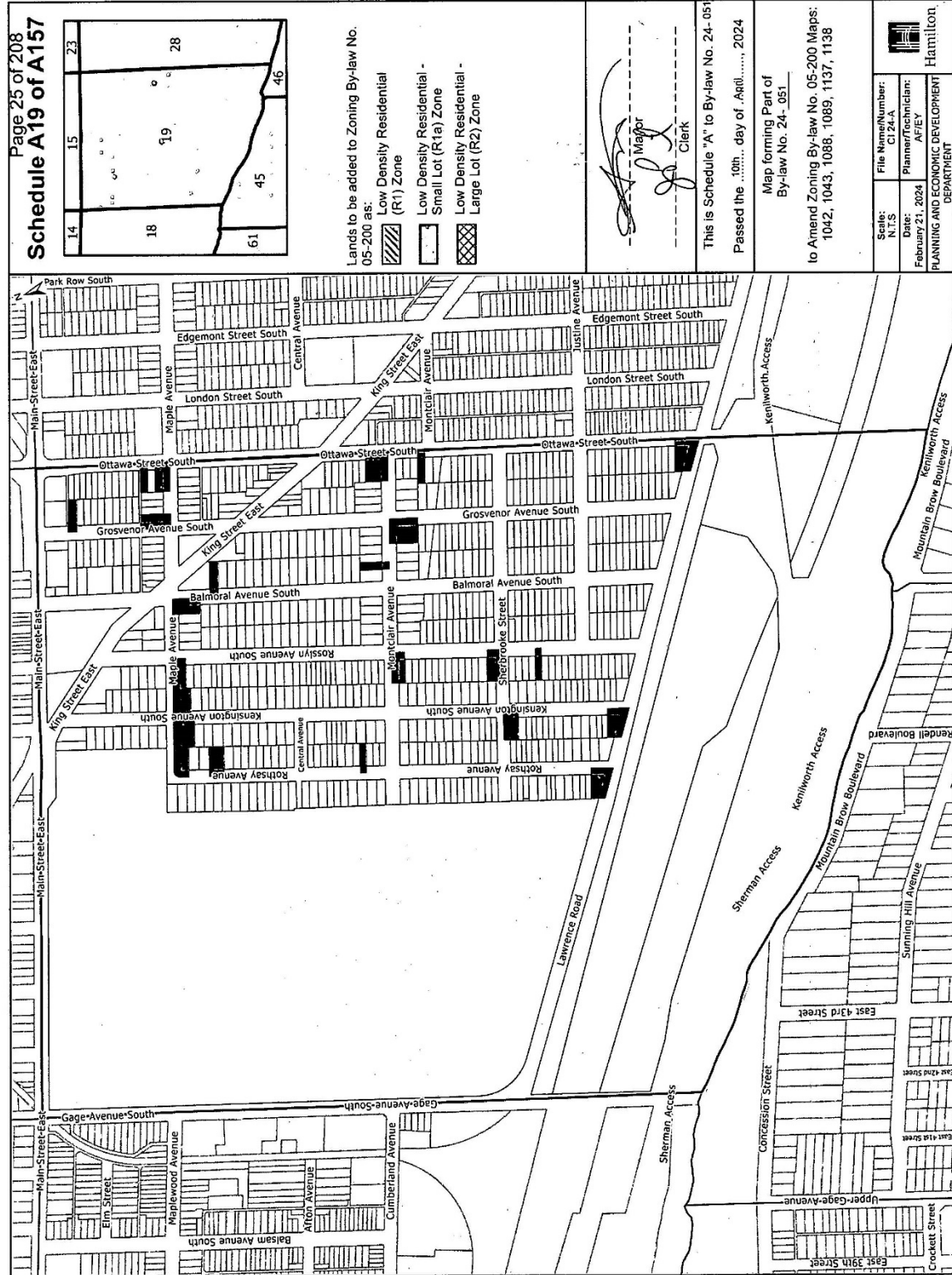


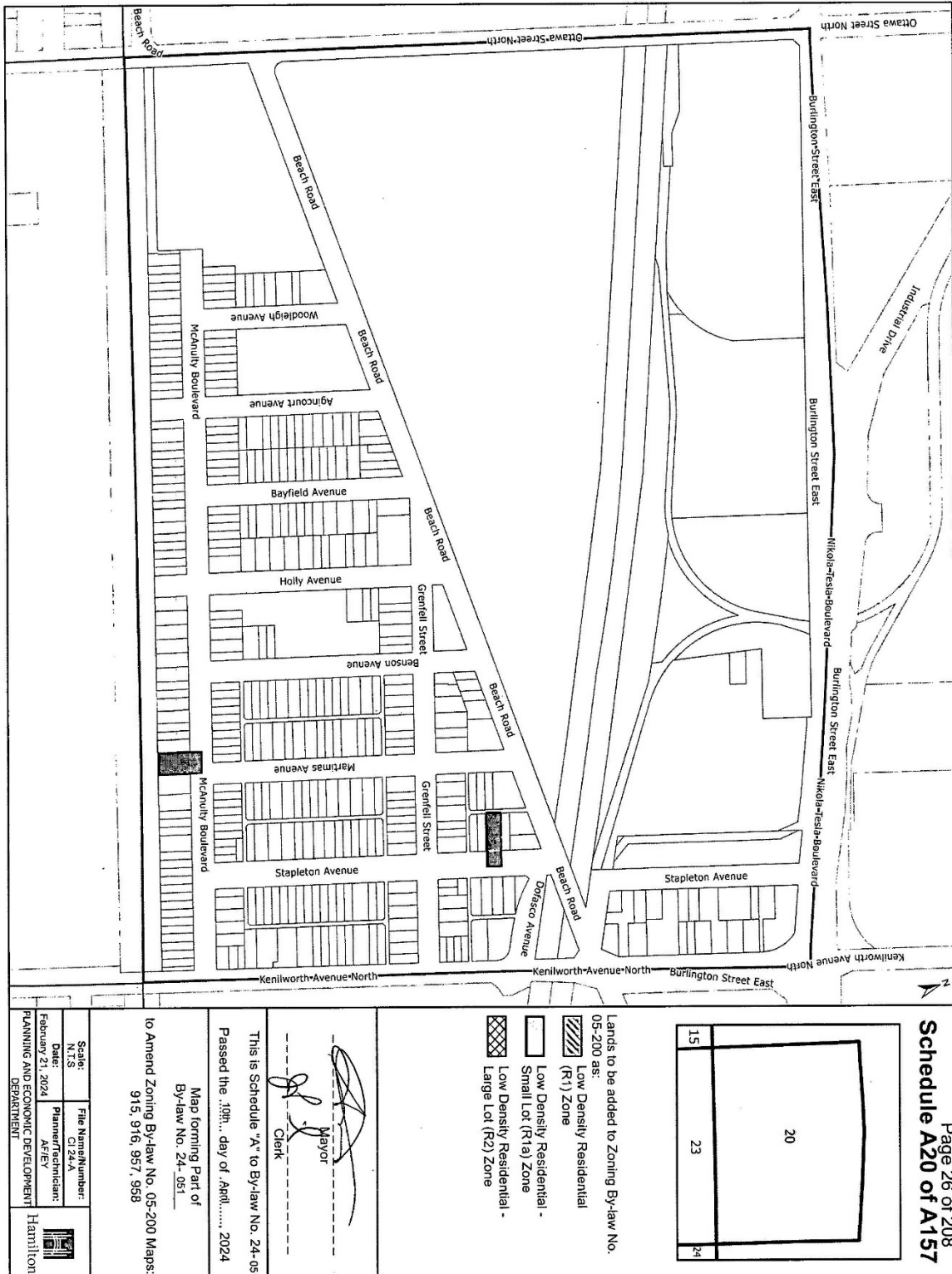


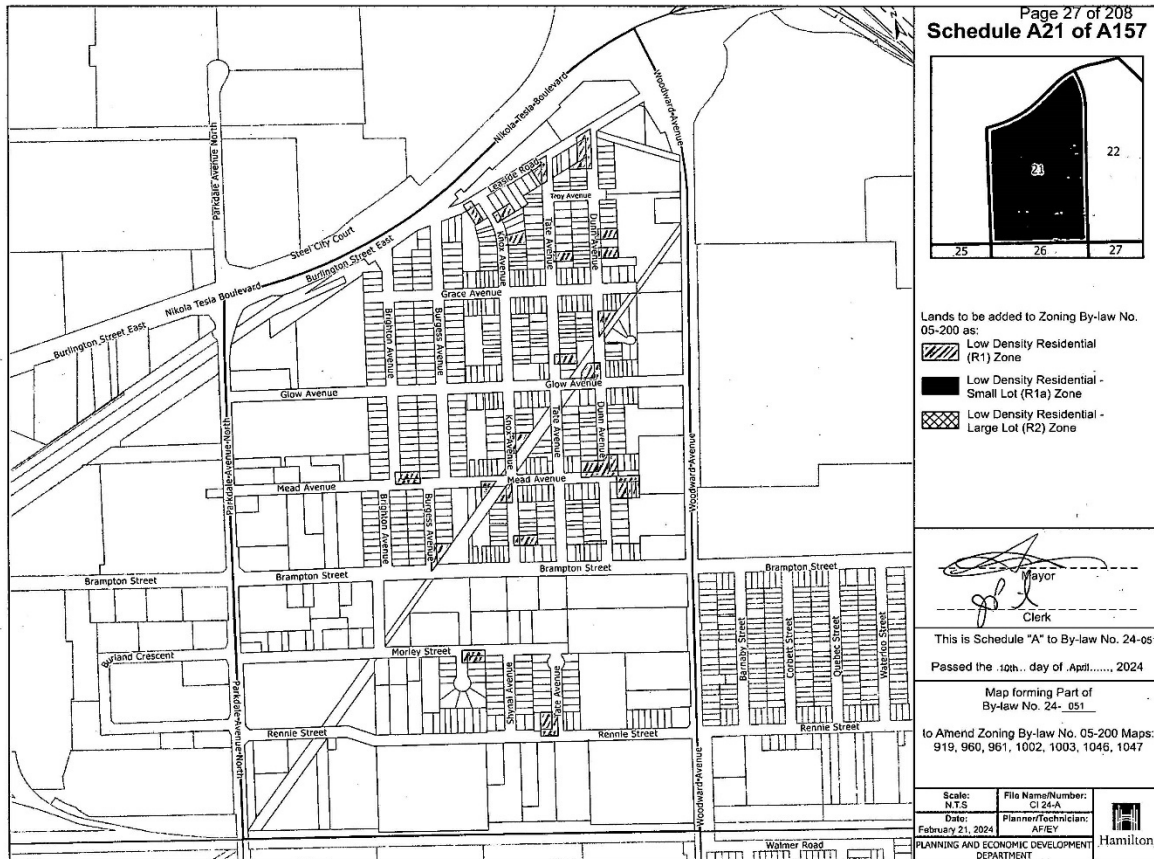


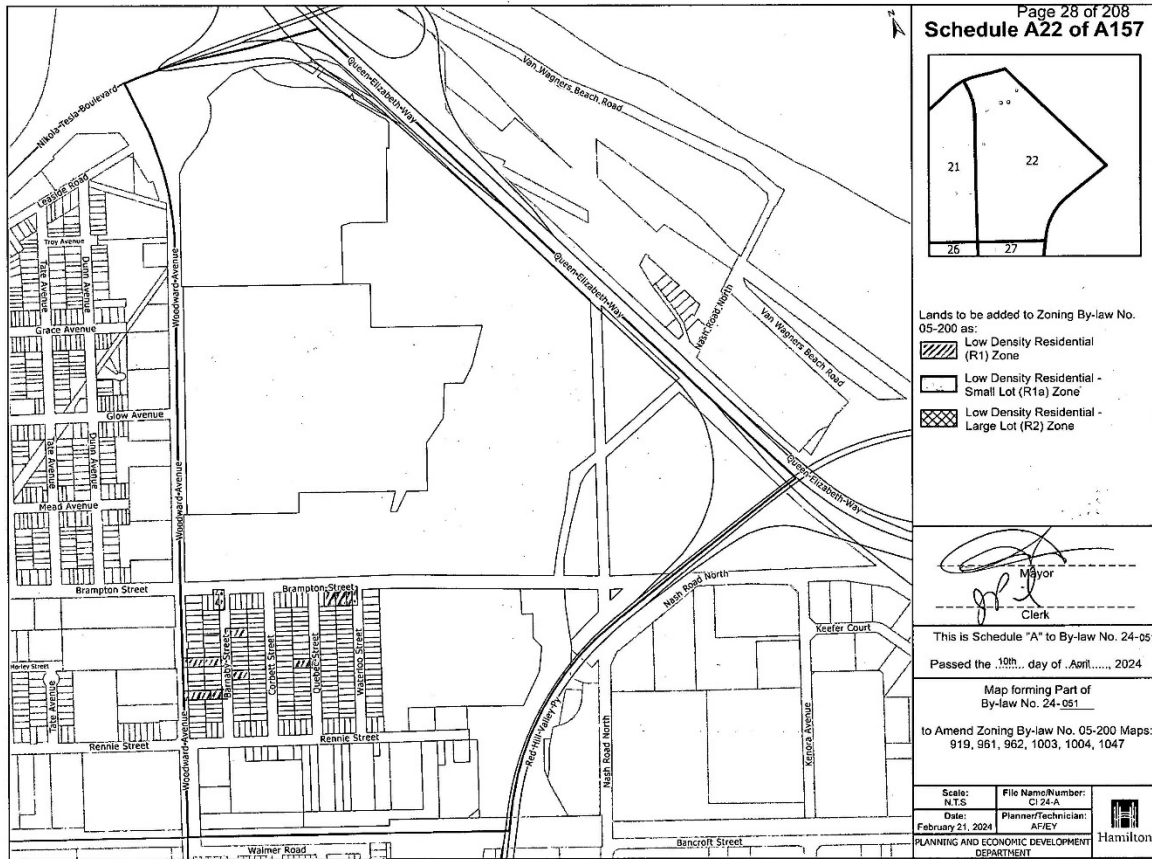


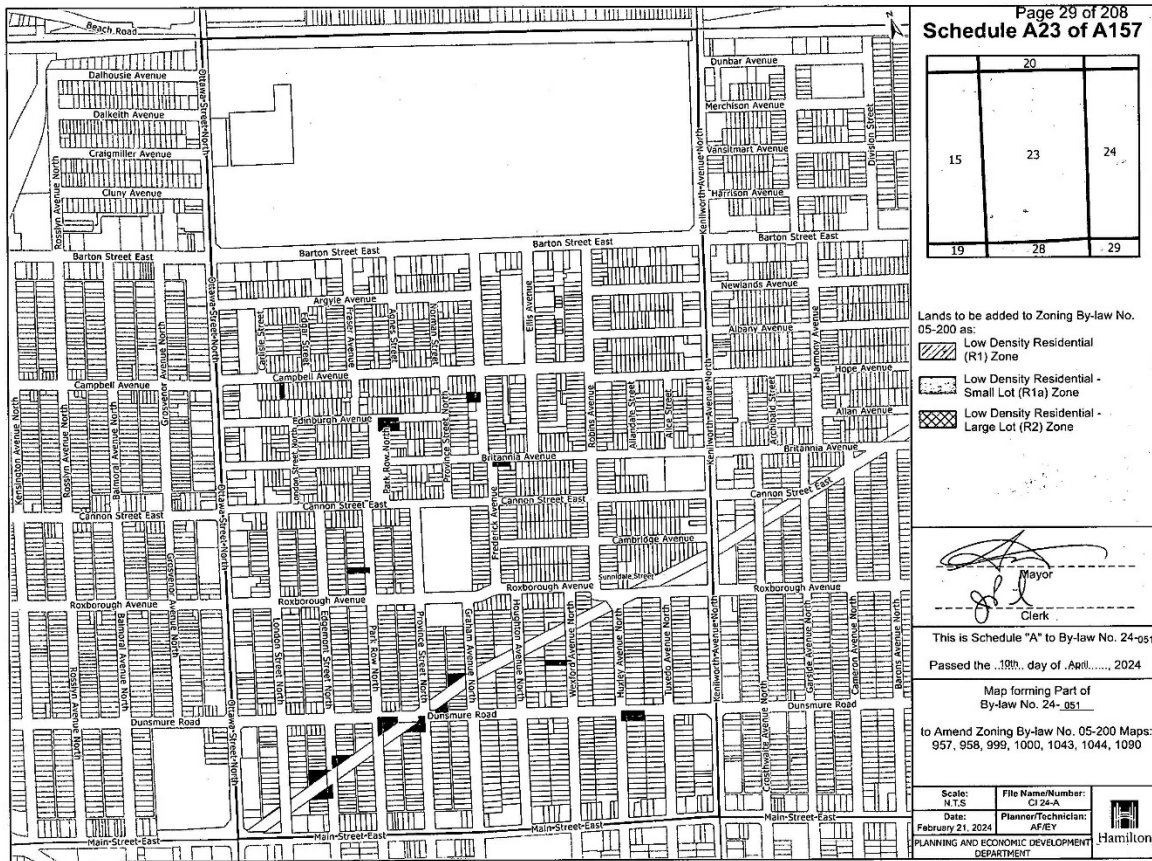




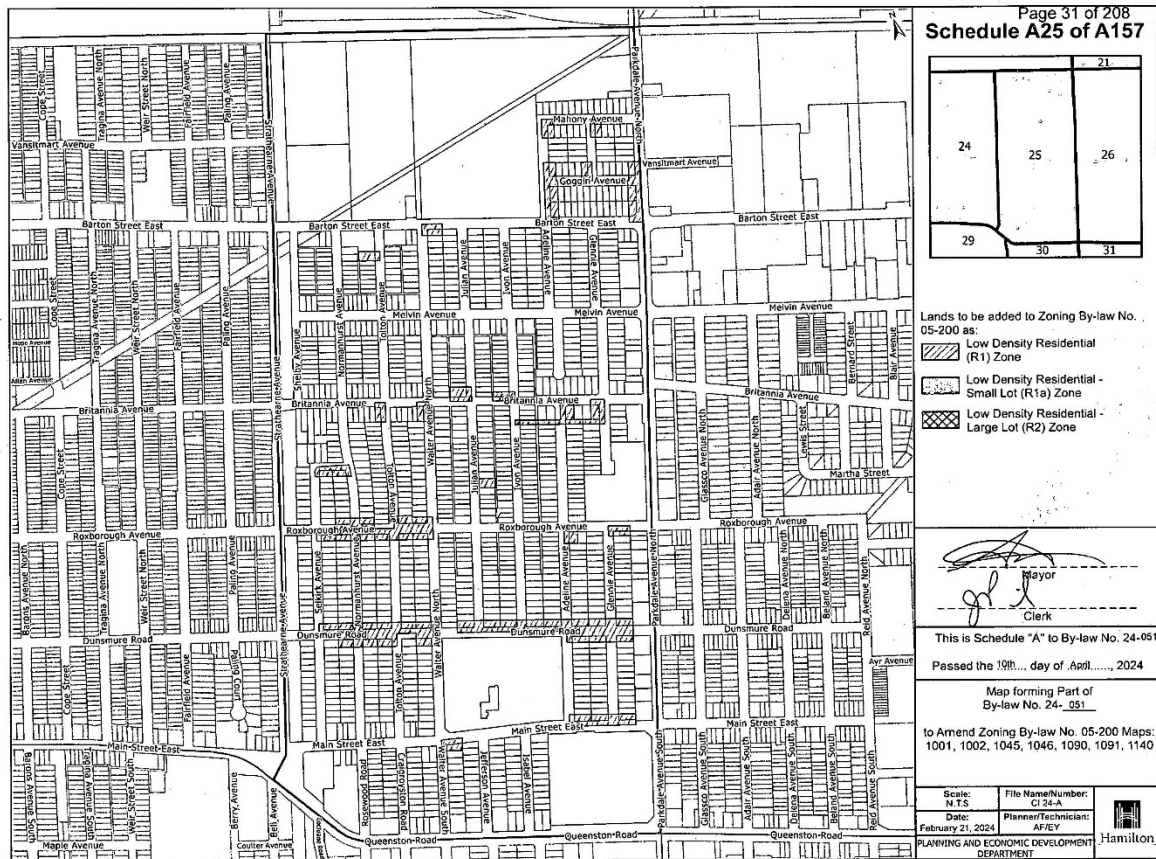


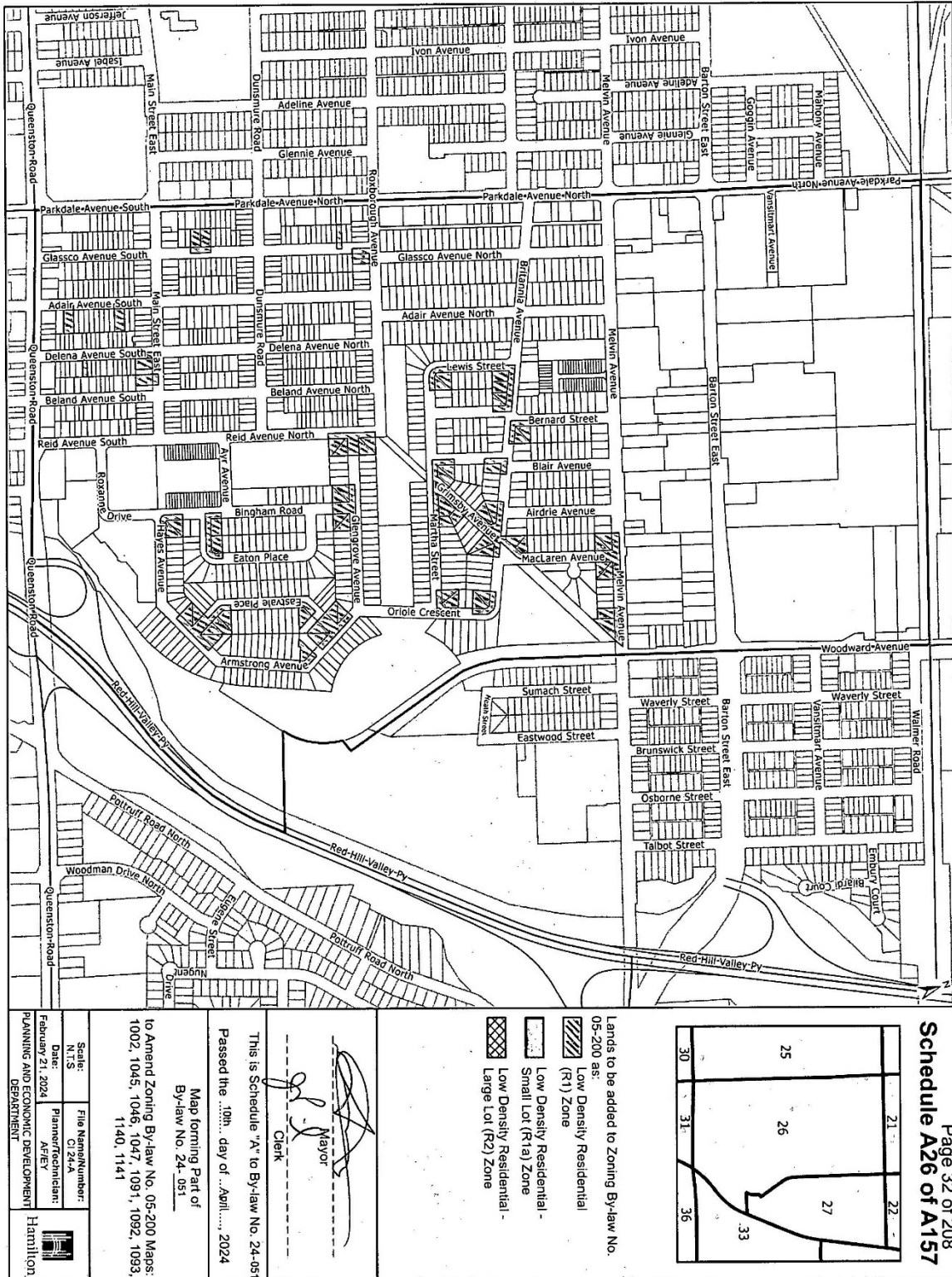








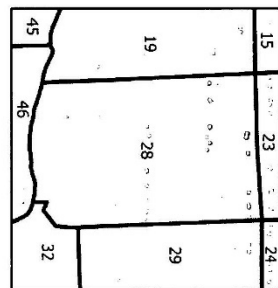









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Schedule A28 of A157



Lands to be added to Zoning By-law No. 05-200 as:

-  Low Density Residential (R1) Zone
-  Low Density Residential - Small Lot (R1a) Zone
-  Low Density Residential - Large Lot (R2) Zone


Mayor
Clerk

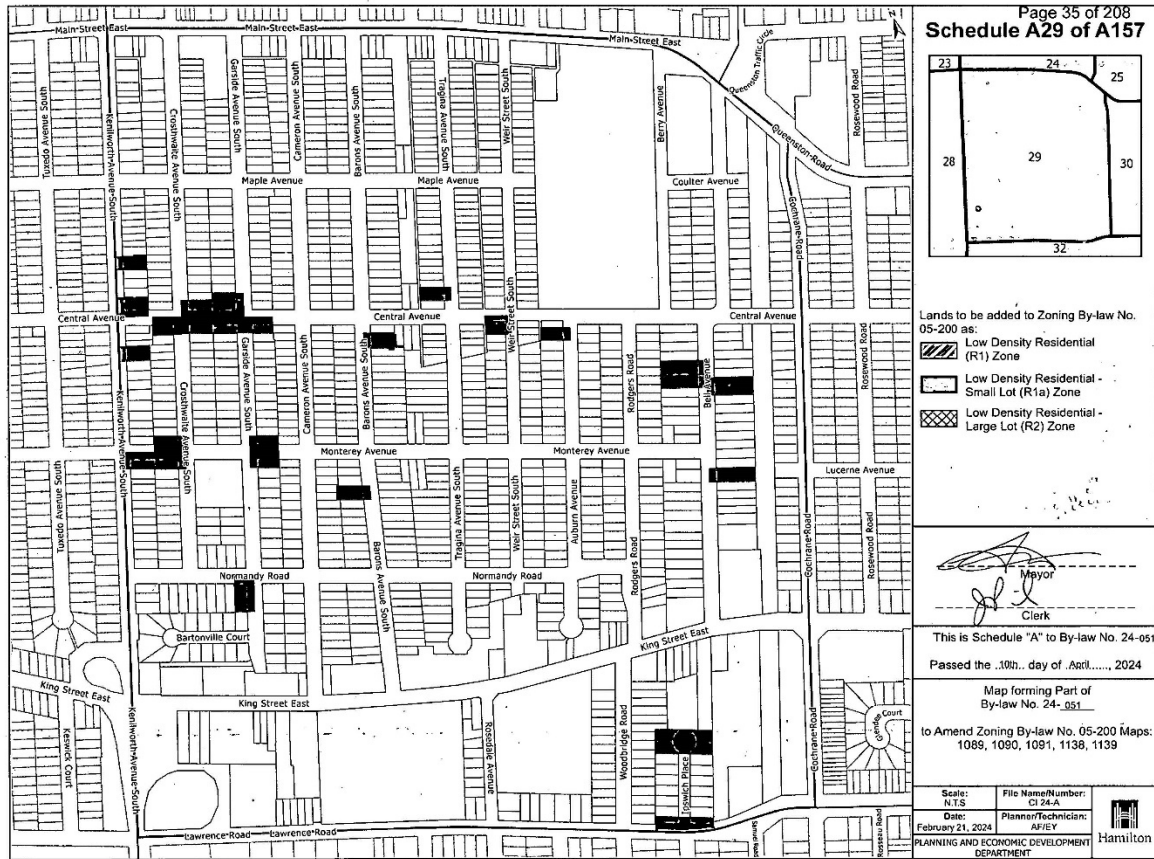
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Passed the ...10th day of April, 2024

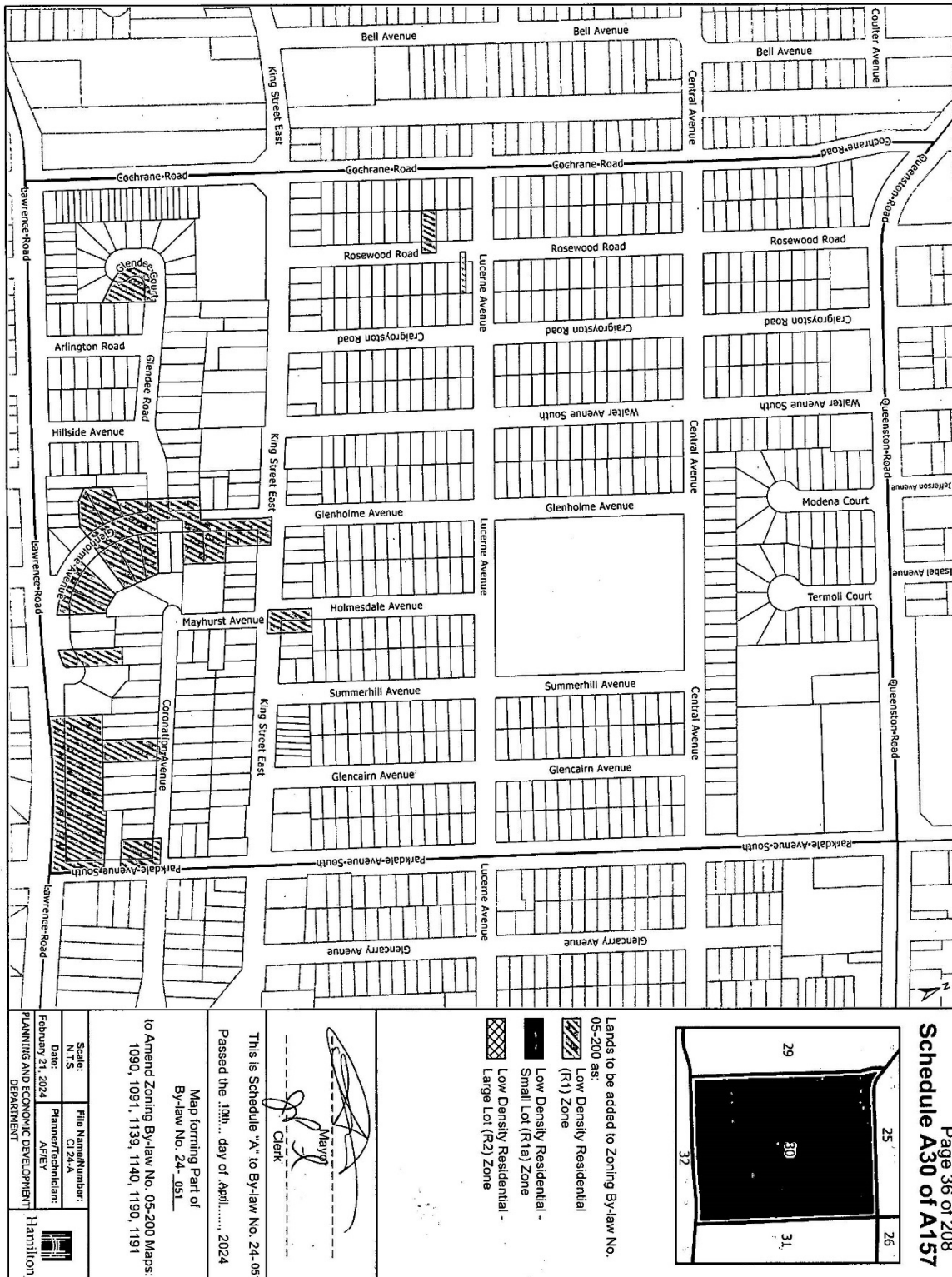
Map forming Part of
By-law No. 24-051

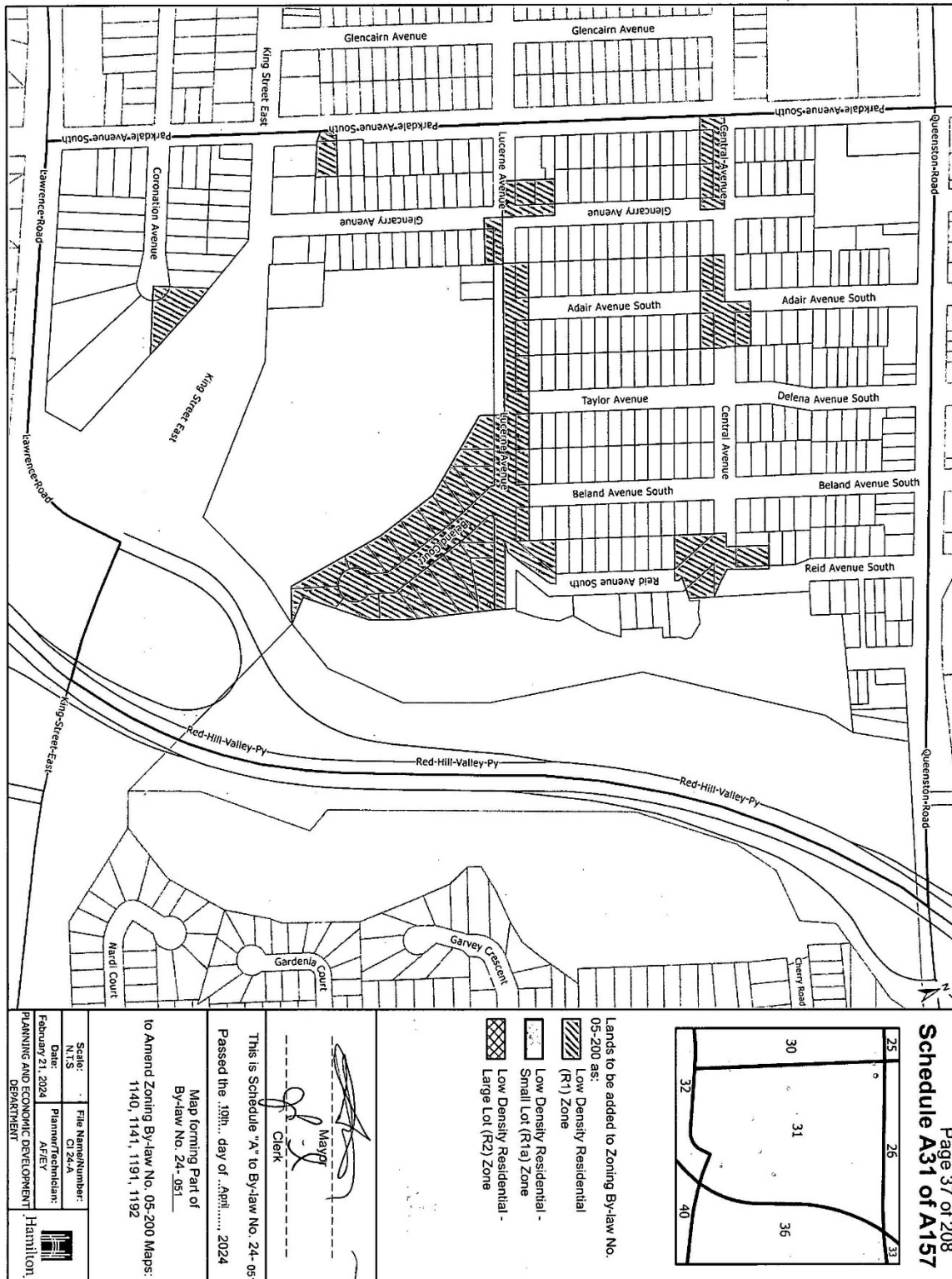
to Amend Zoning By-law No. 05-200 Maps:
1043, 1044, 1089, 1090, 1137, 1138

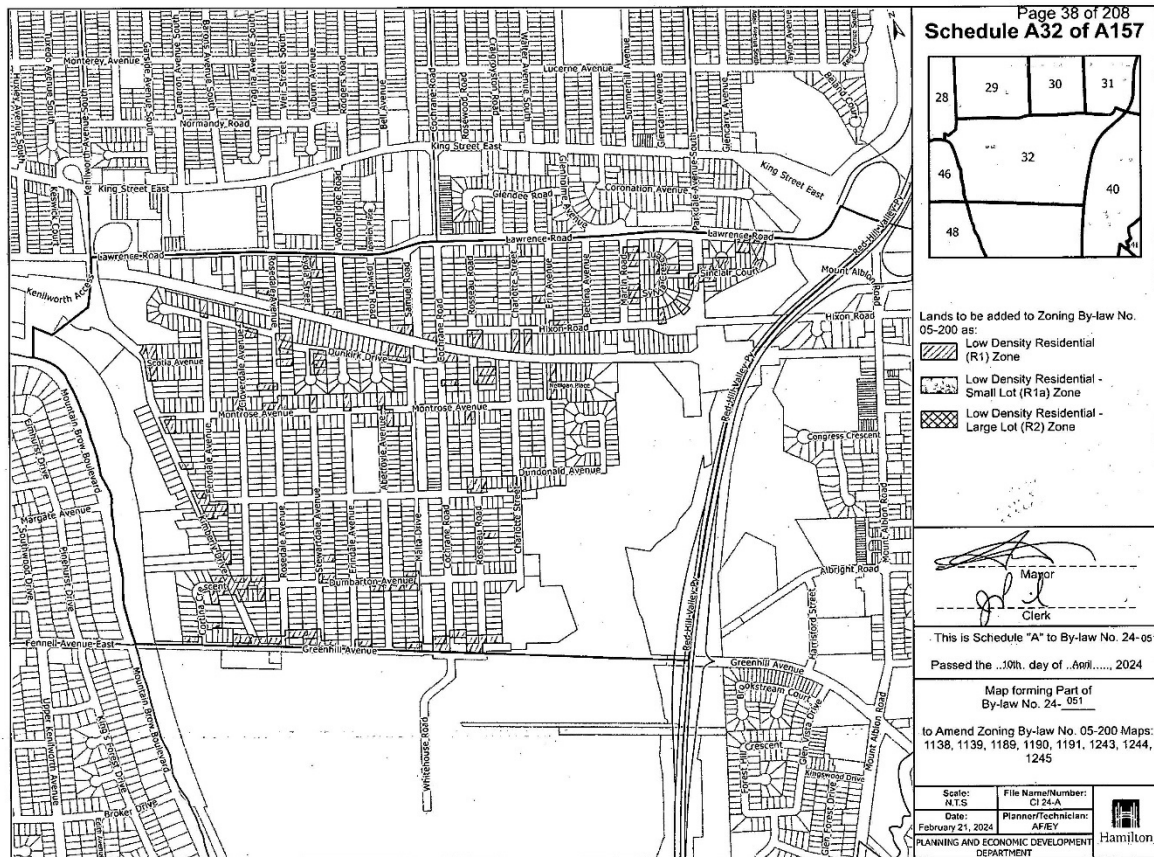
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February 21, 2024 AP/ET
PLANNING AND ECONOMIC DEVELOPMENT
DEPARTMENT

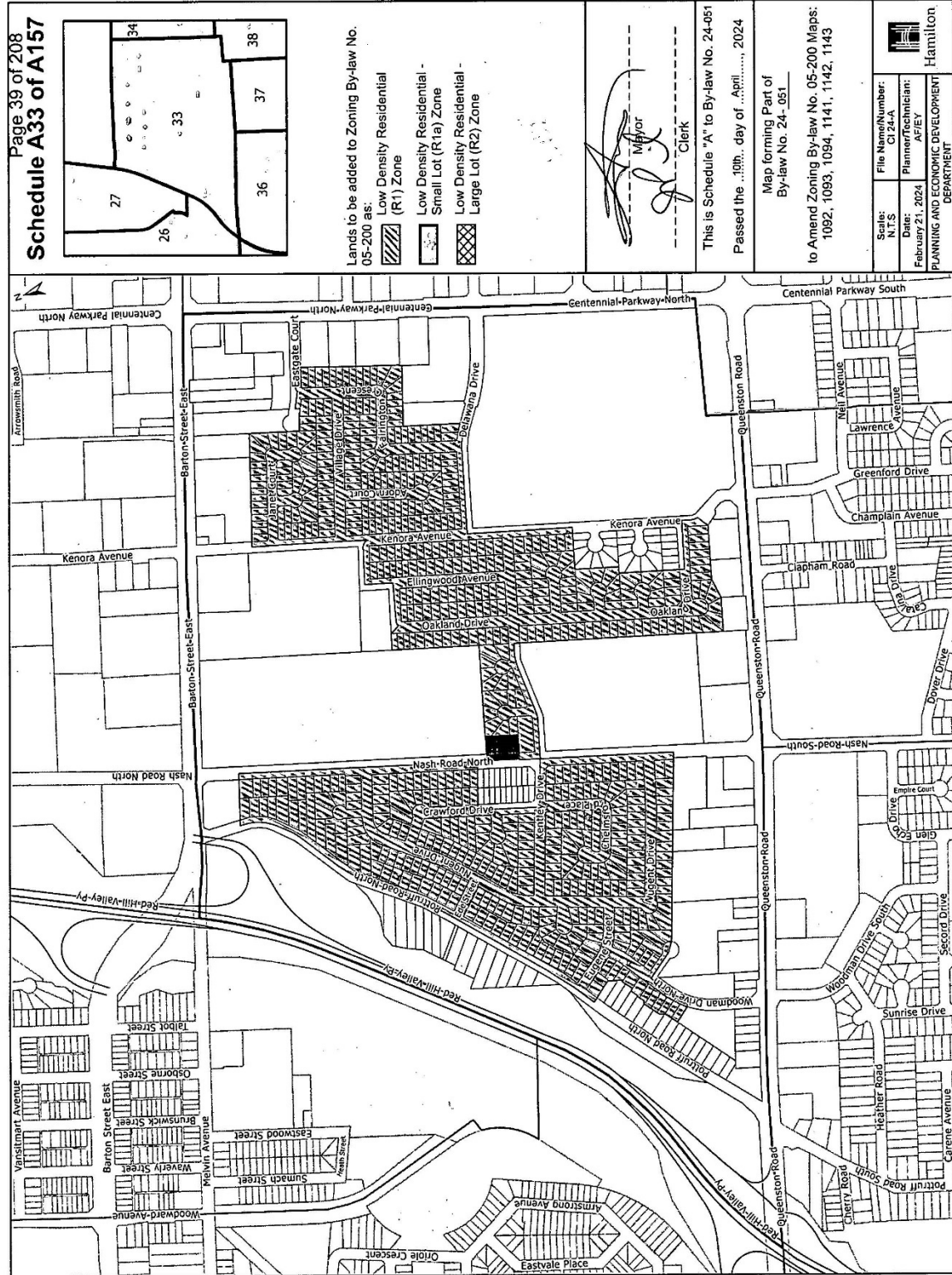


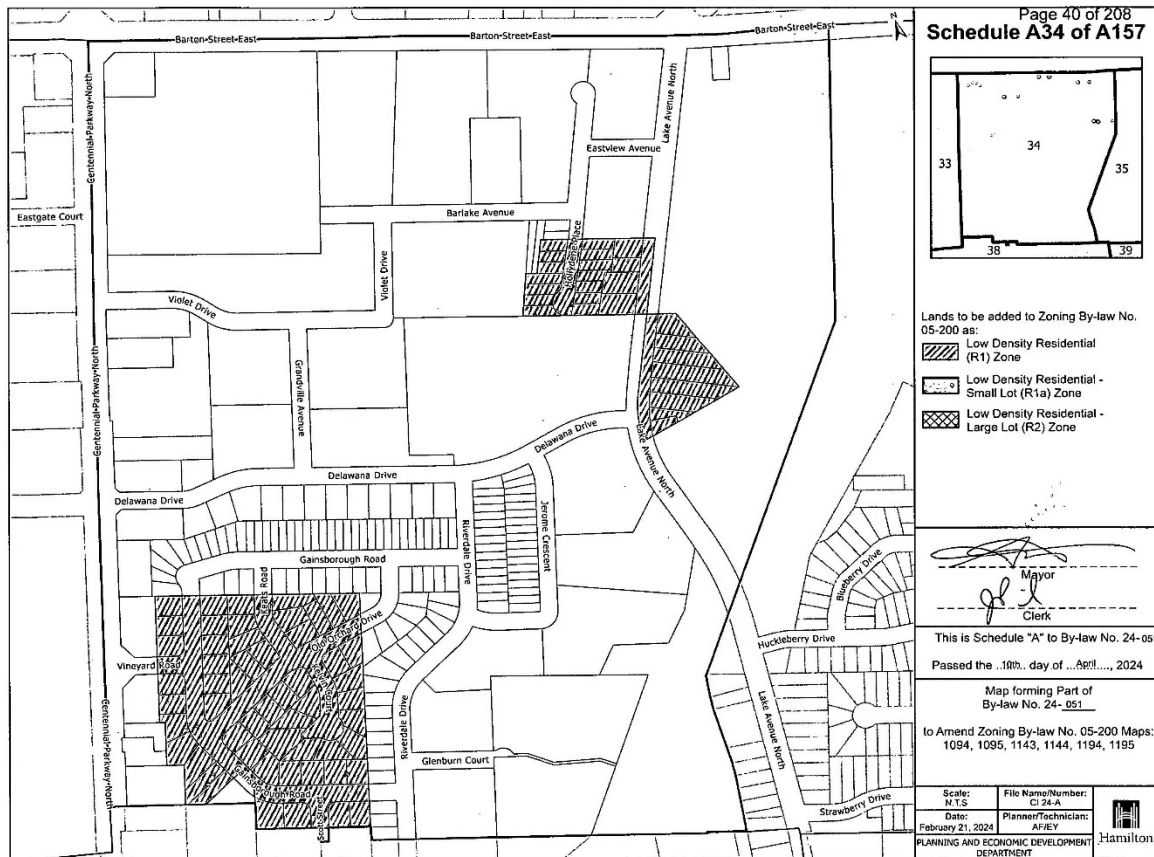


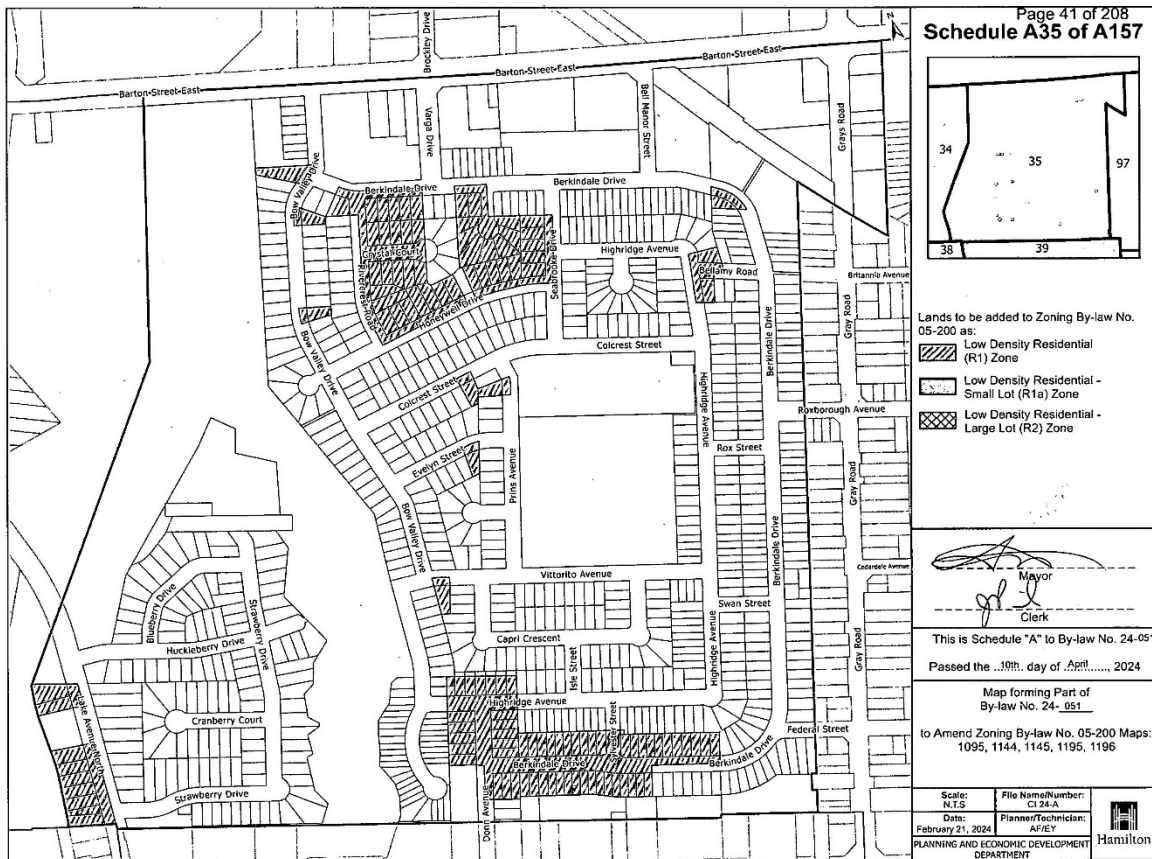


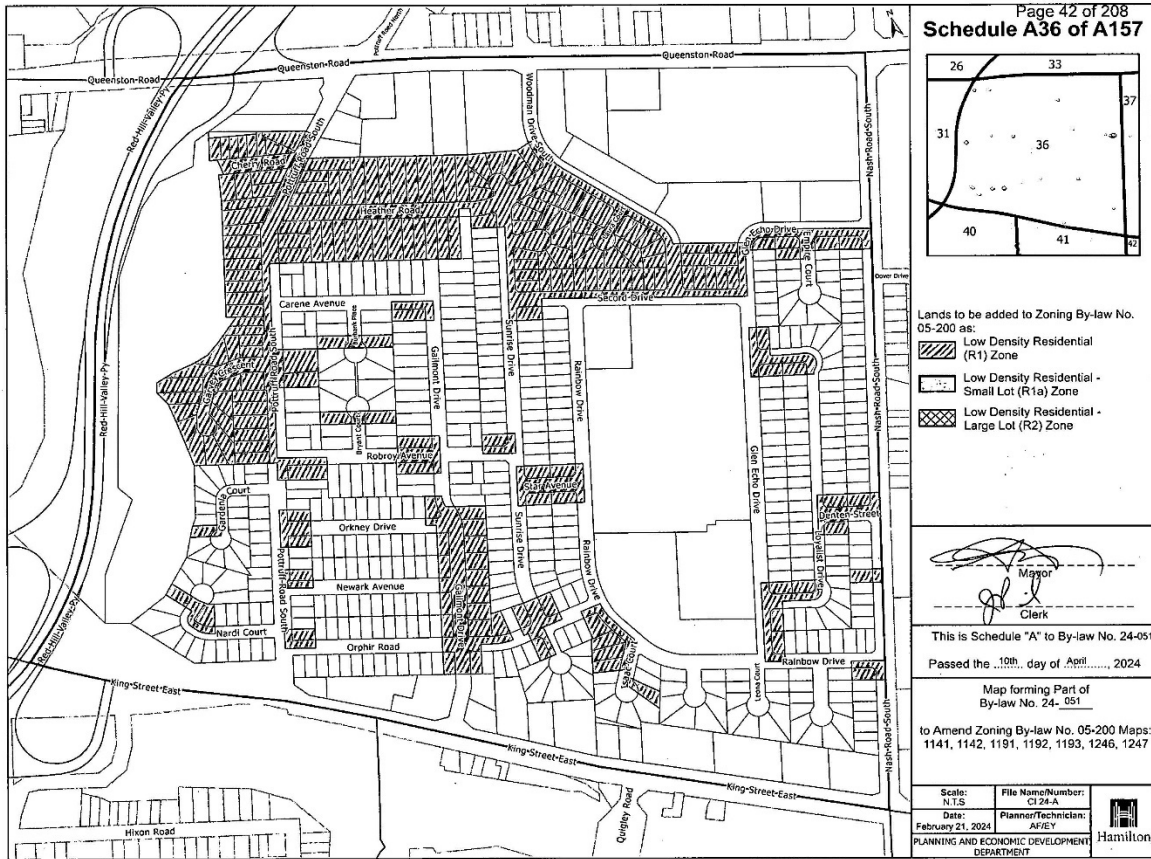


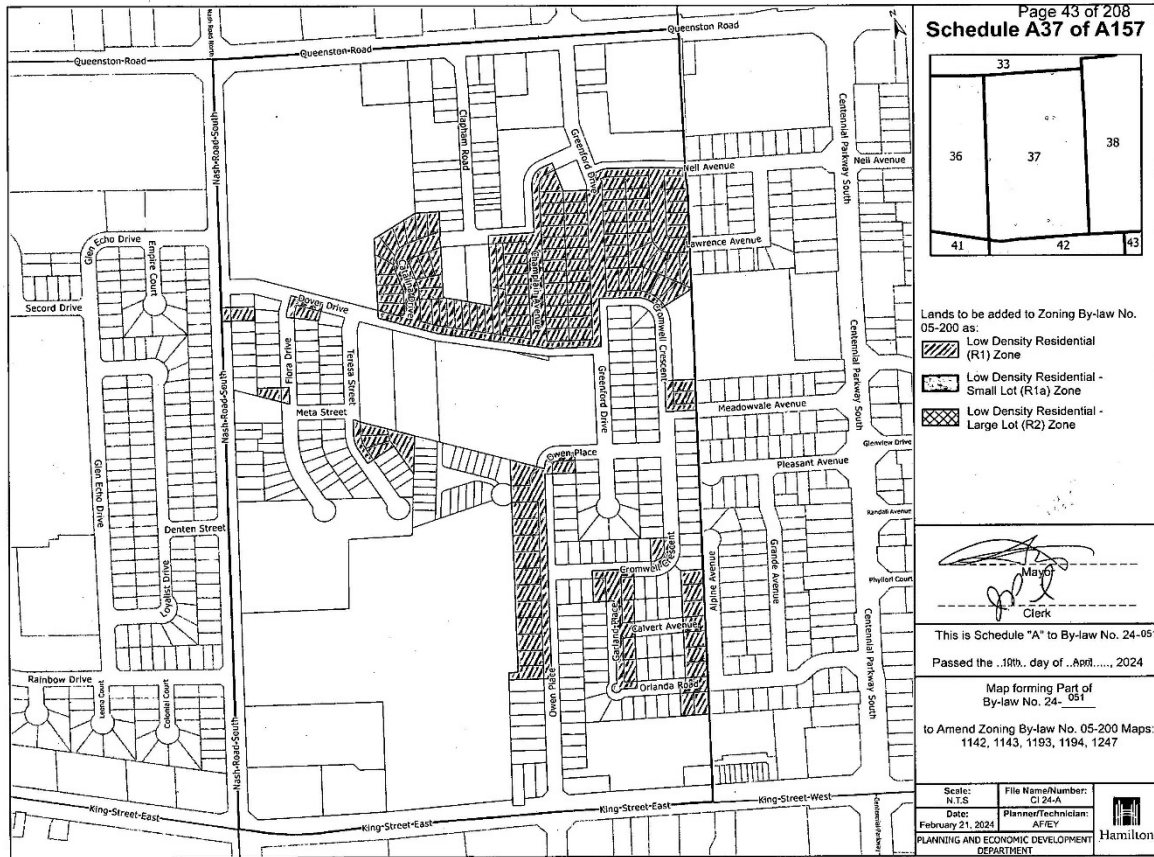




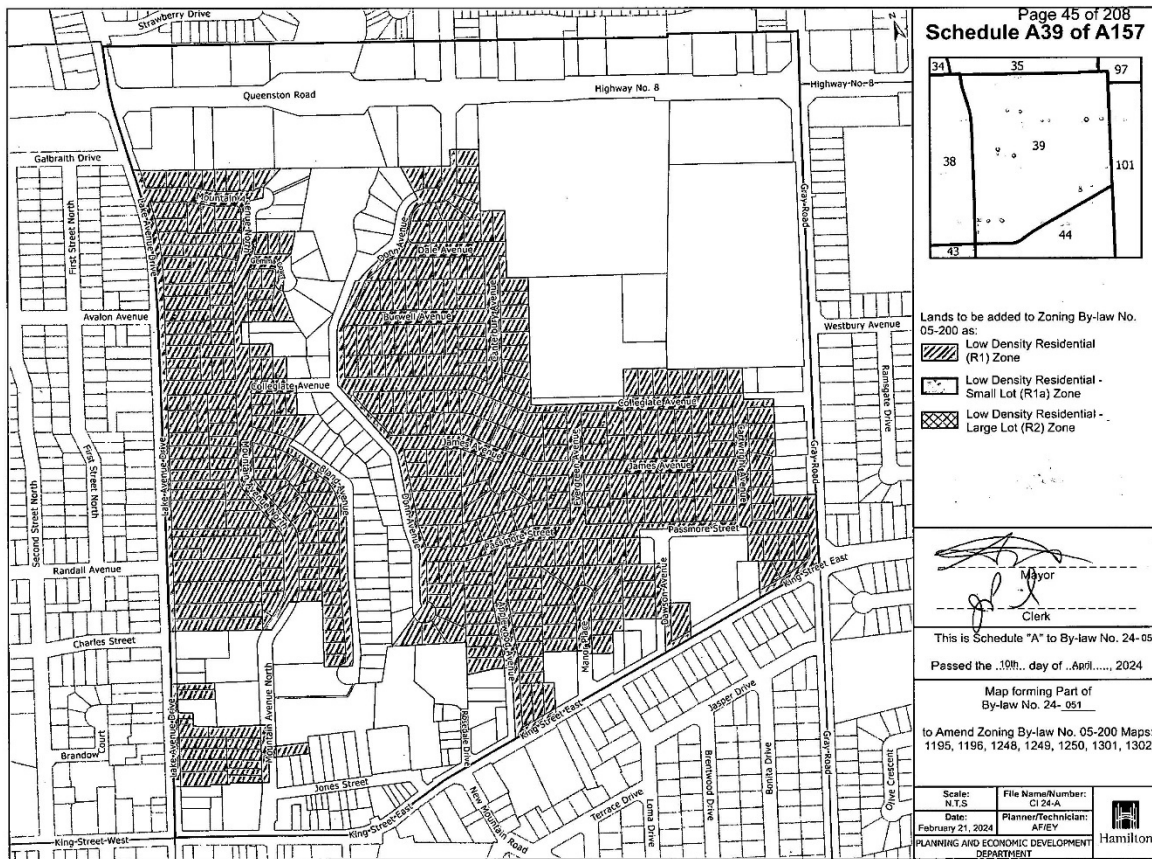


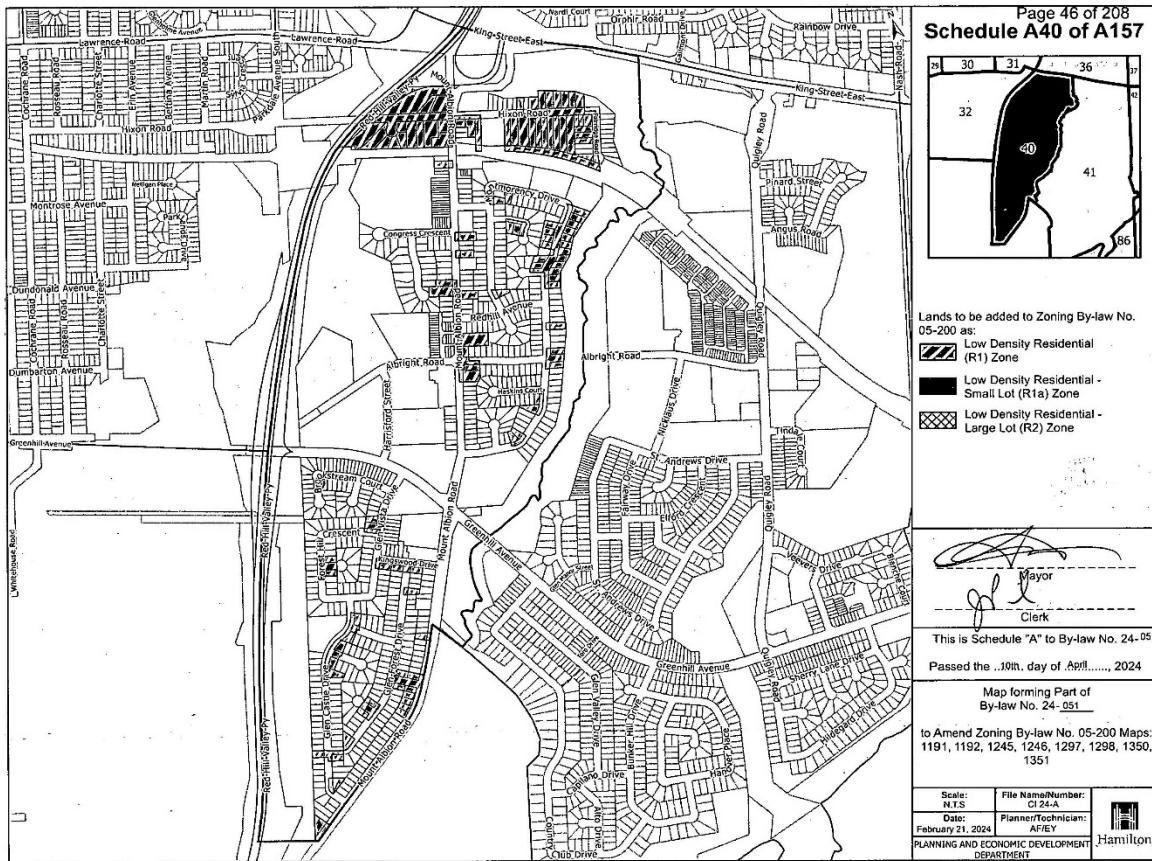


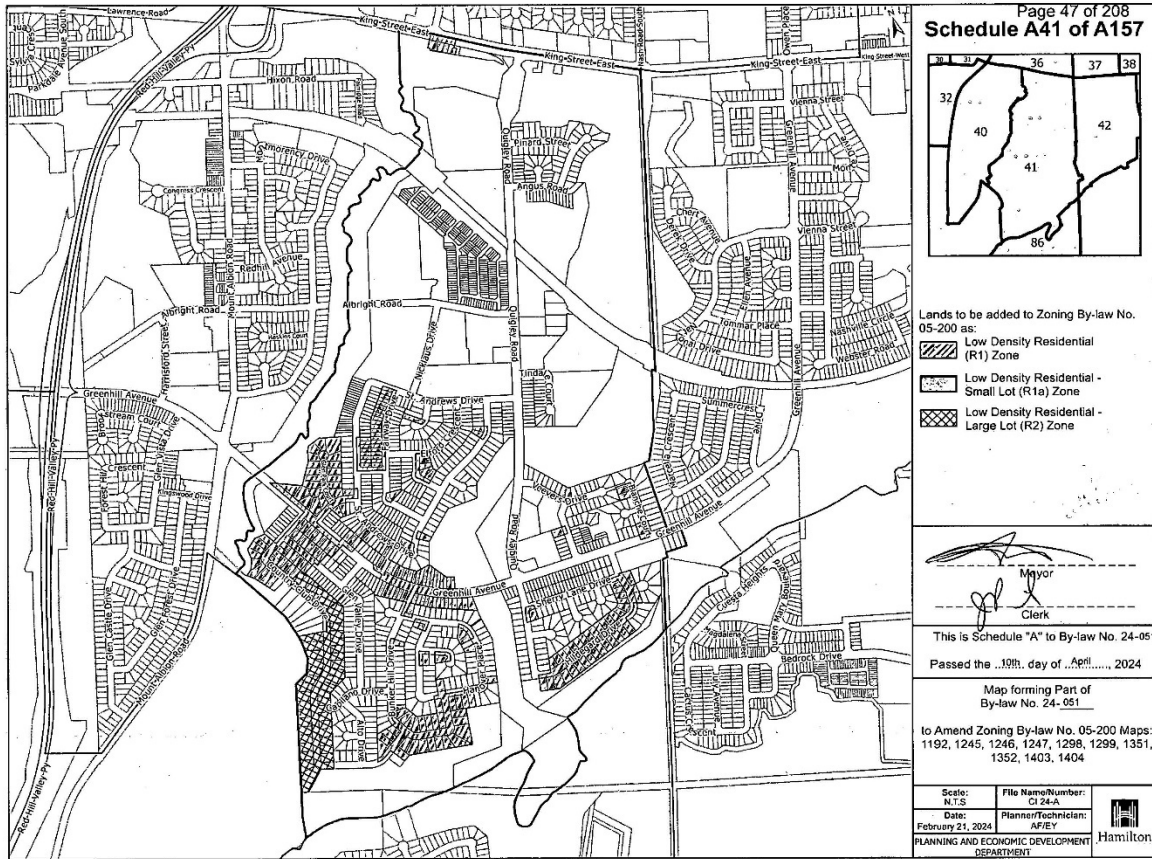


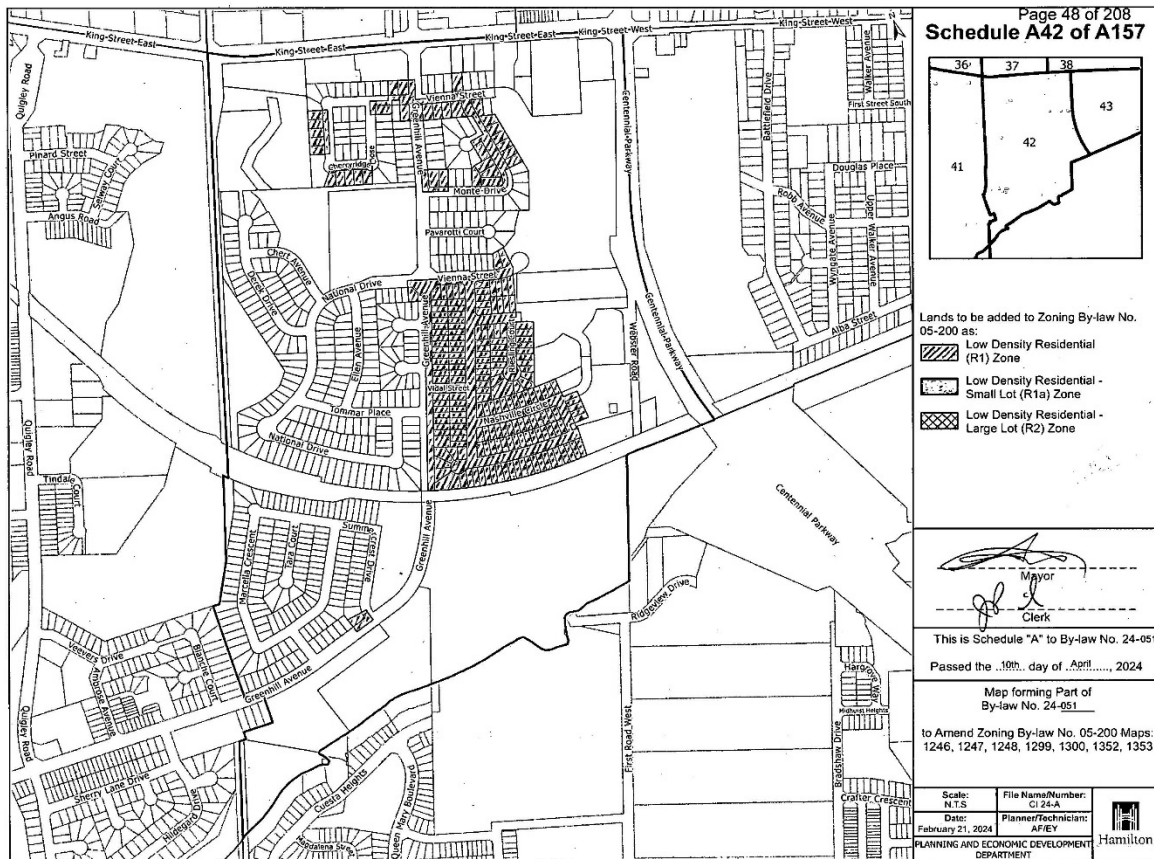


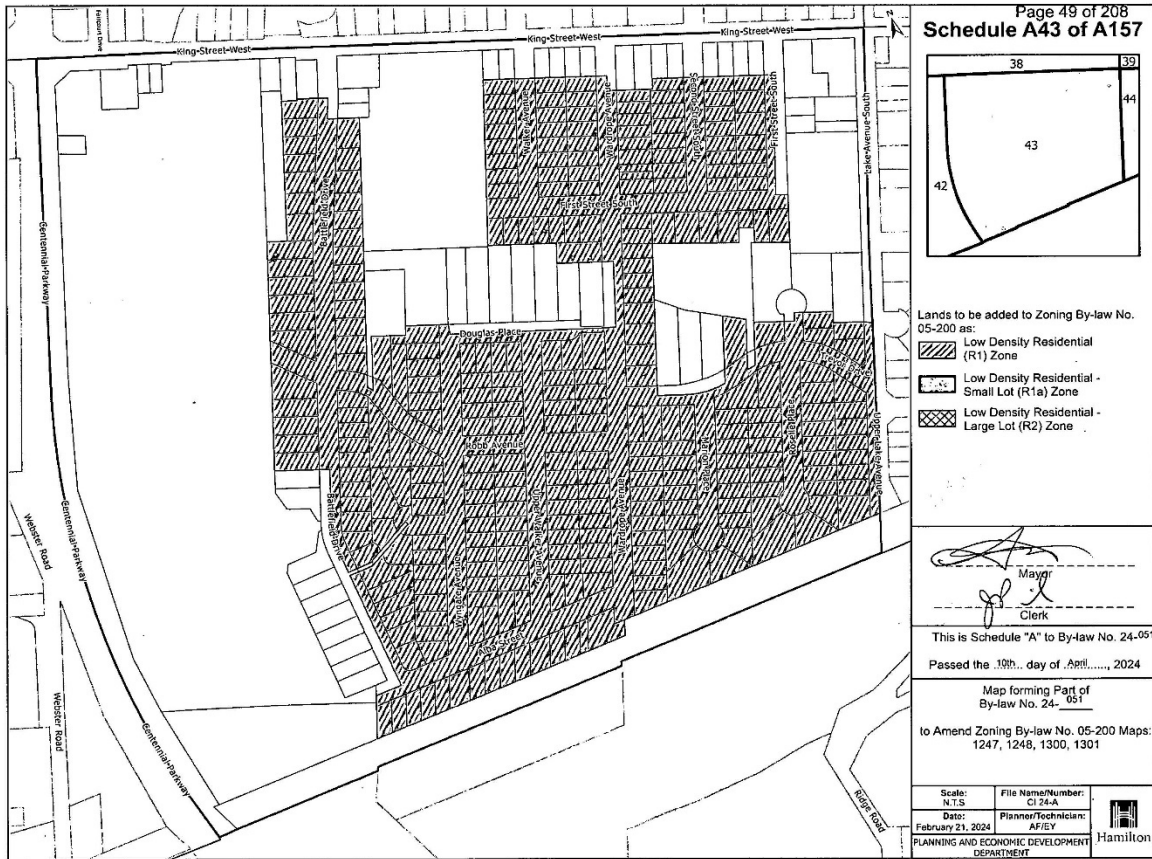


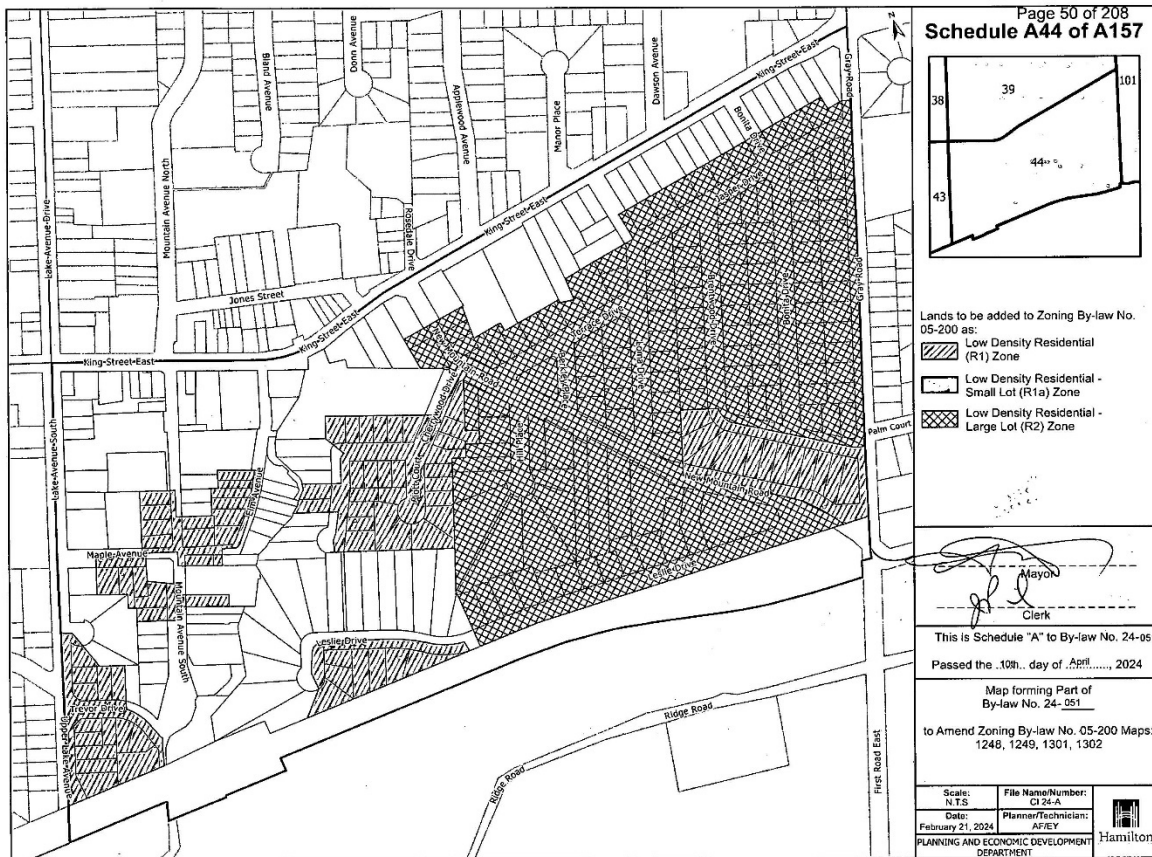


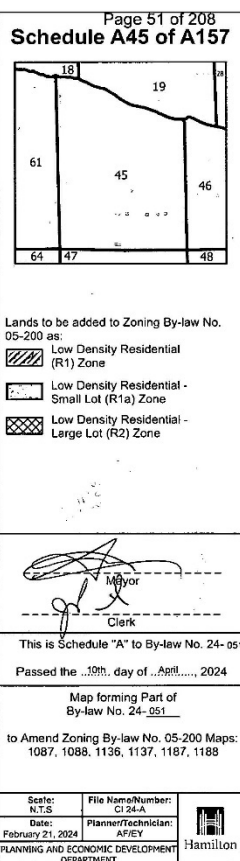


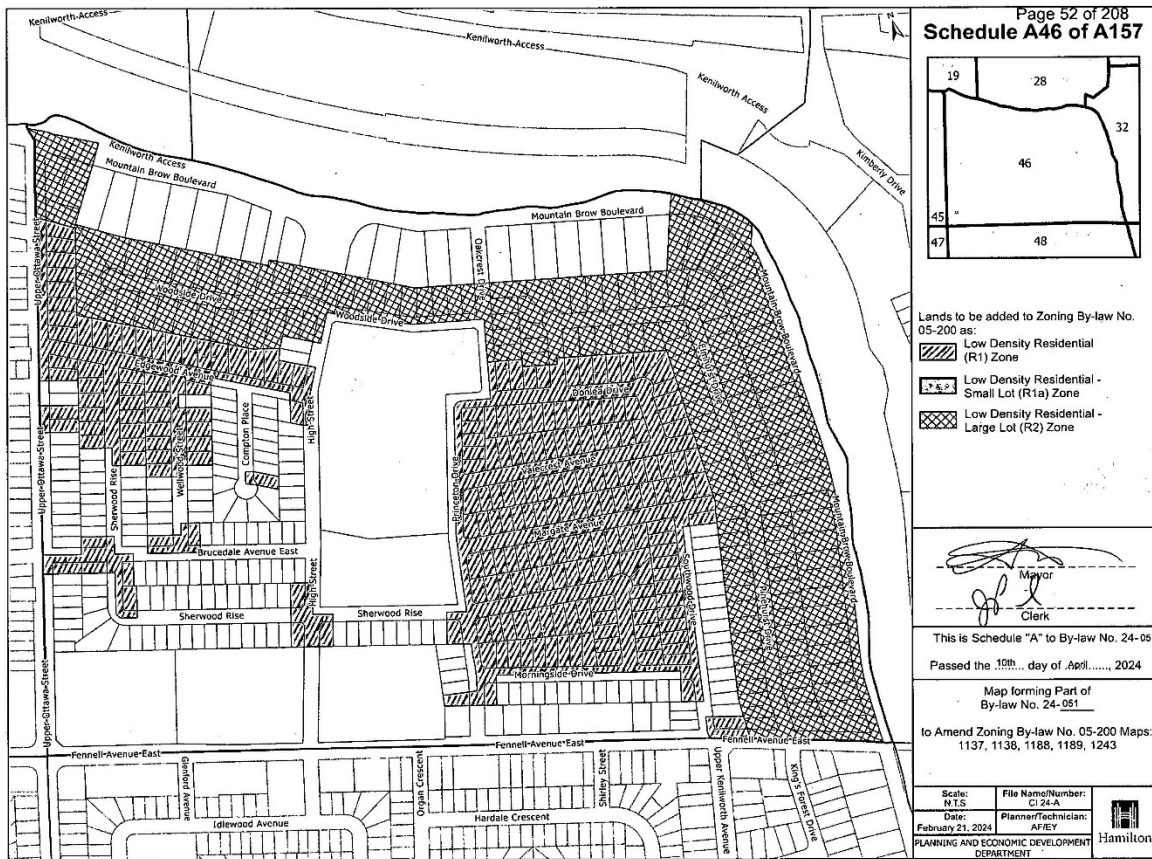


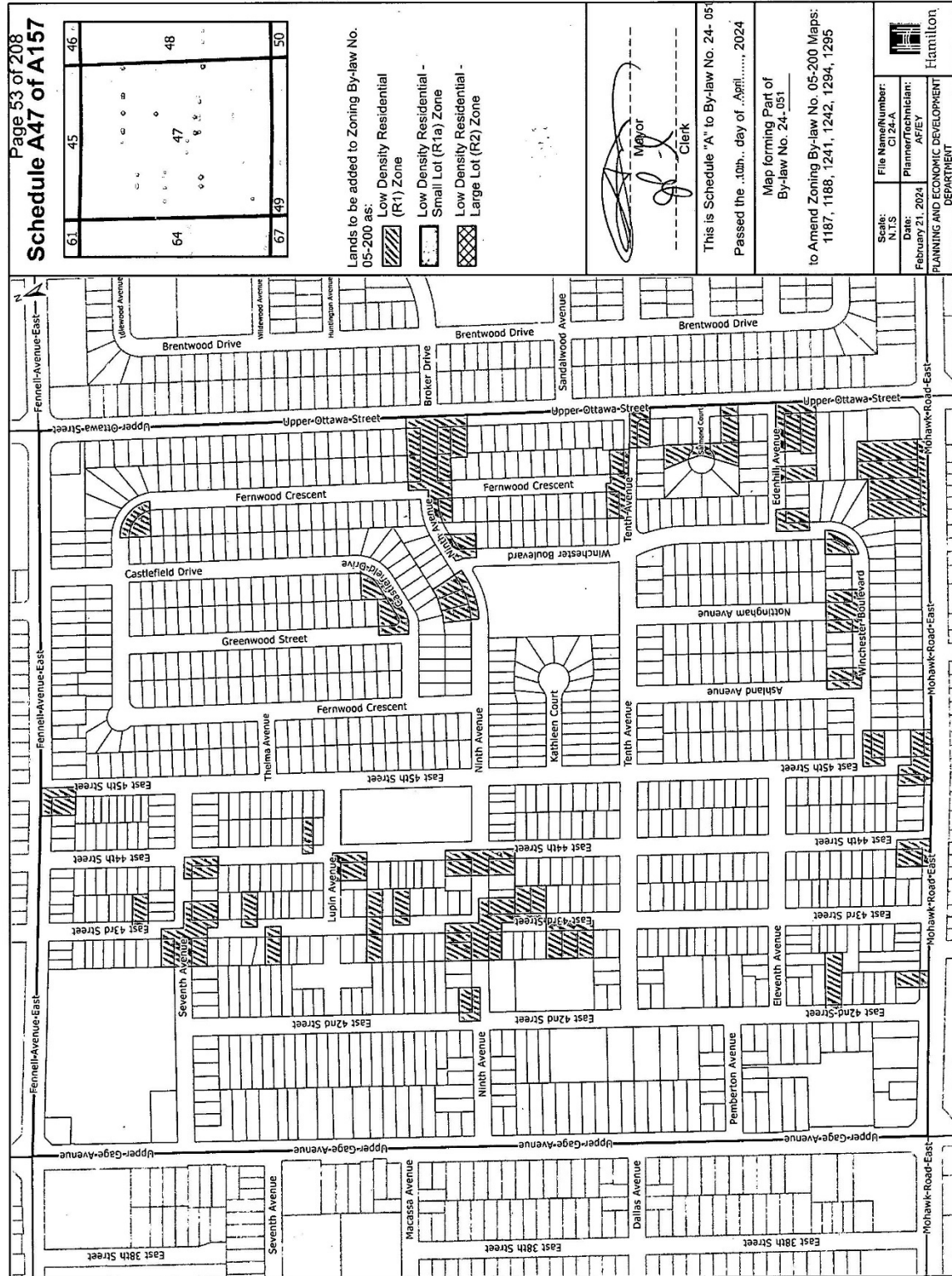


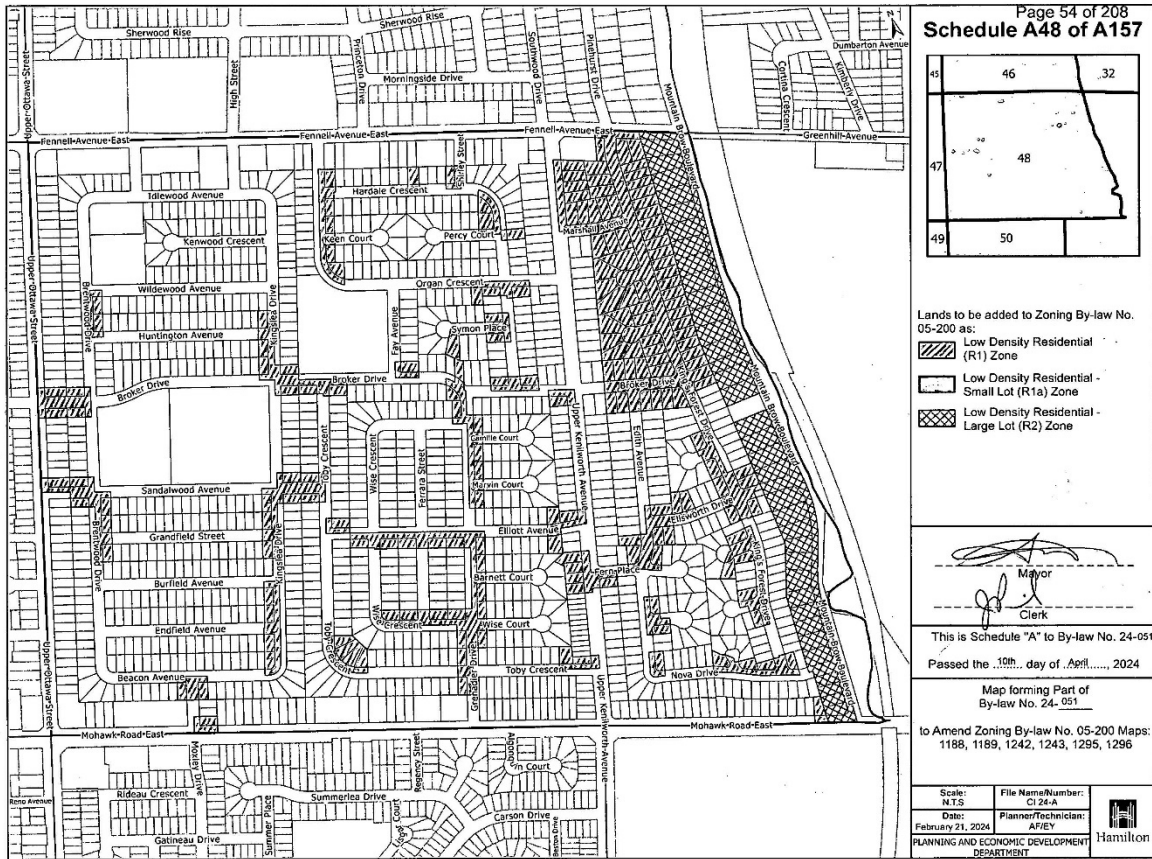


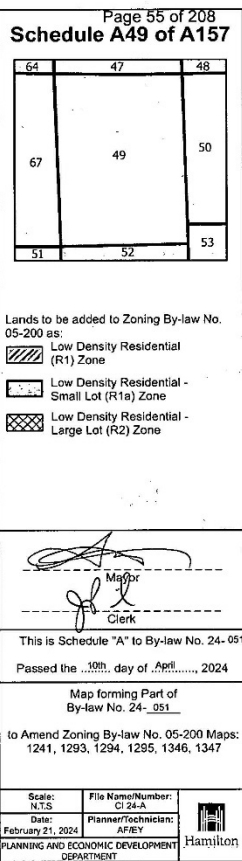


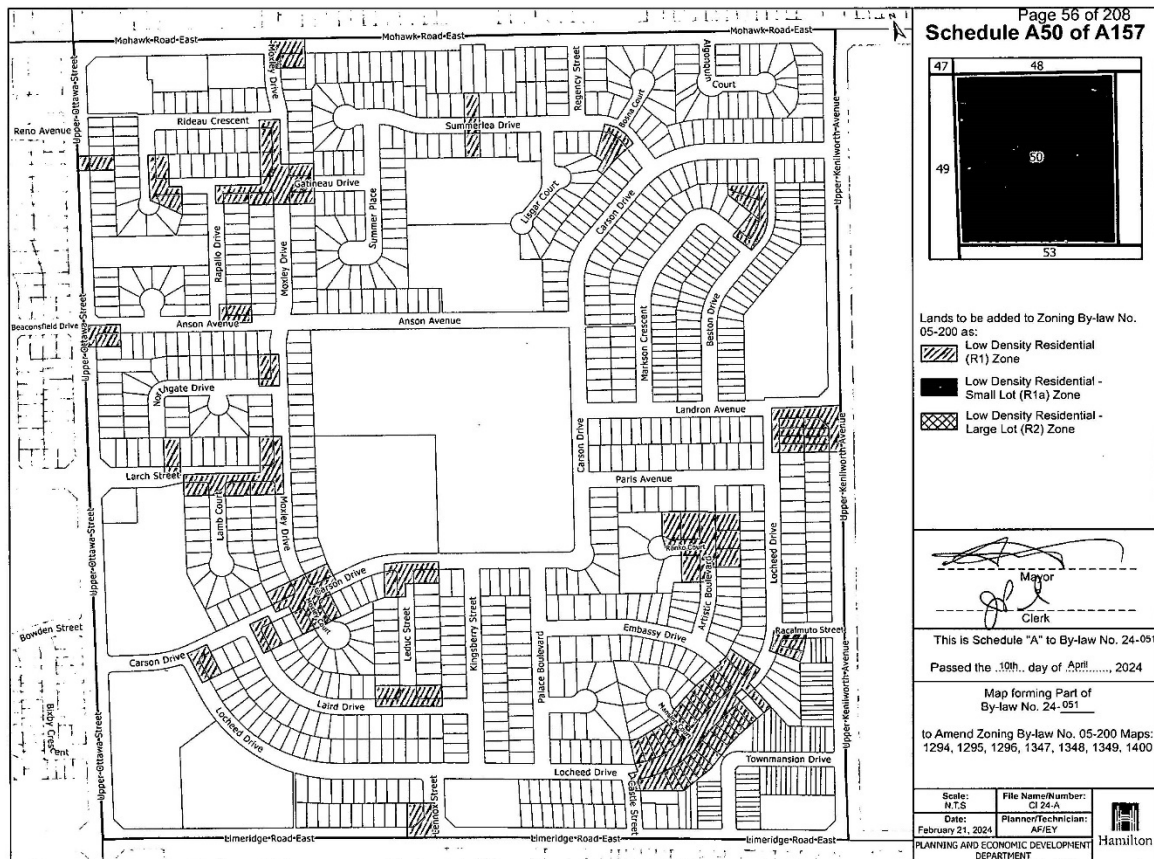


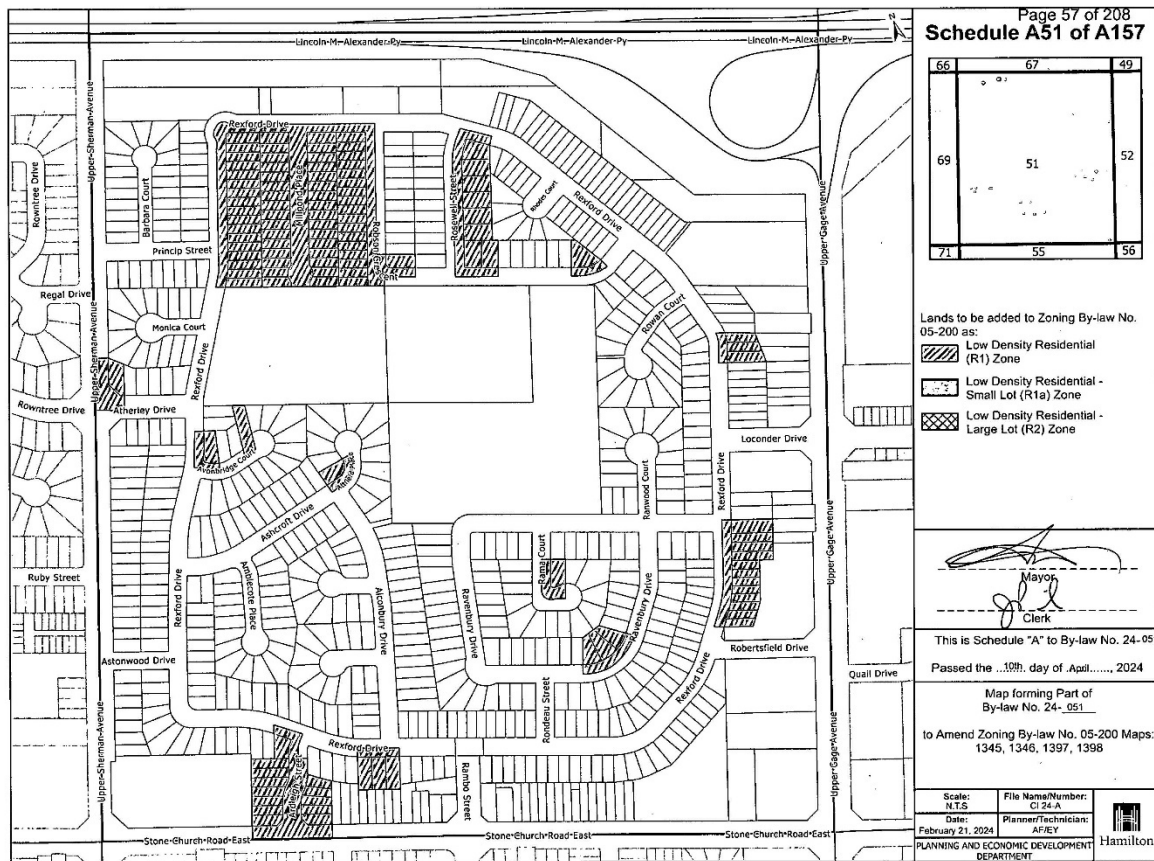


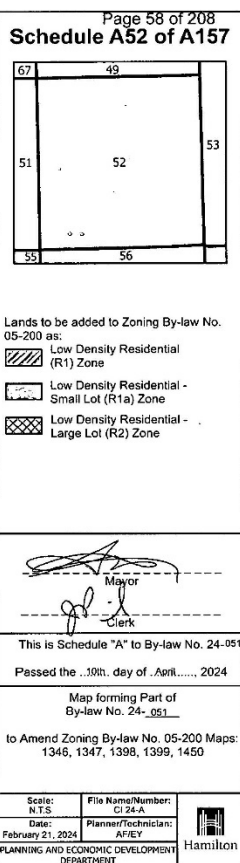


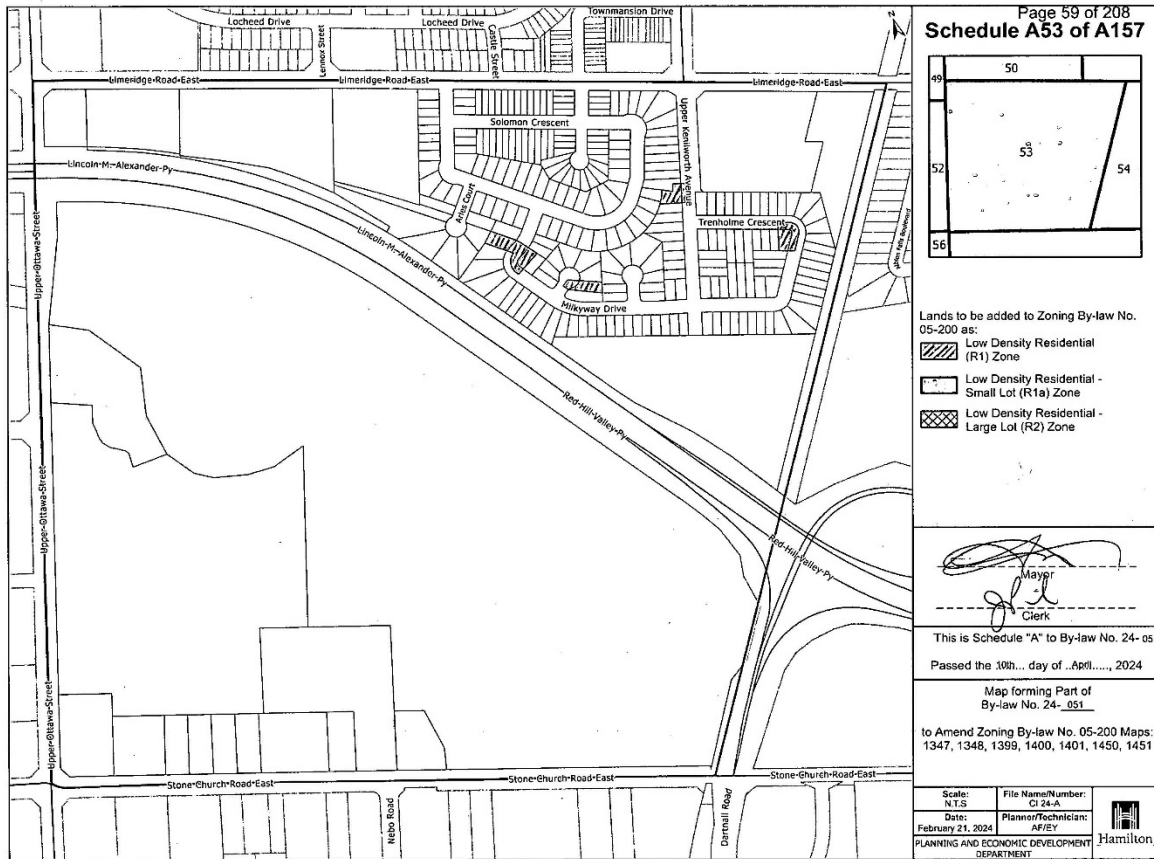


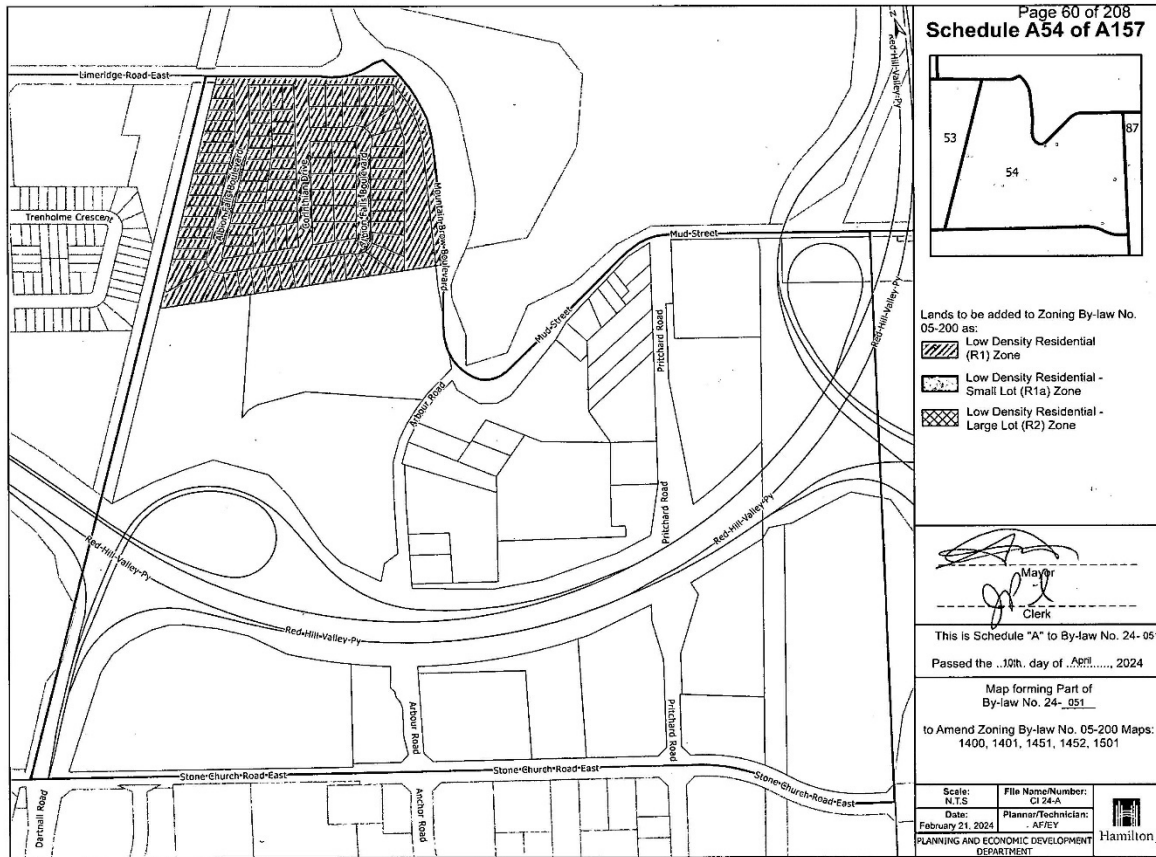


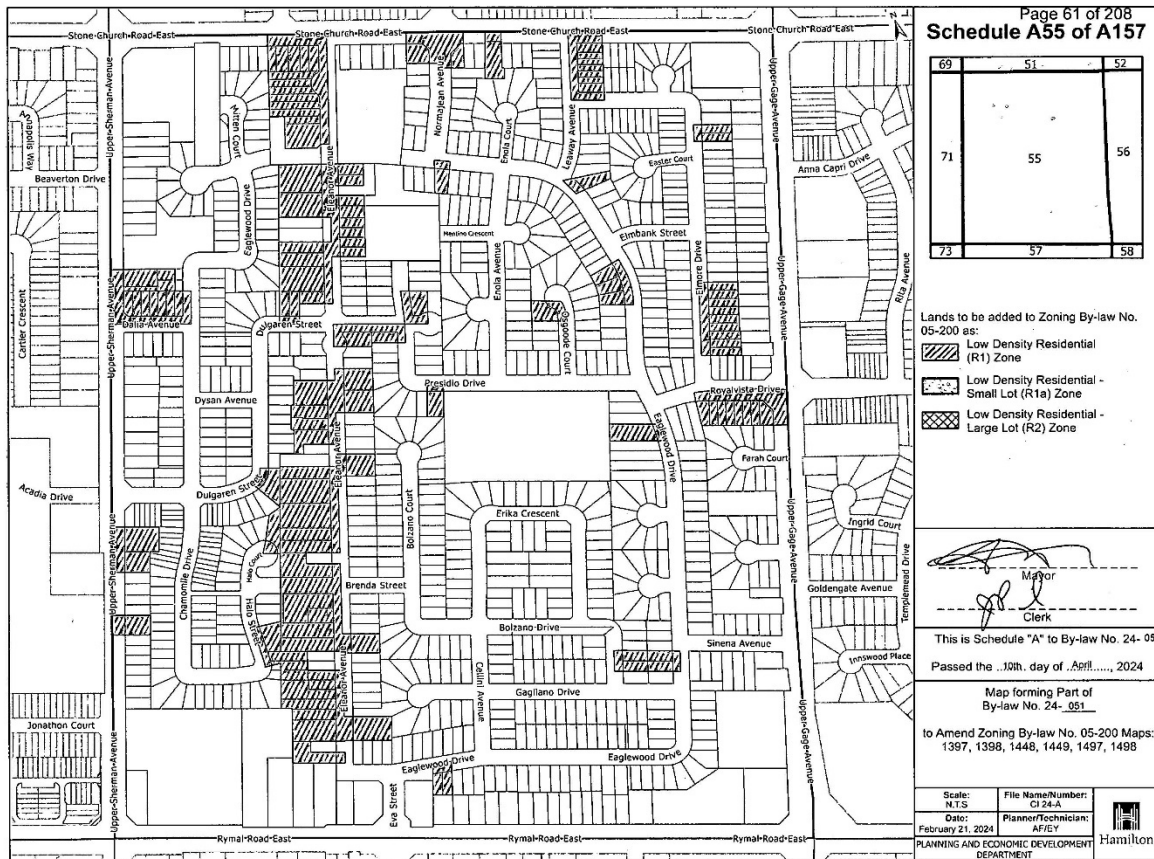


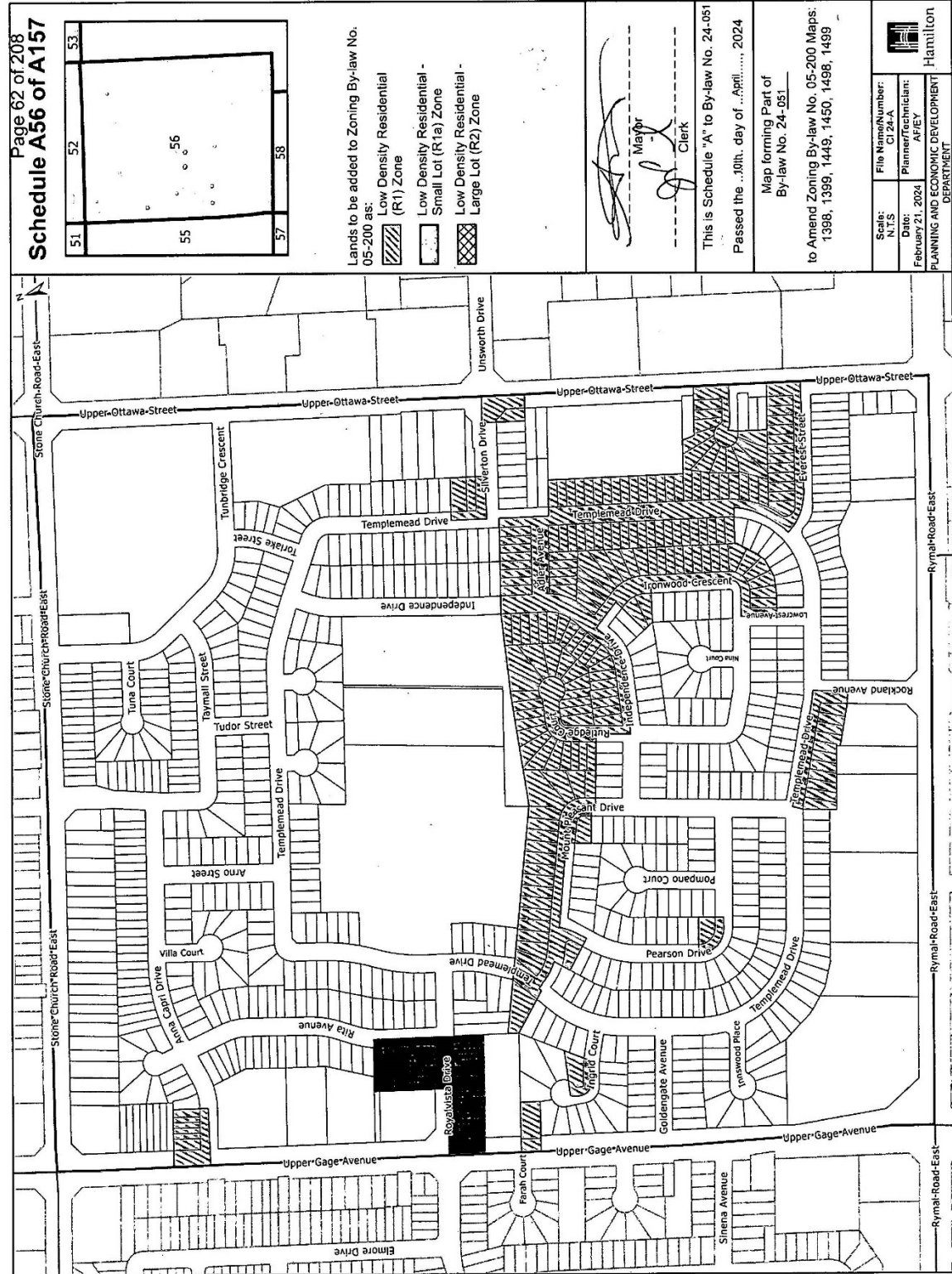


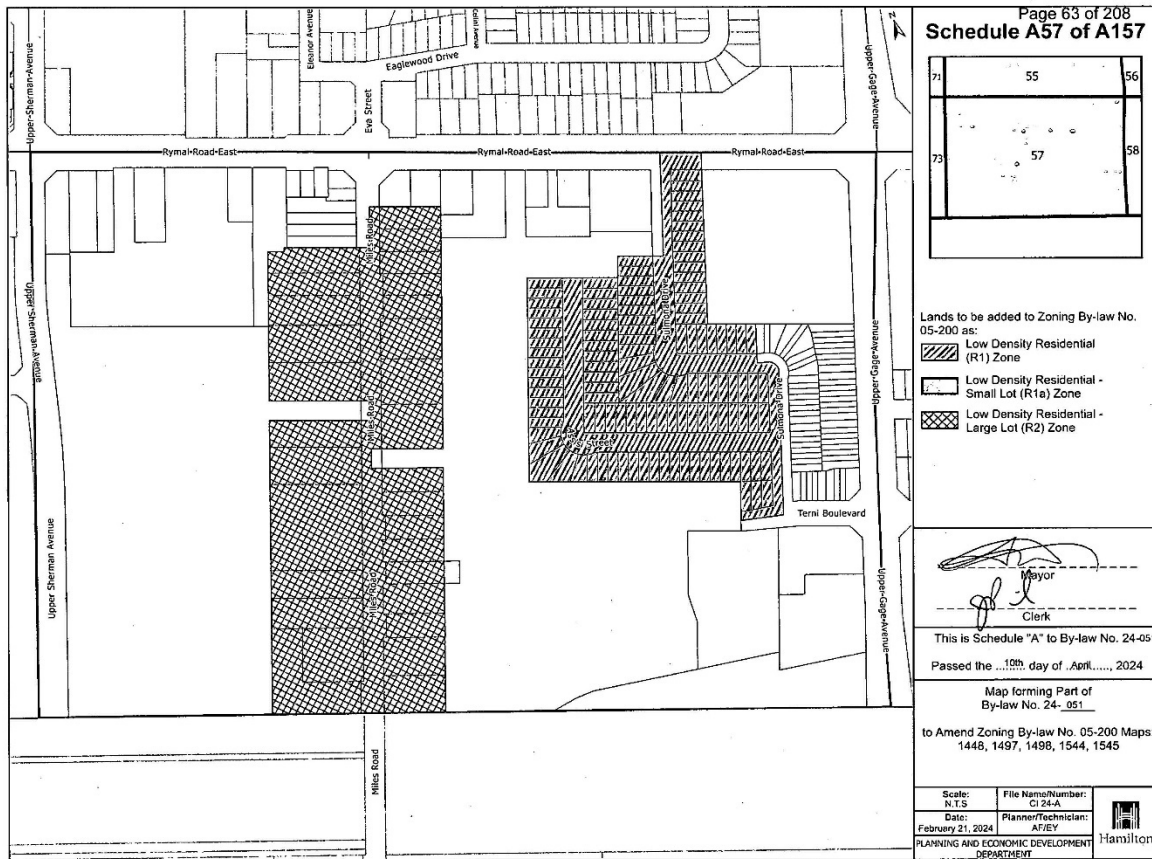


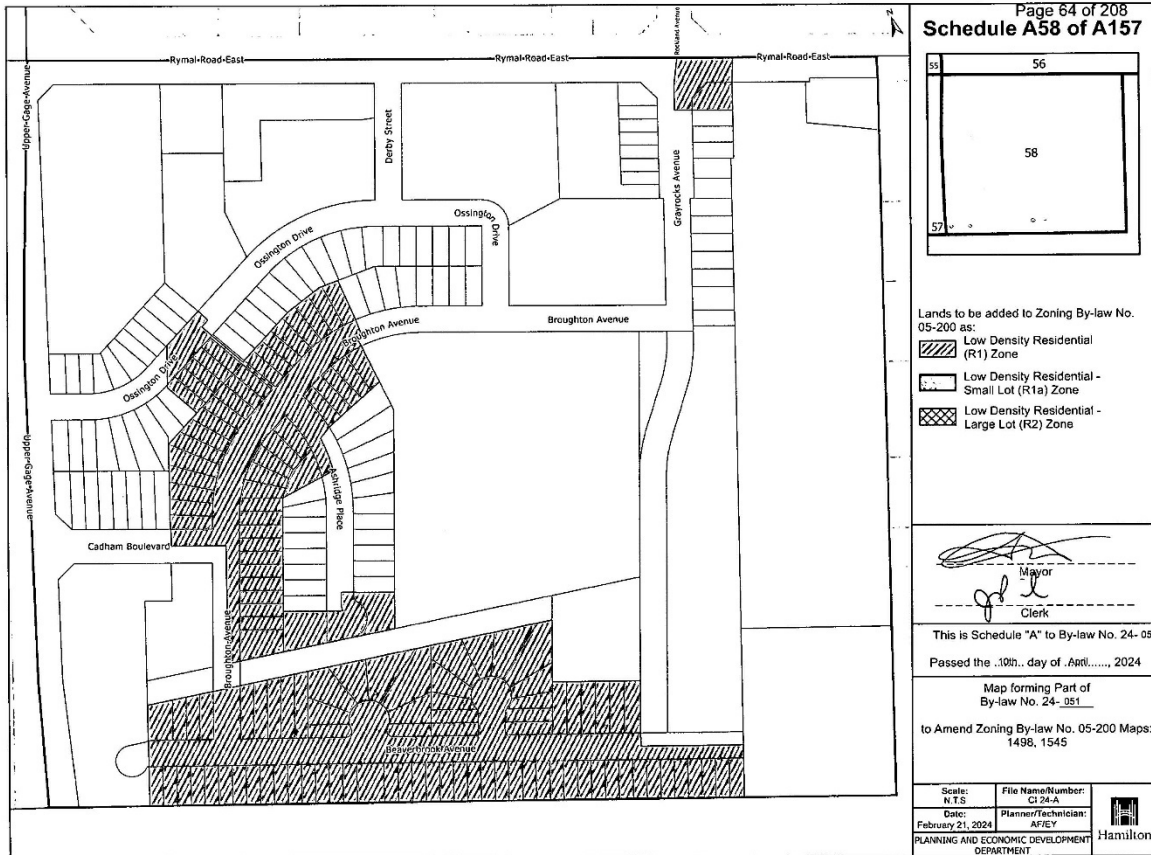


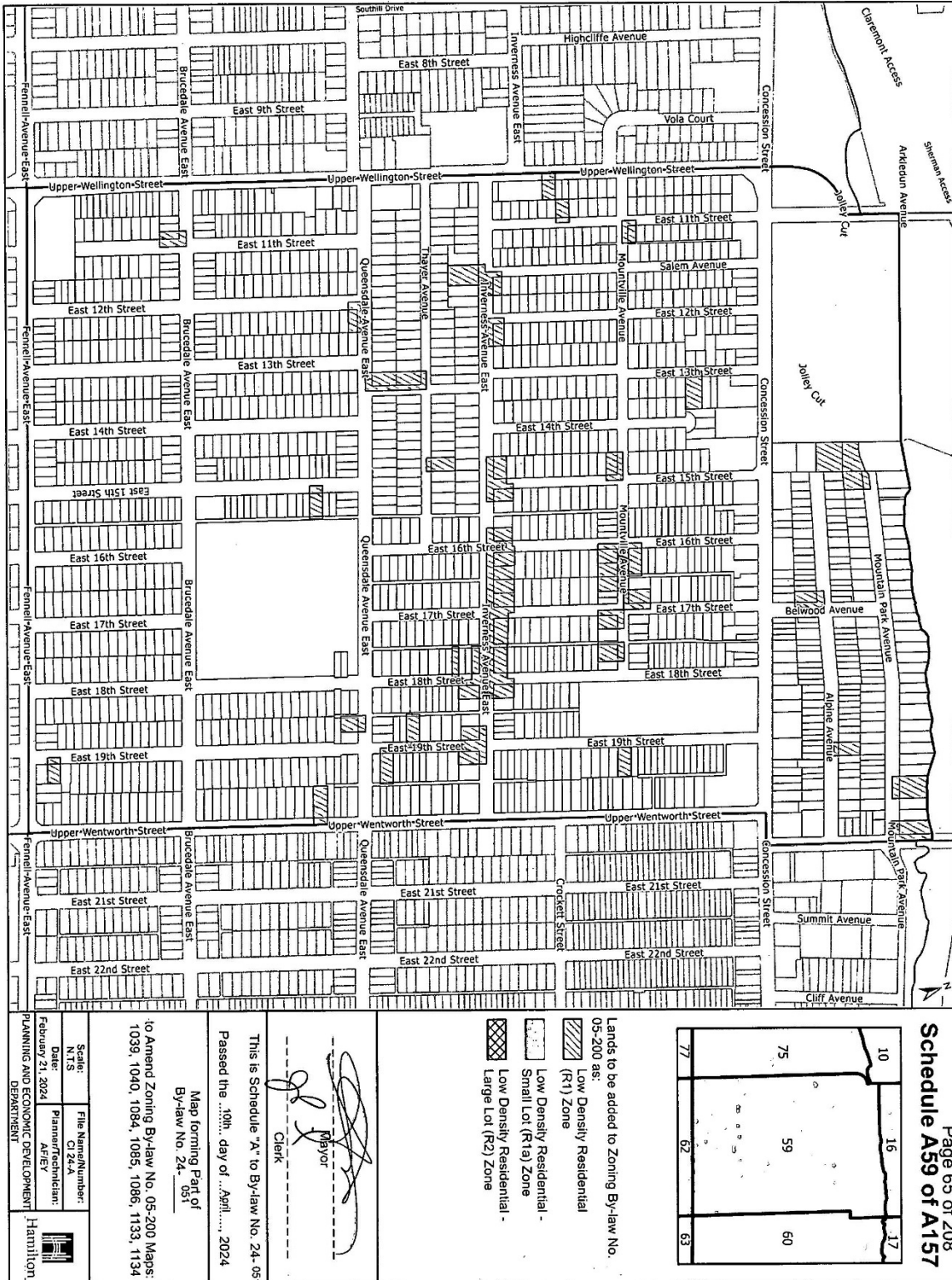


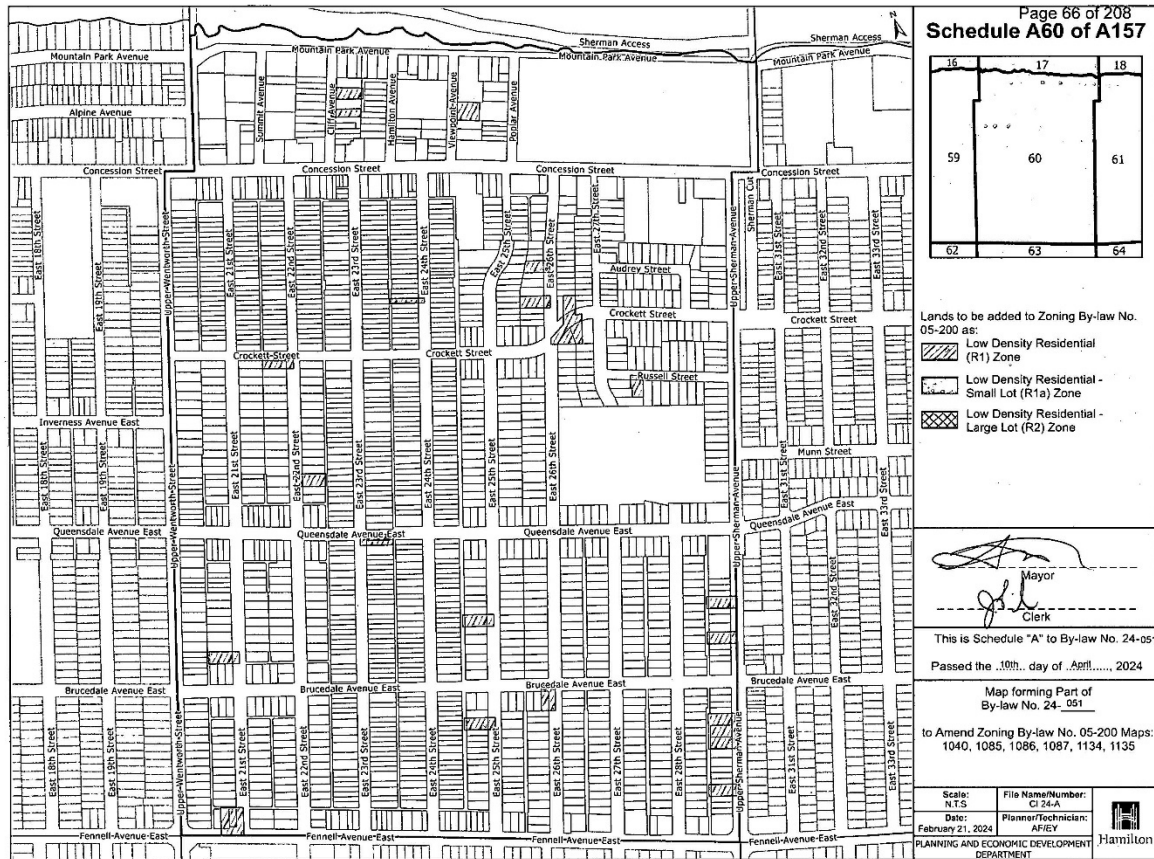




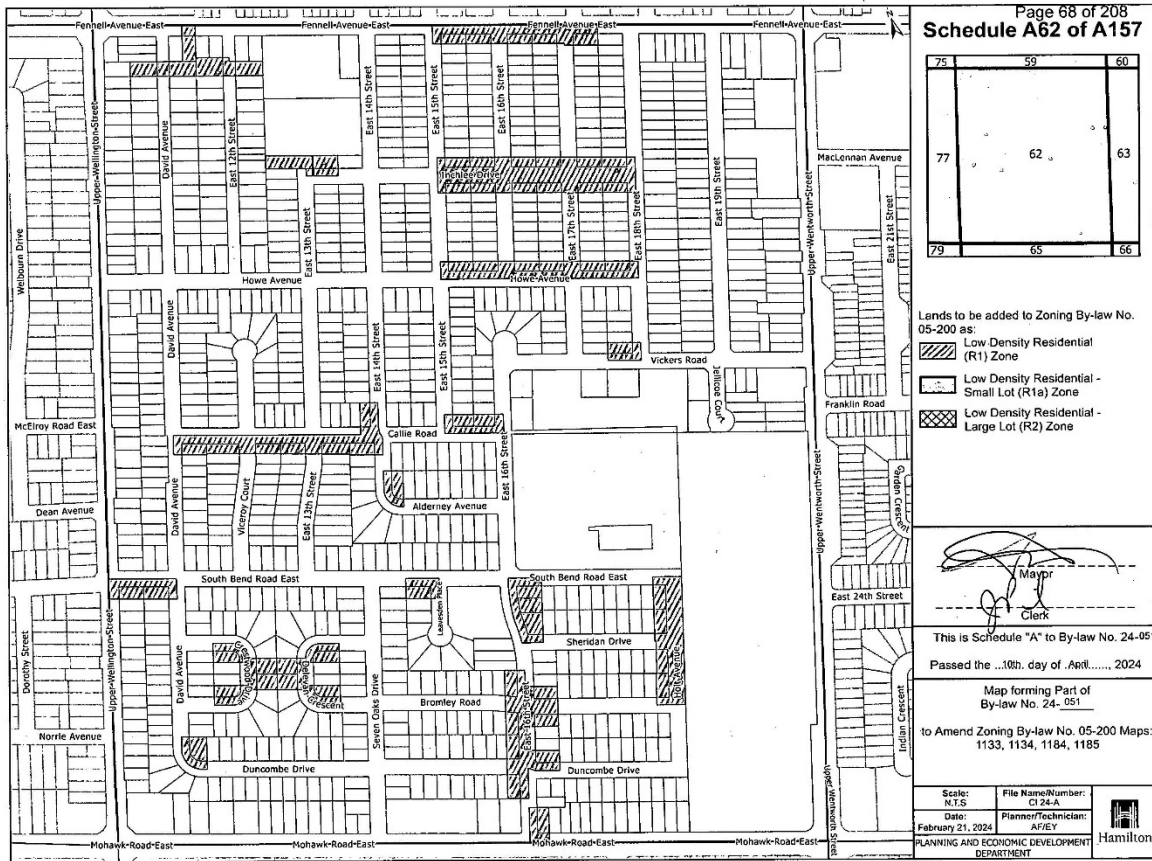


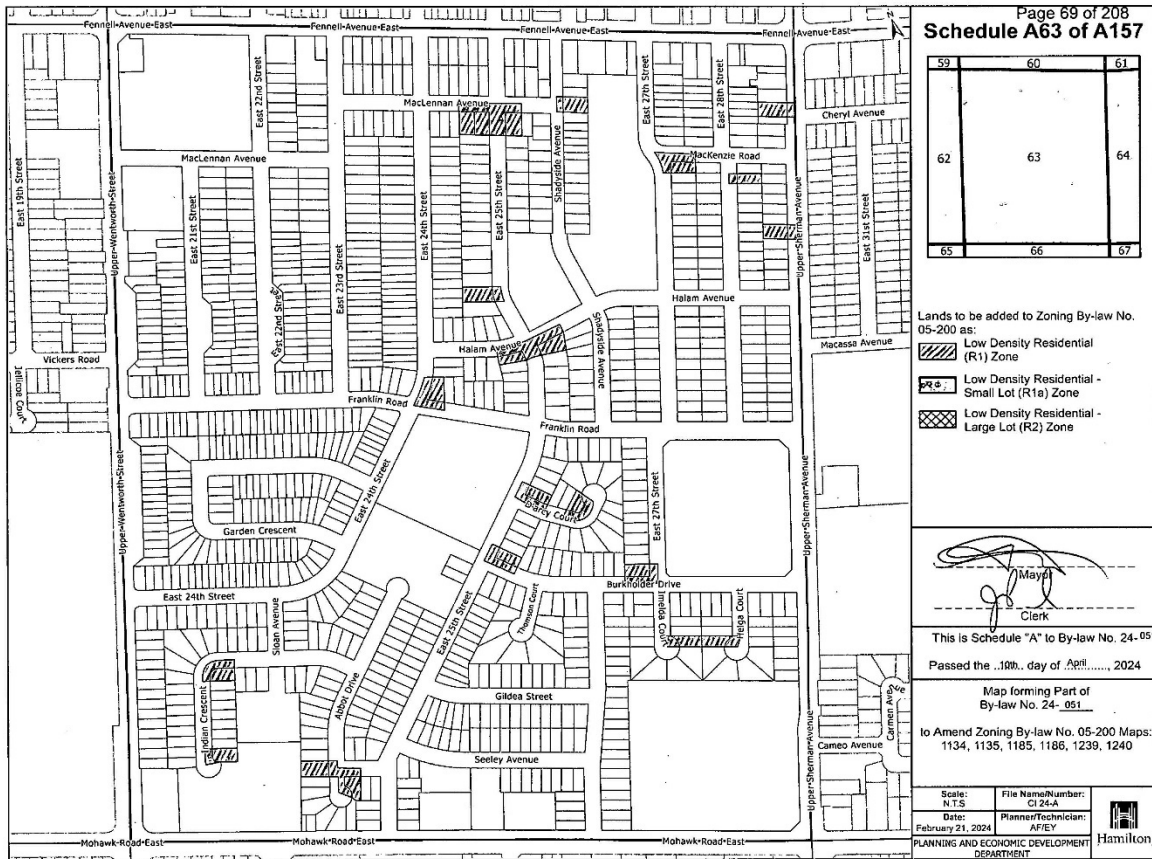


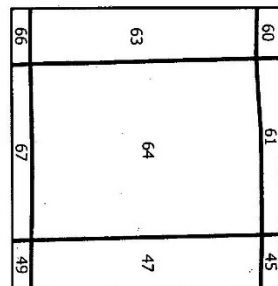


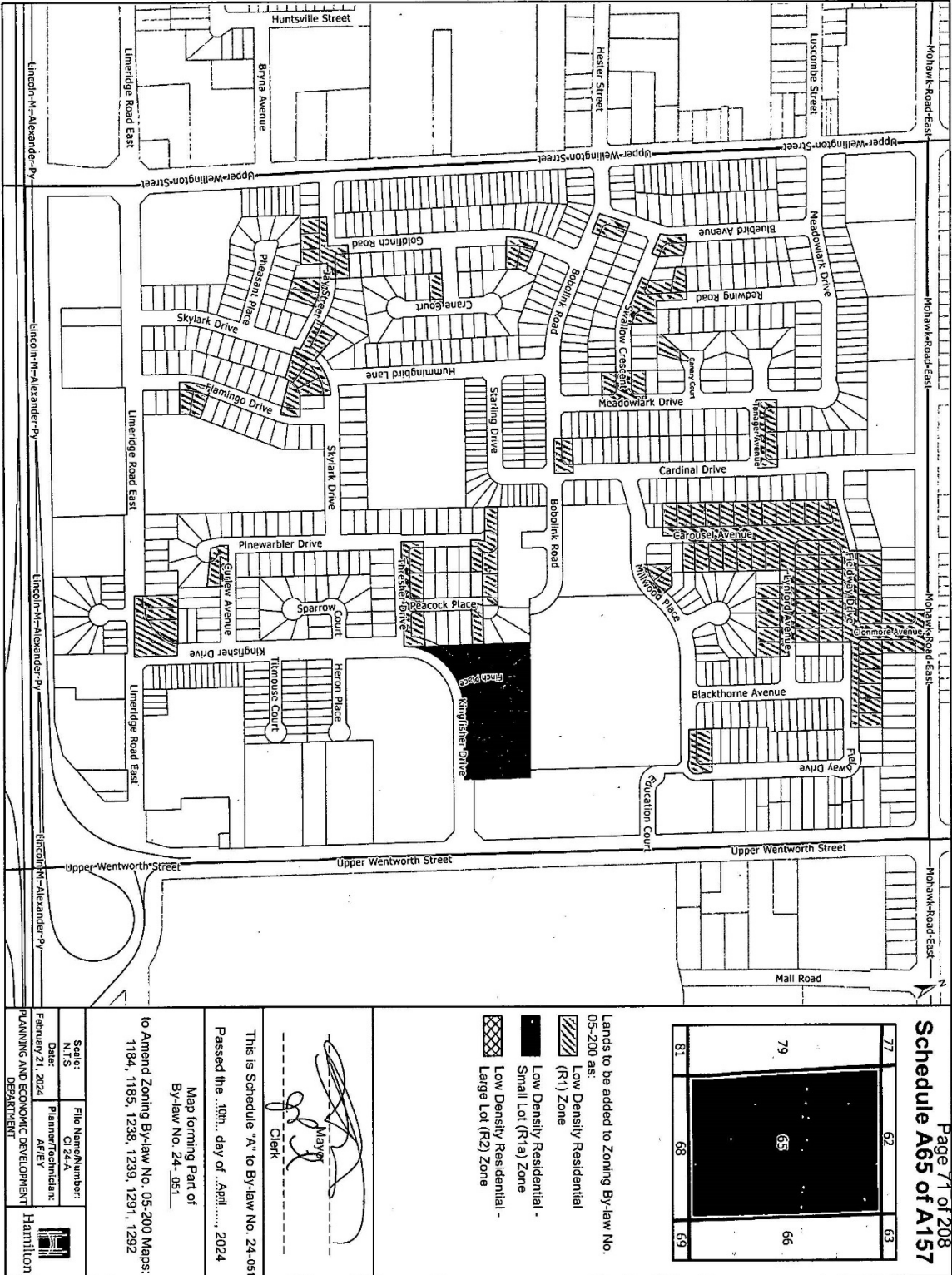




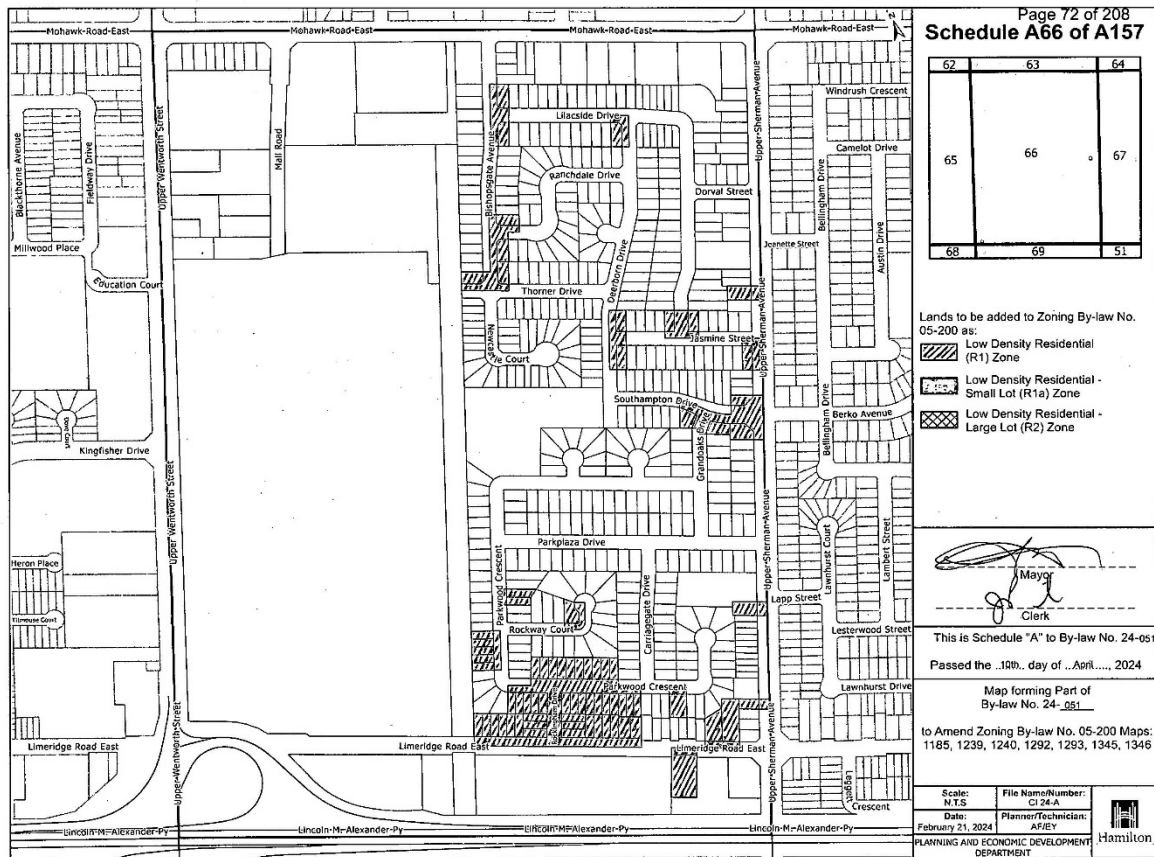


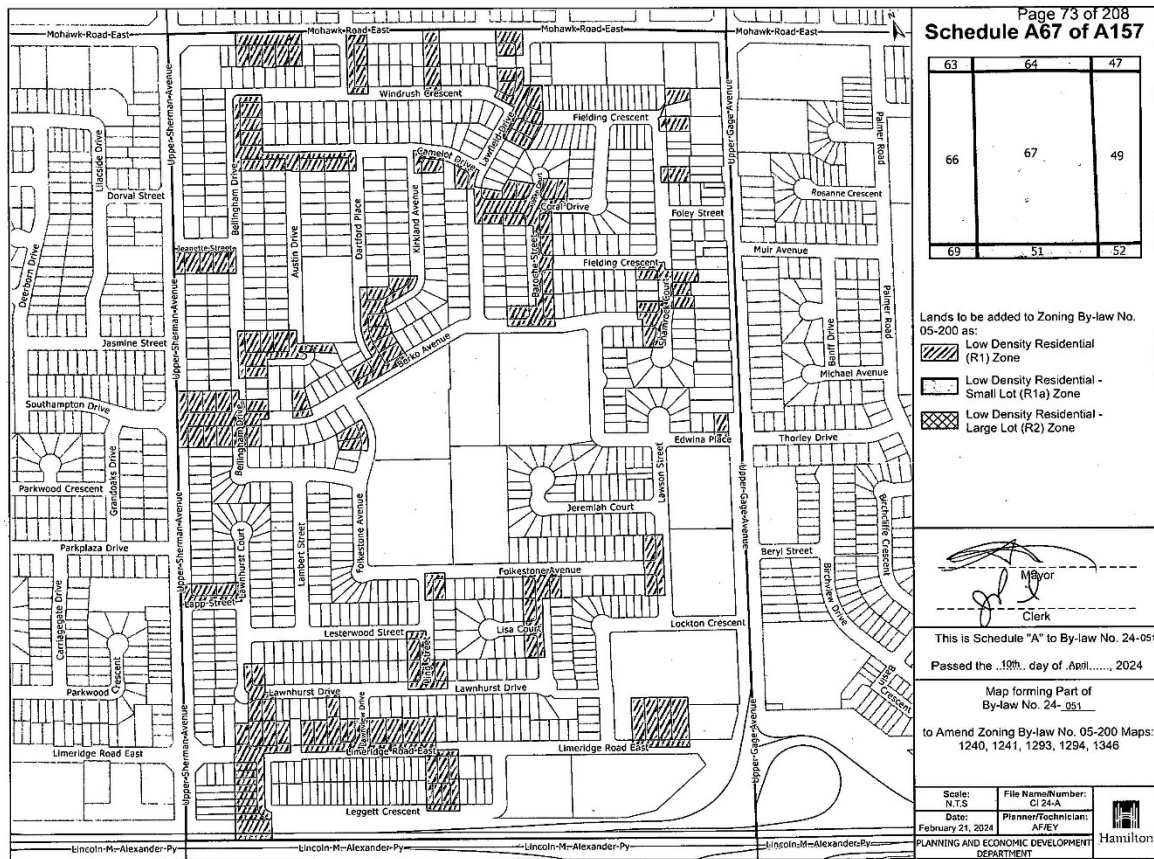


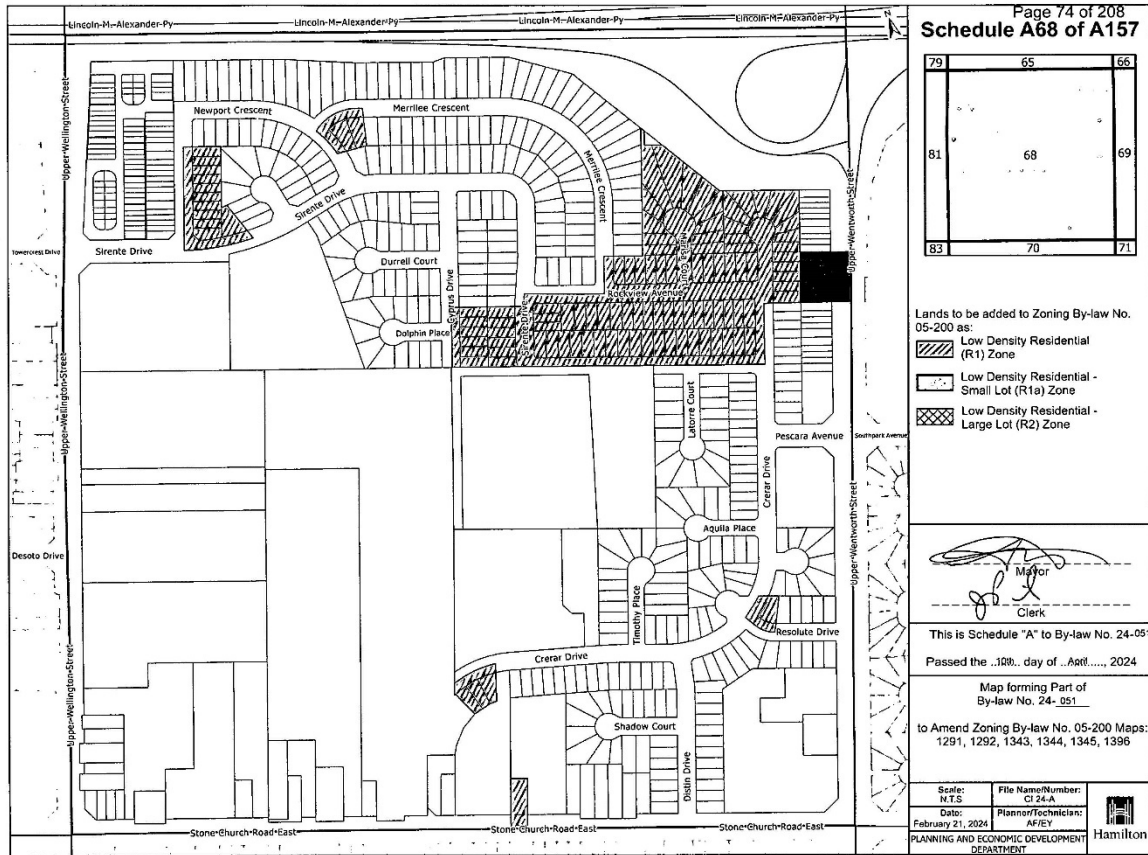


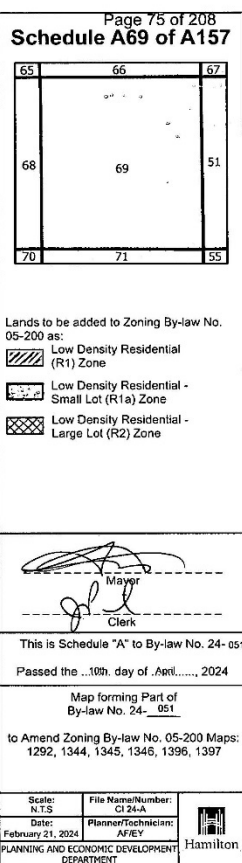


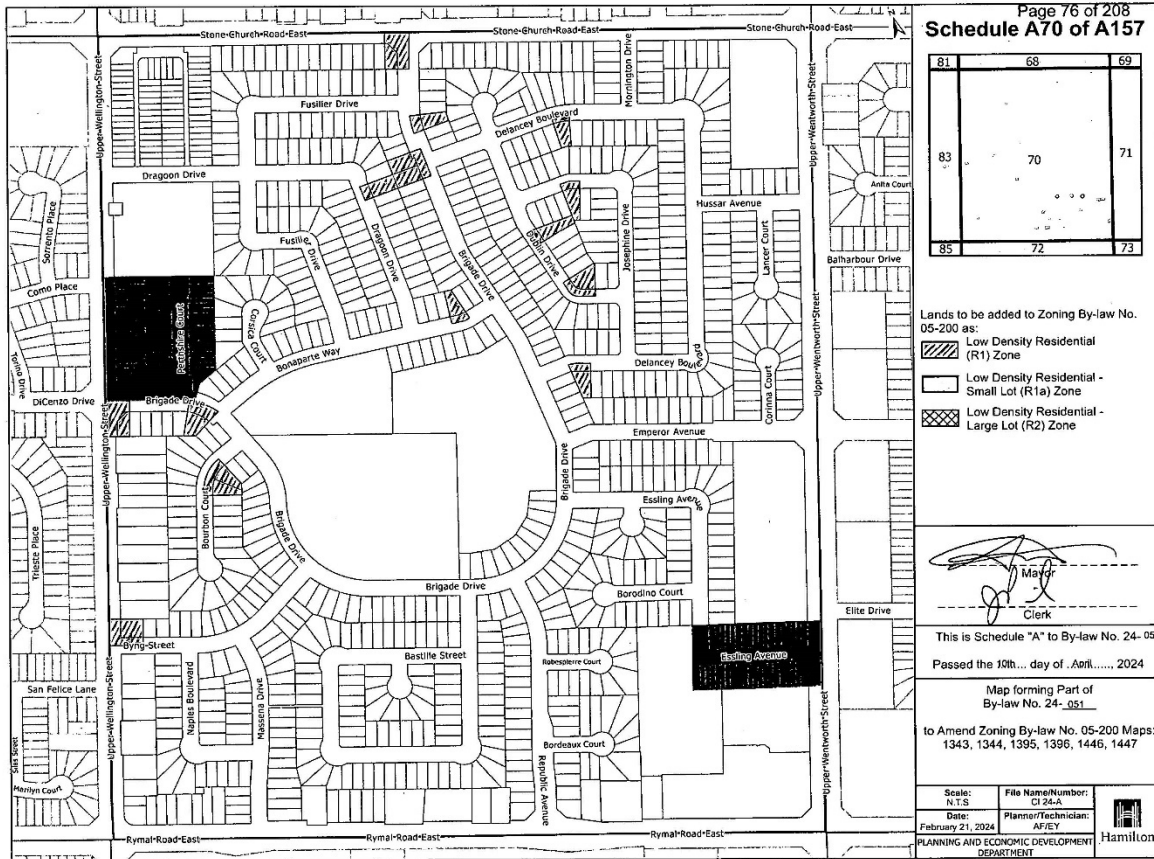
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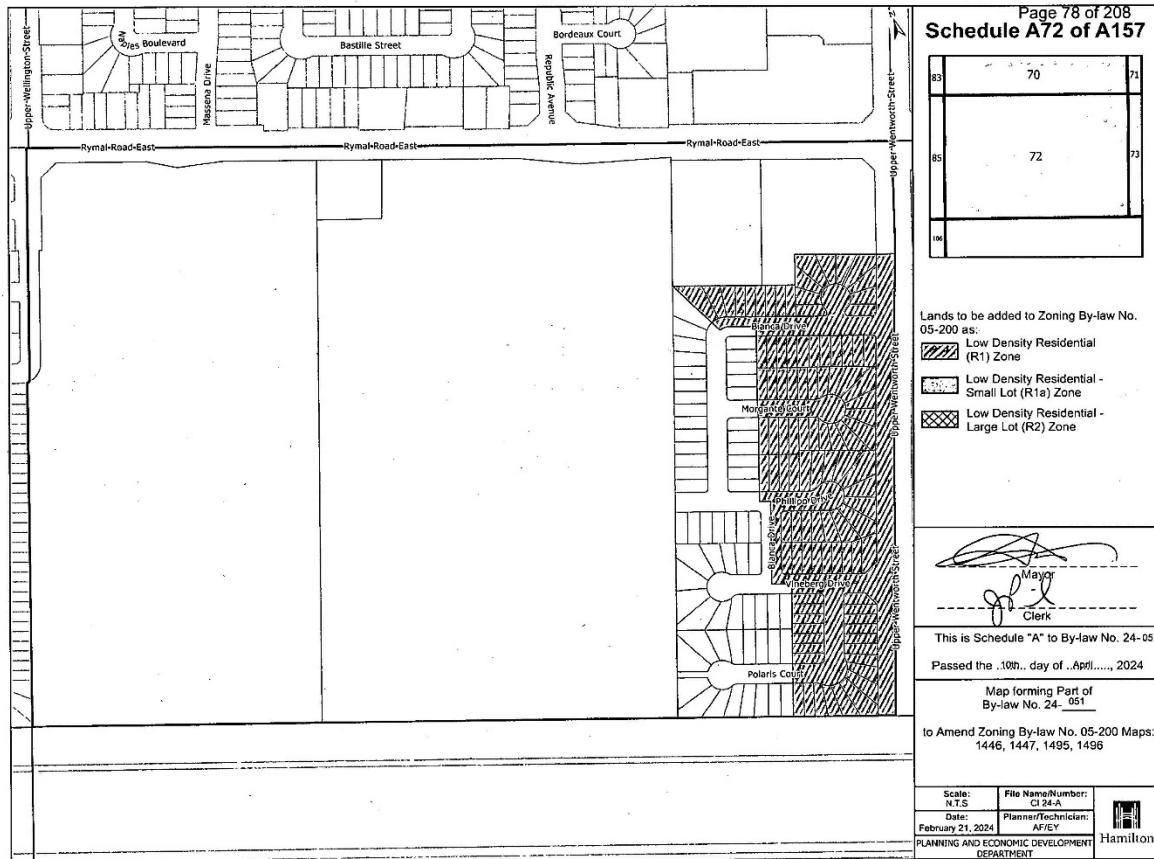


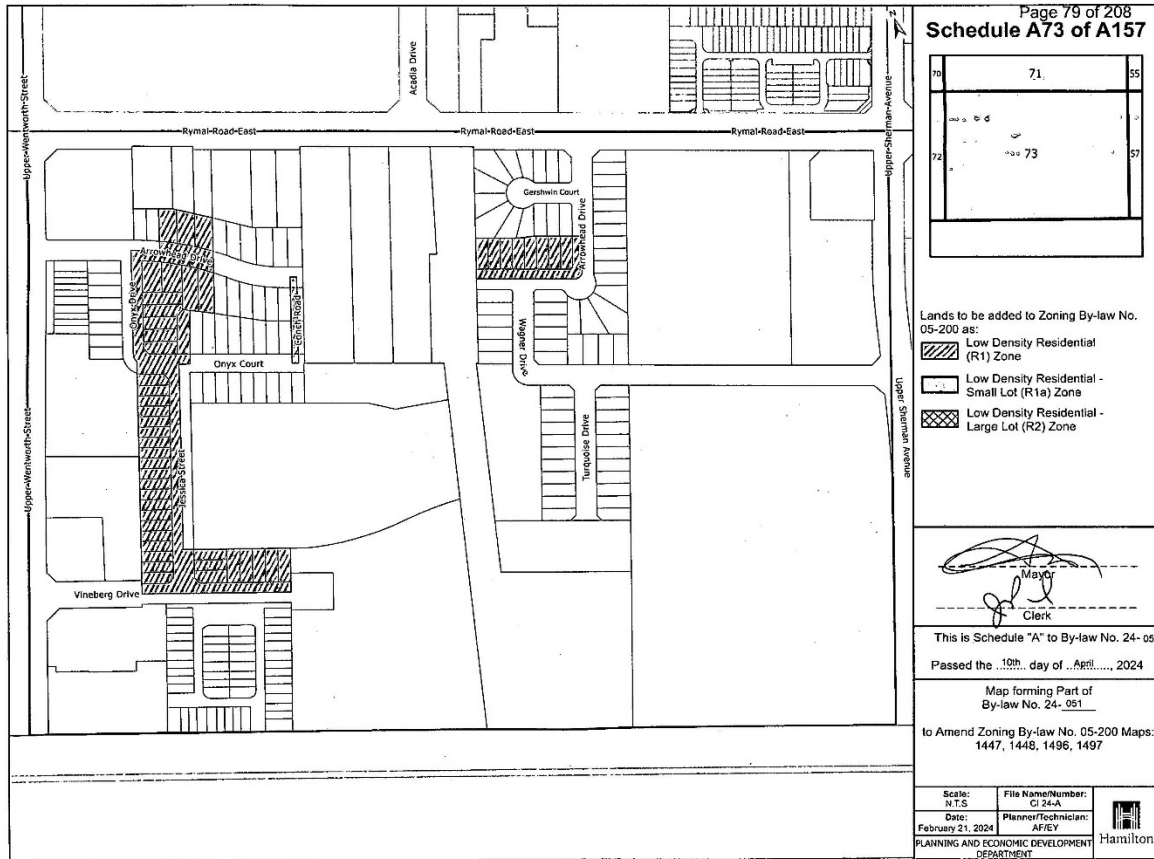


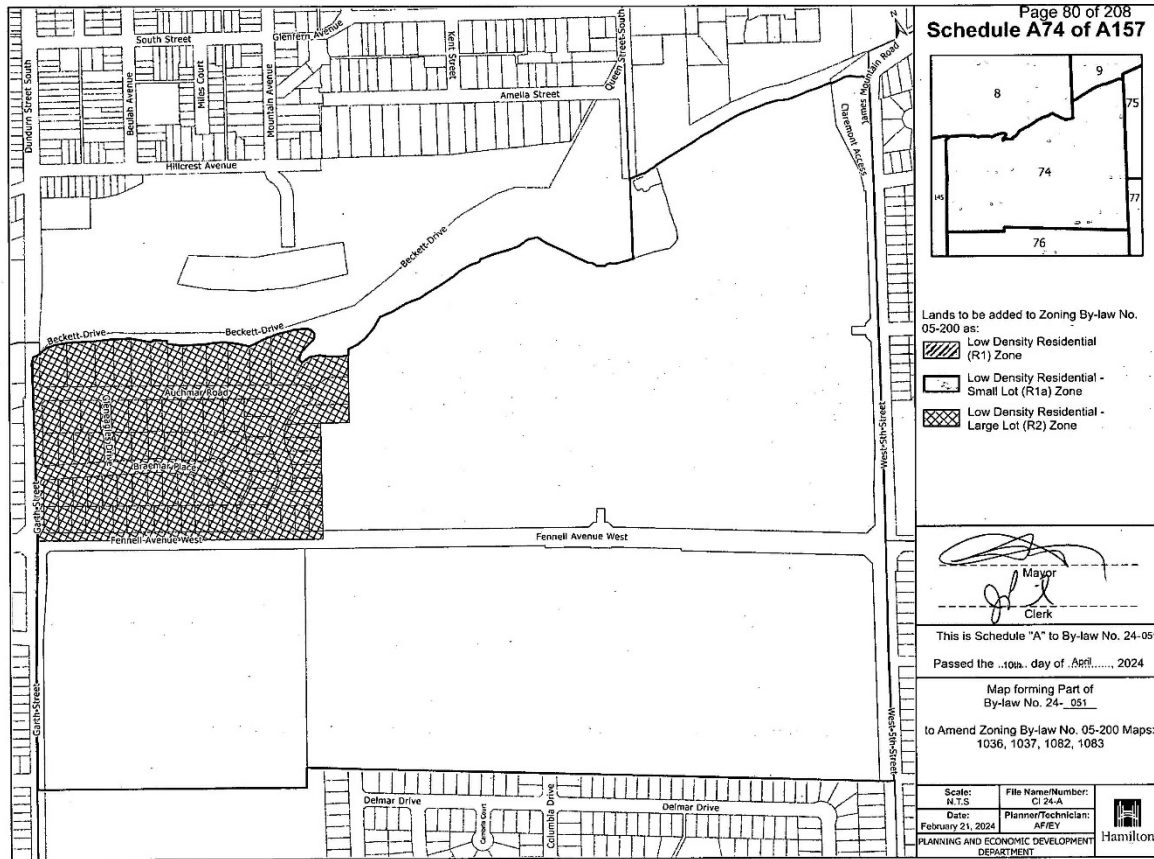


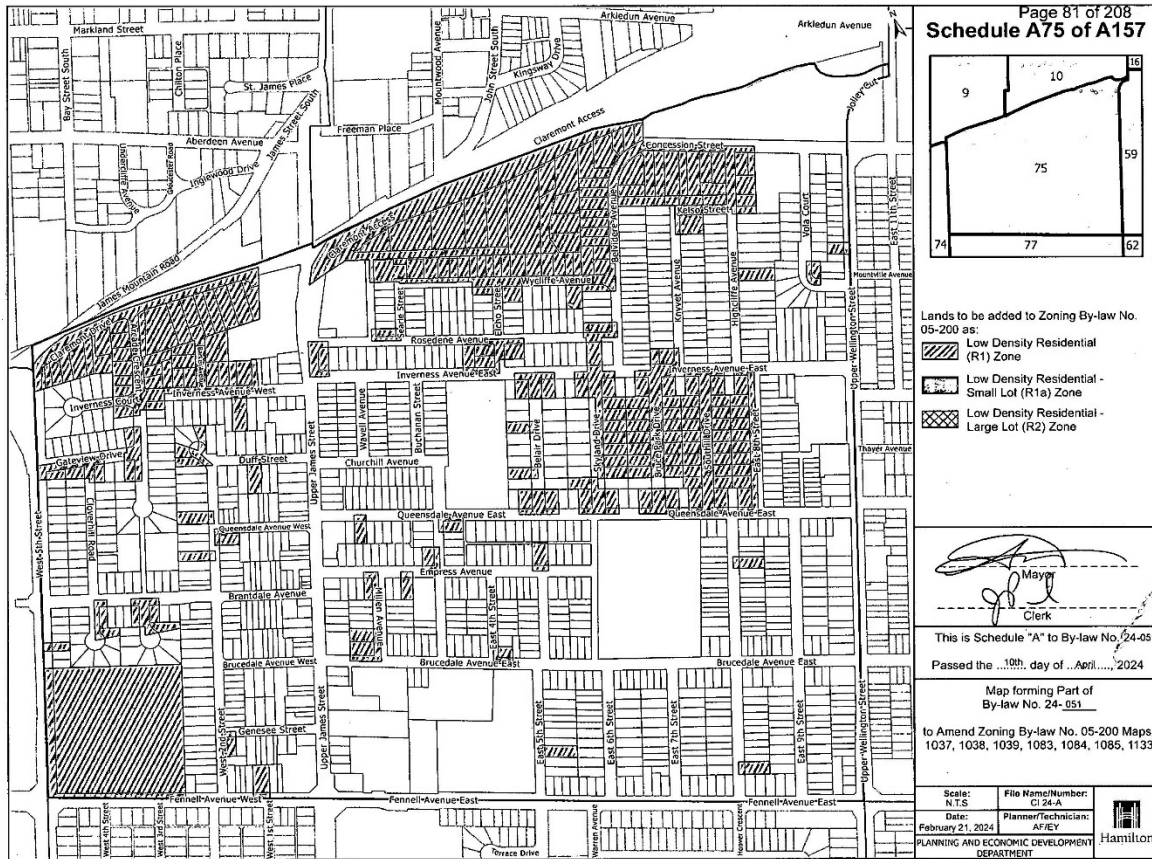


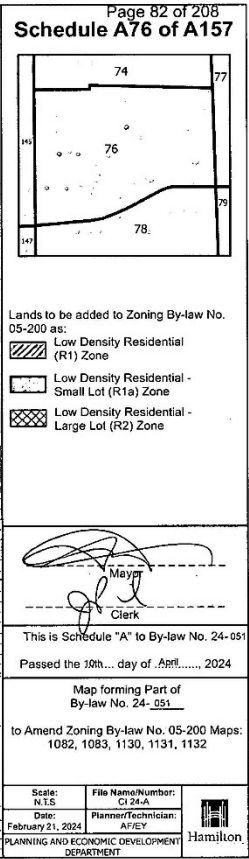


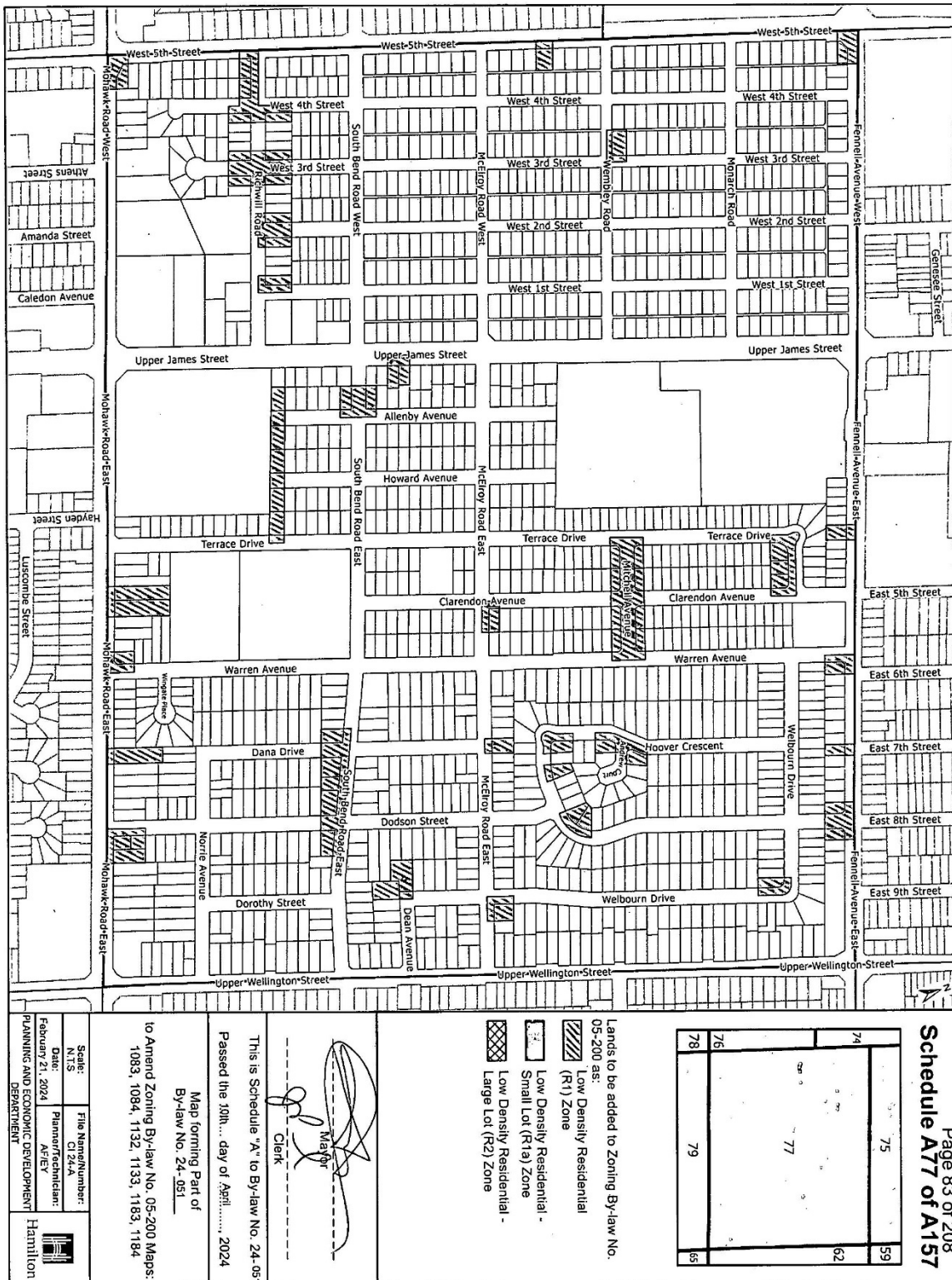




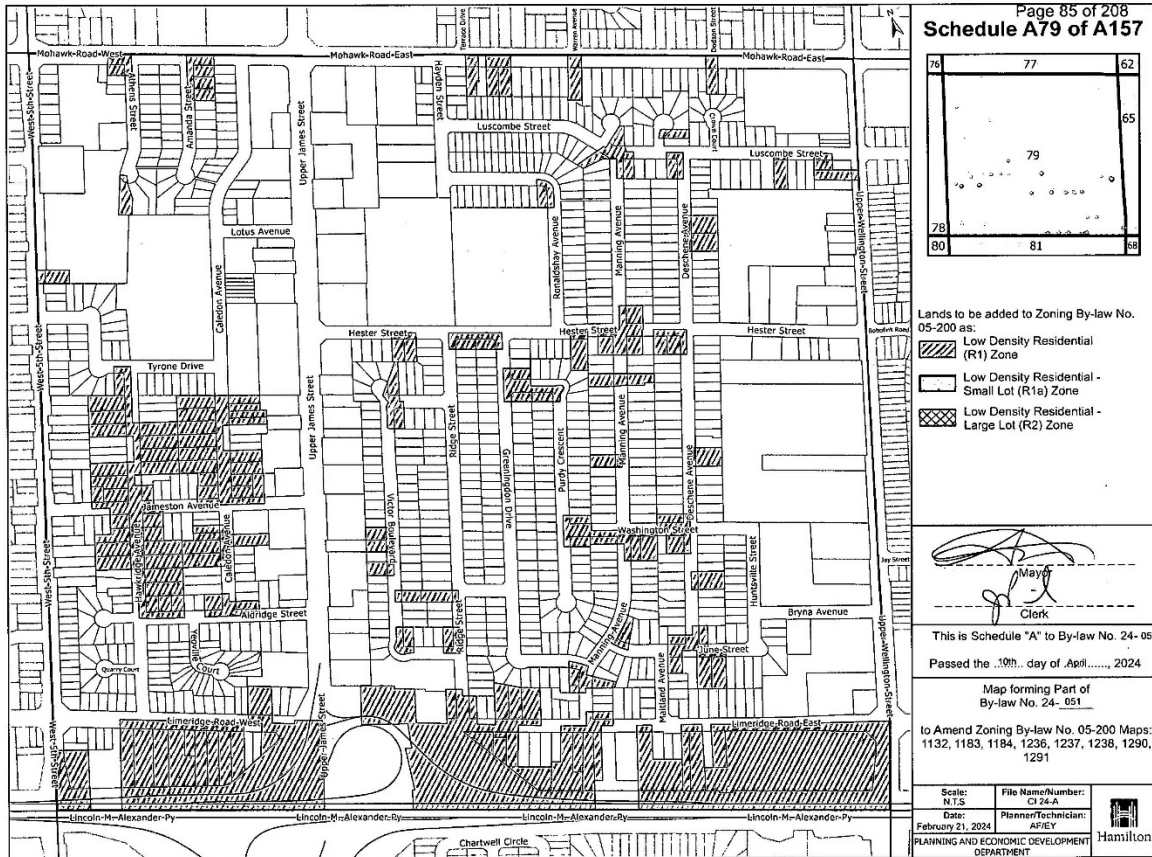


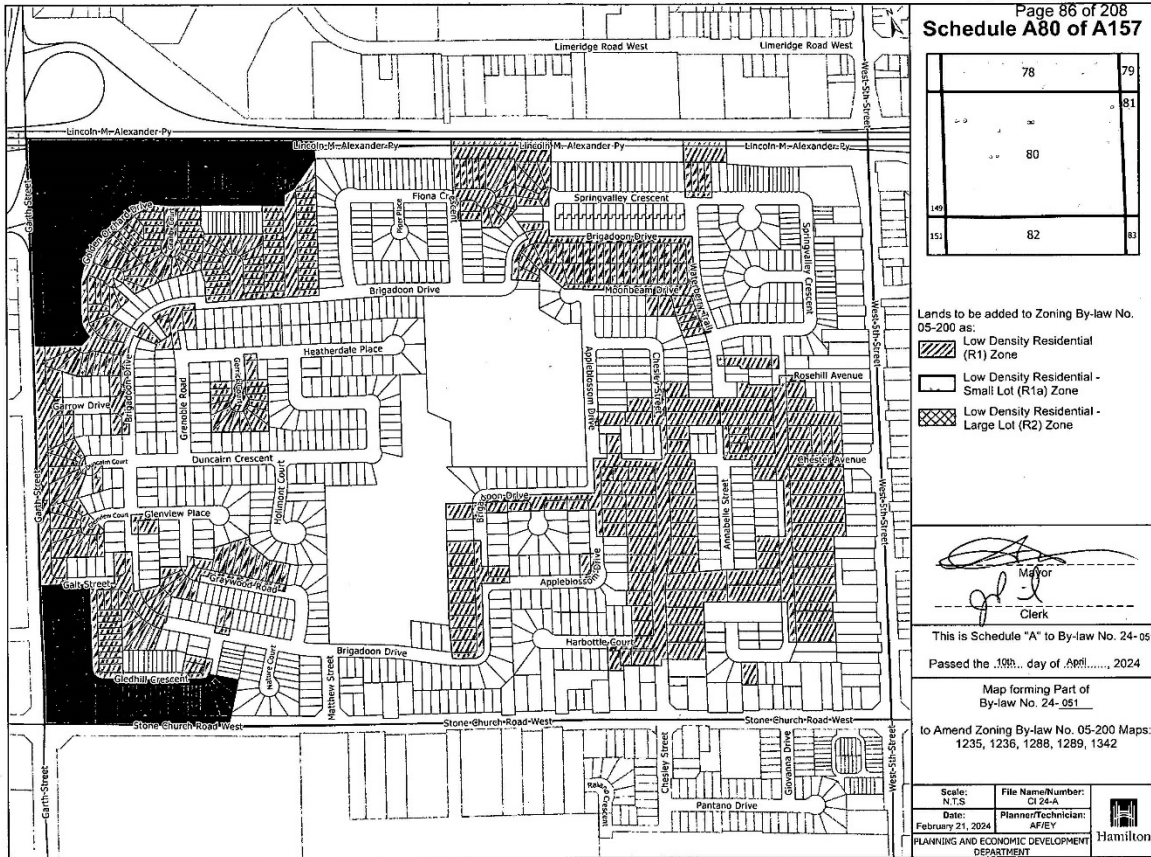


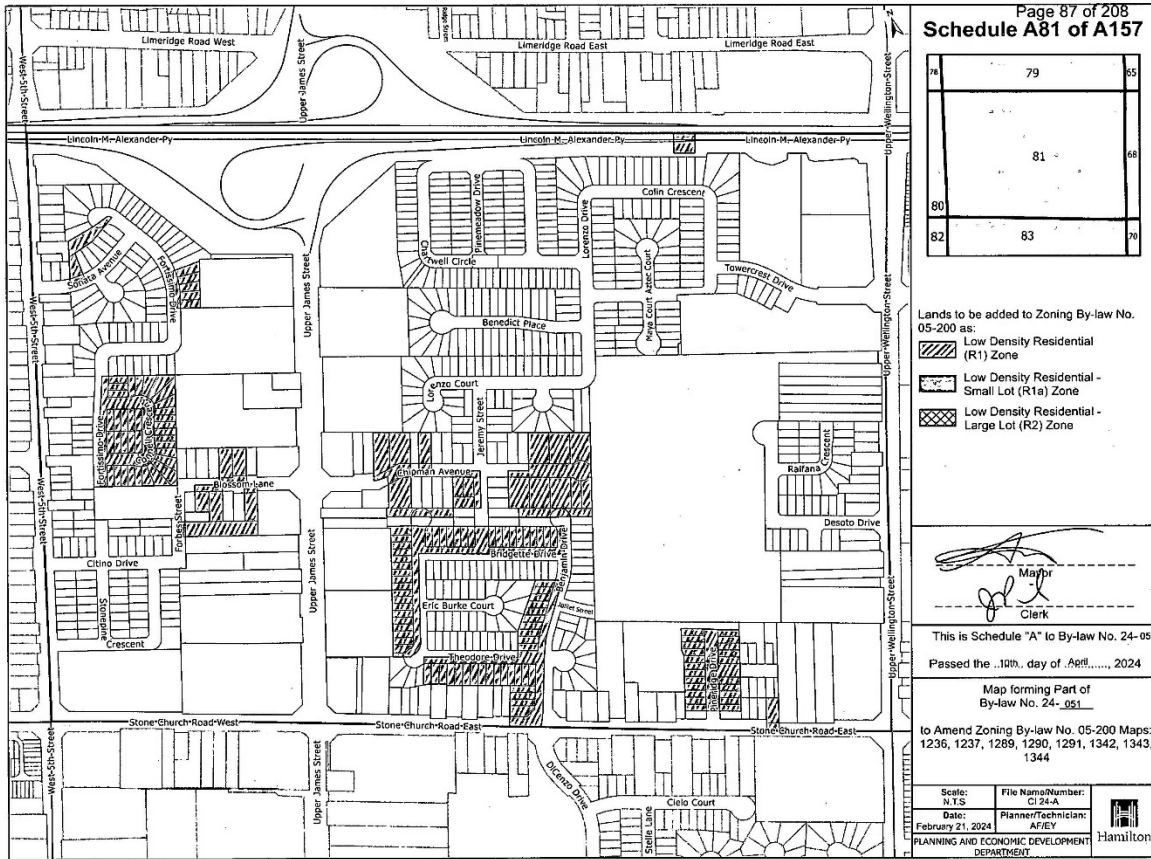


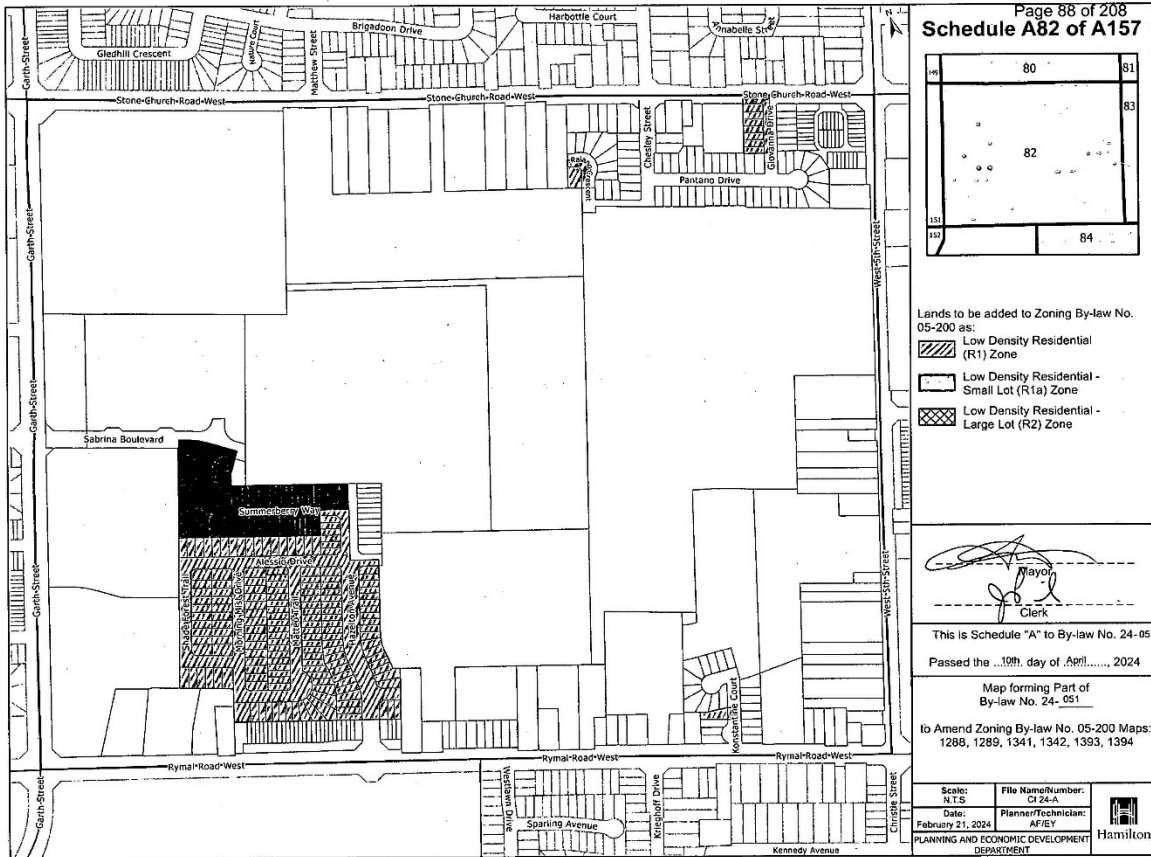


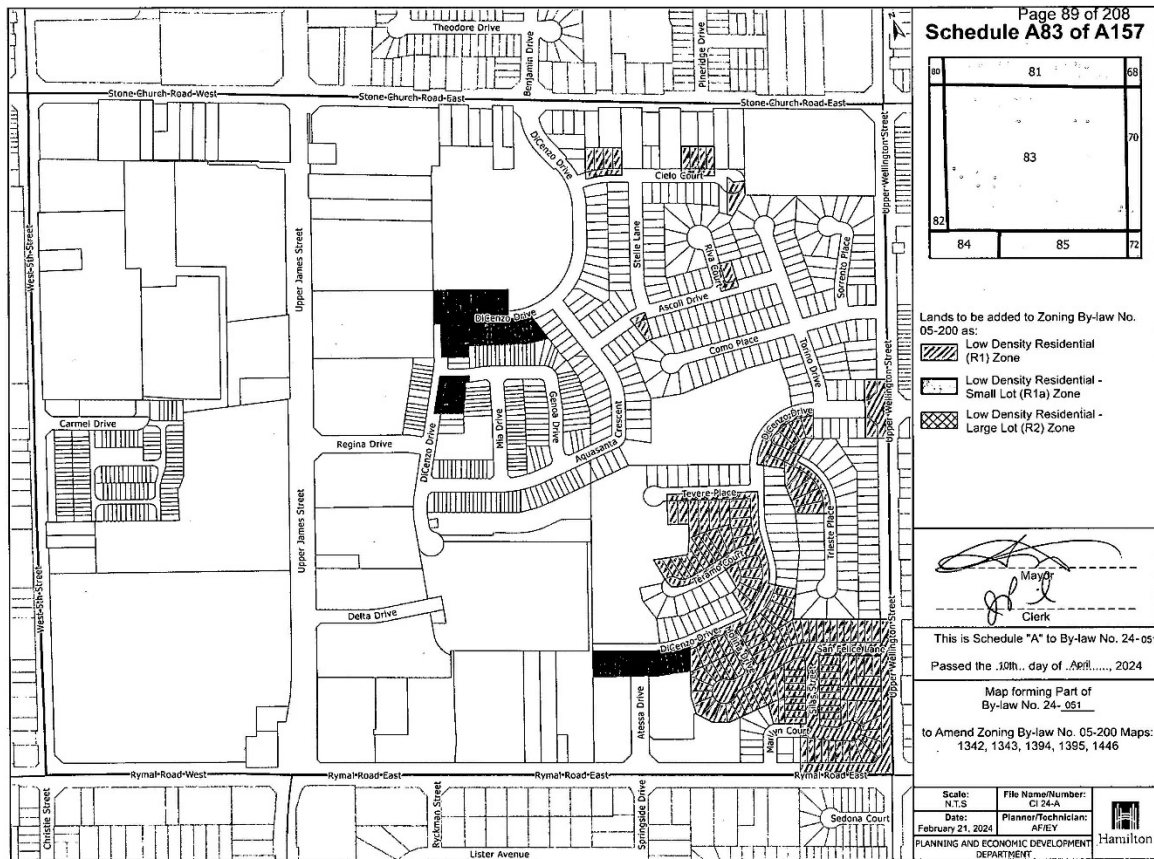


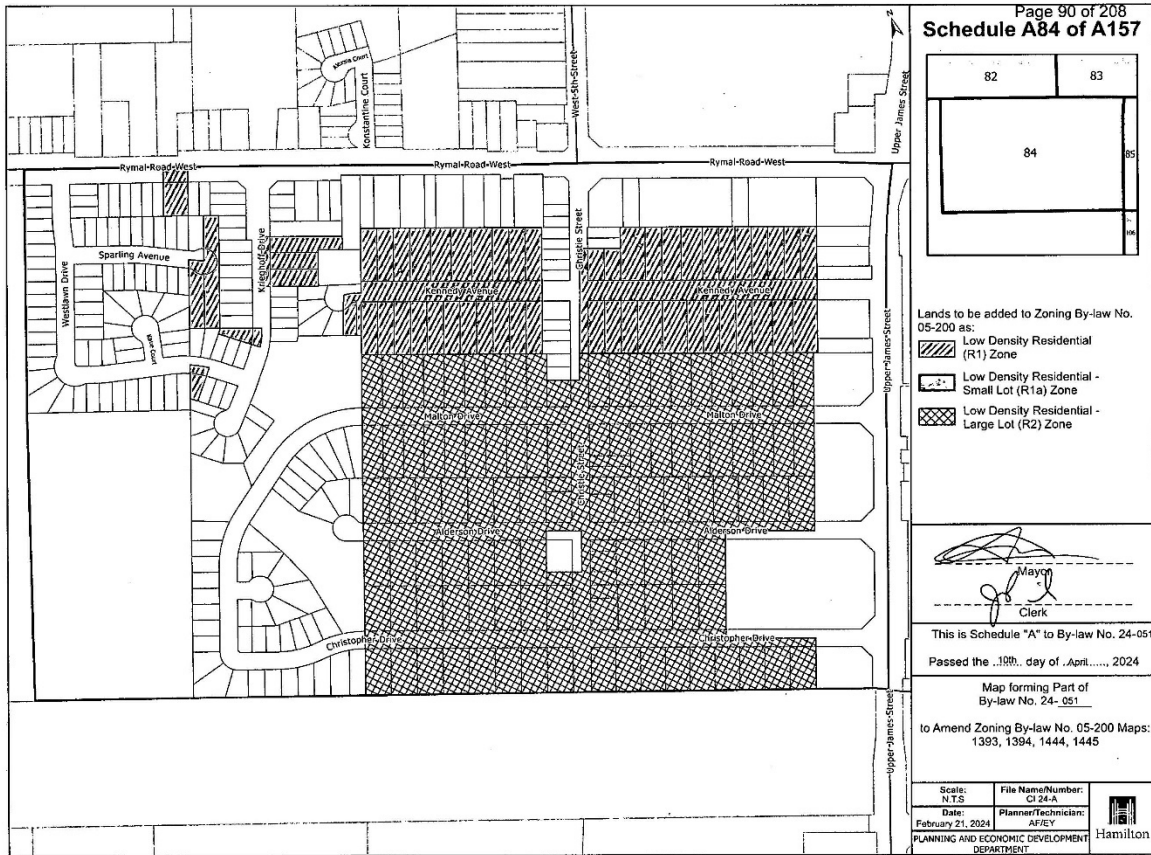


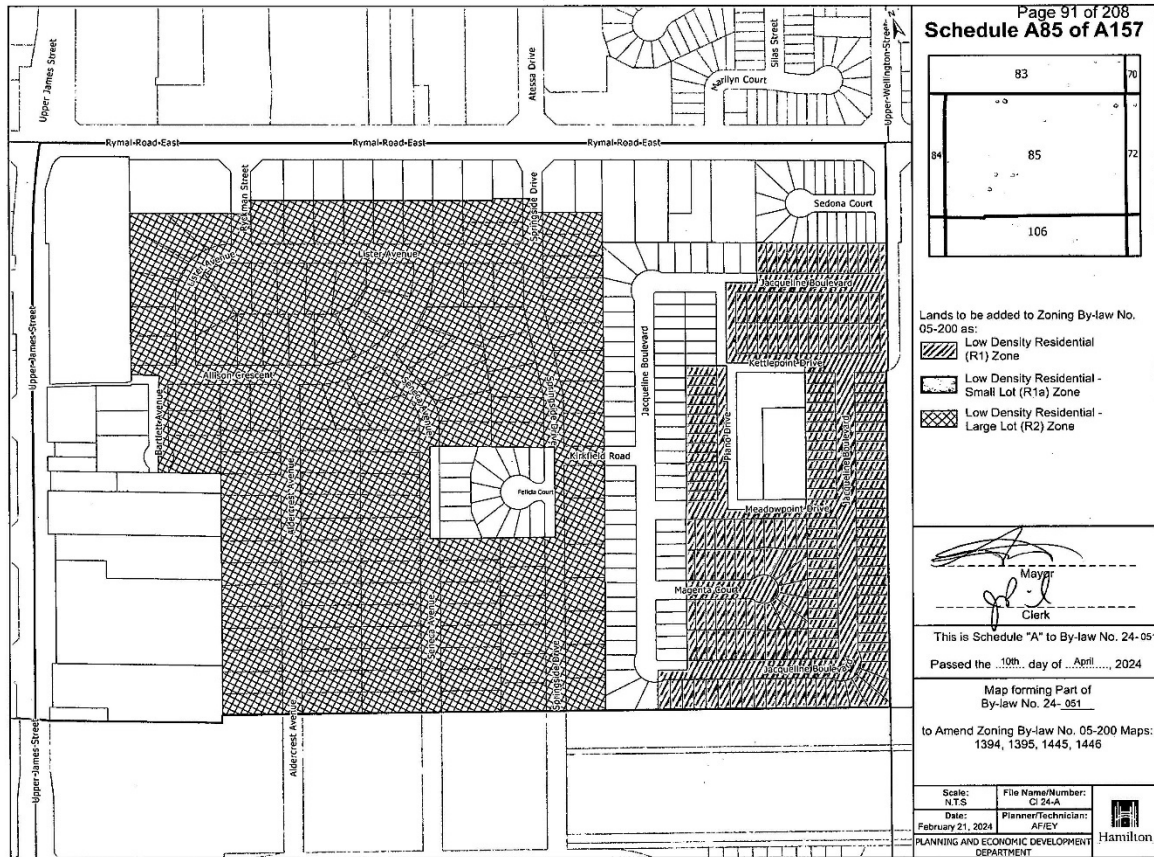


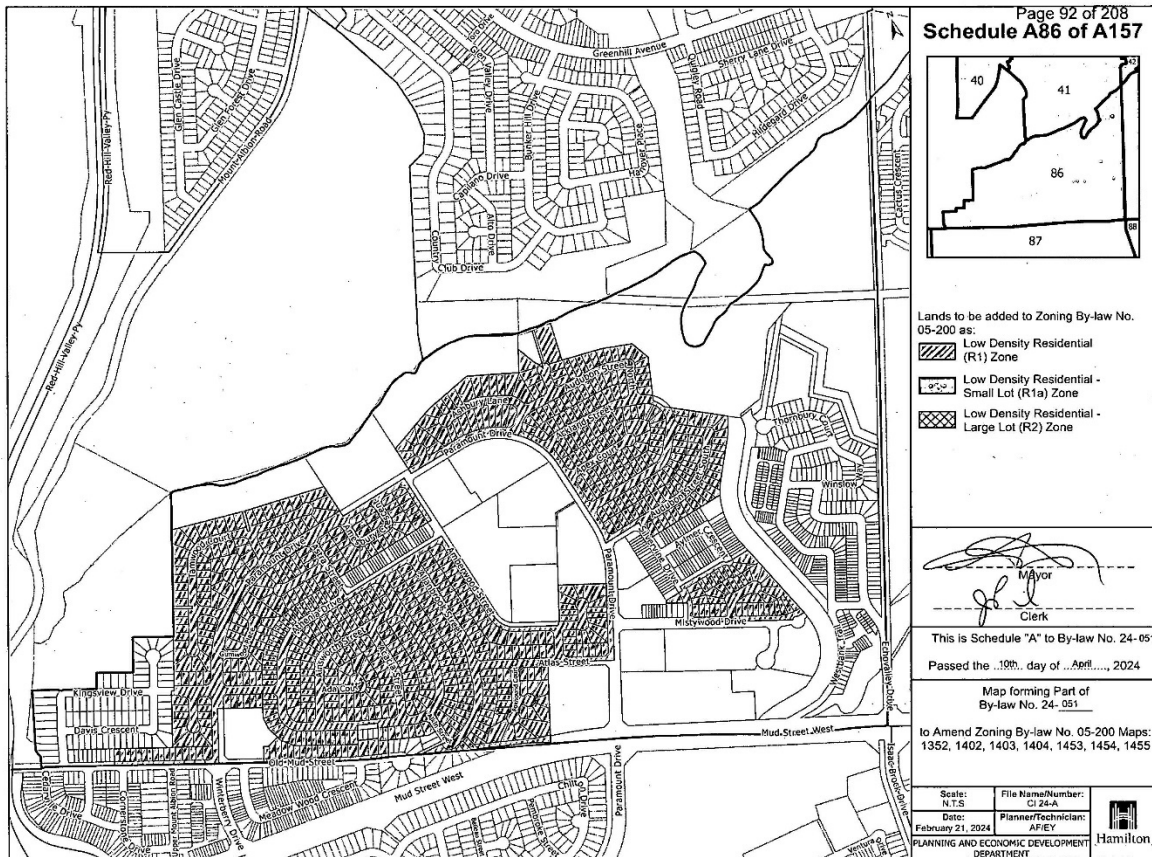


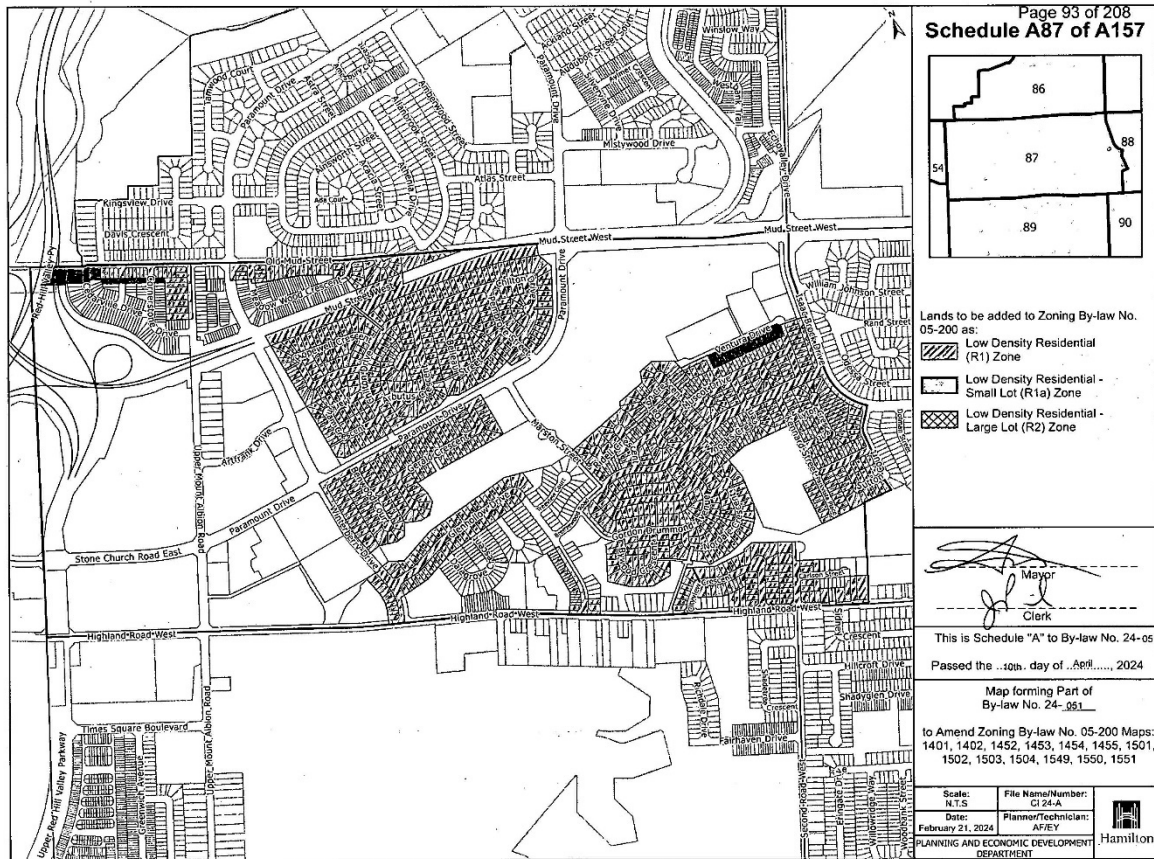


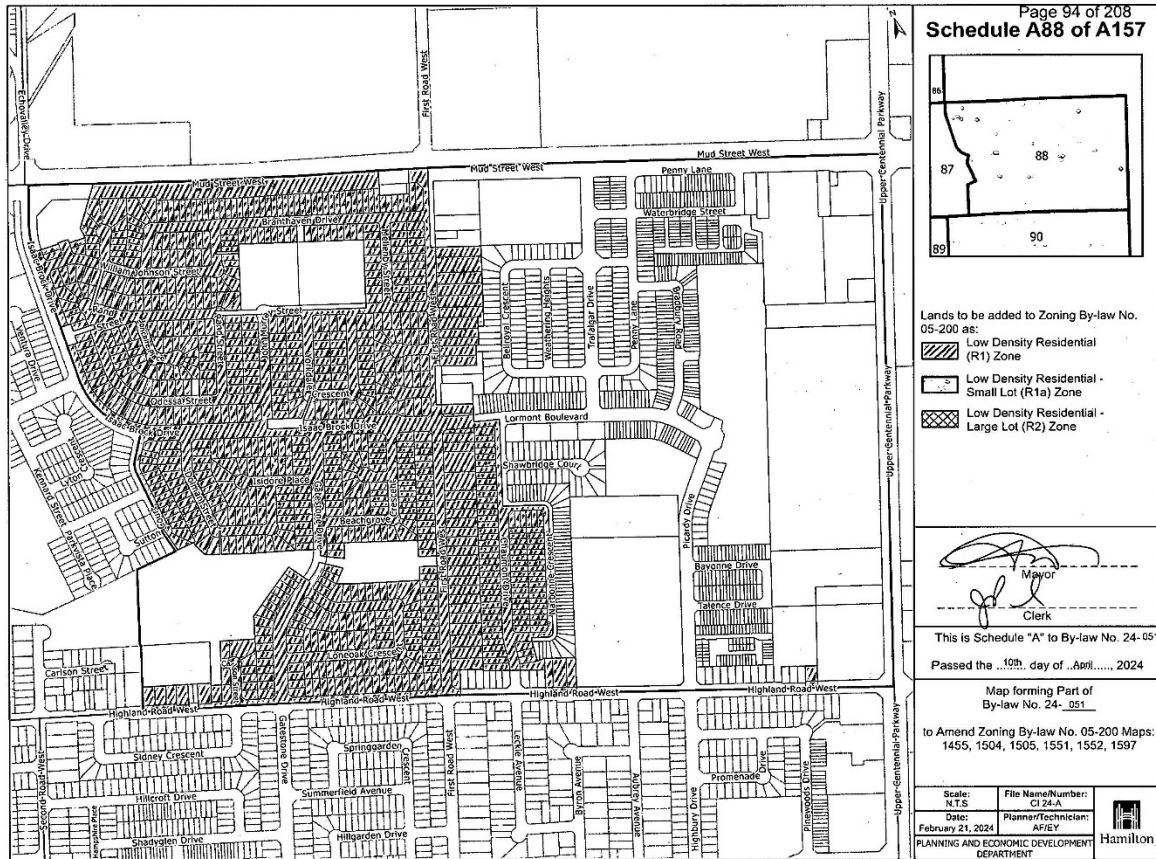


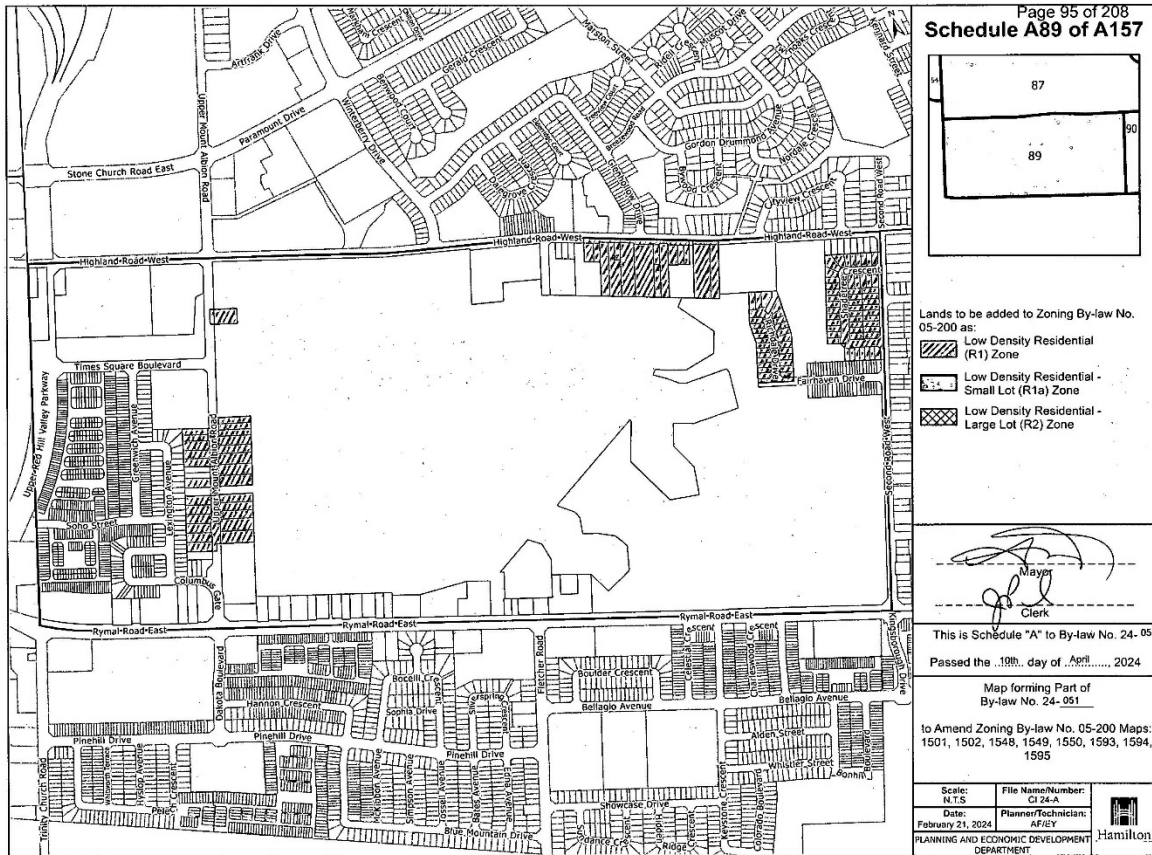


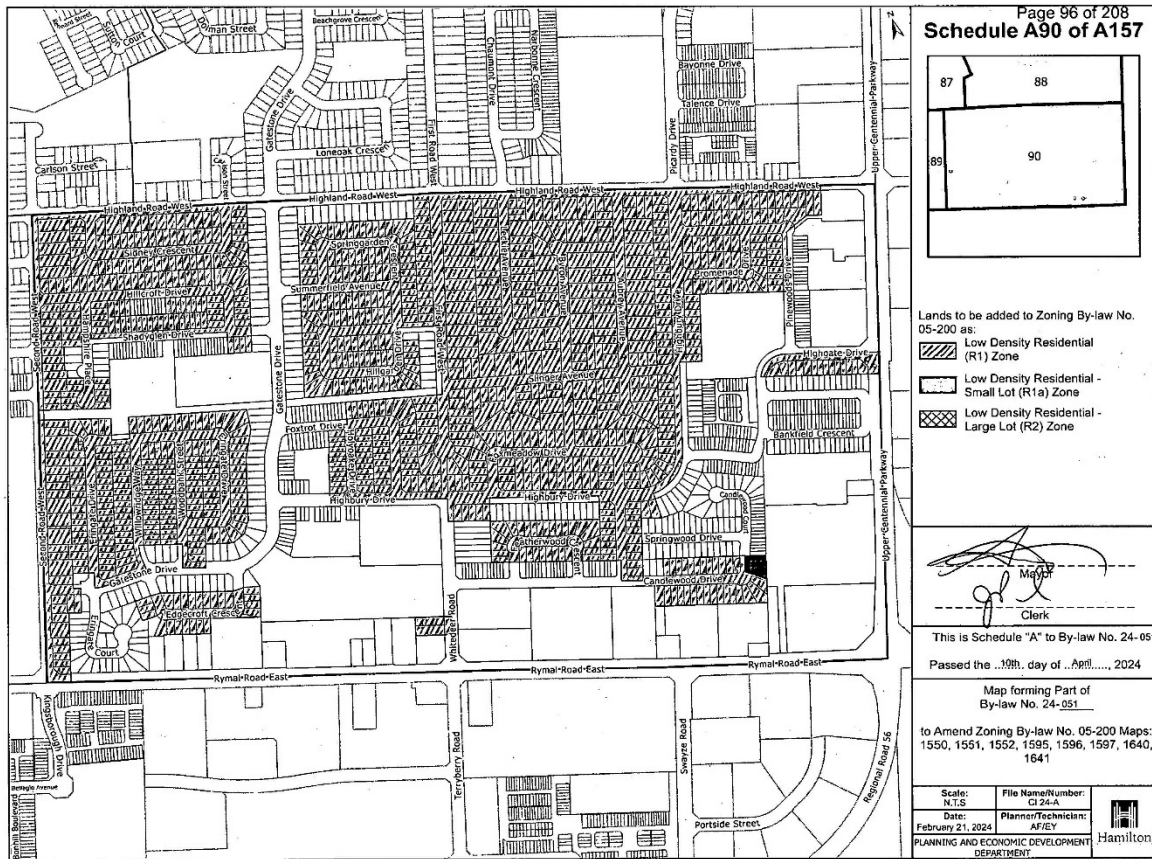


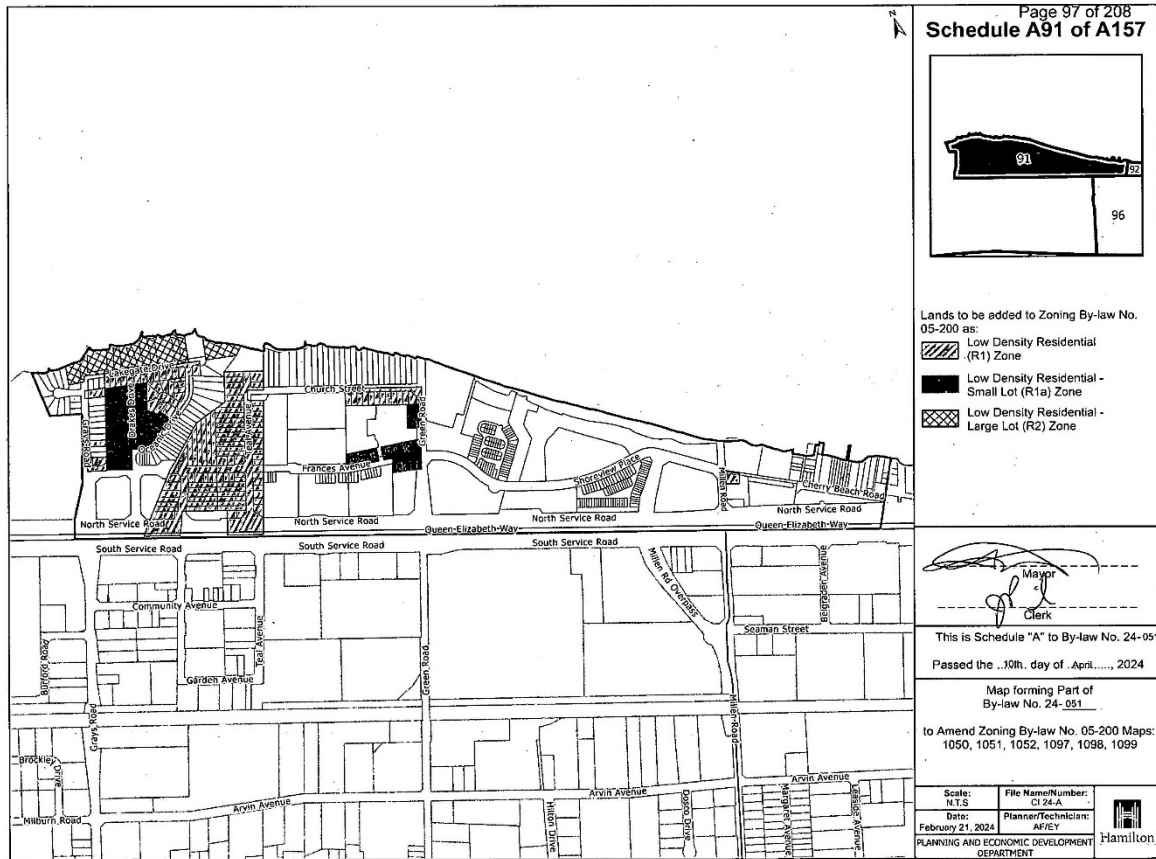


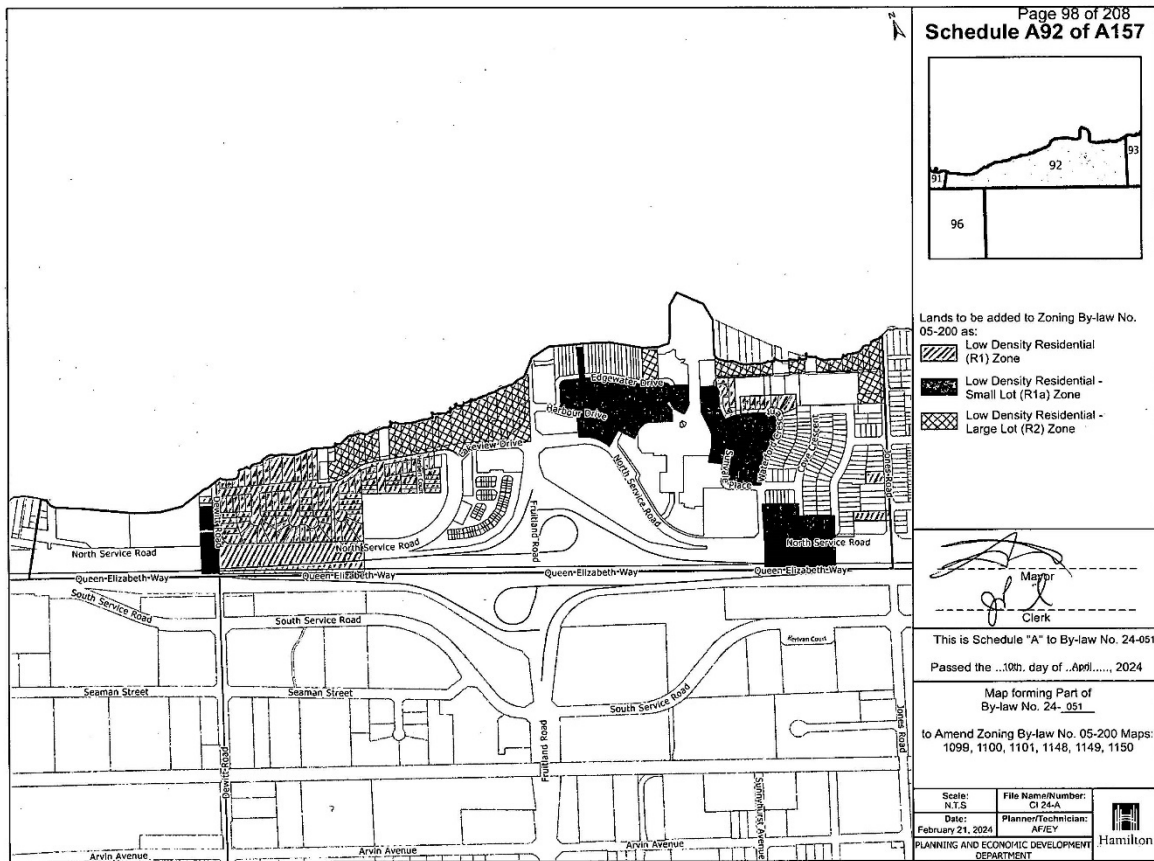


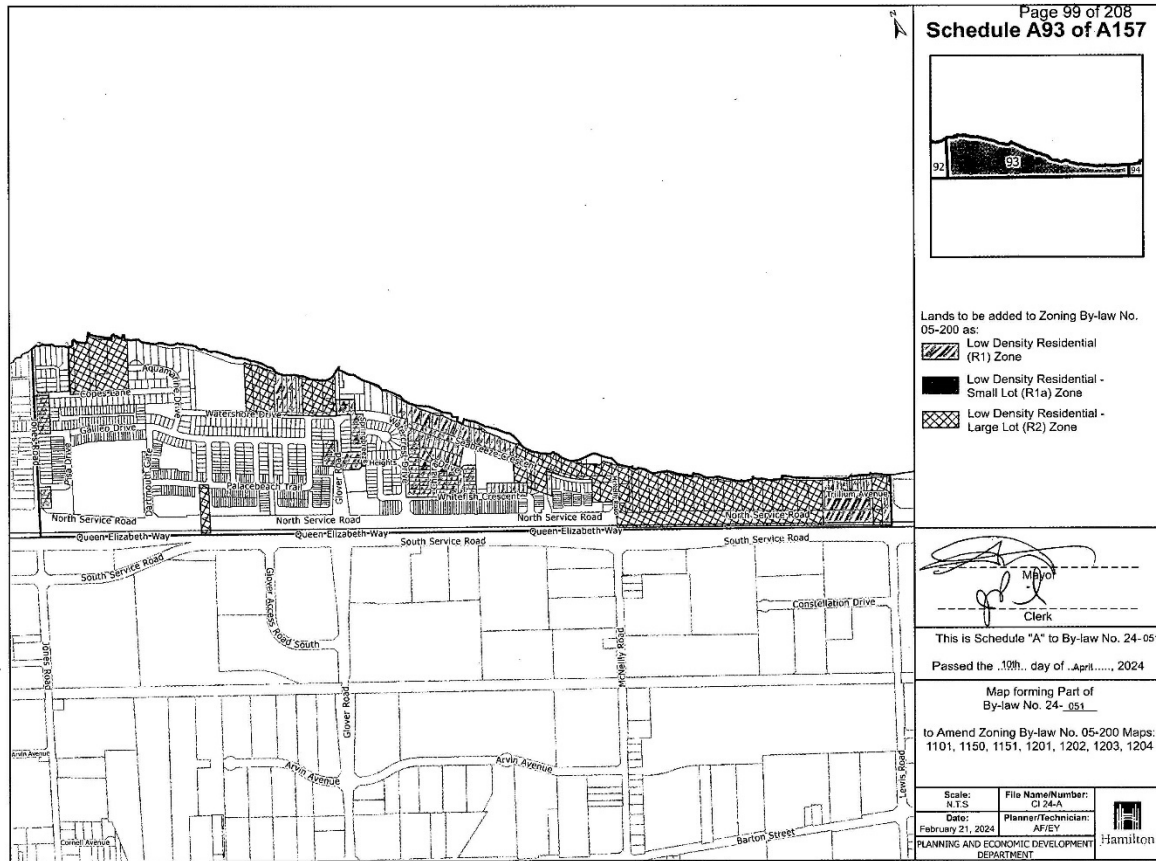


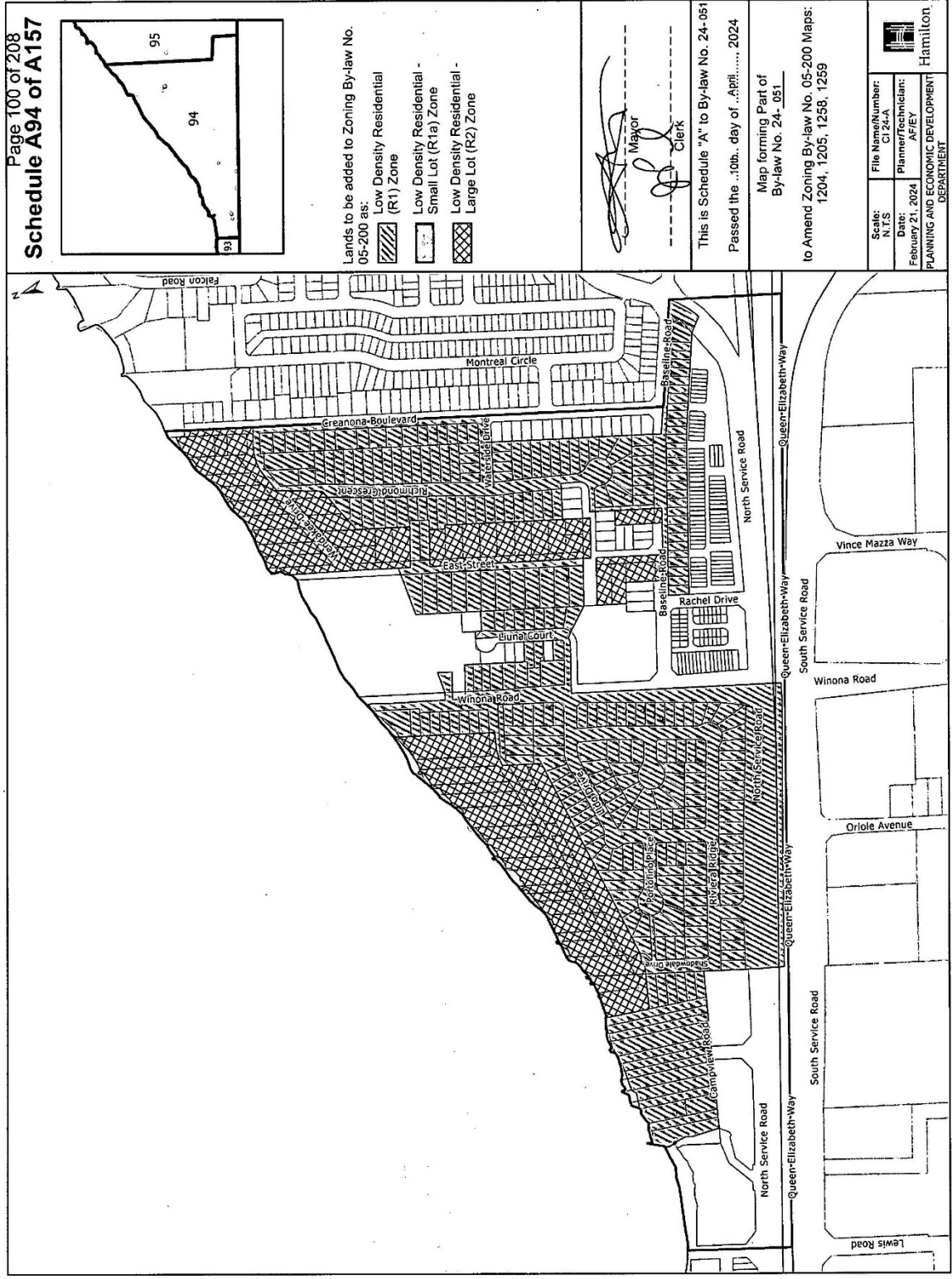


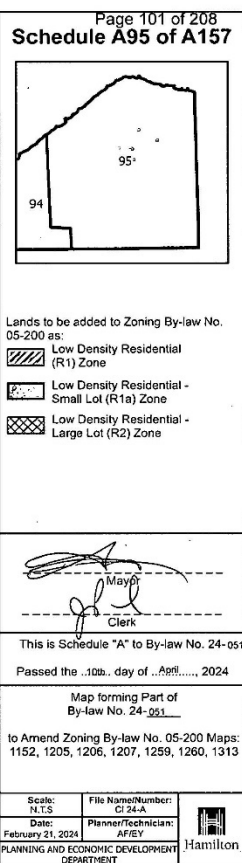


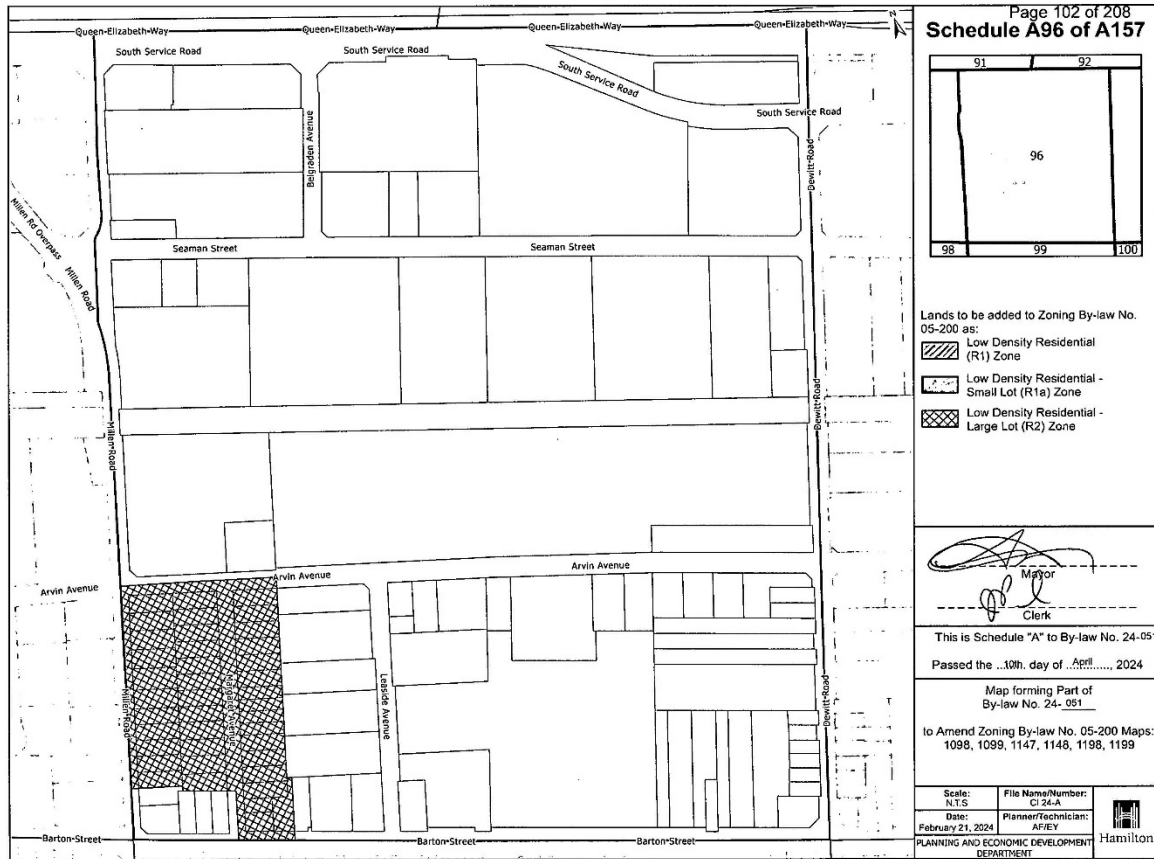


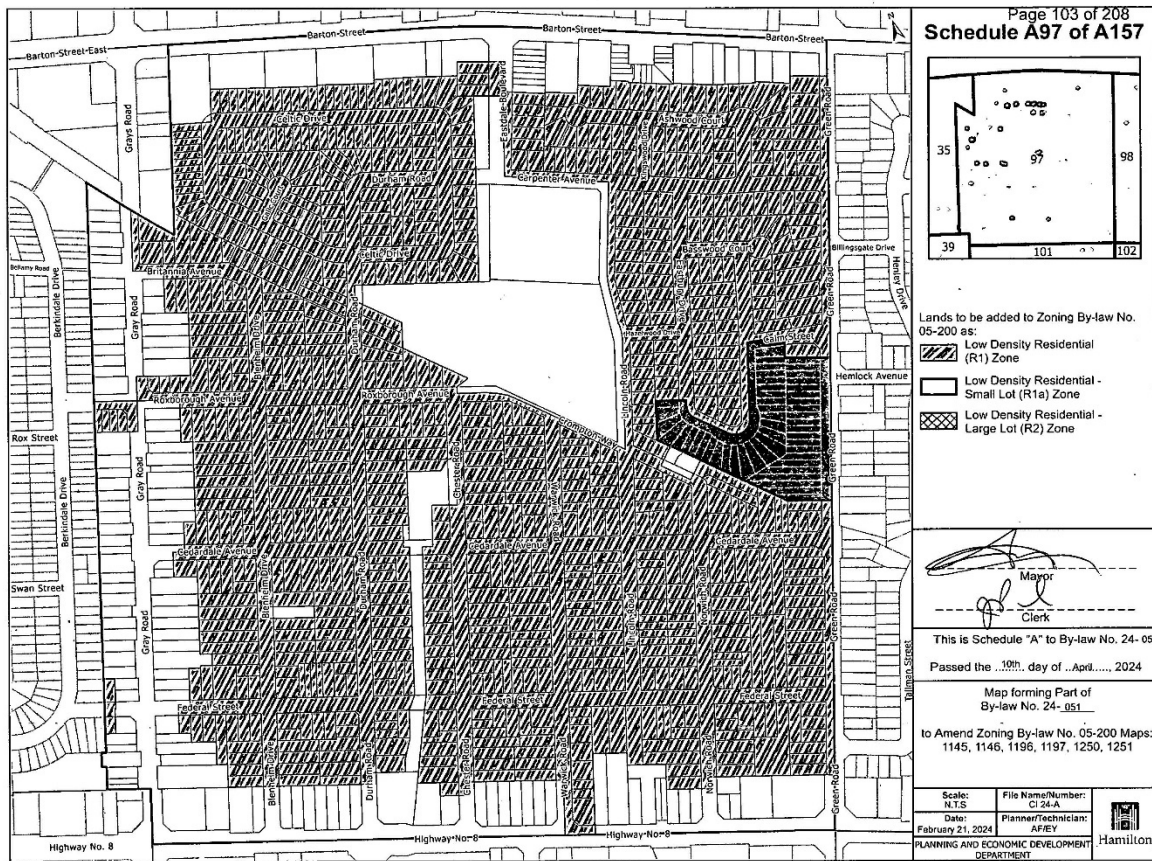


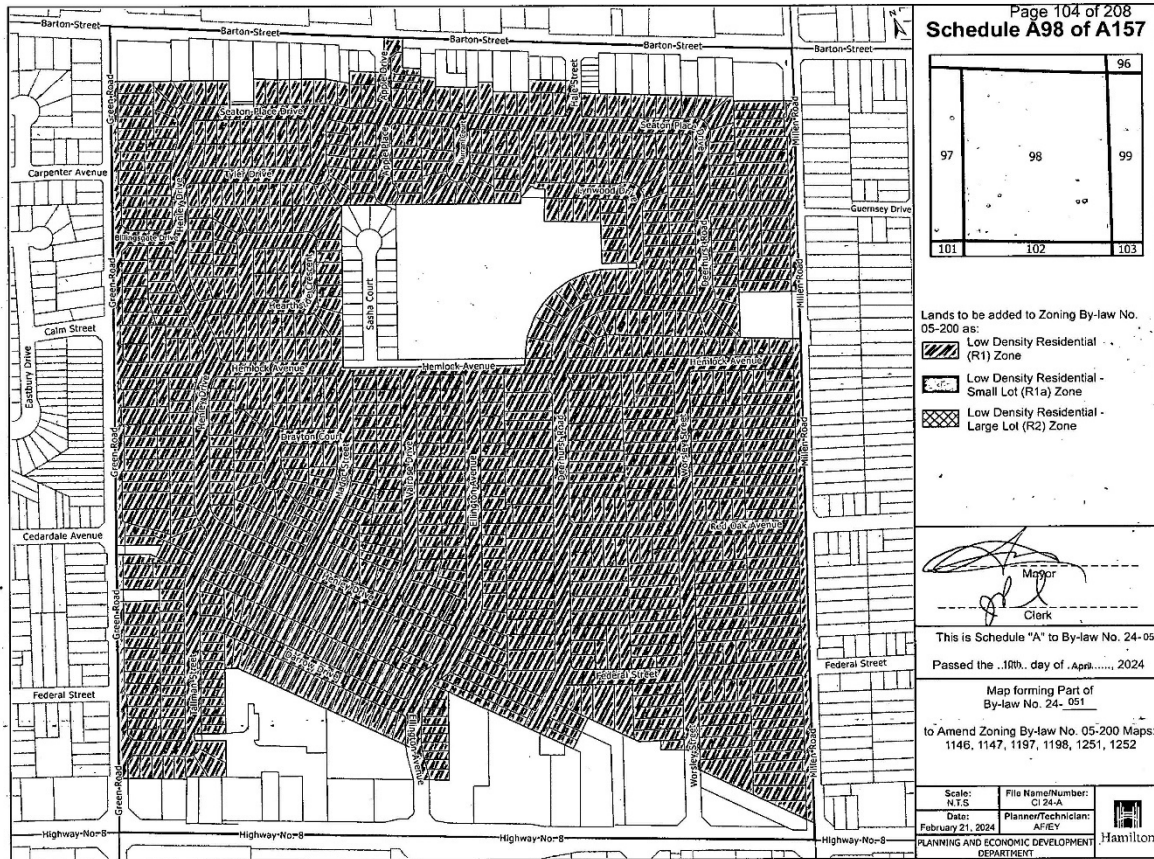


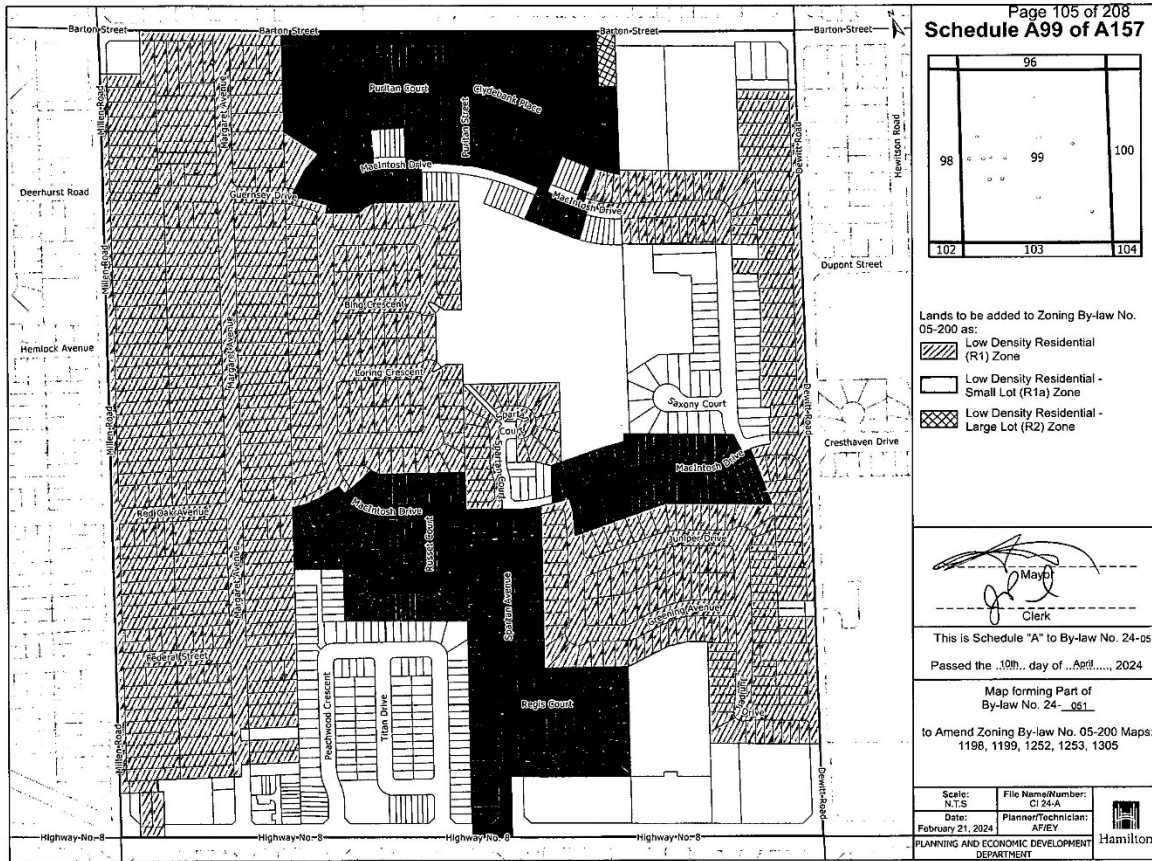


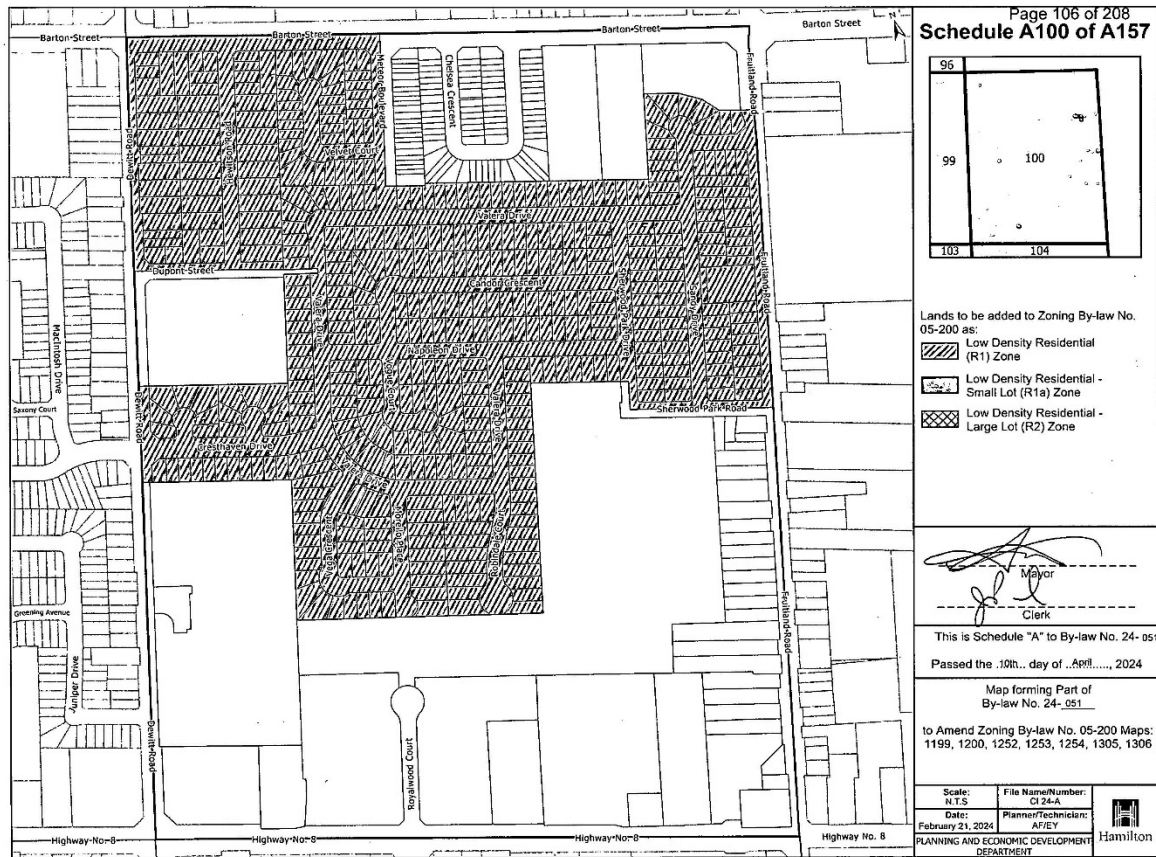


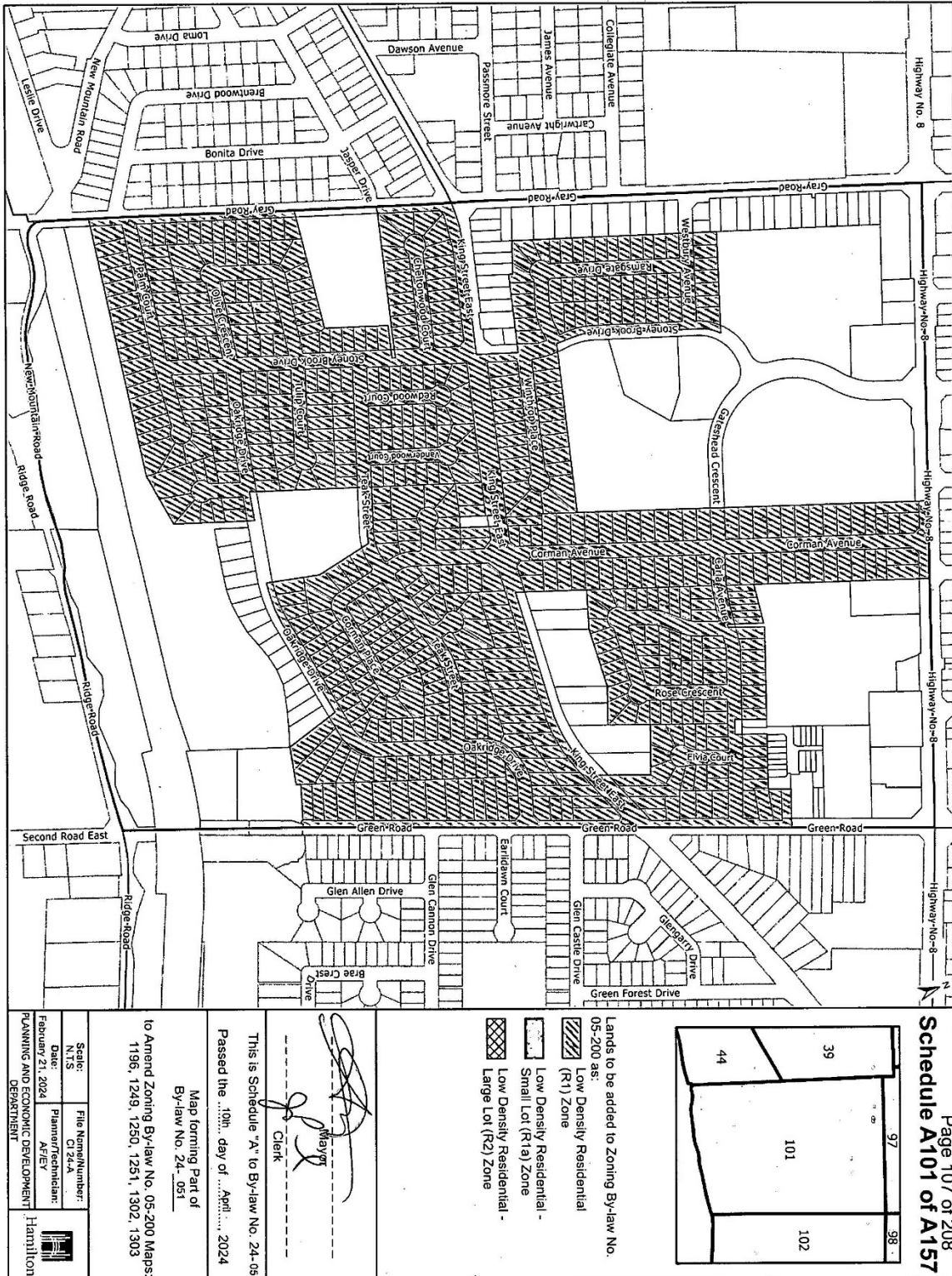


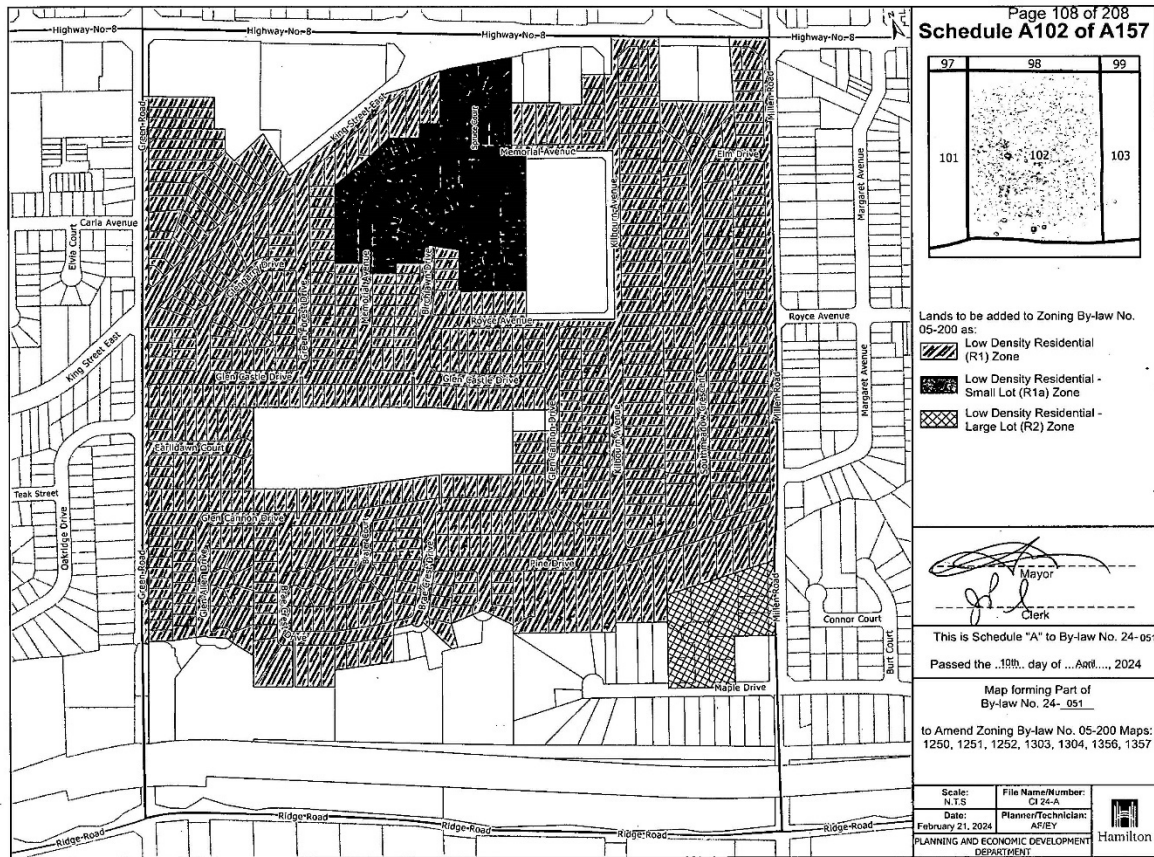


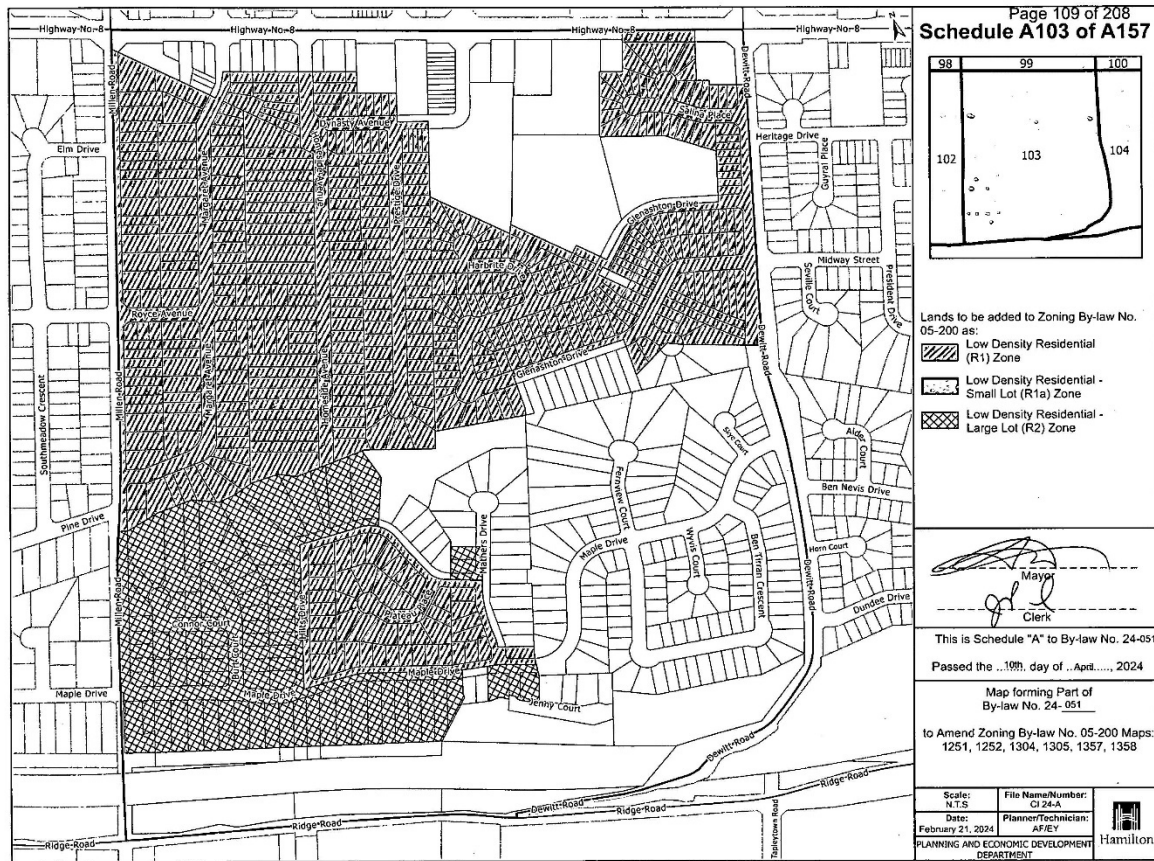


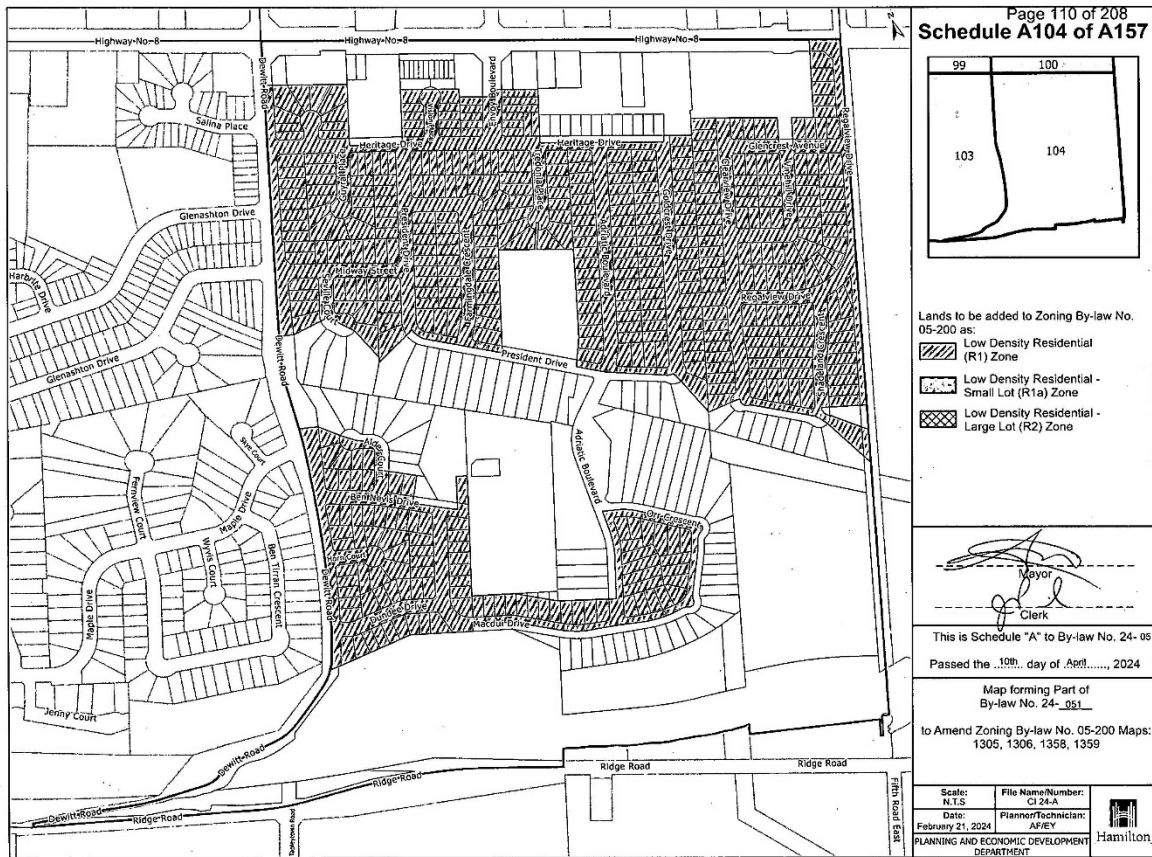


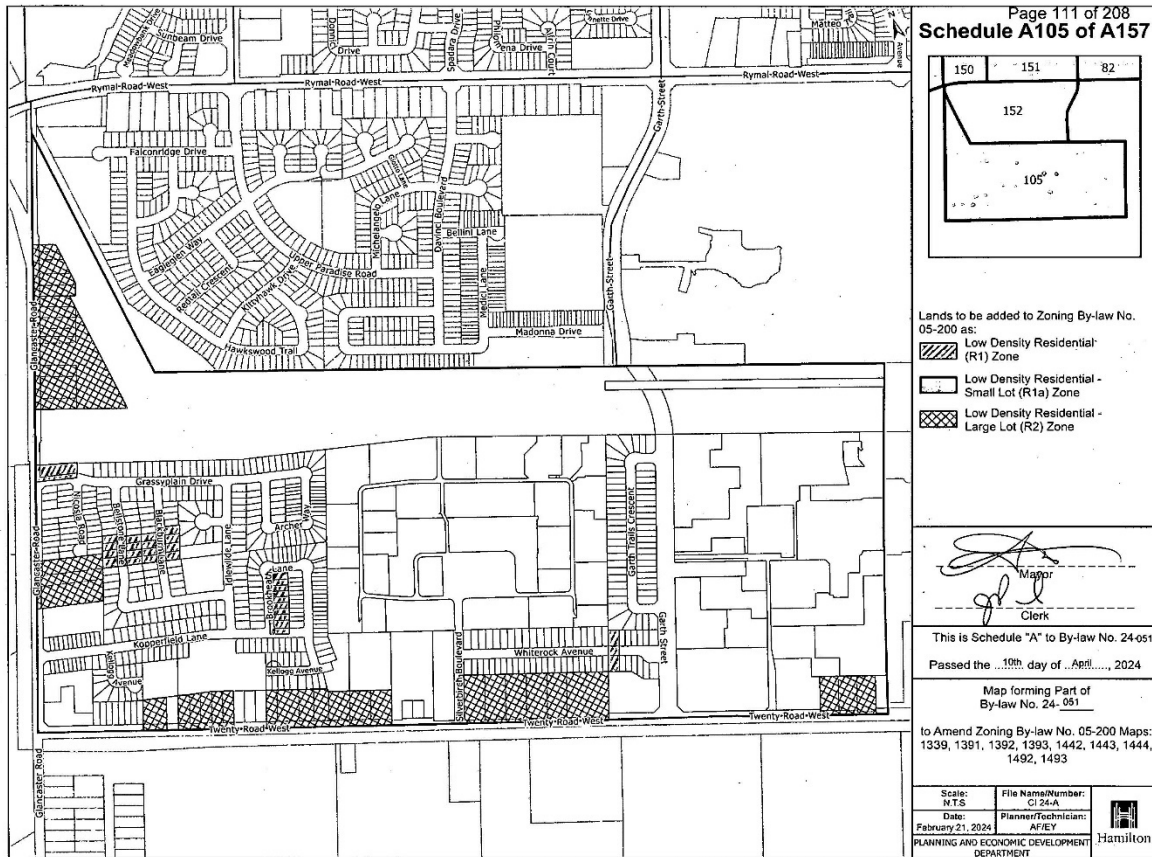




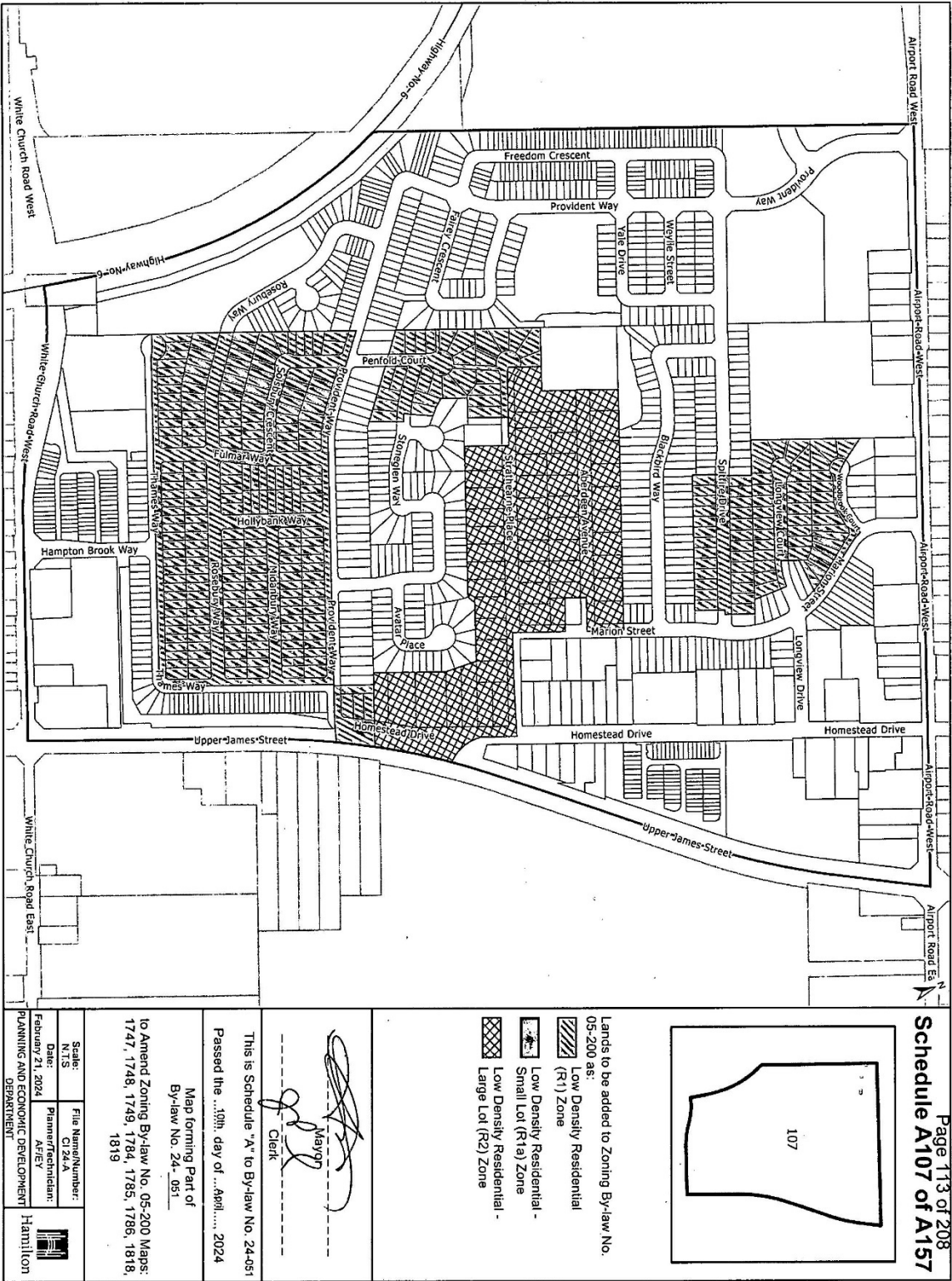




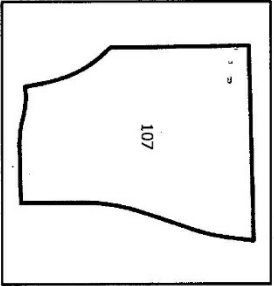








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Lands to be added to Zoning By-law No. 05-200 as:

- Low Density Residential (R1) Zone
- Low Density Residential - Small Lot (R1a) Zone
- Low Density Residential - Large Lot (R2) Zone

[Signature]
Clerk

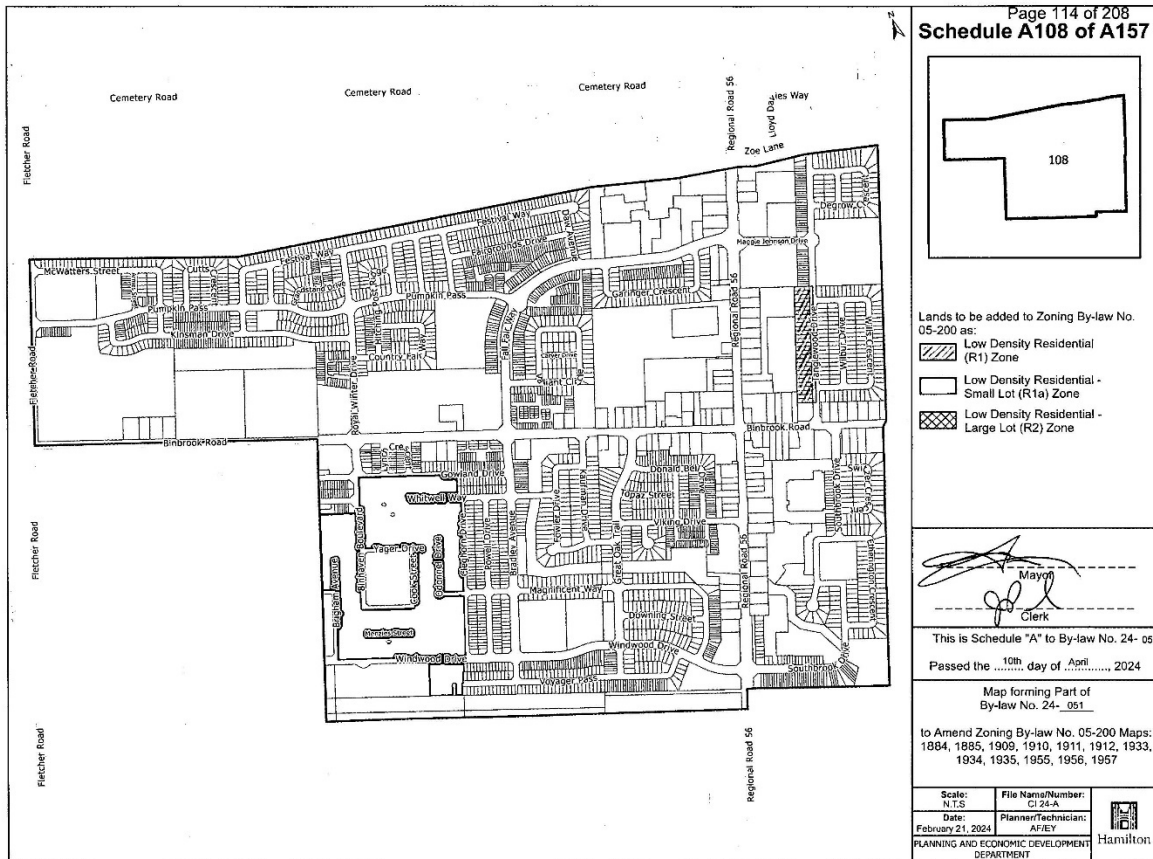
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Passed the ... 10th, day of ... April, 2024

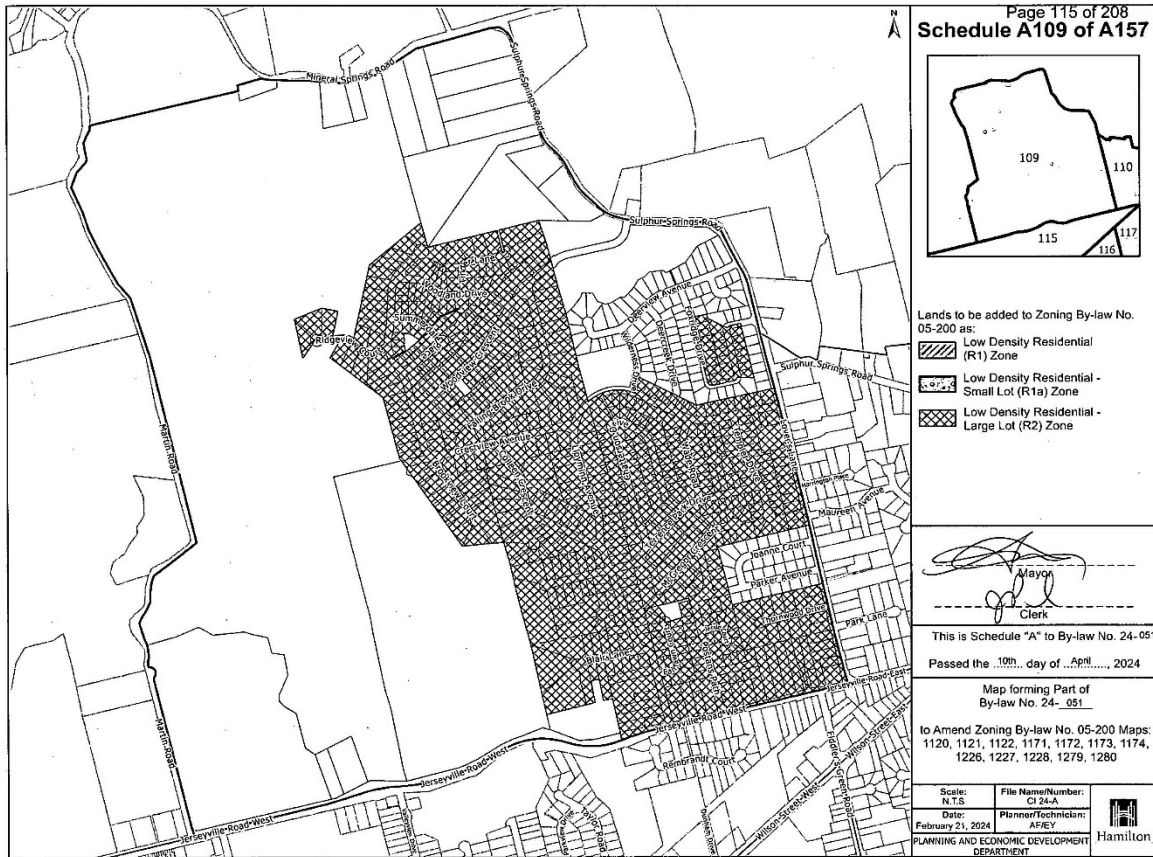
Map forming Part of
By-law No. 24-051

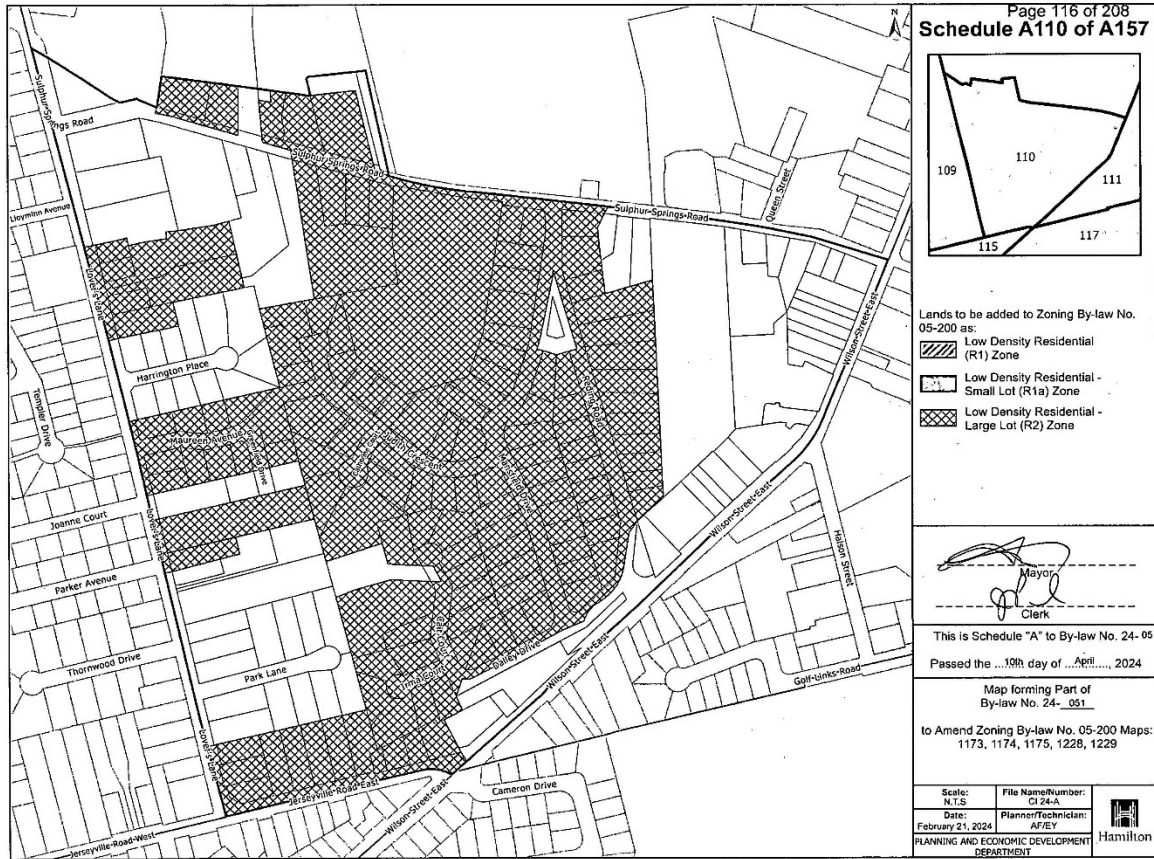
to Amend Zoning By-law No. 05-200 Maps:
1747, 1748, 1749, 1784, 1785, 1786, 1818,
1819

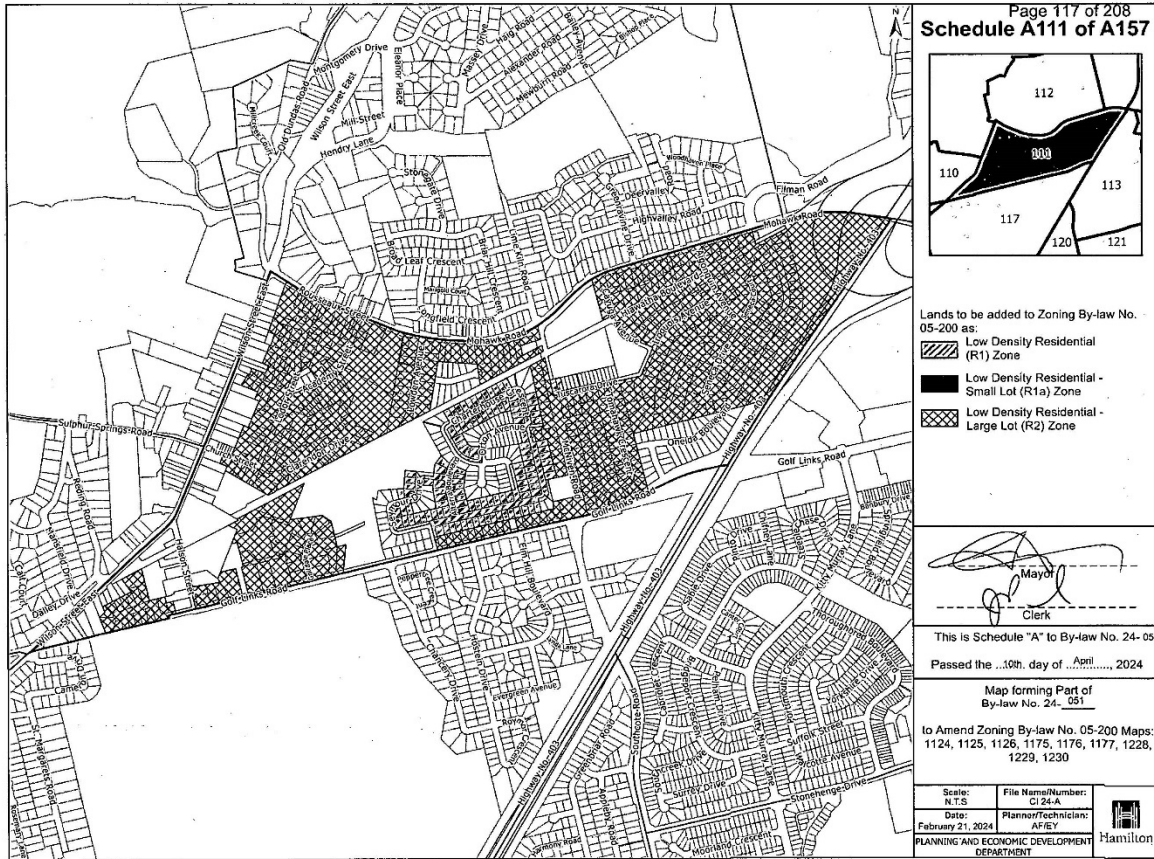
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Date: February 21, 2024	Planner/Technician: Ariel
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

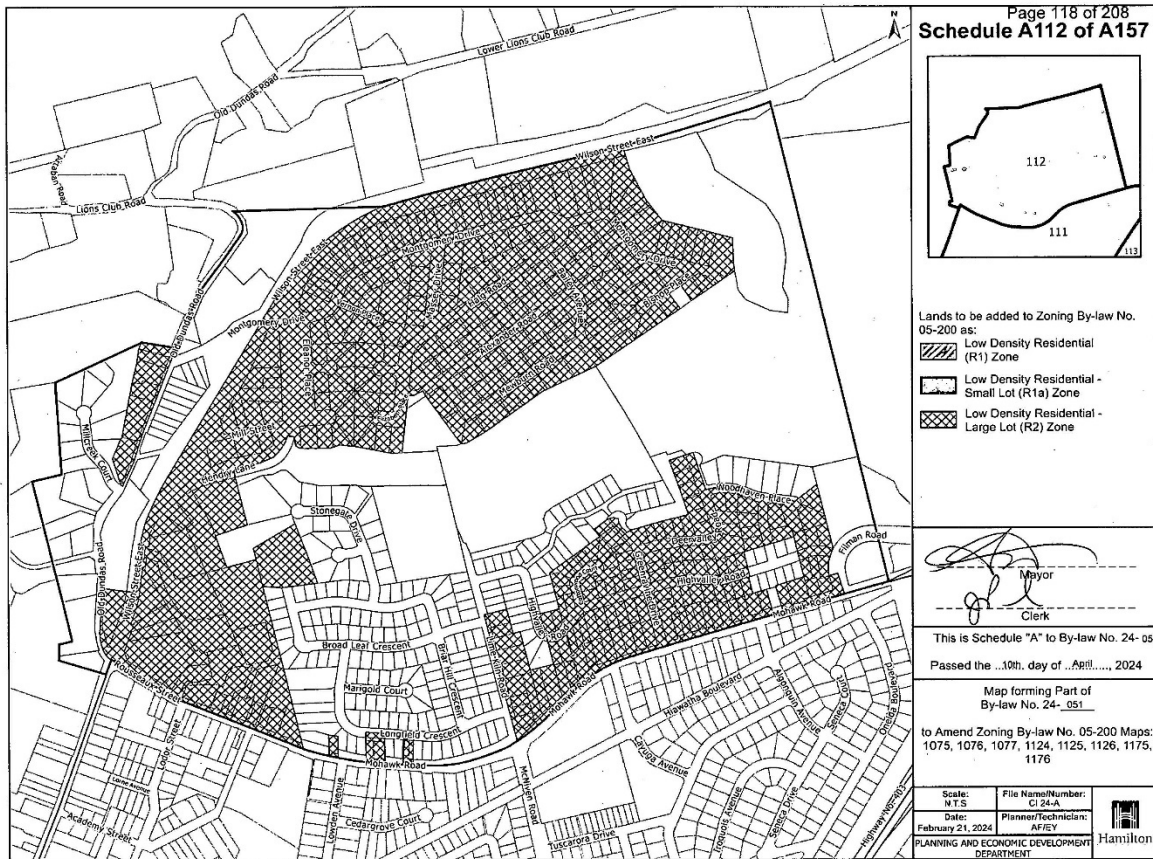


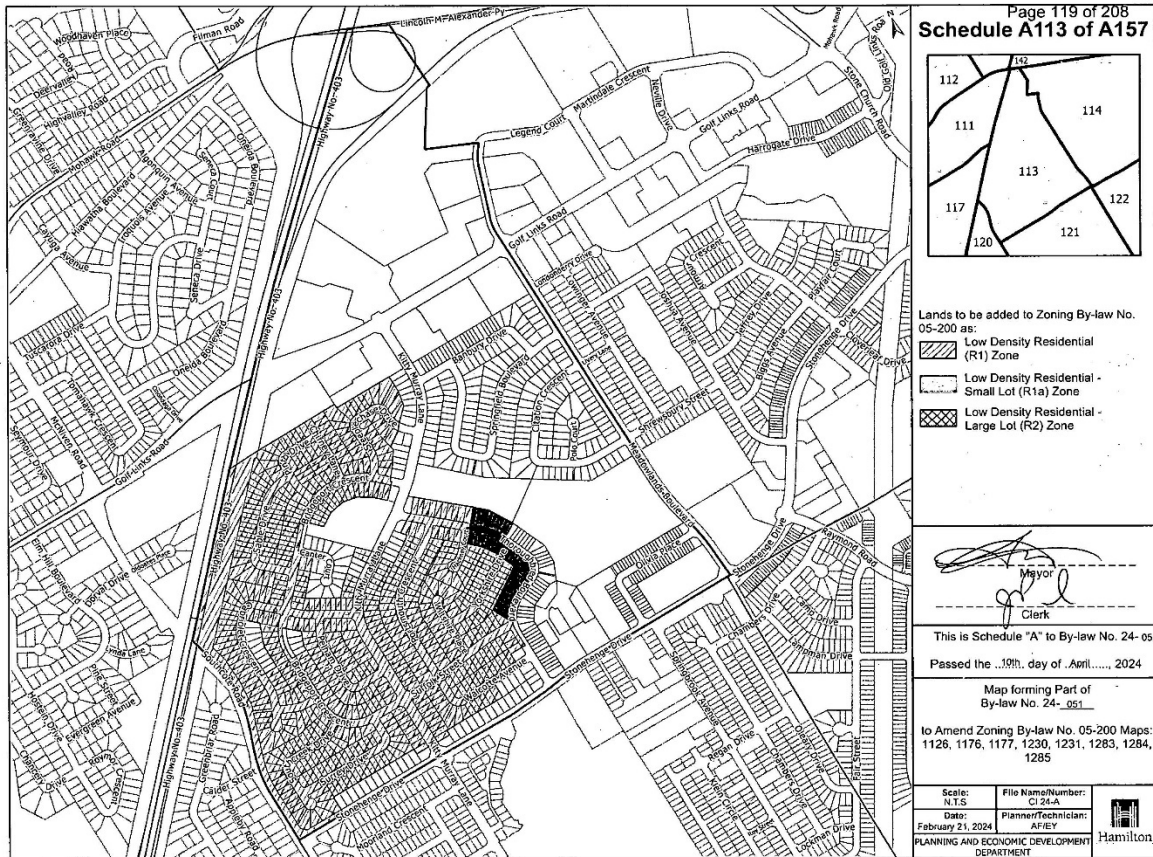


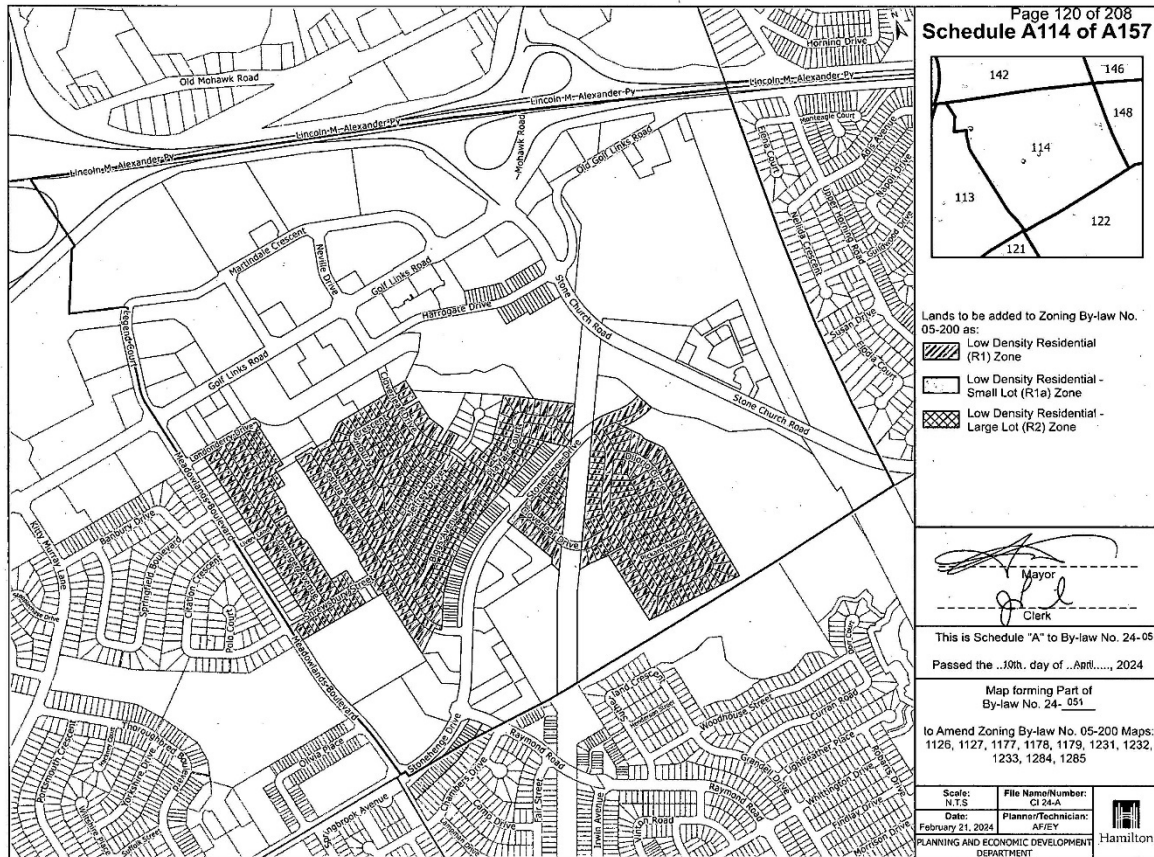


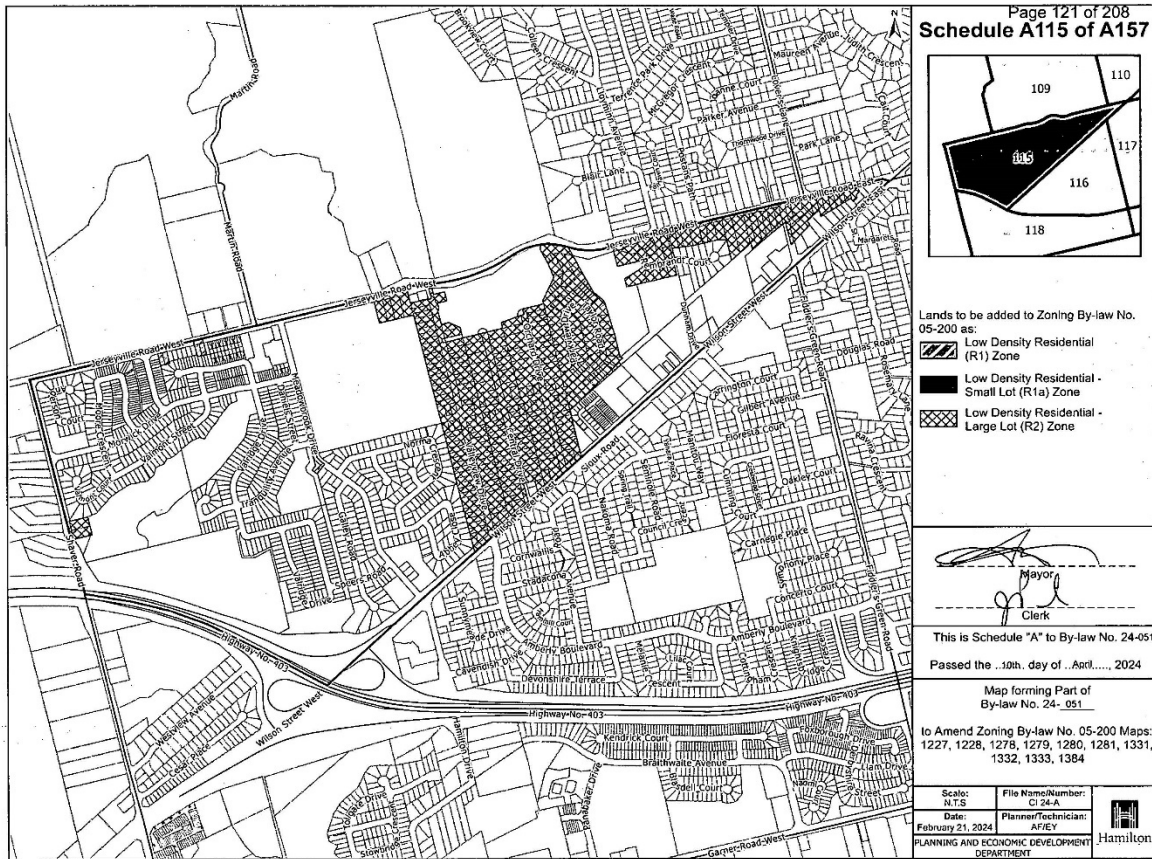


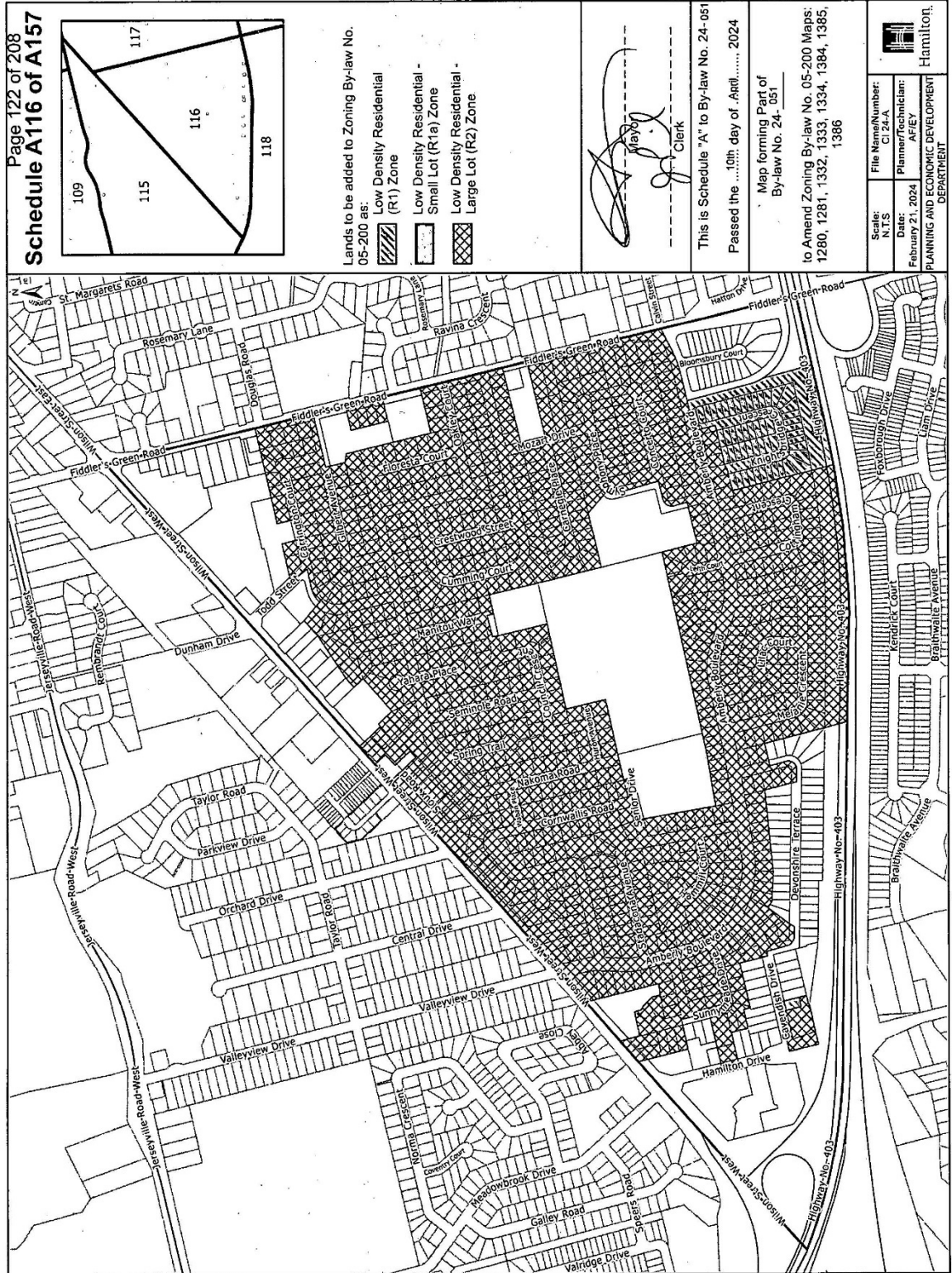


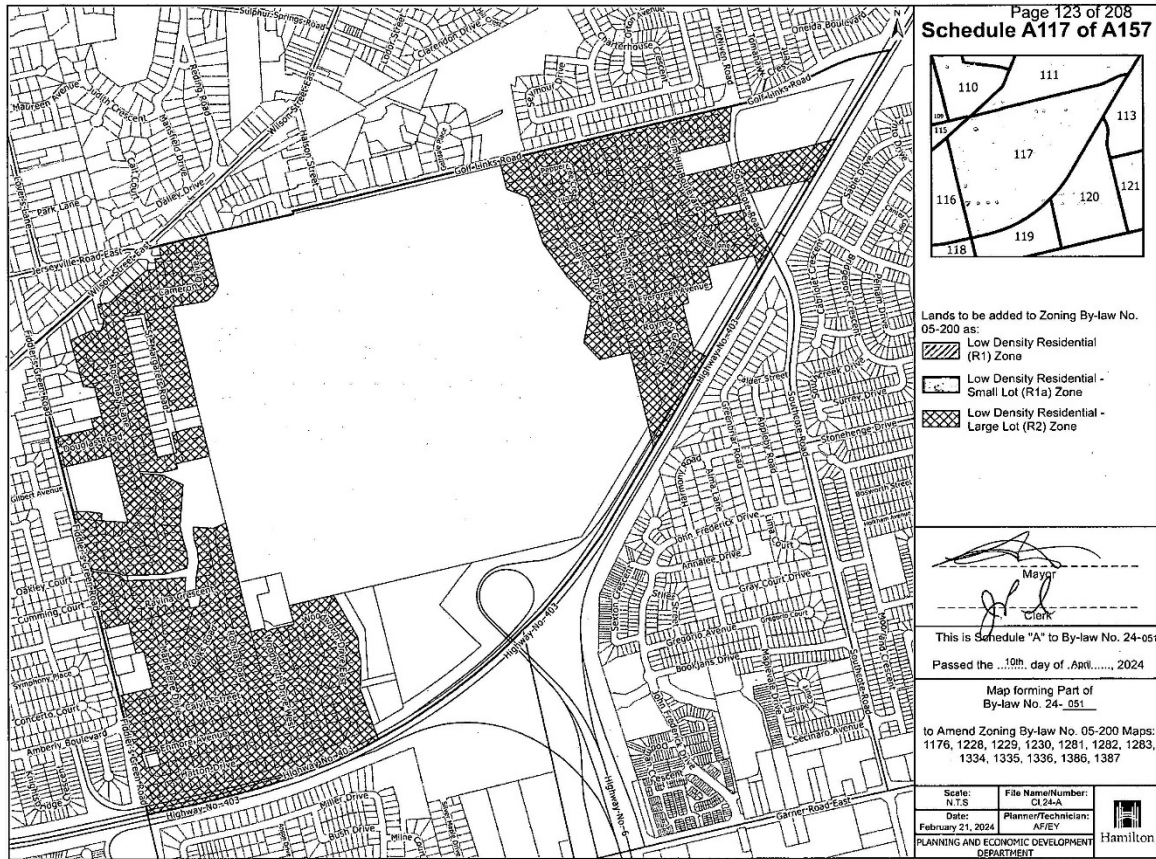


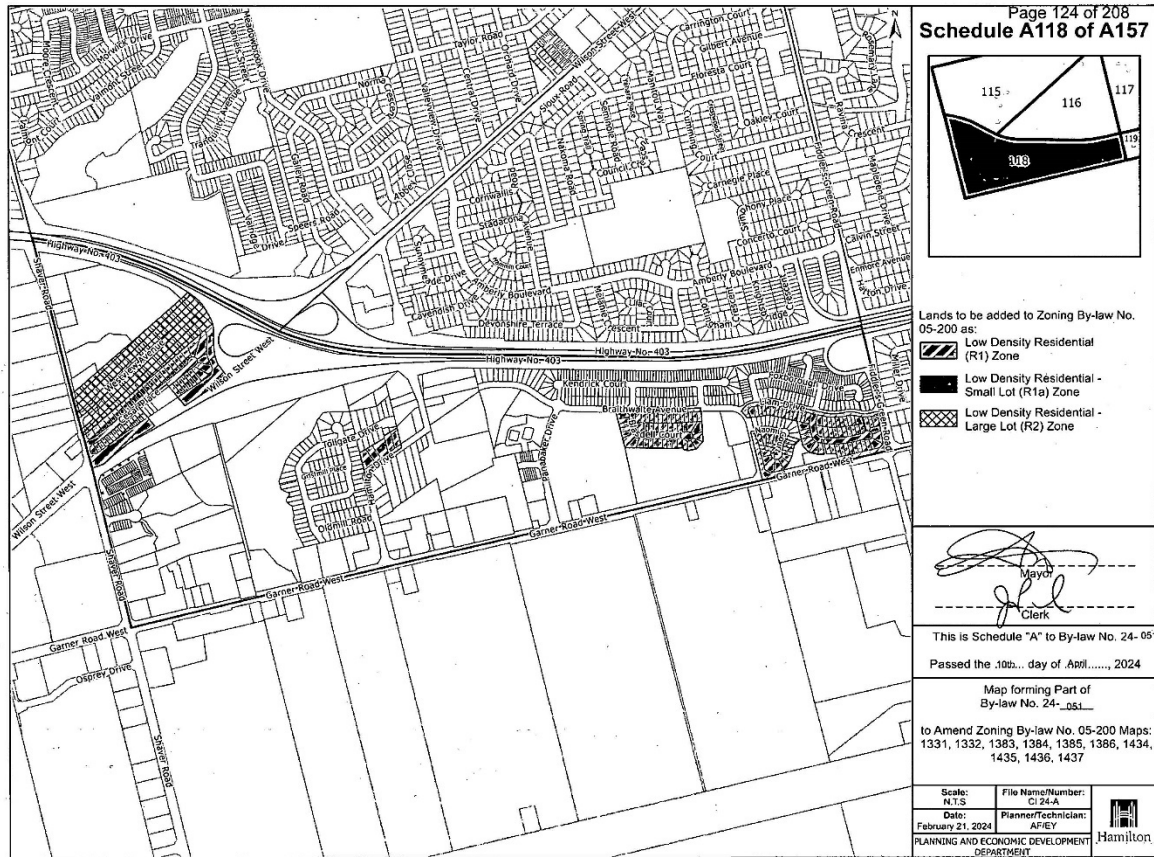


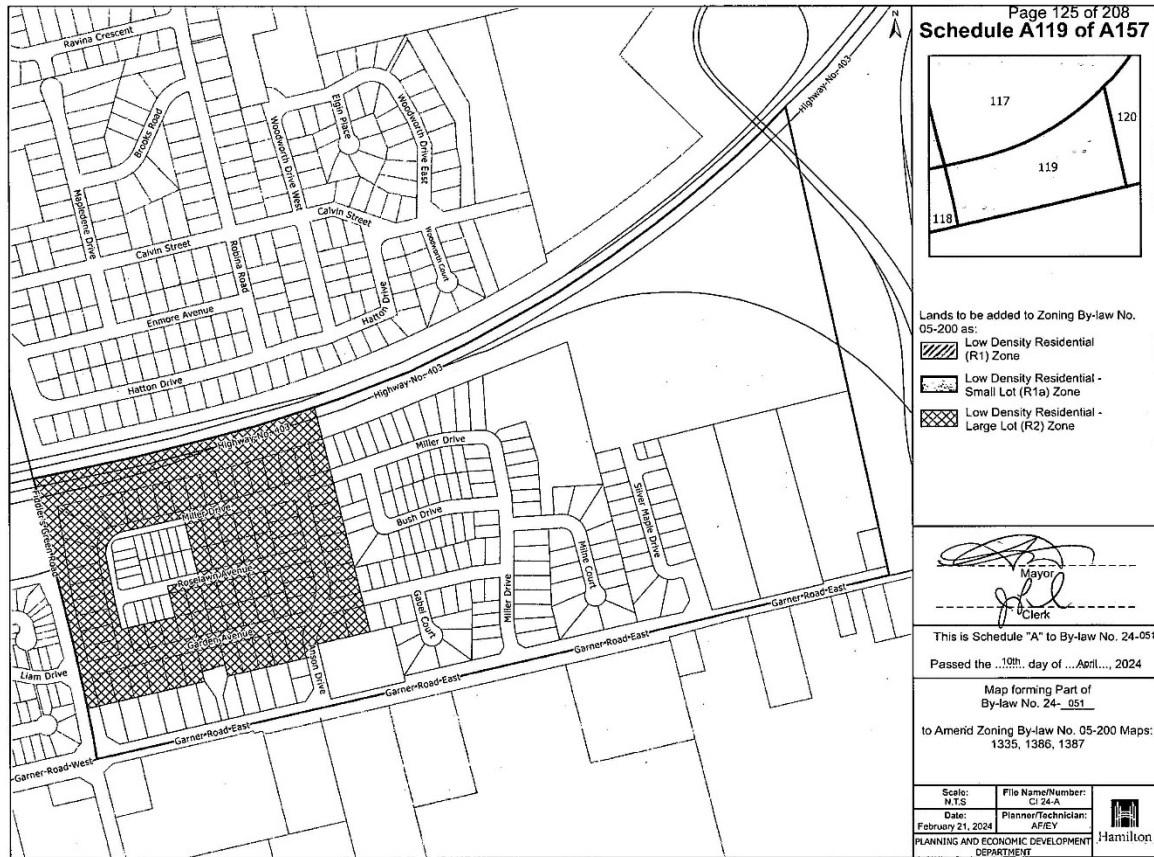


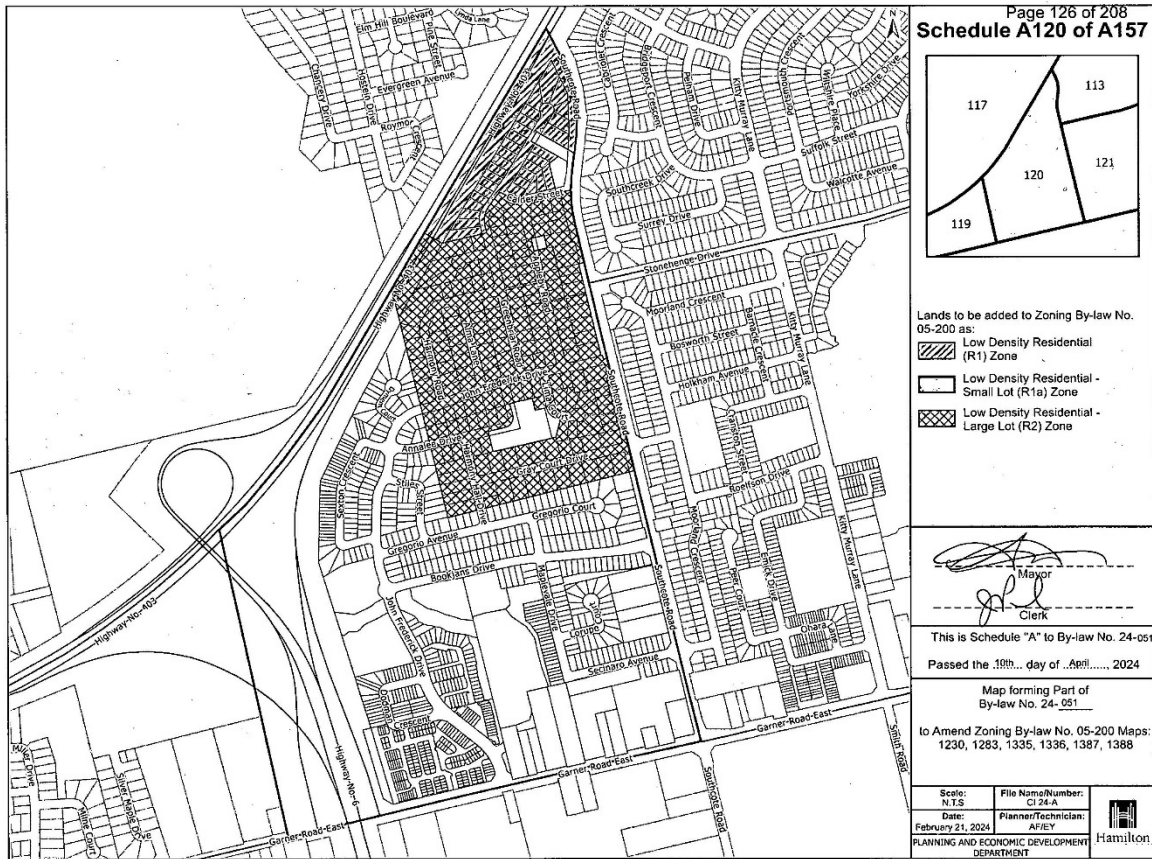


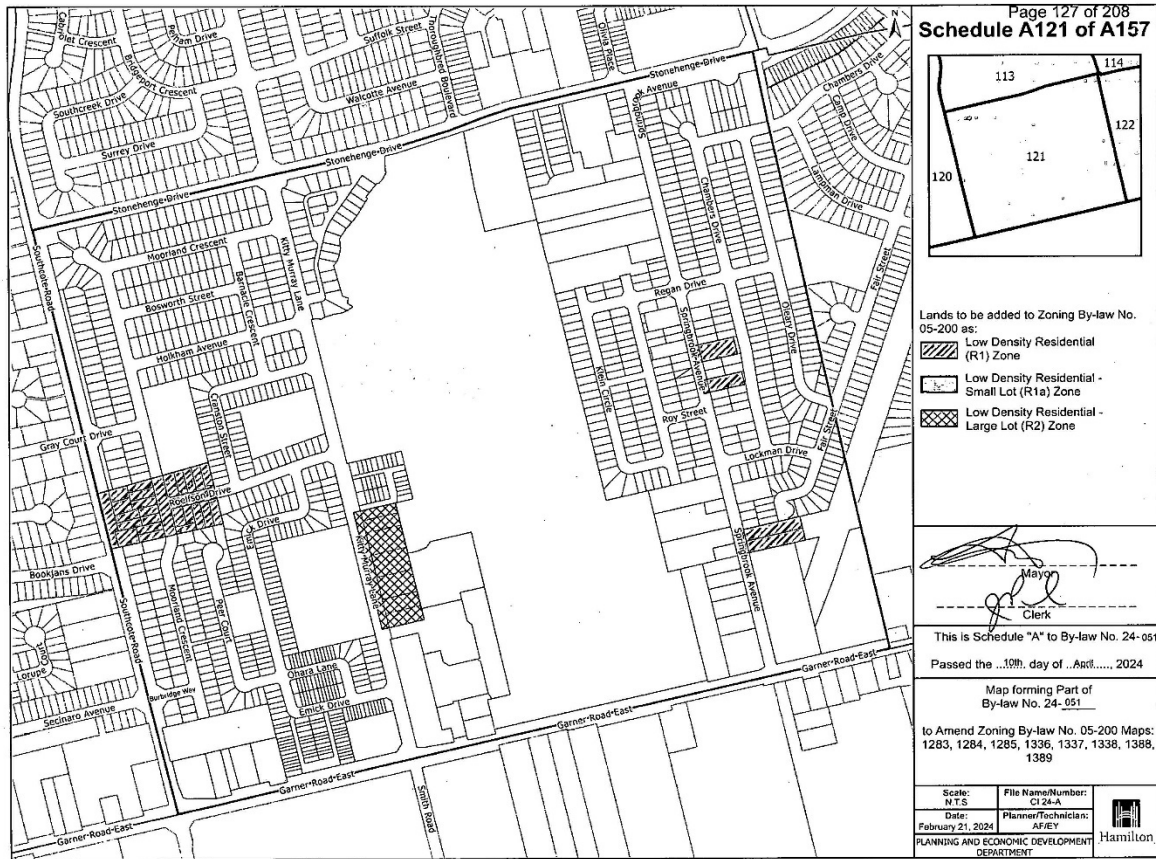


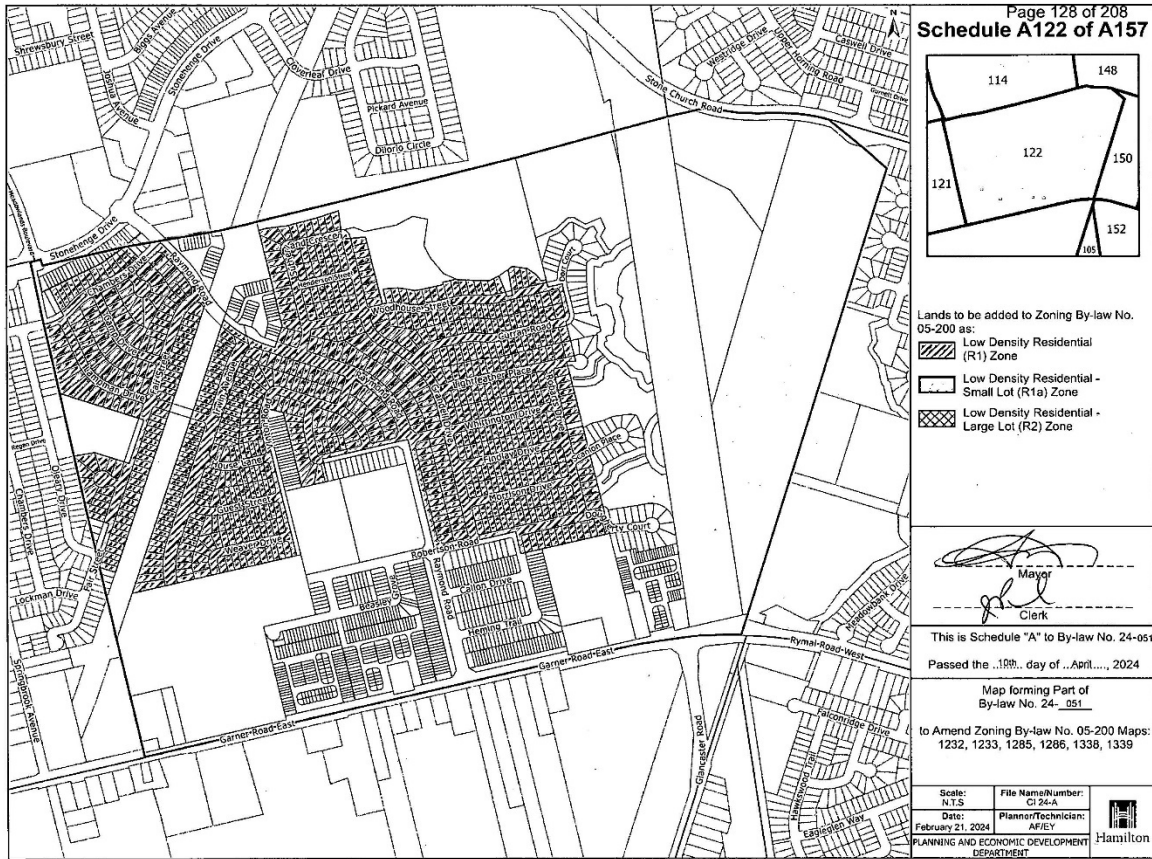


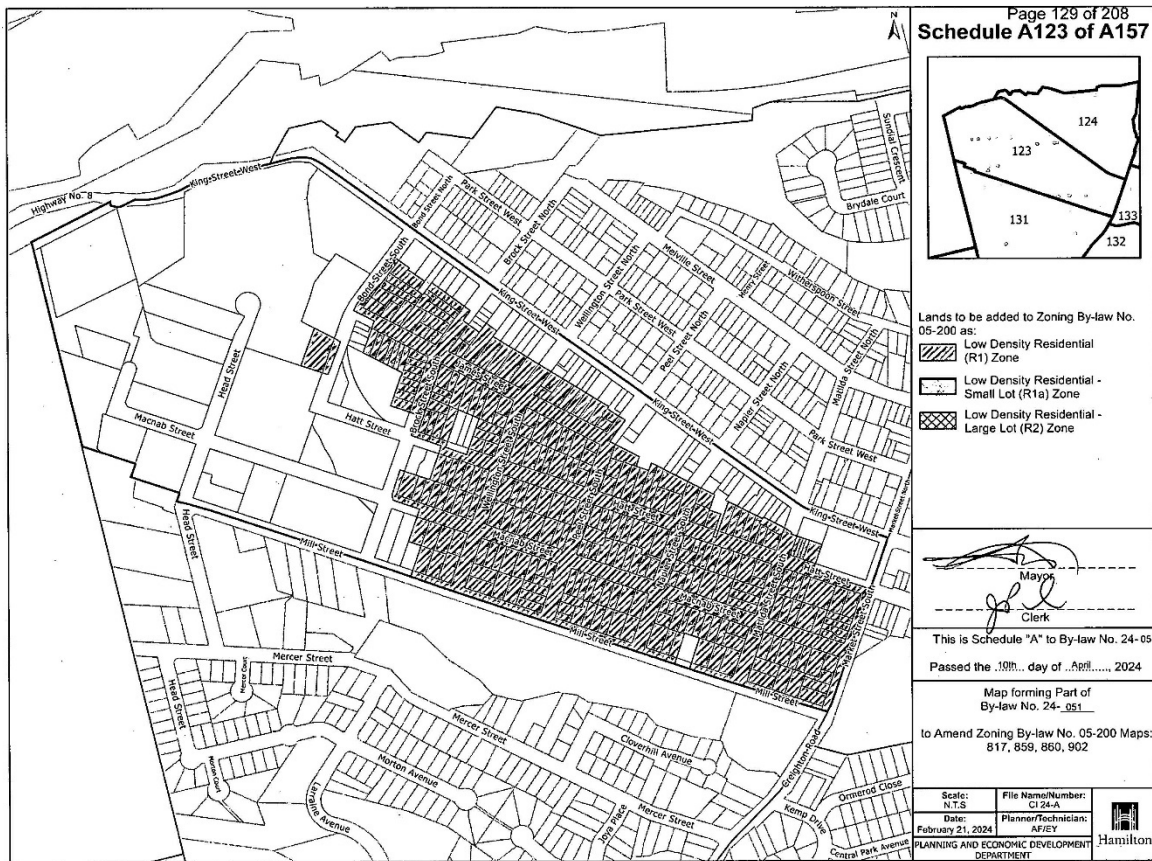


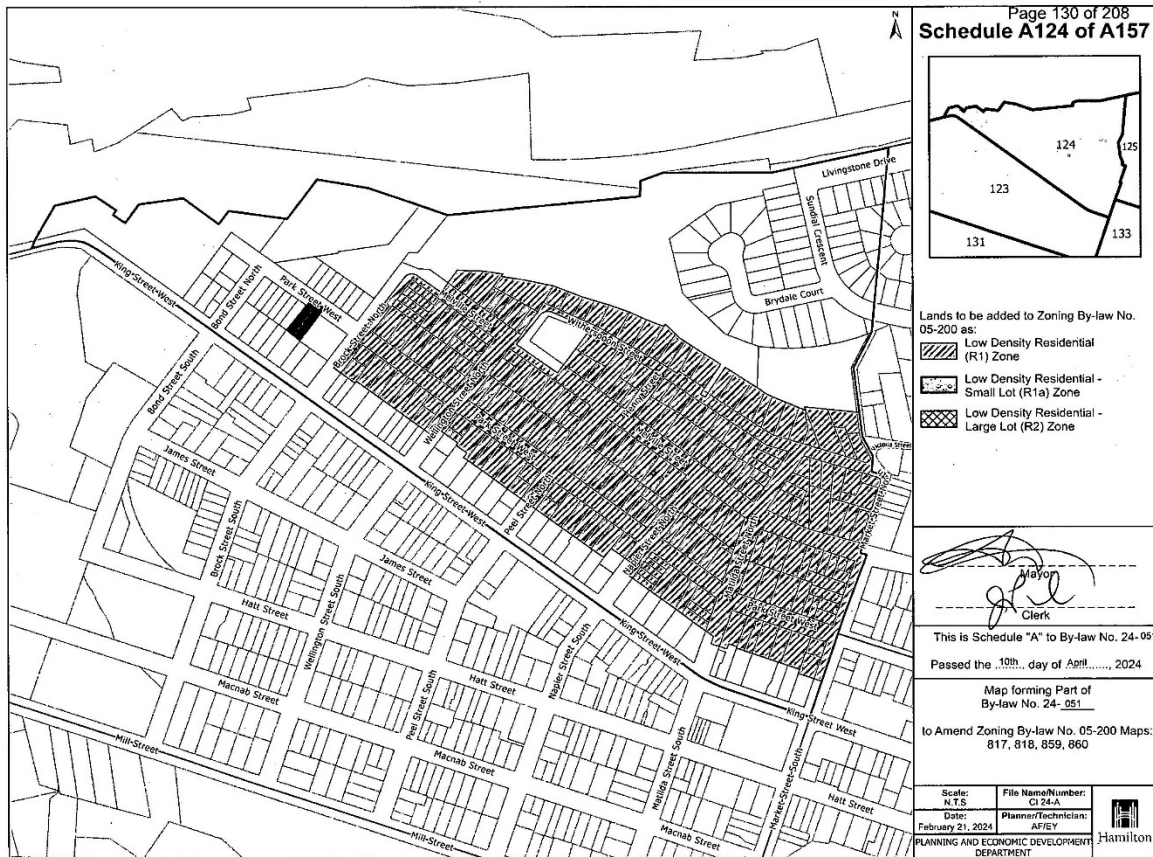


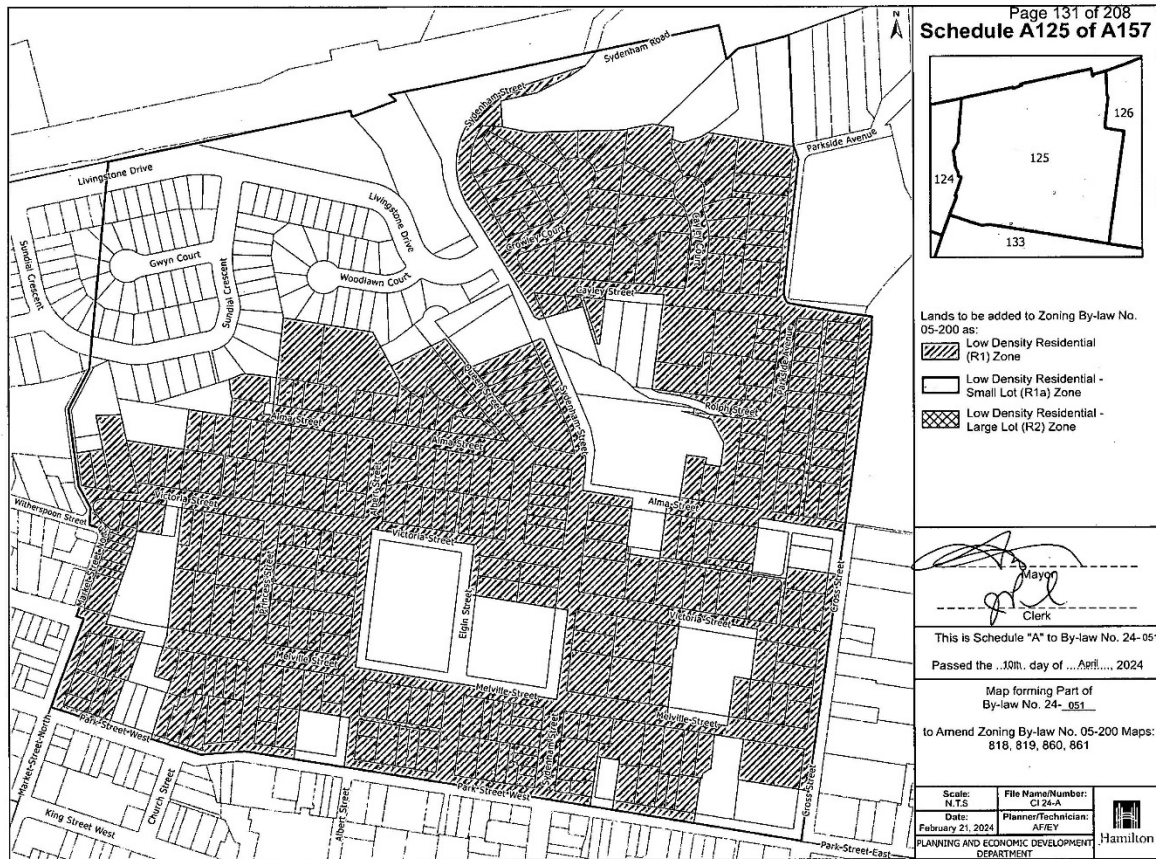


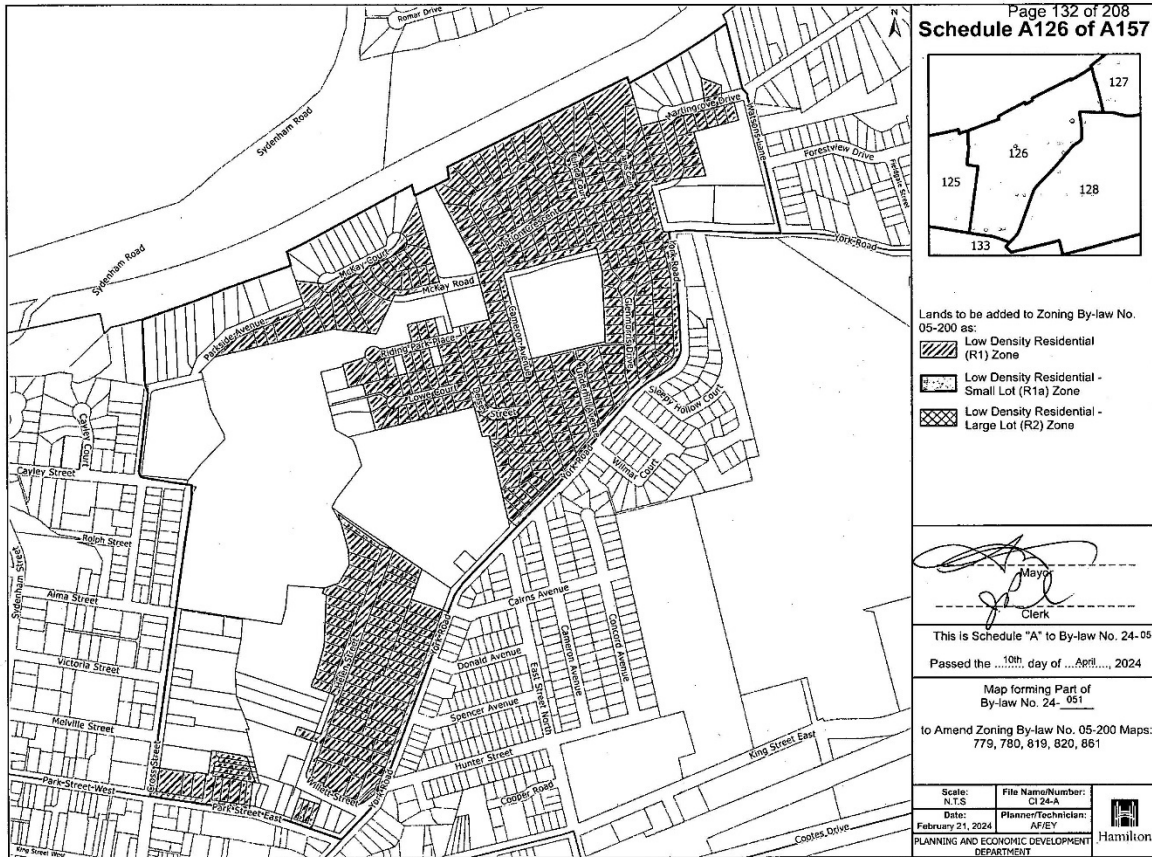


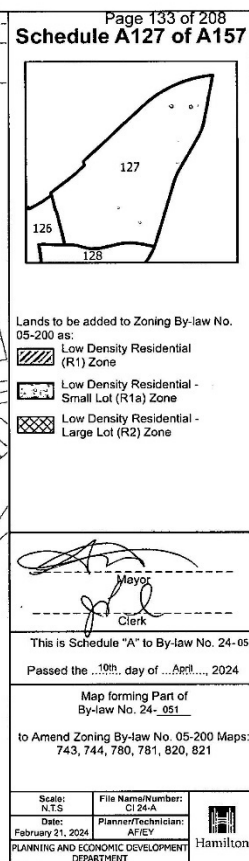


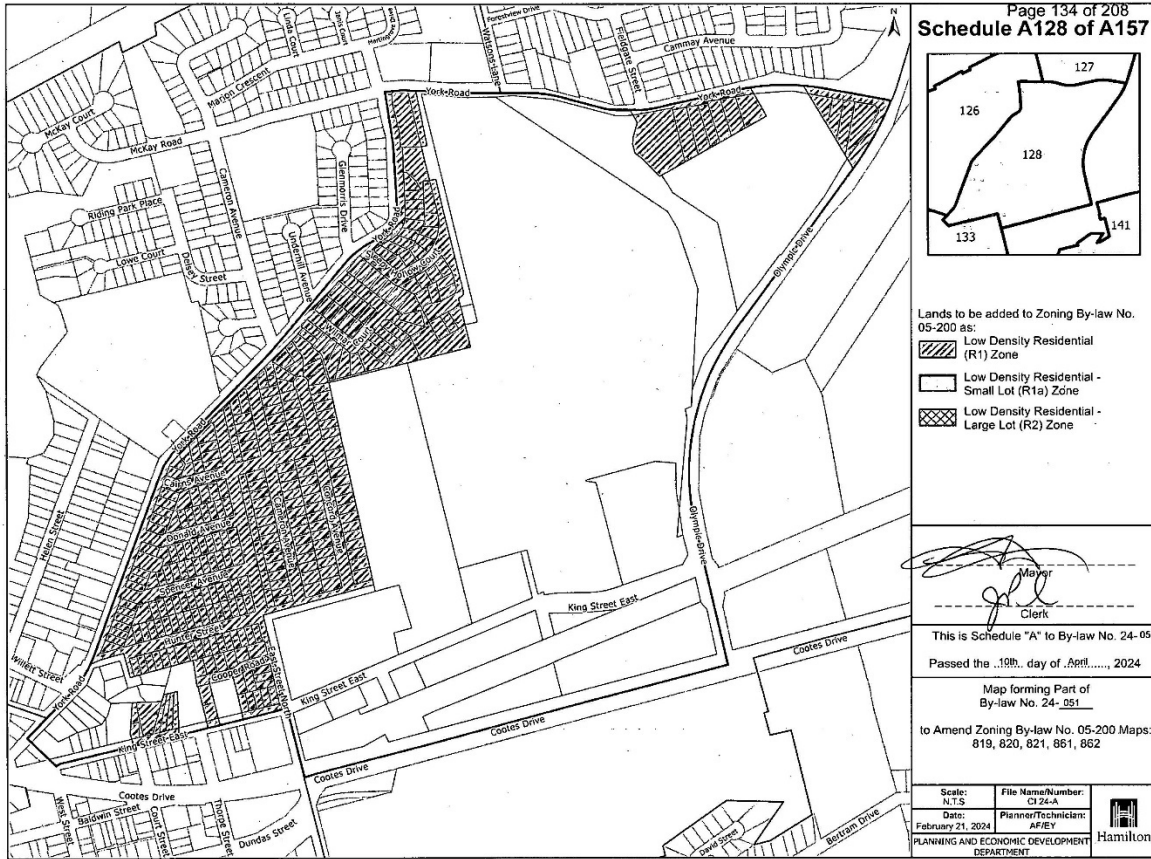


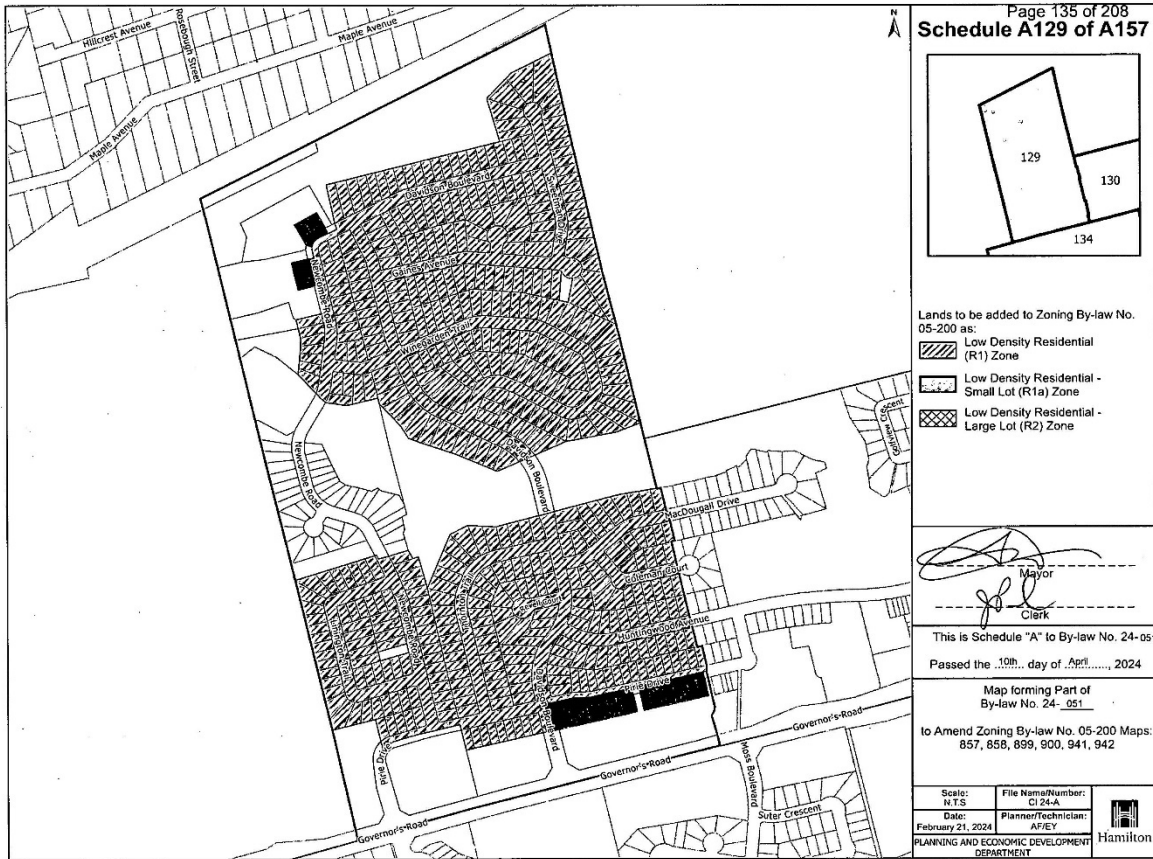


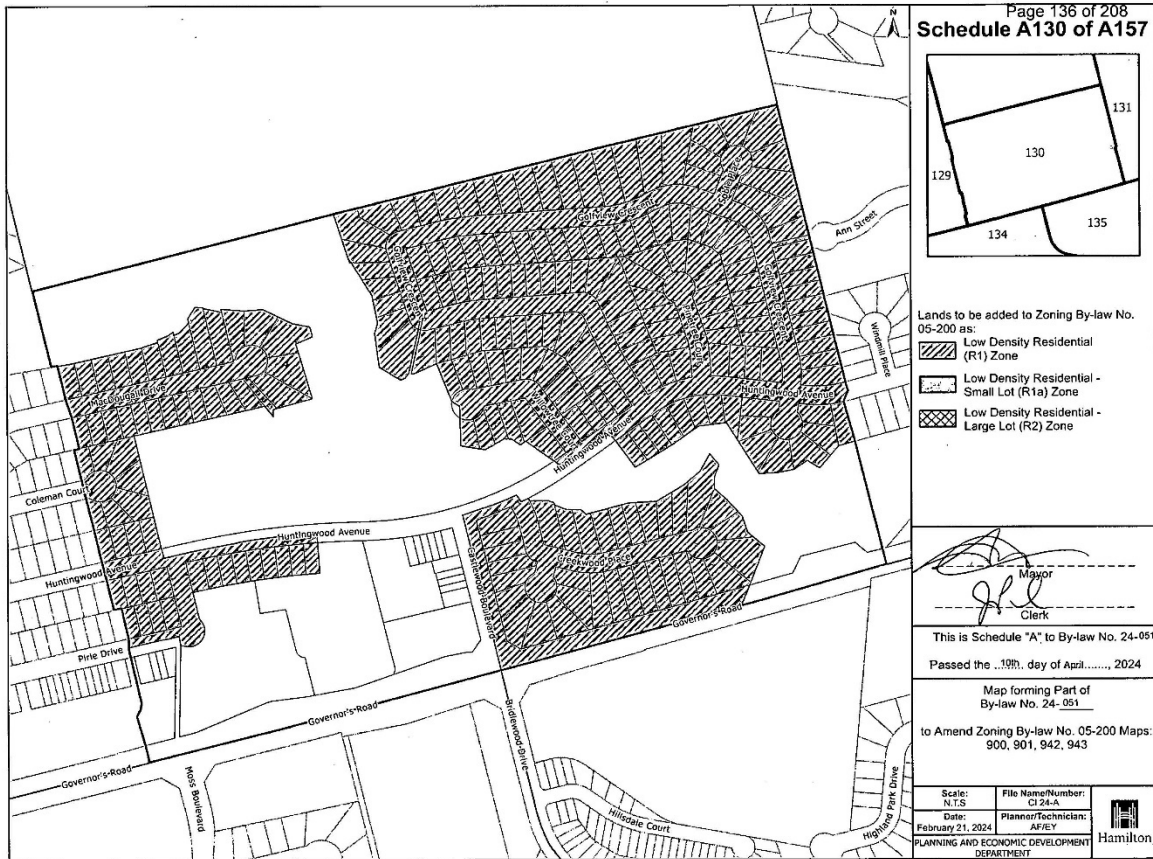


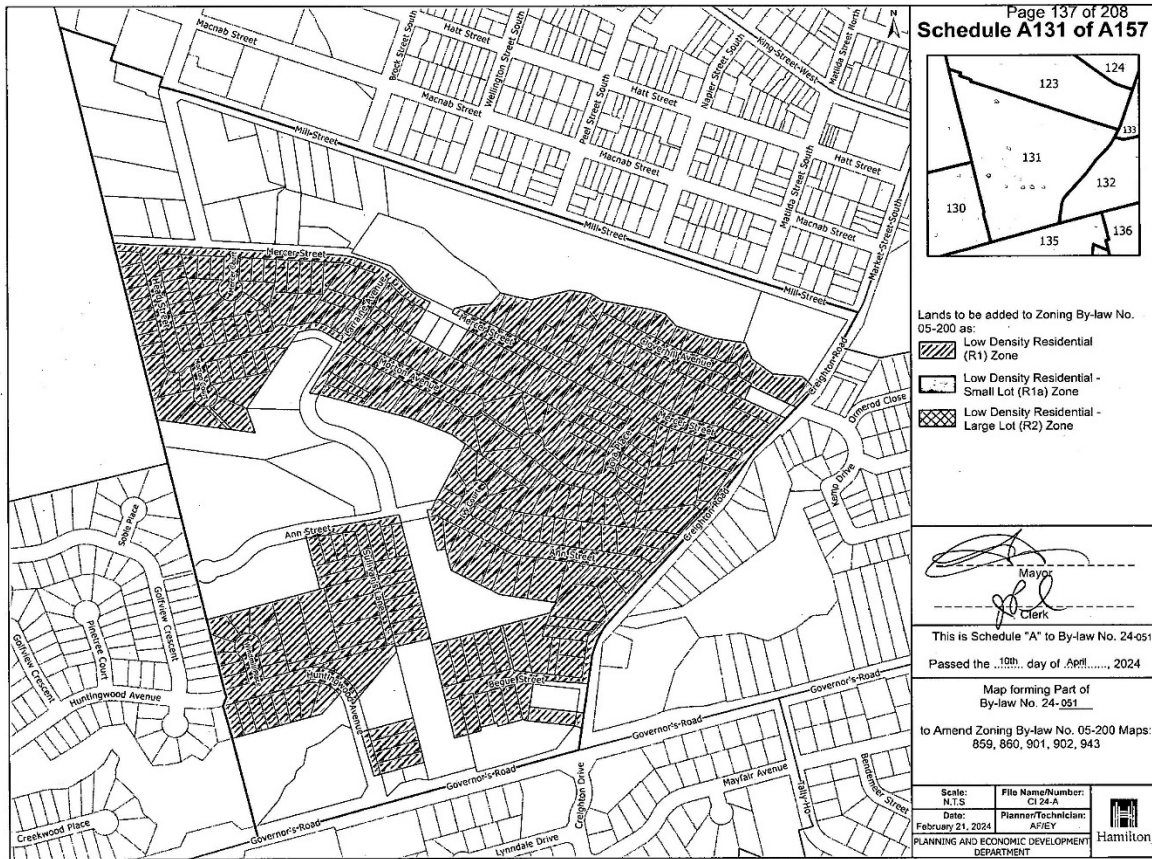


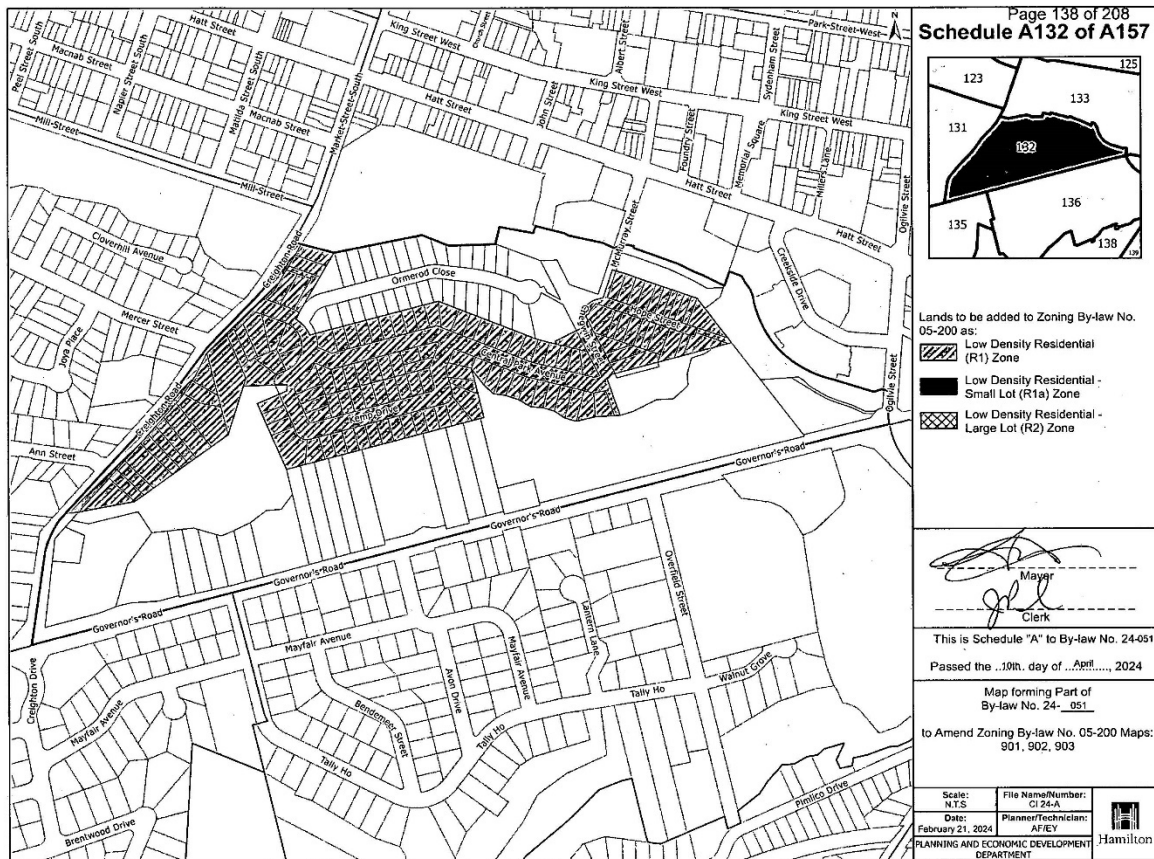


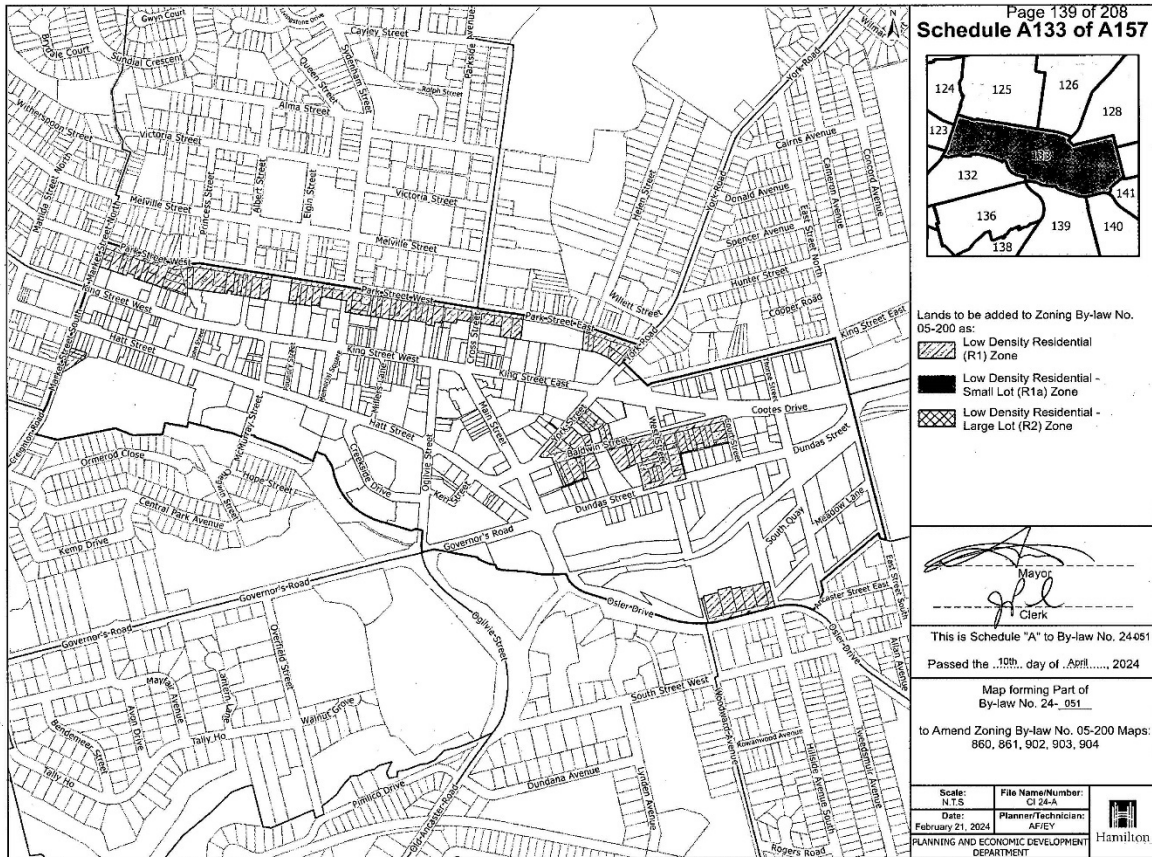


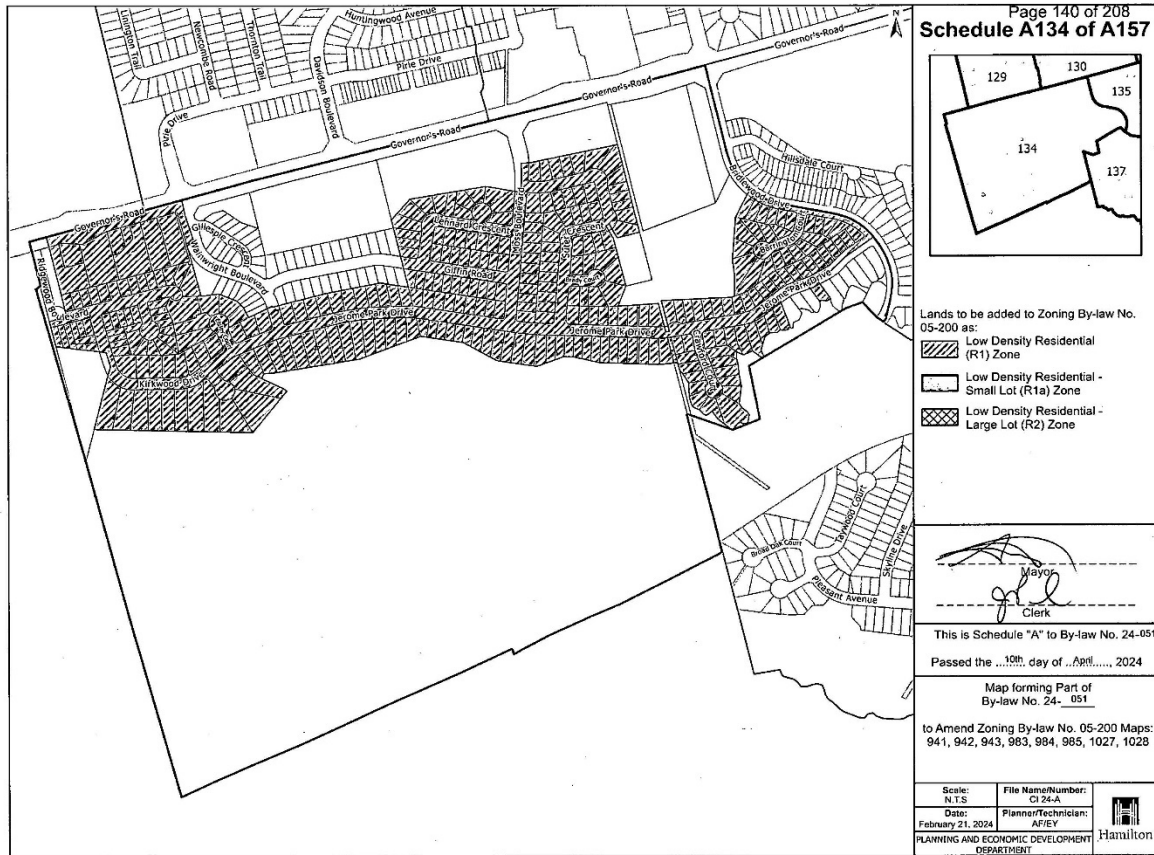


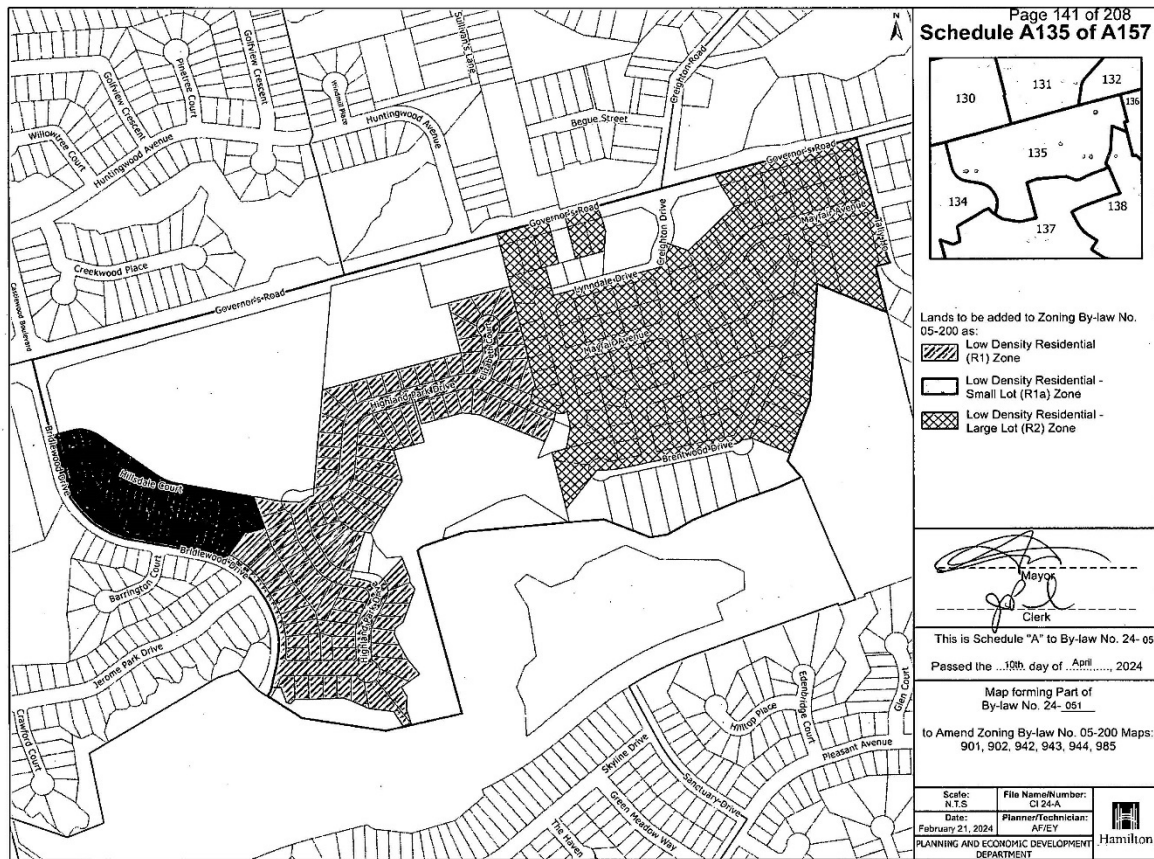


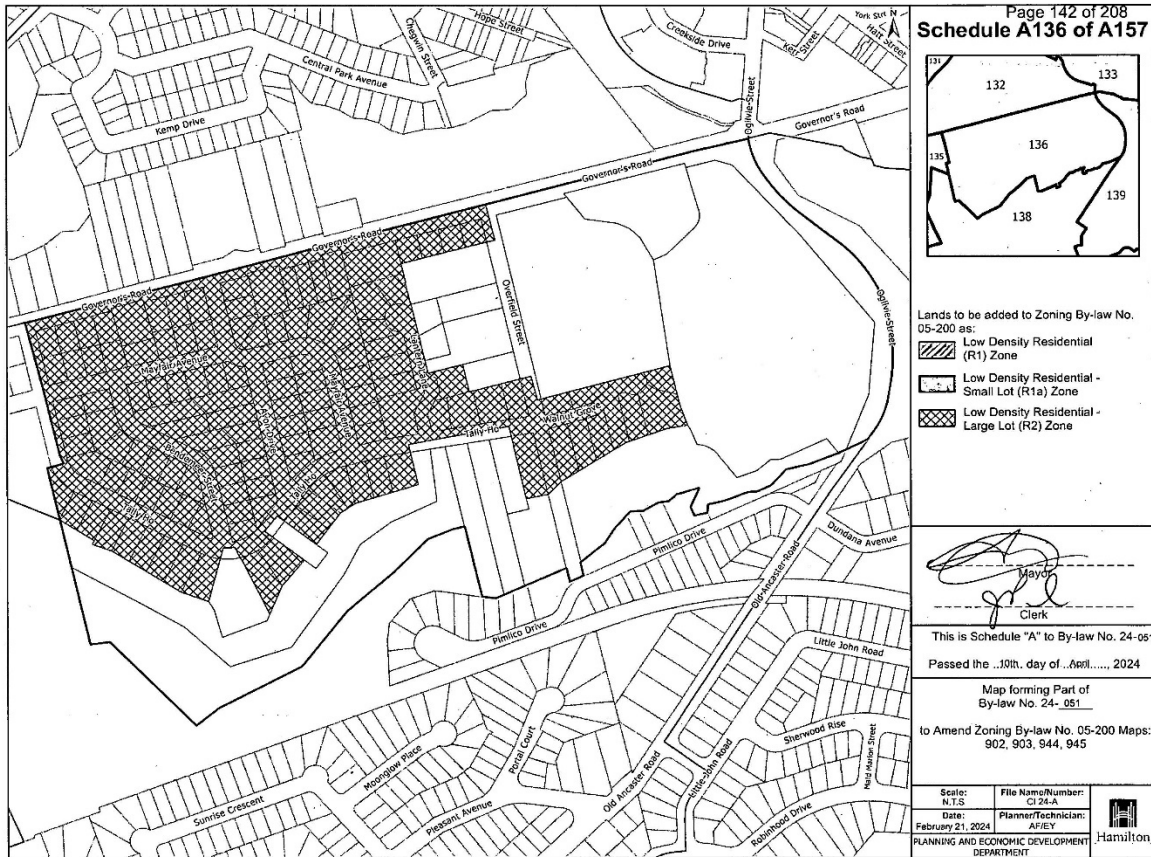


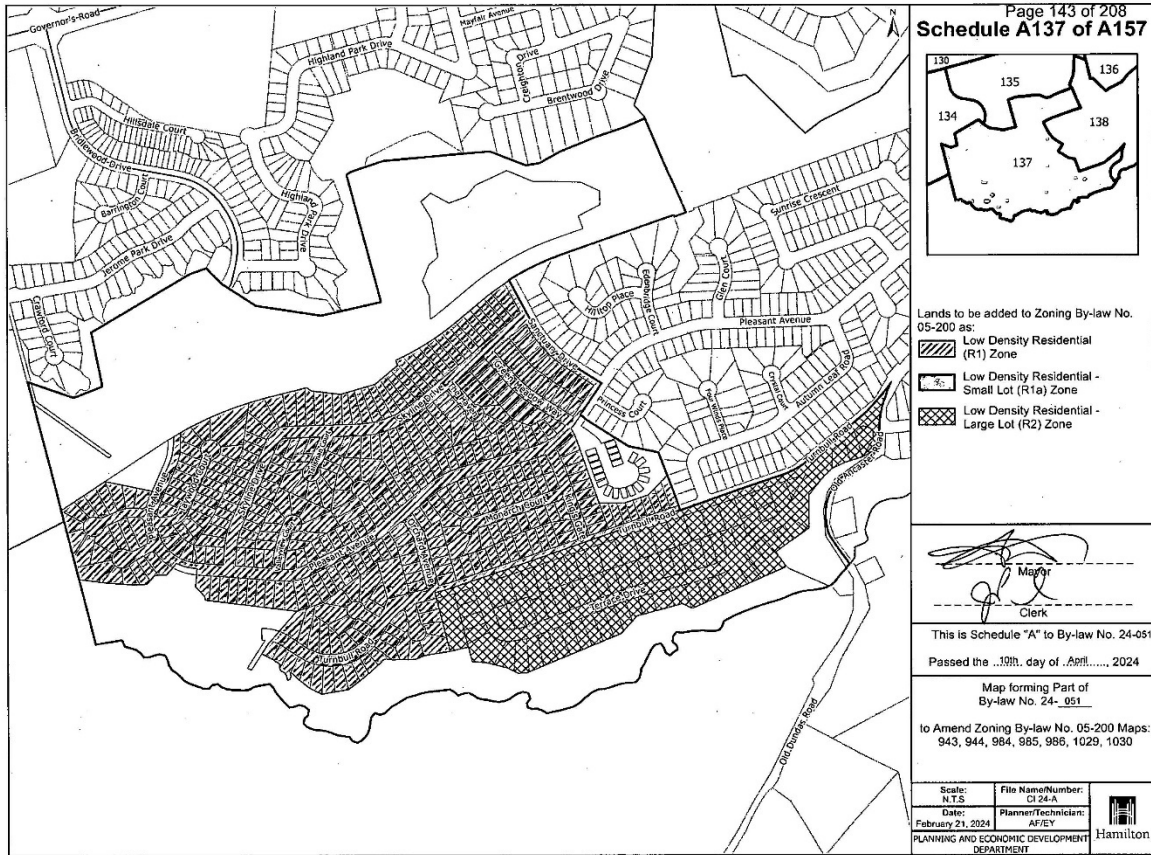


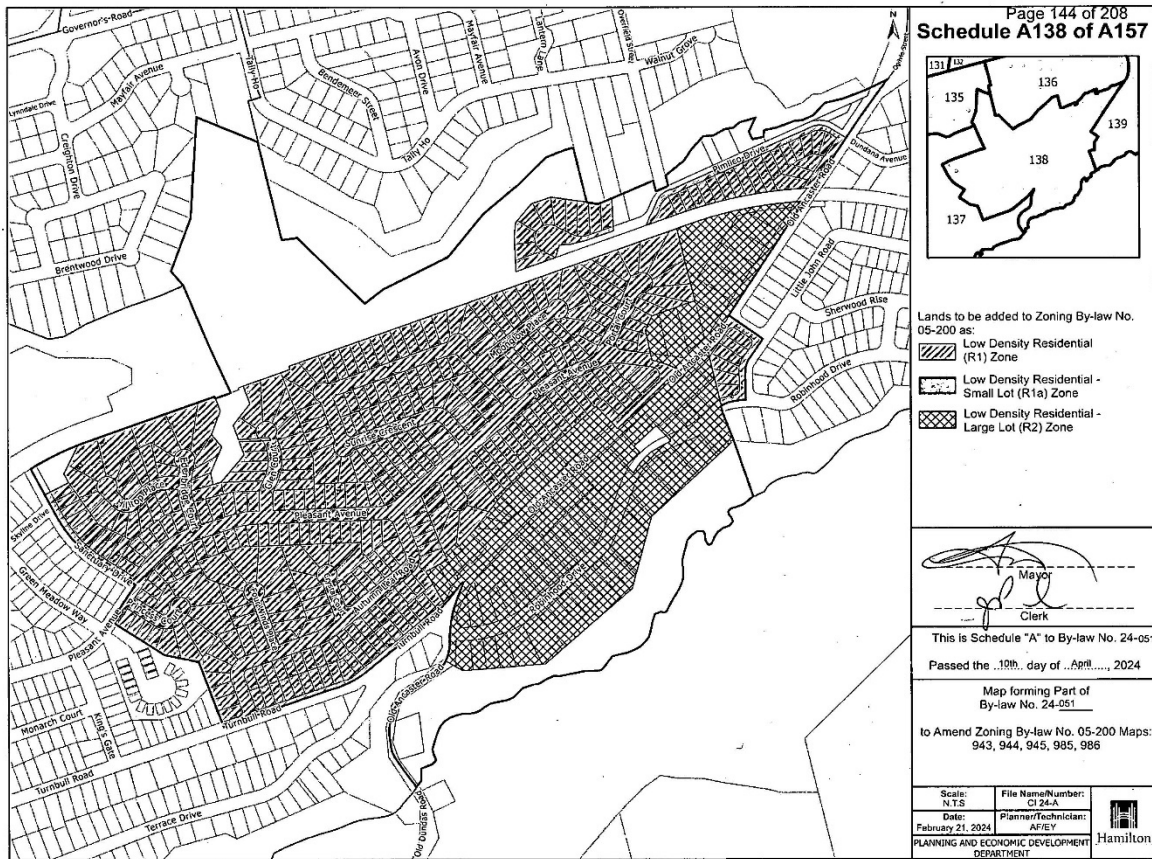


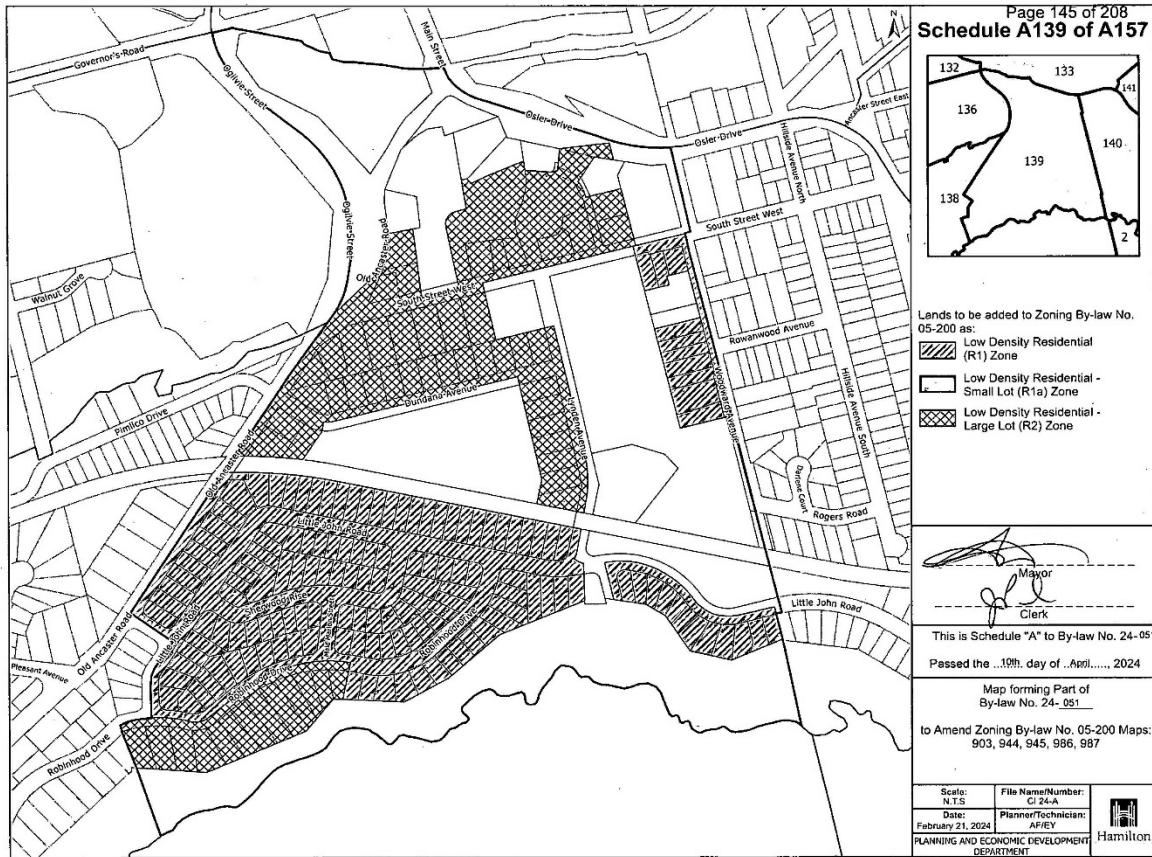


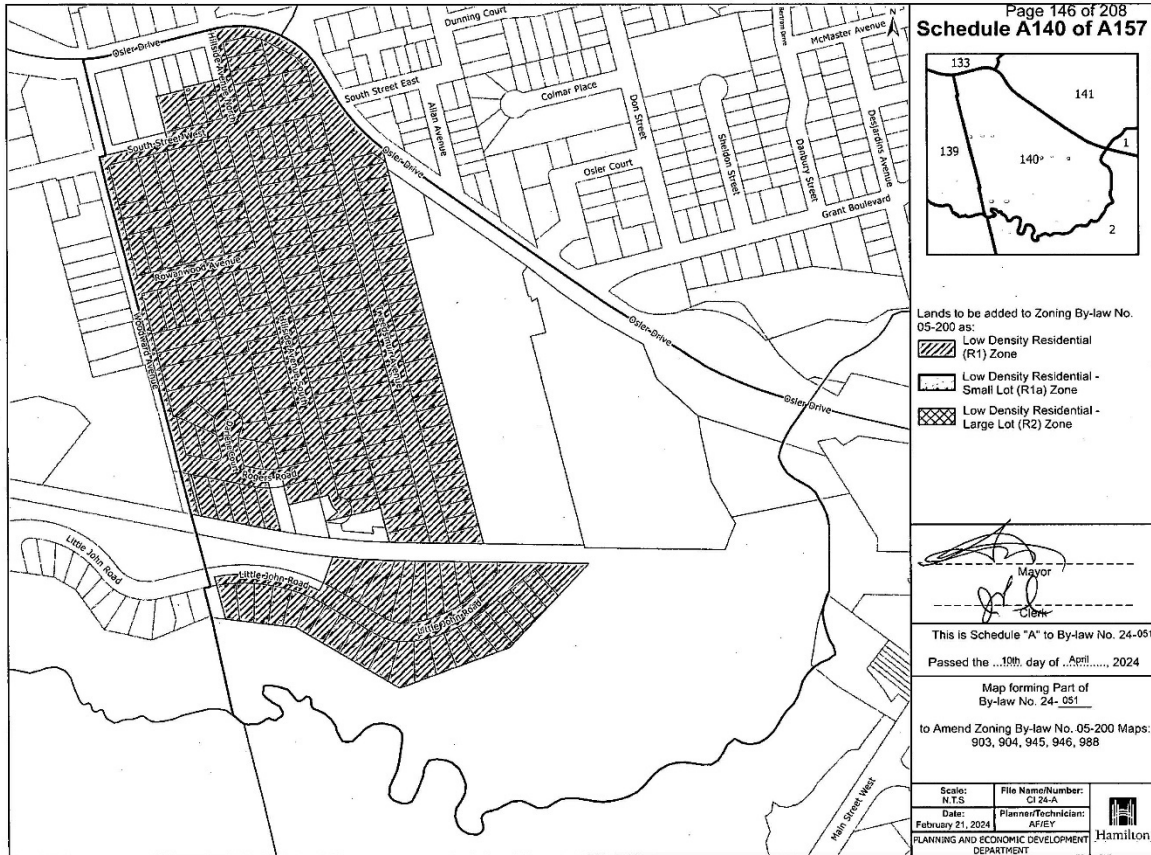


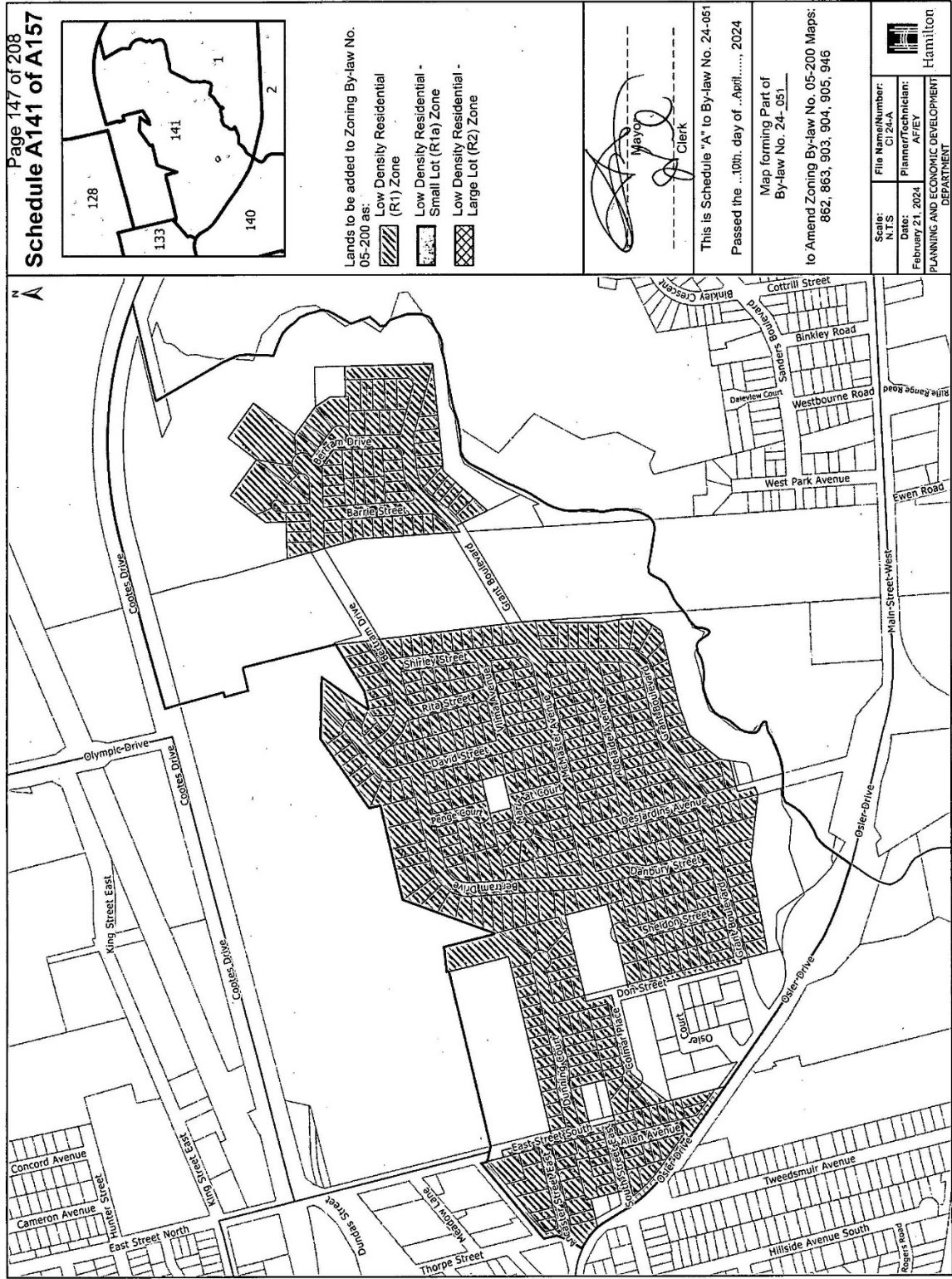


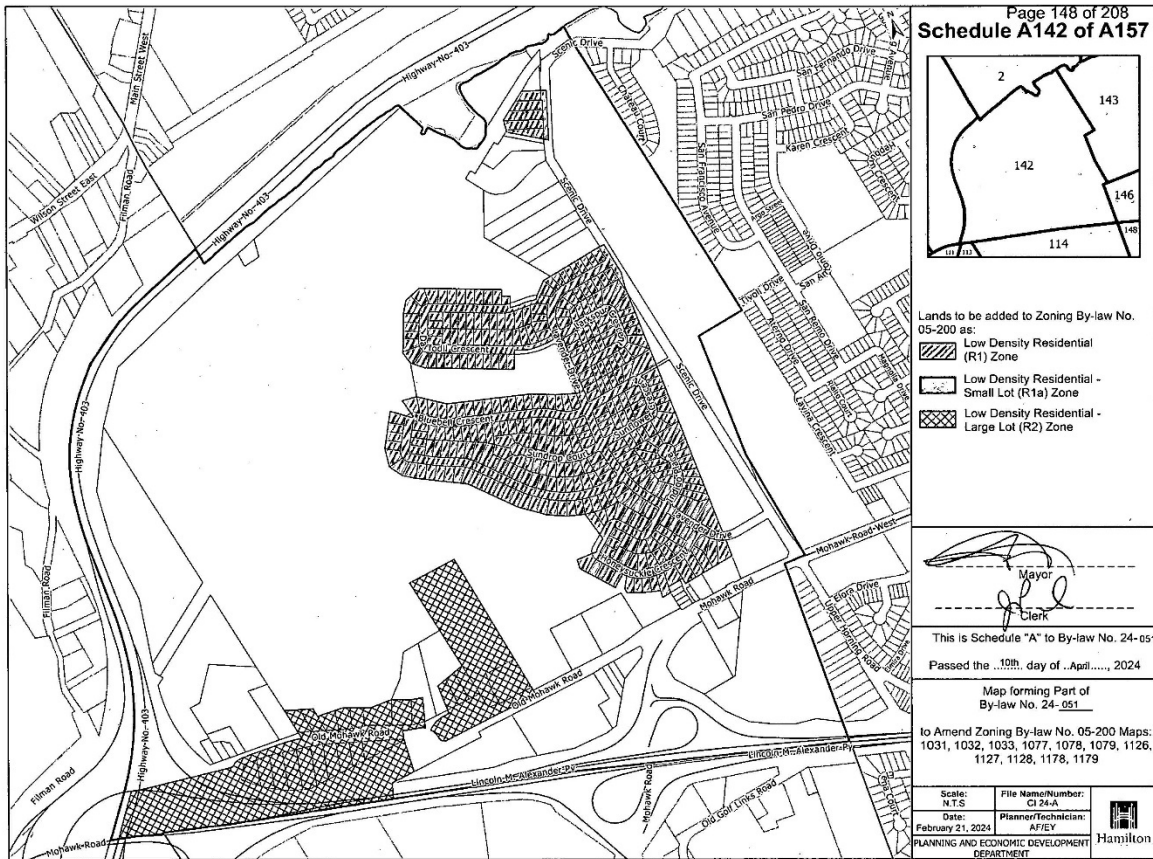


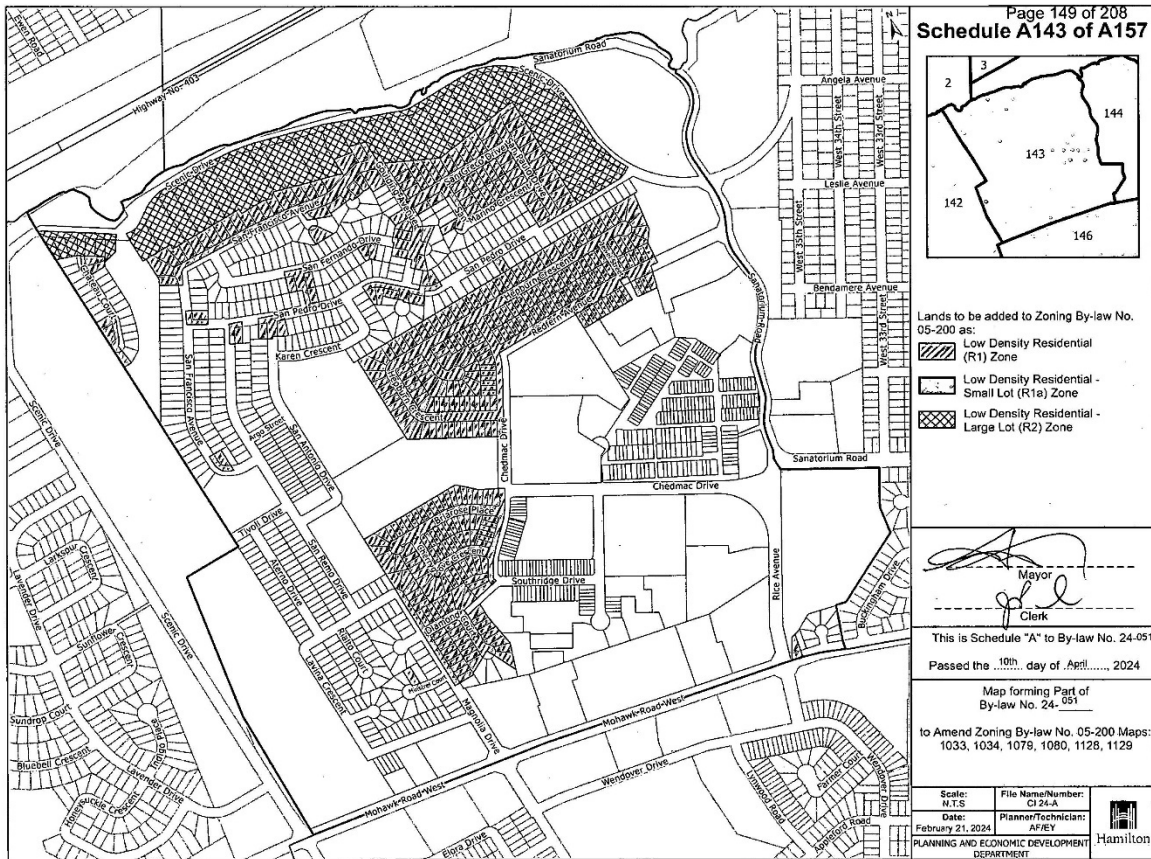


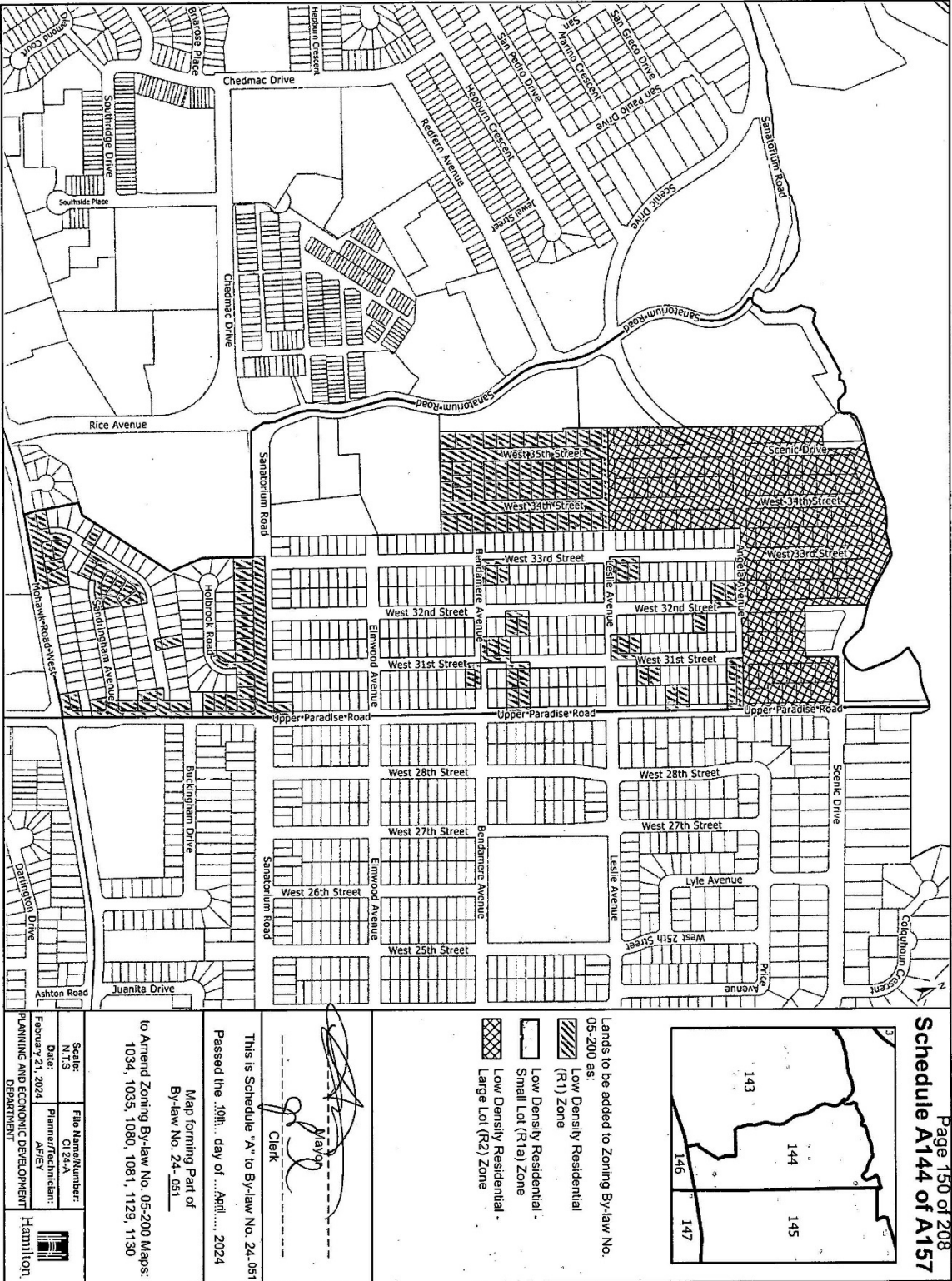


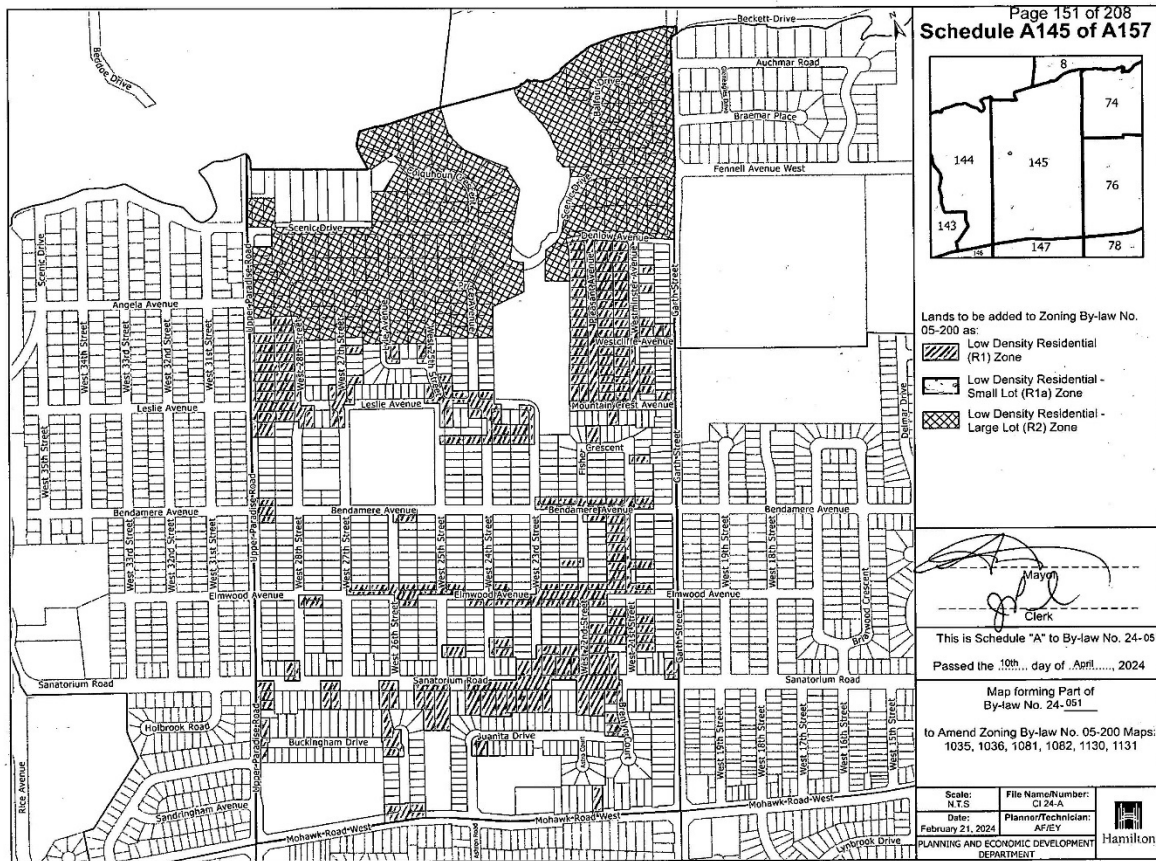


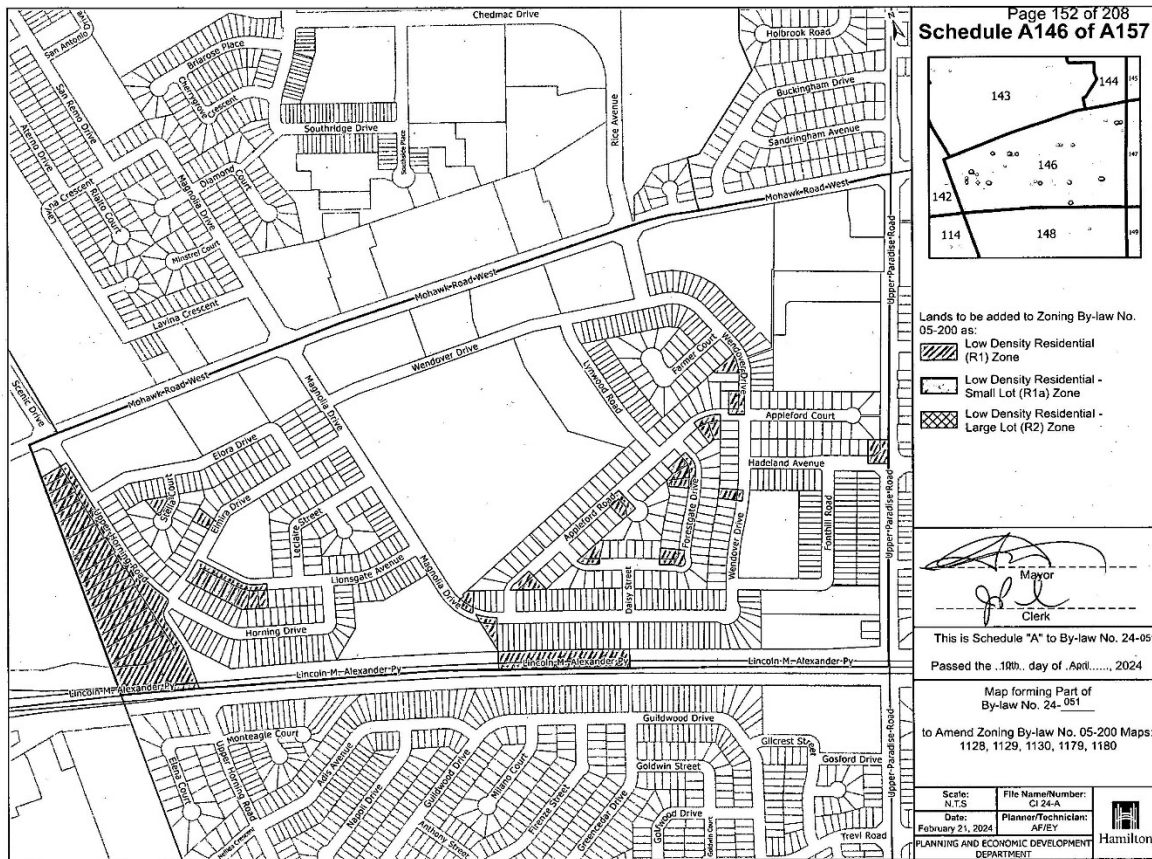


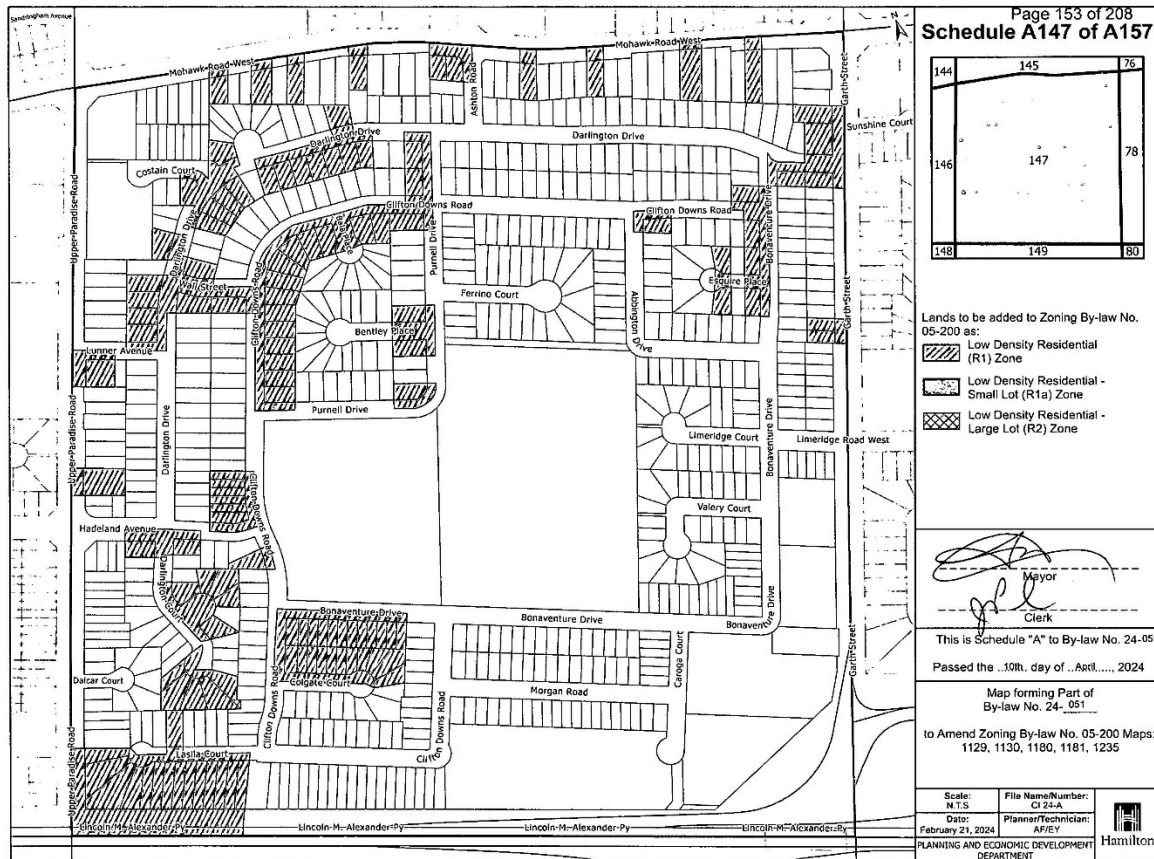


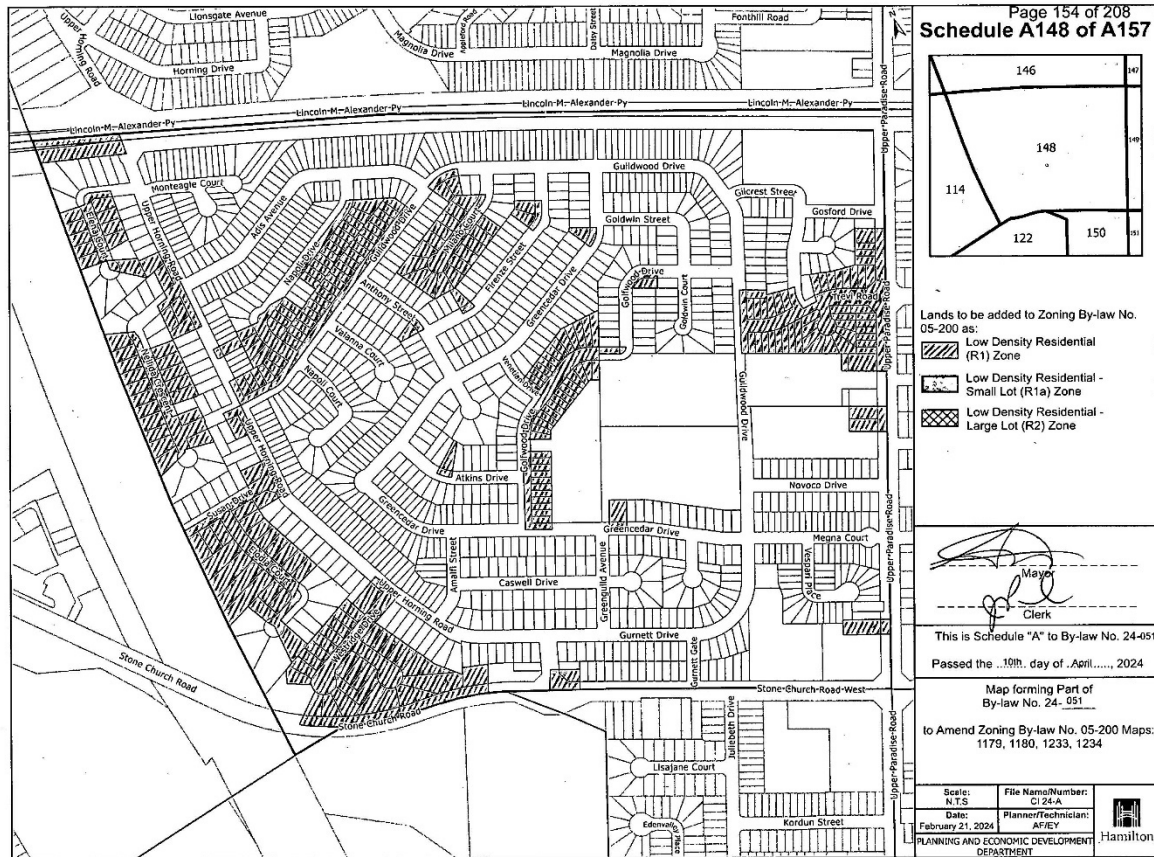




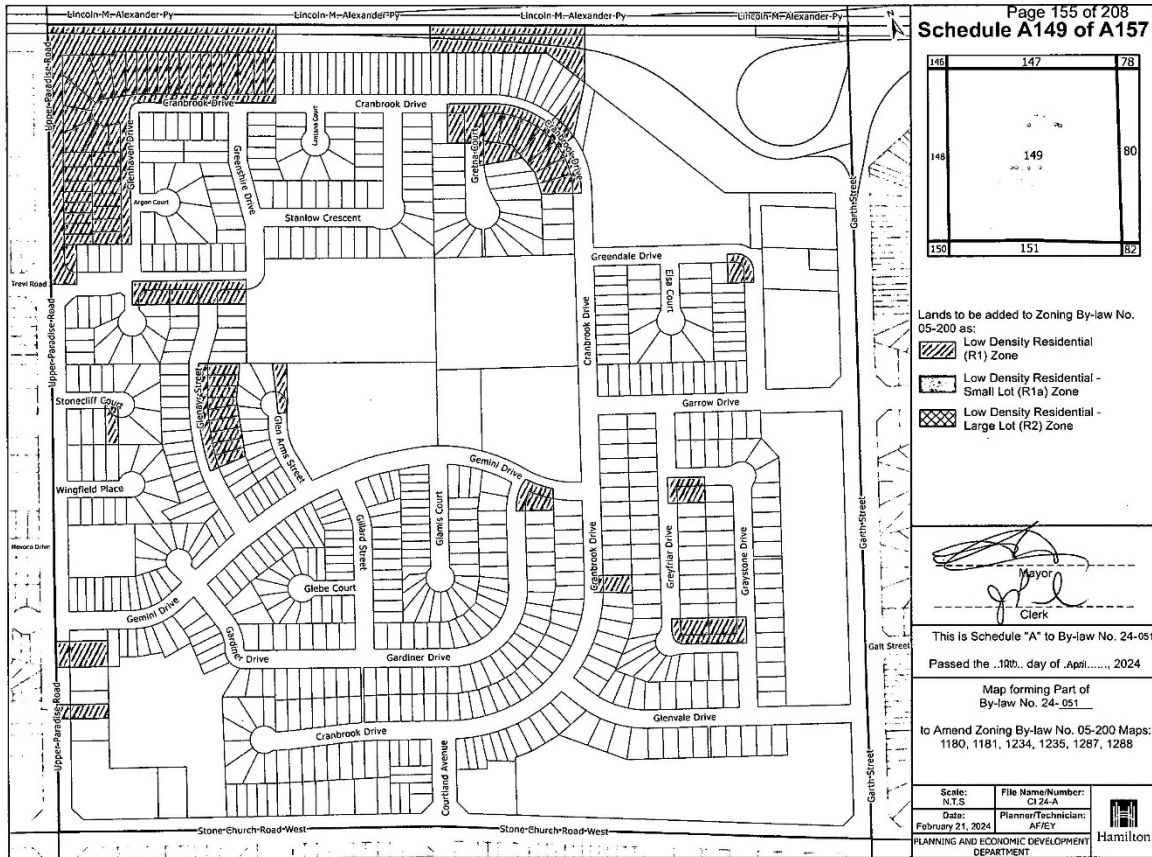


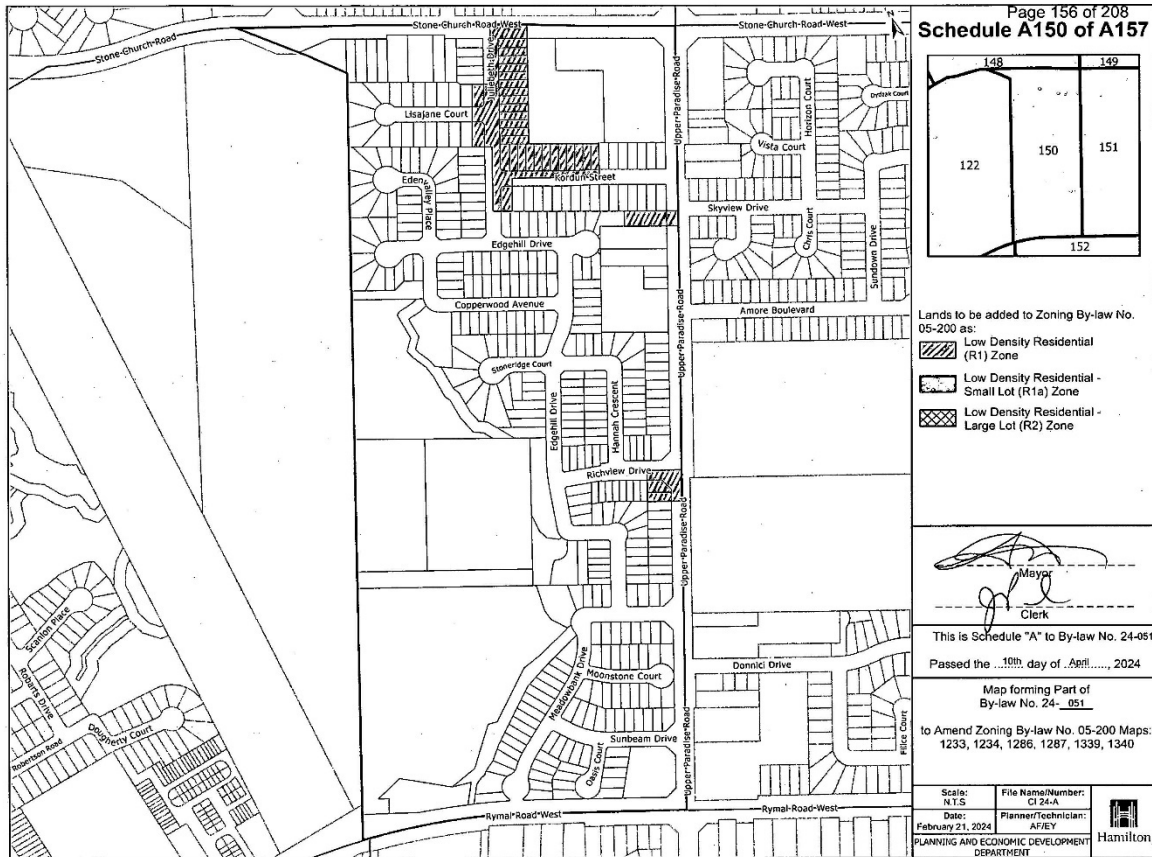


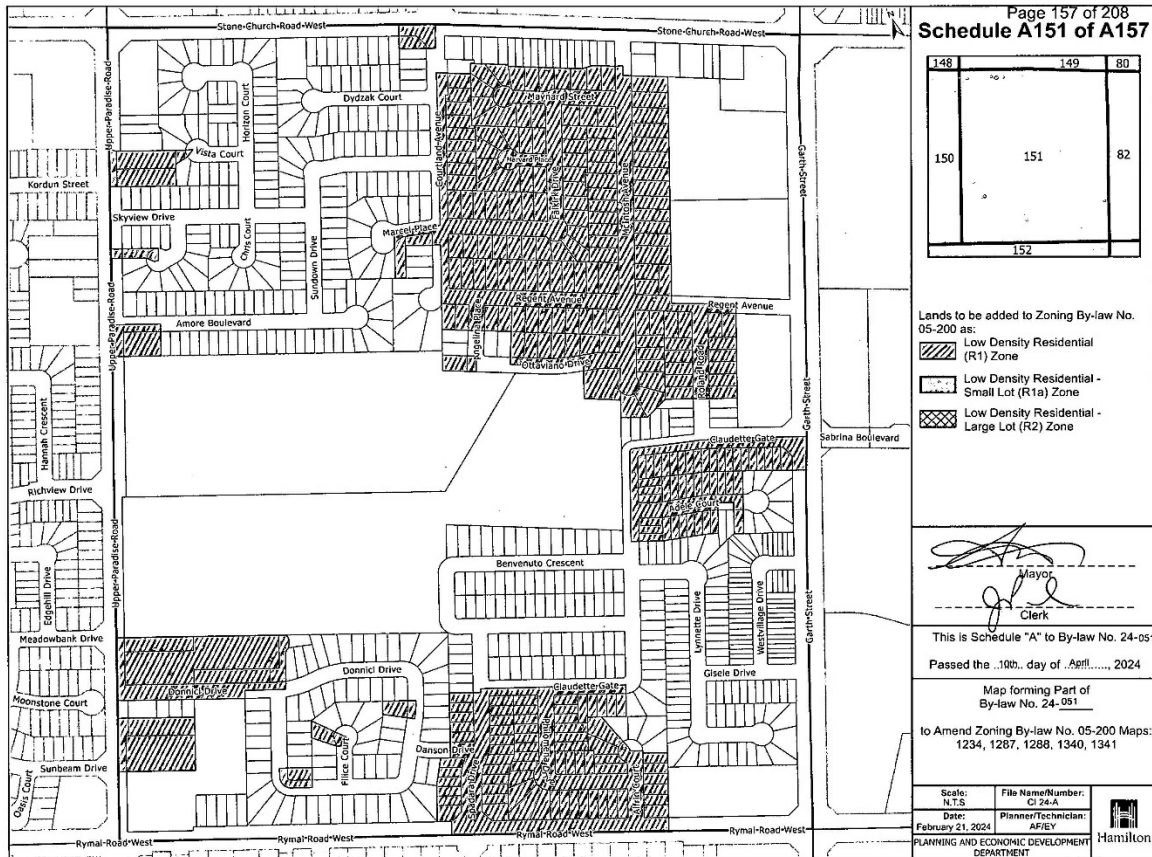


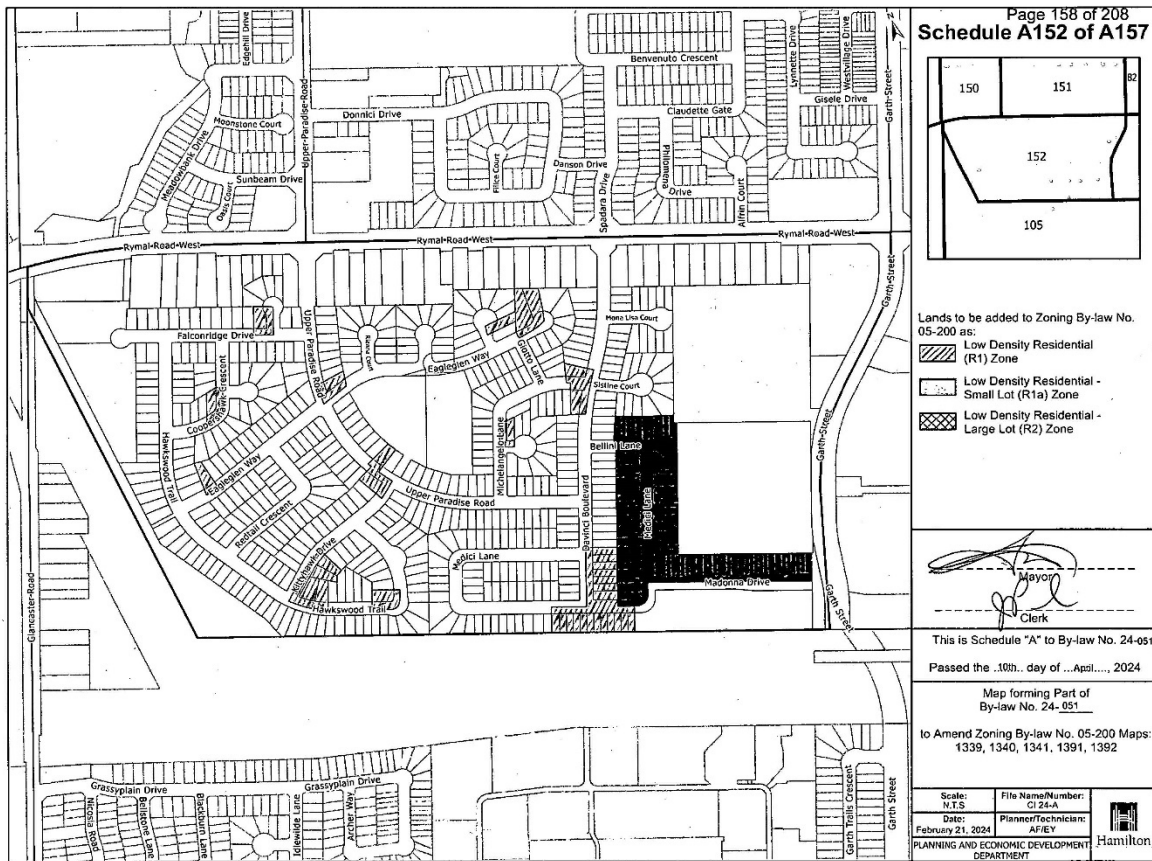


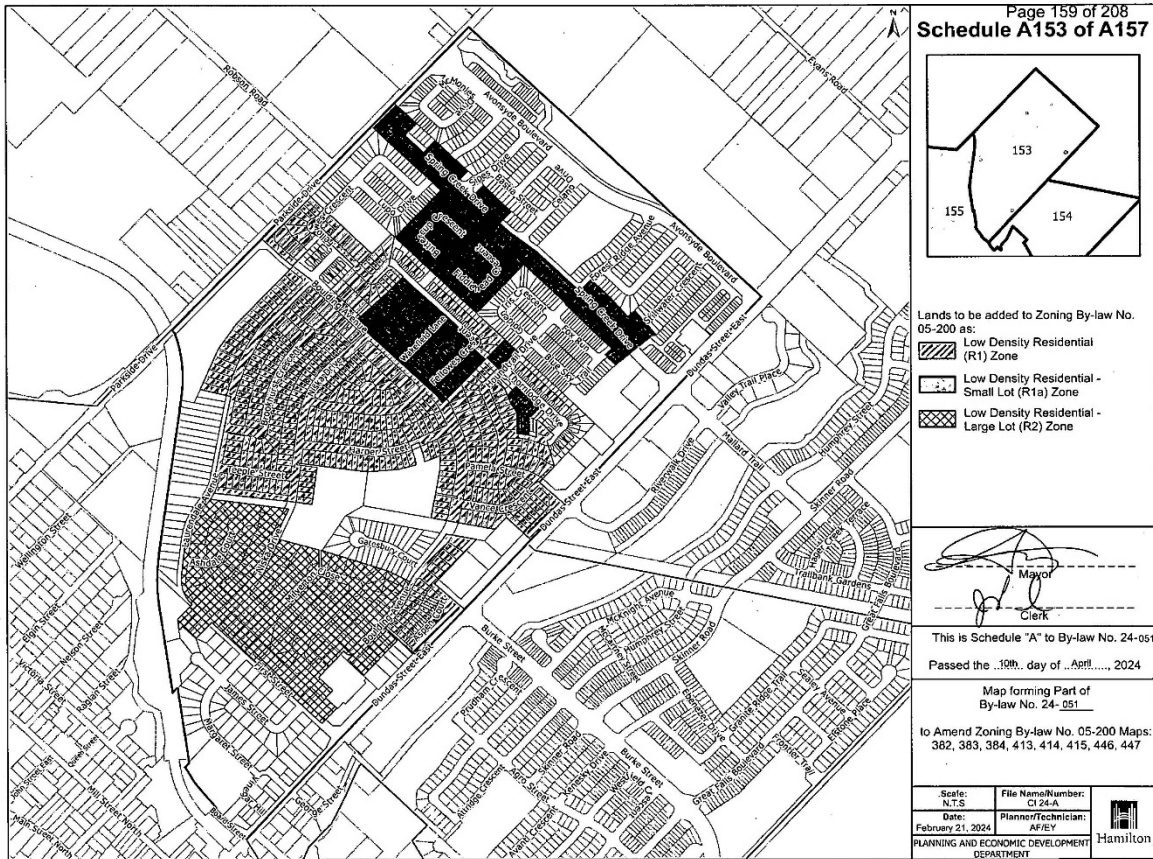


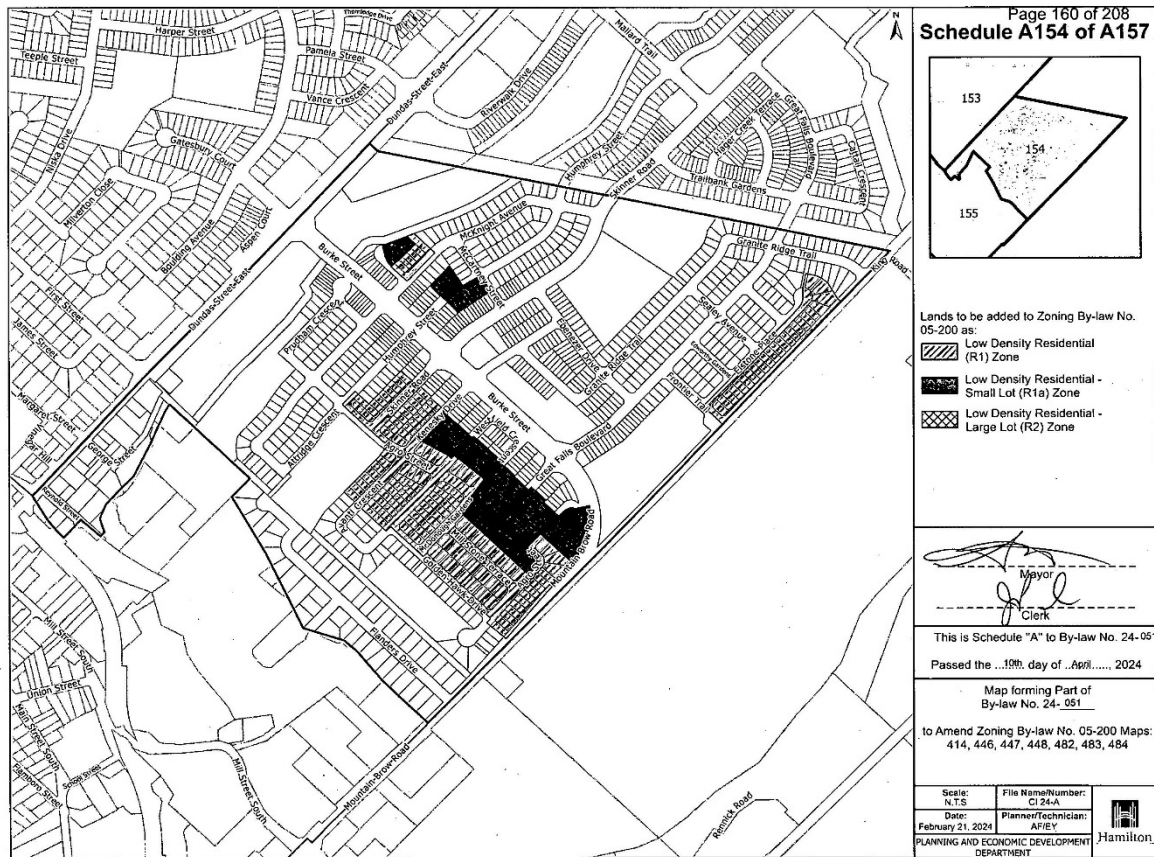


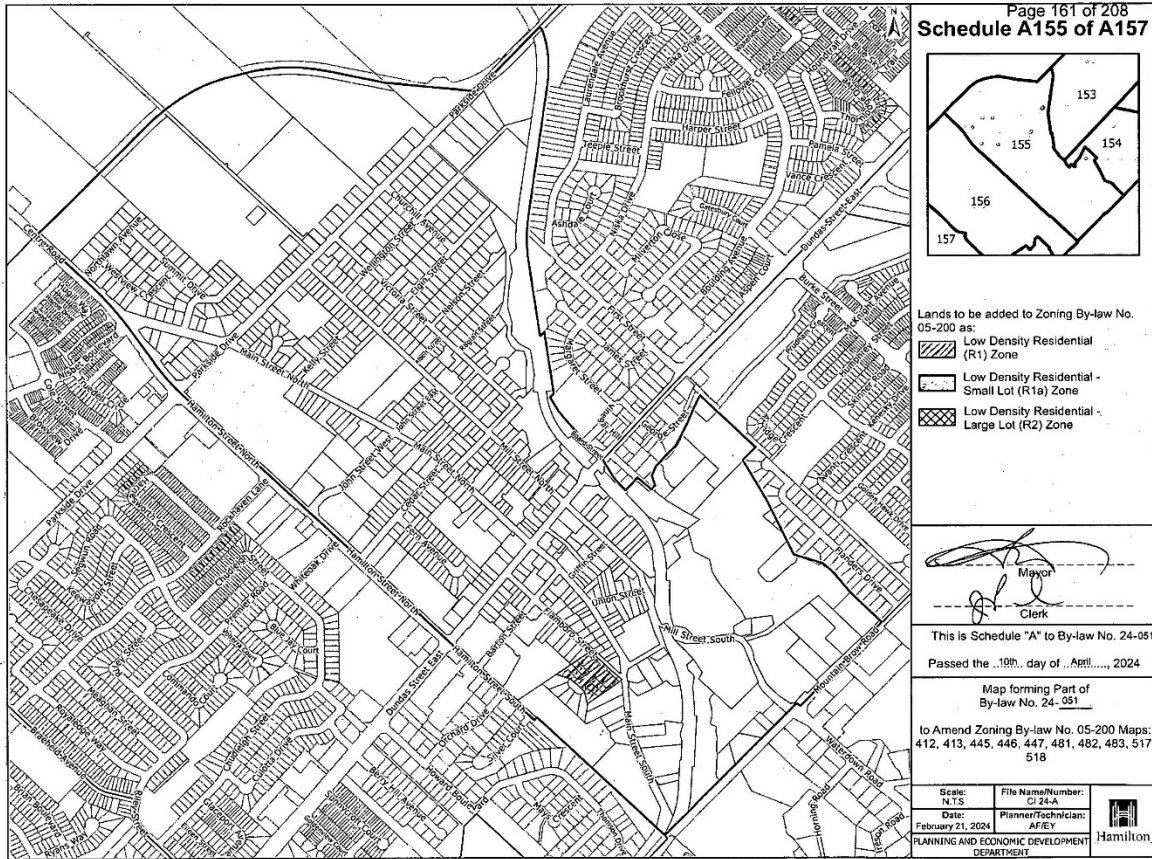


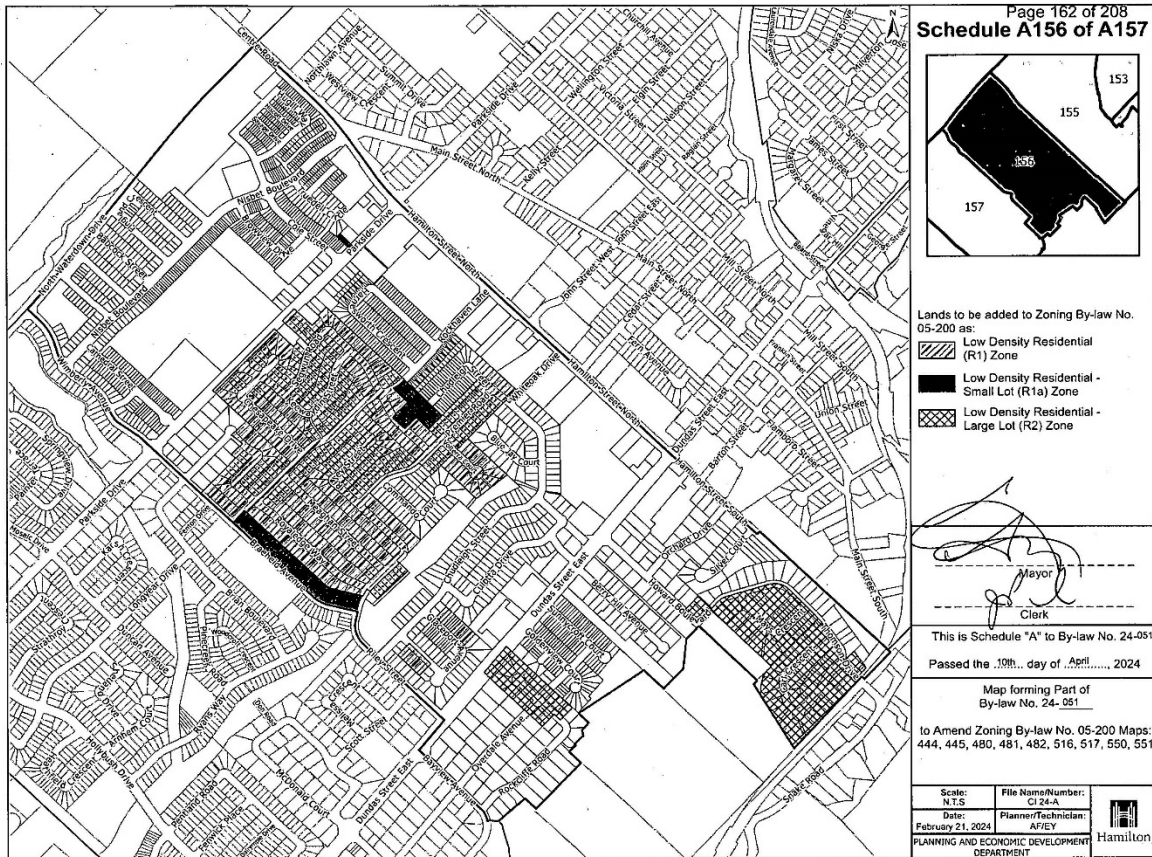


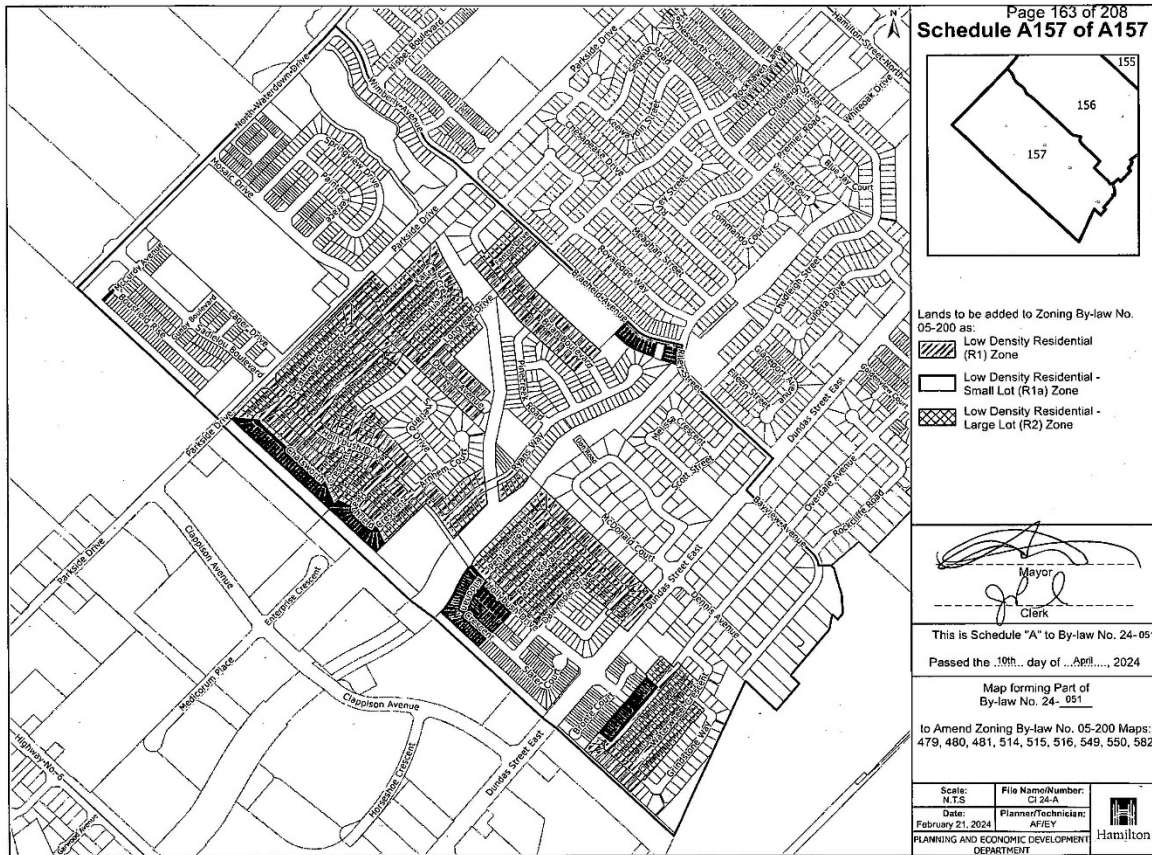












Summary of Proposed Changes to Zoning By-law No. 05-200

Section 1 - Administration		
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Section	Proposed Change	Proposed Revised Zone Regulation
Transitional Provision	1.12 TRANSITIONAL PROVISION	1.12 Transition Provisions
Section 1.12	<p>Notwithstanding Sections 1.4 and 1.7 of this By-law a building permit may be issued in accordance with the following provisions:</p> <p>a) Within the D1, D2, or D6 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 No. 18-114 was passed by Council, provided the Building Permit application complies with Zoning By-law 06-200, 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:</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 a) above.</p> <p>ii) Once the permit or approval under Subsection a) above, has been granted, the provision</p> <p>b) Within the C1 to C7 Zones, 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 Ontario Land Tribunal as it read on the day before By-law No. 17-240 was</p>	<p>Complete Applications for a Building Permit</p> <p>1.12.1 Nothing in this By-law prevents the development or use of a lot or a building for which a complete application for a building permit was received by the City, if the development or use complies, or the building permit application is amended to comply, with the provisions of the applicable former zoning by-law as it read immediately prior to the passing of the passing of the following By-laws:</p> <ol style="list-style-type: none"> 1. Commercial and Mixed Use Zoning By-law 17-240, November 8, 2017 2. Downtown Zoning By-law 18-114, May 9, 2018 3. Residential Zones <ol style="list-style-type: none"> a. Low Density Residential By-law 22-197, August 12, 2022 b. Low Density Residential By-law 24-051, <p>Other Types of Complete Applications</p> <p>1.12.2 Where a complete application was received by the City on or before the date of passing of this By-law for the development or use of a lot or one or more buildings, approval may be granted in the context of the</p>

Section 1 - Administration		
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Section	Proposed Change	Proposed Revised Zone Regulation
	<p>passed by Council, provided the Building Permit Application complies with the Zoning By-law that affected the lot before By-law No. 17-240 came into effect. For the purposes of determining zoning conformity the following 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 b) above.</p> <p>ii) Once the permit or approval under Subsection b) above, has been granted, the provisions of this By-law apply in all other respects to the land in question. (By-law No. 22-084, April 13, 2022)</p> <p>b) Within the R1 and R1a 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 Ontario Land Tribunal as it read on the day before By-law No. 22-197 was passed by Council, provided the Building Permit application complies with the Zoning By-law that affected the lot before By-law 22-197 came into effect. For the purposes of determining zoning conformity the following 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 c) above.</p> <p>ii) Once the permit or approval under Subsection c) above, has been granted, the provisions of this By-law apply in all other respects to the land in question.</p>	<p>applicable former zoning by-law as it read immediately prior to the passing of this By-law, for one or more of the following applications where they are consistent with the intent of the complete application:</p> <ol style="list-style-type: none"> Any application under Section 45 of the Planning Act; Site plan control approval pursuant to Section 41 of the Planning Act; Consent pursuant to Section 53 of the Planning Act; Draft plan of subdivision pursuant to Section 51 of the Planning Act or a description under the Condominium Act, 1998, S.O. 1998, c.19; Payment in lieu of parking agreement pursuant to Section 40 of the Planning Act; and A part lot control exemption pursuant to Section 50 of the Planning Act.
1.12	Transition Provisions	<p>1.12.3 Where the development or use of a lot or one or more buildings qualifies under Clause 1.12.2, a building permit may be issued after final approval is received for all required applications if the development or use complies, or the building permit application for the development or use is amended to comply, with the provisions of the applicable former Zoning By-law as it read immediately prior to the passing of this By-law, and any amendments thereto.</p>

Section 1 - Administration		
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Section	Proposed Change	Proposed Revised Zone Regulation
	<p>Complete Applications for a Building Permit</p> <p>1.12.1 Nothing in this By-law prevents the development or use of a lot or a building for which a complete application for a building permit was received by the City, if the development or use complies, or the building permit application is amended to comply, with the provisions of the applicable former zoning by-law as it read immediately prior to the passing of the passing of the following By-laws:</p> <ol style="list-style-type: none"> 1. Commercial and Mixed Use Zoning By-law 17-240, November 8, 2017 2. Downtown Zoning By-law 18-114, May 9, 2018 3. Residential Zones <ol style="list-style-type: none"> a. Low Density Residential By-law 22-197, August 12, 2022 b. Low Density Residential By-law 24-051, <p>Other Types of Complete Applications</p> <p>1.12.2 Where a complete application was received by the City on or before the date of passing of this By-law for the development or use of a lot or one or more buildings, approval may be granted in the context of the applicable former zoning by-law as it read immediately prior to the passing of this By-law, for one or more of the following applications where they are consistent with the intent of the complete application:</p>	<p>1.12.4 Nothing in this By-law applies so as to continue the exemption provided by Clauses 1.12.1 and 1.12.2 beyond the issuance of the final building permit upon which the exemptions are founded.</p> <p>1.12.5 Clauses 1.12.1, 1.12.2, 1.12.3 and 1.12.4 are repealed in their entirety 10 years after the date of passing of the By-laws listed in Section 1.12.1.</p> <p>1.12.6 Minor Variances</p> <p>Continuation of Approved Variances</p> <p>1.12.6.1 During the 10 year period commencing on the date of passing of this By-law or date associated with amendments to the By-law provided in Section 1.12.1 above, and expiring on the date specified in Clause 1.12.5, a building permit may be issued in the context of the applicable former zoning by-law as it read immediately prior to the passing of this By-law for any development subject to one or more approved minor variances under the provisions of the applicable former zoning by-law.</p> <p>1.12.6.2 After the 10 year period in Clause 1.12.5 expires, minor variances approved under the provisions of the applicable former zoning by-law may be relied upon only if the zoning provision respecting the minor variance is the same or more permissive in this By-law than in the applicable former Zoning By-law.</p>

Section 1 - Administration		
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Section	Proposed Change	Proposed Revised Zone Regulation
	<ol style="list-style-type: none"> 1. Any application under Section 45 of the Planning Act; 2. Site plan control approval pursuant to Section 41 of the Planning Act; 3. Consent pursuant to Section 53 of the Planning Act; 4. Draft plan of subdivision pursuant to Section 51 of the Planning Act or a description under the Condominium Act, 1998, S.O. 1998, c.19; 5. Payment in lieu of parking agreement pursuant to Section 40 of the Planning Act; and 6. A part lot control exemption pursuant to Section 50 of the Planning Act. 	
	<p>1.12.3 Where the development or use of a lot or one or more buildings qualifies under Clause 1.12.2, a building permit may be issued after final approval is received for all required applications if the development or use complies, or the building permit application for the development or use is amended to comply, with the provisions of the applicable former Zoning By-law as it read immediately prior to the passing of this By-law, and any amendments thereto.</p>	
	<p>1.12.4 Nothing in this By-law applies so as to continue the exemption provided by Clauses 1.12.1 and 1.12.2</p>	

Section 1 - Administration		
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Section	Proposed Change	Proposed Revised Zone Regulation
	<p>beyond the issuance of the final building permit upon which the exemptions are founded.</p> <p>1.12.5 Clauses 1.12.1, 1.12.2, 1.12.3 and 1.12.4 are repealed in their entirety 10 years after the date of passing of the By-laws listed in Section 1.12.1.</p> <p>1.12.6 Minor Variances</p> <p>Continuation of Approved Variances</p> <p>1.12.6.1 During the 10 year period commencing on the date of passing of this By-law or date associated with amendments to the By-law provided in Section 1.12.1 above, and expiring on the date specified in Clause 1.12.5, a building permit may be issued in the context of the applicable former zoning by-law as it read immediately prior to the passing of this By-law for any development subject to one or more approved minor variances under the provisions of the applicable former zoning by-law.</p> <p>1.12.6.2 After the 10 year period in Clause 1.12.5 expires, minor variances approved under the provisions of the applicable former zoning by-law may be relied upon only if the zoning provision respecting the minor variance is the same or more permissive in this By-law than in the applicable former Zoning By-law.</p>	

Section 2 – Interpretation		
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Section	Proposed Change	Proposed Revised Zone Regulation
Establishment of Classification and Zones	Residential Zones Low Density Residential R1 Low Density Residential – Small Lot R1a	Residential Zones Low Density Residential - R1 Low Density Residential – Small Lot R1a
Section 2.1 j)	Low Density Residential – Large Lot R2	Low Density Residential – Large Lot R2 R2 Zone introduced through this amendment.

Section 3 – Definitions		
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Definition	Proposed Change	Proposed Revised Zone Regulation
Additional Dwelling Unit	Shall mean a separate and self-contained Dwelling Unit that is accessory to and located within the principal dwelling and shall not include a Farm Labour Residence.	Shall mean a separate and self-contained Dwelling Unit located within the principal dwelling and shall not include a Farm Labour Residence.
Converted Dwelling	Shall mean a dwelling altered to contain a greater number of dwelling units.	
Motor Vehicle Gas Bar	Shall mean a use on a lot, where fuel or lubricants are offered for sale, or where electric vehicles are charged for a fee , but where no provision is made for the repair or maintenance of motor vehicles and may include the sale of foods and convenience items but shall not include a Motor Vehicle Service Station or a Motor Vehicle Wrecking Establishment.	Shall mean a use on a lot, where fuel or lubricants are offered for sale, or where electric vehicles are charged for a fee, but where no provision is made for the repair or maintenance of motor vehicles and may include the sale of foods and convenience items but shall not include a Motor Vehicle Service Station or a Motor Vehicle Wrecking Establishment.
Motor Vehicle Service Station	Shall mean an establishment used for the sale of fuel, automotive accessories and/or convenience goods, the charging of electric vehicles for a fee , the repair or replacement of parts in a motor vehicle and shall include but not be limited to the repair or replacement of mufflers, exhaust systems, shock absorbers, transmissions, gears, brakes, clutch assemblies, steering systems, tires, wheels, windshields, windows and other mechanical or electrical parts or systems, the installation of undercoating, engine tuning, lubrication and engine conversion or replacement but shall not include a Motor Vehicle Collision Repair Establishment, Motor Vehicle Sales and Service Establishment, or a Motor Vehicle Wrecking Establishment.	Shall mean an establishment used for the sale of fuel, automotive accessories and/or convenience goods, the charging of electric vehicles for a fee, the repair or replacement of parts in a motor vehicle and shall include but not be limited to the repair or replacement of mufflers, exhaust systems, shock absorbers, transmissions, gears, brakes, clutch assemblies, steering systems, tires, wheels, windshields, windows and other mechanical or electrical parts or systems, the installation of undercoating, engine tuning, lubrication and engine conversion or replacement but shall not include a Motor Vehicle Collision Repair Establishment, Motor Vehicle Sales and Service Establishment, or a Motor Vehicle Wrecking Establishment.
Motor Vehicle – Commercial	Shall mean a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, buses, tractors, and tow trucks used for hauling purposes on the highways, but does not include: a) a commercial motor vehicle, other than a bus, having a gross	Shall mean a motor vehicle having attached to it a truck or delivery body and includes an ambulance, a hearse, a casket wagon, a fire apparatus, a bus, a tractor, and a tow truck used for hauling purposes on a highway, but shall not include:

Section 3 – Definitions		
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Definition	Proposed Change	Proposed Revised Zone Regulation
	<p>weight or registered gross weight of not more than 4,500 kilograms; b) a commercial motor vehicle leased for no longer than thirty days by an individual for the transportation of goods kept for that individual's personal use or the gratuitous carriage of passengers; c) a commercial motor vehicle operated under a permit and number plates that is not transporting passengers or goods; d) a commercial motor vehicle operated under the authority of an In-Transit permit; and; e) a bus that is used for personal purposes without compensation.</p> <p>Shall mean a motor vehicle having attached to it a truck or delivery body and includes an ambulance, a hearse, a casket wagon, a fire apparatus, a bus, a tractor, and a tow truck used for hauling purposes on a highway, but shall not include:</p> <p>a) a commercial motor vehicle leased for no longer than thirty days by an individual for the transportation of goods kept for that individual's personal use or the gratuitous carriage of passengers,</p> <p>b) a commercial motor vehicle operated under a permit and number plates that is not transporting passengers or goods,</p> <p>c) a commercial motor vehicle operated under the authority of an In-Transit permit; and,</p> <p>d) a bus that is used for personal purposes without compensation.</p>	<p>a) a commercial motor vehicle leased for no longer than thirty days by an individual for the transportation of goods kept for that individual's personal use or the gratuitous carriage of passengers,</p> <p>b) a commercial motor vehicle operated under a permit and number plates that is not transporting passengers or goods,</p> <p>c) a commercial motor vehicle operated under the authority of an In-Transit permit; and,</p> <p>d) a bus that is used for personal purposes without compensation.</p>
Parking Space, Electric	Shall mean a Parking Space equipped with electric vehicle	Shall mean a Parking Space equipped with electric vehicle charging

Section 3 – Definitions		
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Definition	Proposed Change	Proposed Revised Zone Regulation
Vehicle [new]	charging equipment which provides, or which is capable of providing Level 2, or greater, electric vehicle charging in accordance with the SAE International J1772 standard, as amended.	equipment which provides, or which is capable of providing Level 2, or greater, electric vehicle charging in accordance with the SAE International J1772 standard, as amended.
Planting Strip	Shall mean an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a buffer and may include low level architectural walls or features, and fire hydrants, but shall not include charging stations , walkways, and sidewalks unless a walkway or sidewalk traverses the planting strip to provide access to the site.	Shall mean an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a buffer and may include low level architectural walls or features, and fire hydrants, but shall not include walkways, and sidewalks unless a walkway or sidewalk traverses the planting strip to provide access to the site.
Trailer [new]	Shall mean a vehicle that is at any time drawn upon a highway by a motor vehicle, except: a) an implement used for agricultural purposes; b) a mobile home; c) another motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway; and, d) a side car attached to a motorcycle, but shall not include major recreational equipment and a commercial motor vehicle.	Shall mean a vehicle that is at any time drawn upon a highway by a motor vehicle, except: a) an implement used for agricultural purposes; b) a mobile home; c) another motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway; and, d) a side car attached to a motorcycle, but shall not include major recreational equipment and a commercial motor vehicle.
Triplex Dwelling [new]	Shall mean a building containing three dwelling units with at least one dwelling unit entirely or partially above another dwelling unit but shall not include a street townhouse dwelling.	Shall mean a building containing three dwelling units with at least one dwelling unit entirely or partially above another dwelling unit but shall not include a street townhouse dwelling.
Fourplex Dwelling	Shall mean a building containing four dwelling units with at	Shall mean a building containing four dwelling units with at least one

Section 3 – Definitions		
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Definition	Proposed Change	Proposed Revised Zone Regulation
[new]	least one dwelling unit entirely or partially above another dwelling unit but shall not include a street townhouse dwelling.	dwelling unit entirely or partially above another dwelling unit but shall not include a street townhouse dwelling.
Multiple Dwelling	Shall mean a building or part thereof containing three five or more dwelling units but shall not include a street townhouse dwelling or semi-detached dwelling.	Shall mean a building or part thereof containing five or more dwelling units but shall not include a street townhouse dwelling.

Section 4 – General Provisions		
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Section	Proposed Change	Proposed Revised Zone Regulation
Frontage on a Street Section 4.3	c) Nothing in this By-law shall prevent the erection, repair, restoration, or addition of a dwelling on an existing lot having access to a public road via a private road subject to the provisions of the Zone in which the lot is located. For the purposes this Section, the front lot line shall be the lot line which divides the lot from the private road and all other lot lines shall correspond thereto.	c) Nothing in this By-law shall prevent the erection, repair, restoration, or addition of a dwelling on an existing lot having access to a public road via a private road subject to the provisions of the Zone in which the lot is located. For the purposes this Section, the front lot line shall be the lot line which divides the lot from the private road and all other lot lines shall correspond thereto.
Permitted Yard Encroachments Section 4.6 h) [new]	h) Notwithstanding Section 4.6 d), e), and f) as it applies to the required front yard, for lots identified on Figure 36 of Schedule "F" – Special Figures of this By-law, the encroachment of a feature shall in no cases result in a front yard of less than 0.5 metres.	h) Notwithstanding Section 4.6 d), e), and f) as it applies to the required front yard, for lots identified on Figure 36 of Schedule "F" – Special Figures of this By-law, the encroachment of a feature shall in no cases result in a front yard of less than 0.5 metres.
Permitted Yard Encroachments Section 4.6 i) [new]	i) Wall-mounted electric vehicle charging equipment may encroach into any required yard to a maximum of 0.3 metres.	i) Wall-mounted electric vehicle charging equipment may encroach into any required yard to a maximum of 0.3 metres.
Reduction of Yards for Non-conforming Lots Section 4.7	Where a lot was legally established prior to the effective date of this By-law without sufficient lot width or lot area to meet the minimum requirements of this By-law, a residential building or dwelling, where permitted in the zone applied to the property, may be erected upon it subject to compliance with all other requirements of this By-law, provided however, that each side yard or flankage yard has a width of at least 10% of the width of the lot but in no case less than 0.9 metres, and that the rear yard has a depth of 25% the depth of the lot but of in no case less than 3.0 metres.	Where a lot was legally established prior to the effective date of this By-law without sufficient lot width or lot area to meet the minimum requirements of this By-law, a residential building or dwelling, where permitted in the zone applied to the property, may be erected upon it subject to compliance with all other requirements of this By-law, provided however, that each side yard or flankage yard has a width of at least 10% of the width of the lot but in no case less than 0.9 metres, and that the rear yard has a depth of 25% the depth of the lot but in no case less than 3.0 metres.

Section 4 – General Provisions		
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Section	Proposed Change	Proposed Revised Zone Regulation
Buildings Accessory to Residential Uses Section 4.8.1.1	BUILDINGS ACCESSORY TO SINGLE DETACHED DWELLINGS, SEMI DETACHED DWELLINGS, DUPLEX DWELLINGS, TRIPLEX DWELLINGS, FOURPLEX DWELLING, AND STREET TOWNHOUSE DWELLINGS, BLOCK TOWNHOUSE DWELLINGS, STACKED TOWNHOUSE DWELLINGS, AND BACK-TO-BACK TOWNHOUSE DWELLINGS IN ALL ZONES (EXCEPT A1 AND A2 ZONES)	BUILDINGS ACCESSORY TO SINGLE DETACHED DWELLINGS, SEMI DETACHED DWELLINGS, DUPLEX DWELLINGS, TRIPLEX DWELLINGS, FOURPLEX DWELLING, AND STREET TOWNHOUSE DWELLINGS, IN ALL ZONES (EXCEPT A1 AND A2 ZONES)
Laneways Deemed to be Streets Section 4.14	Name 1. Renfrew Avenue 2. Woodland Avenue 3. Dexter Avenue 4. Wright's Lane 5. Trafalgar Boulevard 6. Turner's Lane 7. Dynes Park 8. Patterson Street 9. Clarence Street 10. Whitehern Place 11. Hunter Place 12. Wesanford Place	Name 1. Renfrew Avenue 2. Woodland Avenue 3. Dexter Avenue 4. Wright's Lane 5. Trafalgar Boulevard 6. Turner's Lane 7. Dynes Park 8. Patterson Street 9. Clarence Street 10. Whitehern Place 11. Hunter Place 12. Wesanford Place

Section 4 – General Provisions		
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Section	Proposed Change	Proposed Revised Zone Regulation
	13. Tecumseh Street	13. Tecumseh Street
	14. Crooks Street	14. Crooks Street
	15. Little Greig Street	15. Little Greig Street
	16. Nelson Street	16. Nelson Street
	17. Richmond Street	17. Richmond Street
	18. Hill Street	18. Hill Street
	19. Blanchard Street	19. Blanchard Street
	20. Fanning Street	20. Fanning Street
	21. Bold Street	21. Bold Street
	22. Pearl Street South	22. Pearl Street South
	23. Tuckett Street	23. Tuckett Street
	24. Woodbine Crescent	24. Woodbine Crescent
	25. Spring Street	25. Spring Street
	26. Ford Street	26. Ford Street
	27. Patrick Street	27. Patrick Street
	28. Beckley Street	28. Beckley Street
	29. Sawyer Road	29. Sawyer Road
	30. Evans Street	30. Evans Street
	31. Radial Street	31. Radial Street
	32. Birch Avenue	32. Birch Avenue
	33. Beck Street	33. Beck Street

Section 4 – General Provisions		
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added		
Section	Proposed Change	Proposed Revised Zone Regulation
	34. Normajean Avenue 35. Holland Road 36. Courtland Avenue 37. Bull's Lane 38. Rossclyffe Drive 39. Malta Drive	34. Normajean Avenue 35. Holland Road 36. Courtland Avenue 37. Bull's Lane 38. Rossclyffe Drive 39. Malta Drive
Regulations for Consolidated Lot Development Section 4.16	b) Where a comprehensive condominium plan of subdivision has received draft plan approval or a conditional stratified severance has been approved , as well as any required site plan approval, and where registration of the plan is intended to occur in phases and/or stages, the lands to which the draft approved plan of condominium or stratified severance is to be located, shall be deemed to be one lot for the purposes of applying the provisions of the By-law. Zoning provisions shall apply only to the external lot lines of the overall condominium plan, not to internal lot lines resulting from the registration of any condominium phase.	b) Where a comprehensive condominium plan of subdivision has received draft plan approval or a conditional stratified severance has been approved, as well as any required site plan approval, and where registration of the plan is intended to occur in phases and/or stages, the lands to which the draft approved plan of condominium or stratified severance is to be located, shall be deemed to be one lot for the purposes of applying the provisions of the By-law. Zoning provisions shall apply only to the external lot lines of the overall condominium plan, not to internal lot lines resulting from the registration of any condominium phase.
Home Business Section 4.21 d)	Regulations for Home Businesses in Duplex Dwellings, Dwelling Unit(s), Triplex Dwellings, Fourplex Dwellings , Multiple Dwellings and Street Townhouse Dwellings :	Regulations for Home Businesses in Duplex Dwellings, Dwelling Unit(s), Triplex Dwellings, Fourplex Dwellings, Multiple Dwellings and Street Townhouse Dwellings:
Special Setbacks Section 4.23	c) Setback from a TransCanada Pipeline Right-of-Way All buildings or structures located on a property shall be setback a minimum of 10.0 metres from a TransCanada Pipeline Right-of-Way.	c) Setback from a Pipeline Right-of-Way All buildings or structures located on a property shall be setback a minimum of 10.0 metres from a Pipeline Right-of-Way.

Section 4 – General Provisions		
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added		
Section	Proposed Change	Proposed Revised Zone Regulation
	f) Setback from Top of Bank of Lake Ontario Shoreline A minimum setback of 7.5 metres from the top of bank, as determined by the applicable Conservation Authority, shall apply for all buildings and structures on a property abutting the Lake Ontario Shoreline.	f) Setback from Top of Bank of Lake Ontario Shoreline A minimum setback of 7.5 metres from the top of bank, as determined by the applicable Conservation Authority, shall apply for all buildings and structures on a property abutting the Lake Ontario Shoreline.
Additional Dwelling Unit and Additional Dwelling Unit – Detached Section 4.33	ADDITIONAL DWELLING UNIT AND ADDITIONAL DWELLING UNIT – DETACHED (a) Parking shall be provided in accordance with Section 6: Parking of this By-law and the following: i) For lands within the D5, I1, I2, C1, TOC3, R1, R1a Zones, no additional parking space shall be required for either an Additional Dwelling Unit or an Additional Dwelling Unit – Detached, provided the required parking spaces which existed on May 12, 2024 for the existing dwelling shall continue to be provided and maintained. (A) Notwithstanding Section 4.33 (a) i), one parking space shall be required for a Additional Dwelling Unit.	

Section 4 – General Provisions		
Grey-highlighted strikethrough text = text to be deleted bolded text = text to be added		
Section	Proposed Change	Proposed Revised Zone Regulation
	<p>Detached if it constitutes the fourth Dwelling Unit on a lot.</p> <p>ii) Notwithstanding Section 5.4 c), iv), a maximum of two parking spaces for an Additional Dwelling Unit and/or Additional Dwelling Unit – Detached may be provided in the required Front Yard.</p> <p>[By-law No. 22-197, August 12, 2022] [By-law NO. 23-079, May 10, 2023]</p> <p>(b) Notwithstanding Section 1.4 of this By-law, the following provisions shall apply:</p> <p>i) A Building Permit application for an Additional Dwelling Unit or Additional Dwelling Unit – Detached, received by the City of Hamilton prior to the date By-law No. 22-132 was approved by Council, will be evaluated against the provisions of Section</p>	

Section 4 – General Provisions		
Section	Proposed Change	Proposed Revised Zone Regulation
	<p>4.33 of this By-law, in effect before By-law No. 22-132 came into effect;</p> <p>(A) Notwithstanding Section 4.33 (b) i), if a Building Permit is not issued within 180 days of the effective date of this By-law, By-law No. 22-132 shall apply in all respects to the Building Permit in question;</p> <p>ii) A Building Permit may be issued to permit an Additional Dwelling Unit or Additional Dwelling Unit Detached, in accordance with any Minor Variance that has been approved by the City of Hamilton or the Ontario Land Tribunal as it read on the day before By-law 22-132 was approved by Council, provided the Building Permit application complies with Section 4.33 of this By-law, in effect the day before By-law No. 22-132 came into effect;</p>	

Section 4 – General Provisions		
Grey-highlighted strikethrough text = text to be deleted bolded text = text to be added		
Section	Proposed Change	Proposed Revised Zone Regulation
	<p>iii) For the purposes of determining zoning conformity, the following shall apply:</p> <p>(A) This By-law is deemed to be modified to the extent necessary to permit an Additional Dwelling Unit or Additional Dwelling Unit Detached that is constructed in accordance with Section 4.33 (b) i) or ii).</p> <p>(B) Once a Building Permit has been issued under Section 4.33 (b) i) or ii), or more than 180 days has transpired as per Section 4.33 (b) i) (A), the provisions of this By-law apply in all other respects.</p> <p>(By-law No. 22-132, June 08, 2022)</p>	
Additional Dwelling Unit and Additional Dwelling Unit – Detached	<p>a) All the regulations of this By-law applicable to the principal dwelling shall continue to apply unless specifically provided in Section 4.33.</p>	<p>a) All the regulations of this By-law applicable to the principal dwelling shall continue to apply unless specifically provided in Section 4.33.</p>

Section 4 – General Provisions		
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added		
Section	Proposed Change	Proposed Revised Zone Regulation
Section 4.33 [new]	<p>b) A Single Detached Dwelling, Duplex Dwelling, or Triplex Dwelling built in conformity with this By-law, may be converted to contain a fourth Additional Dwelling Unit.</p> <p>c) Notwithstanding any applicable regulations of this By-law, no more than four Dwelling Units shall be permitted on a lot that contains an Additional Dwelling Unit and/or Additional Dwelling Unit – Detached.</p>	<p>b) A Single Detached Dwelling, Duplex Dwelling, or Triplex Dwelling built in conformity with this By-law, may be converted to contain a fourth Additional Dwelling Unit.</p> <p>c) Notwithstanding any applicable regulations of this By-law, no more than four Dwelling Units shall be permitted on a lot that contains an Additional Dwelling Unit and/or Additional Dwelling Unit – Detached.</p>
Additional Dwelling Unit	Additional Dwelling Unit	
Section 4.33.1	<p>(a) For lands within a D6, I1, I2, C1, TOC3, A1, A2 S1, R1, R1a Zone, a maximum of one Additional Dwelling Unit shall be permitted within a Single Detached Dwelling, a Semi-Detached Dwelling, or a Street Townhouse Dwelling on a divided or undivided lot and shall not result in a change to the defined dwelling type on the lot.</p> <p>(b) All the regulations of this By-law applicable to the existing dwelling shall continue to apply unless specifically provided in Section 4.33.1.</p> <p>(c) There shall be no outside stairway above the first floor other than a required exterior exit.</p> <p>(d) A maximum of one entrance shall be permitted on the front facade of a dwelling containing an Additional Dwelling Unit.</p>	

Section 4 – General Provisions		
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added		
Section	Proposed Change	Proposed Revised Zone Regulation
	<p>ii) Notwithstanding Section 4.33.1 (d), an additional entrance may be located on the front facade of the principal dwelling for lands identified on Figure 24 of Schedule F – Special Figures.</p> <p>(By-law No. 22-132, June 08, 2022)</p> <p>(By-law No. 22-187, August 12, 2022)</p>	
Additional Dwelling Unit Section 4.33.1 [new]	<p>a) Additional Dwelling Units shall be permitted in accordance with the following:</p> <p>i) A Single Detached Dwelling shall be permitted to contain up to two Additional Dwelling Units.</p> <p>ii) A Duplex Dwelling shall be permitted to contain one Additional Dwelling Unit.</p> <p>iii) Each semi-detached dwelling unit of a Semi-Detached Dwelling shall be permitted to contain one Additional Dwelling Unit.</p> <p>iv) A Street Townhouse Dwelling shall be permitted to contain one Additional Dwelling Unit.</p>	<p>a) Additional Dwelling Units shall be permitted in accordance with the following:</p> <p>i) A Single Detached Dwelling shall be permitted to contain up to two Additional Dwelling Units.</p> <p>ii) A Duplex Dwelling shall be permitted to contain one Additional Dwelling Unit.</p> <p>iii) Each semi-detached dwelling unit of a Semi-Detached Dwelling shall be permitted to contain one Additional Dwelling Unit.</p> <p>iv) A Street Townhouse Dwelling shall be permitted to contain one Additional Dwelling Unit.</p>

<p>Additional Dwelling Unit - Detached</p> <p>Section 4.33.2</p>	<p>a) For lands within a D5, L1, L2, C1, TOC3, R1, R1a Zone, A maximum of one Additional Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, Duplex Dwelling, a Semi-Detached Dwelling, or a Street Townhouse Dwelling, or a Triplex Dwelling.</p> <p>b) In addition to Section 4.33.2 (a), a legally established accessory building existing as of May 12, 2021, may be converted to the one Additional Dwelling Unit – Detached, permitted on a lot containing an existing Single Detached Dwelling, Semi-Detached Dwelling, or Street Townhouse Dwelling subject to the following provision:</p> <p>i) Any additions over 10% of the existing gross floor area of the legally established accessory building converted to an Additional Dwelling Unit – Detached shall be in accordance with the regulations of Section 4.33.2.</p> <p>(c) All the regulations of this By-law applicable to the existing dwelling shall continue to apply unless specifically provided in Section 4.33.2</p> <p>(e)c c) An Additional Dwelling Unit – Detached shall only be permitted in a Rear and/or interior Side Yard.</p> <p>(e)d d) A minimum 1.2 metre setback shall be provided from the interior Side Lot Line and Rear Lot Line.</p> <p>i) Notwithstanding Section 4.33.2 d) (e), an eave or a gutter may extend a maximum of 0.45 metres into a required minimum setback area.</p> <p>ii) In addition to Section 4.33.2 d) (e), a landscape strip is required to be provided within the required side yard adjacent to an Additional Dwelling Unit – Detached</p>	<p>a) A maximum of one Additional Dwelling Unit – Detached shall be permitted on a lot containing a Single Detached Dwelling, Duplex Dwelling, Semi-Detached Dwelling, Street Townhouse Dwelling, or a Triplex Dwelling.</p> <p>b) In addition to Section 4.33.2 a), a legally established accessory building existing as of May 12, 2021, may be converted to the one Additional Dwelling Unit – Detached, subject to the following provision:</p> <p>i) Any additions over 10% of the existing gross floor area of the legally established accessory building converted to an Additional Dwelling Unit – Detached shall be in accordance with the regulations of Section 4.33.2.</p> <p>c) An Additional Dwelling Unit – Detached shall only be permitted in a Rear and/or interior Side Yard.</p> <p>d) A minimum 1.2 metre setback shall be provided from the interior Side Lot Line and Rear Lot Line.</p> <p>i) Notwithstanding Section 4.33.2 d), an eave or a gutter may extend a maximum of 0.45 metres into a required minimum setback area.</p> <p>ii) In addition to Section 4.33.2 d), a landscape strip is required to be provided within the required side yard adjacent to an Additional Dwelling Unit – Detached and shall be limited to sod, ground cover, permeable pavers, or a planting strip, and may include a visual barrier.</p> <p>e) An Additional Dwelling Unit – Detached shall not be located closer to the flankage street than the principal dwelling.</p> <p>f) An unobstructed path with a minimum 1.0 metre width and minimum 2.1 metre clearance in height from a street line to the</p>
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	<p>and shall be limited to sod, ground cover, permeable pavers, or a planting strip, and may include a visual barrier.</p> <p>(f) e) An Additional Dwelling Unit – Detached shall not be located closer to the flankage street than the principal dwelling.</p> <p>(f) f) An unobstructed path with a minimum 1.0 metre width and minimum 2.1 metre clearance in height from a street line to the entrance of the Additional Dwelling Unit – Detached shall be provided and maintained.</p> <p>(f) g) The following building separation shall be provided:</p> <p>i) Where an Additional Dwelling Unit – Detached is in the Rear Yard, a minimum distance of 7.5 metres shall be required between the rear wall of the principal dwelling and the Additional Dwelling Unit – Detached.</p> <p>ii) Where an Additional Dwelling Unit – Detached is in an Interior Side Yard, the following is required:</p> <p>(A) A minimum distance of 4.0 metres shall be provided between the side wall of the principal dwelling and an Additional Dwelling Unit – Detached; and,</p> <p>(B) An Additional Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling.</p> <p>(f) h) A maximum height of 6.0 metres shall be permitted.</p>	<p>entrance of the Additional Dwelling Unit – Detached shall be provided and maintained.</p> <p>g) The following building separation shall be provided:</p> <p>i) Where an Additional Dwelling Unit – Detached is in the Rear Yard, a minimum distance of 7.5 metres shall be required between the rear wall of the principal dwelling and the Additional Dwelling Unit – Detached.</p> <p>ii) Where an Additional Dwelling Unit – Detached is in an Interior Side Yard, the following is required:</p> <p>(A) A minimum distance of 4.0 metres shall be provided between the side wall of the principal dwelling and an Additional Dwelling Unit – Detached; and,</p> <p>(B) An Additional Dwelling Unit – Detached shall be set back a minimum 5.0 metres from the front façade of the principal dwelling.</p> <p>h) A maximum height of 6.0 metres shall be permitted.</p> <p>i) Notwithstanding Section 4.33.2 h), balconies and rooftop patios shall be prohibited above the first floor level.</p> <p>j) The maximum gross floor area shall not exceed the lesser of 75 square metres or the gross floor area of the principal dwelling.</p> <p>i) Notwithstanding Section 4.33.2 i), the maximum combined lot coverage of all accessory buildings and the Additional Dwelling Unit – Detached shall be 25%.</p> <p>ii) In addition to Section 4.33.2 i), the ground floor area of a Additional Dwelling Unit – Detached shall not exceed 70% of the ground floor area of the principal dwelling when the ground</p>
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Section 4 – General Provisions		
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added		
Section	Proposed Change	Proposed Revised Zone Regulation
	<p>i) Notwithstanding Section 4.33.2 (h) (i), balconies and rooftop patios shall be prohibited above the first floor level.</p> <p>(i) i) The maximum gross floor area shall not exceed the lesser of 75 square metres or the gross floor area of the principal dwelling.</p> <p>i) Notwithstanding Section 4.33.2 i) (i), the maximum combined lot coverage of all accessory buildings and the Additional Dwelling Unit - Detached shall be 25%.</p> <p>ii) In addition to Section 4.33.2 i) (i), the ground floor area of a Additional Dwelling Unit – Detached shall not exceed 70% of the ground floor area of the principal dwelling when the ground floor area of the principal dwelling is less than or equal to 105 square metres.</p> <p>(h) A minimum landscaped area of 120 square metres shall be provided and maintained within the rear yard.</p>	<p>floor area of the principal dwelling is less than or equal to 105 square metres.</p>

Section 4 – General Provisions		
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added		
Section	Proposed Change	Proposed Revised Zone Regulation
Additional Dwelling Units in Agriculture (A1), Rural (A2) and Settlement Residential (S1) Zone	a) An Additional Dwelling Unit shall only be permitted on lands within a Agriculture (A1), Rural (A2) or Settlement Residential (S1) Zone and shall only be permitted on a lot that is greater than 0.6 ha in size.	a) An Additional Dwelling Unit shall only be permitted on lands within a Agriculture (A1), Rural (A2) or Settlement Residential (S1) Zone and shall only be permitted on a lot that is greater than 0.6 ha in size.
Section 4.33.3	b) Notwithstanding 4.33.3 a), an Additional Dwelling Unit shall not be permitted on lands identified in Special Figures 24.1 to 24.5.	b) Notwithstanding 4.33.3 a), an Additional Dwelling Unit shall not be permitted on lands identified in Special Figures 24.1 to 24.5.
	c) The waste disposal and water supply systems shall be in accordance with Section 4.22 iii).	c) The waste disposal and water supply systems shall be in accordance with Section 4.22 iii).

<p>Converted Dwellings</p> <p>Section 4.34</p>	<p>Repeal in full. Section number to be maintained and left intentionally blank.</p>	<p>Section 4.34</p>
	<p><u>Converted Dwellings</u></p> <p>(a) <u>For the purpose of Section 4.34, a Converted Dwelling shall mean a Single-Detached-Dwelling or Duplex-Dwelling, existing as of August 12, 2022, converted to contain greater than two but no more than four Dwelling Units.</u></p> <p>(b) <u>A Converted Dwelling shall be permitted on a lot in an "R1" or "R1a" Zone.</u></p> <p>(c) <u>All the regulations of this By-law applicable to the existing dwelling shall continue to apply unless specifically provided in Section 4.34.</u></p> <p>(d) <u>Notwithstanding any applicable regulations of this By-law, no more than four Dwelling Units shall be permitted on a lot subject to Converted Dwelling permissions as identified in Section 4.34 (b).</u></p> <p>(e) <u>No parking spaces are required for Dwelling Units within a Converted Dwelling, provided the required parking spaces which existed on August 12, 2022 for the existing dwelling shall continue to be provided and maintained.</u></p> <p>(f) <u>Notwithstanding Section 4.34 (e), one parking space is required for the following conditions:</u></p> <p><u>A. For the fourth Dwelling Unit in a Converted Dwelling, and;</u></p> <p><u>B. For the fourth Dwelling Unit on a lot.</u></p>	

<p>Landscape Requirements</p> <p>Section 4.35</p>	<p>On lots containing a single detached dwelling, semi-detached dwelling, duplex dwelling, triplex dwelling, fourplex dwelling, or street townhouse dwelling in all zones, the following shall be provided:</p> <ul style="list-style-type: none"> a) A minimum 50% landscaped area in the Front Yard; and b) A minimum 50% landscaped area in the Flankage Yard; and, c) A single area within the required landscaped area for tree protection and/or tree planting, subject to the following: <ul style="list-style-type: none"> i) each side shall be a minimum 3.75 metres in length; and, ii) shall not contain hard landscaping or structures. d) On a lot containing a fourplex dwelling, when parking spaces are located in the rear yard, the following shall be provided: <ul style="list-style-type: none"> i) A minimum 1.5 metre wide landscaped strip shall be provided between the parking spaces and/or aisle, and the side lot line, and shall contain a wall or fence in accordance with the requirements of Section 4.19; and, ii) A minimum 3 metre wide landscaped strip shall be provided between the parking spaces and/or aisle, and the rear lot line, and shall contain a Visual Barrier in accordance with the requirements of Section 4.19. 	<p>On lots containing a single detached dwelling, semi-detached dwelling, duplex dwelling, triplex dwelling, fourplex dwelling, or street townhouse dwelling in all zones, the following shall be provided:</p> <ul style="list-style-type: none"> a) A minimum 50% landscaped area in the Front Yard; b) A minimum 50% landscaped area in the Flankage Yard; and, c) A single area within the required landscaped area for tree protection and/or tree planting, subject to the following: <ul style="list-style-type: none"> i) each side shall be a minimum 3.75 metres in length; and, ii) shall not contain hard landscaping or structures. d) On a lot containing a fourplex dwelling, when parking spaces are located in the rear yard, the following shall be provided: <ul style="list-style-type: none"> i) A minimum 1.5 metre wide landscaped strip shall be provided between the parking spaces and/or aisle, and the side lot line, and shall contain a wall or fence in accordance with the requirements of Section 4.19; and, ii) A minimum 3 metre wide landscaped strip shall be provided between the parking spaces and/or aisle, and the rear lot line, and shall contain a Visual Barrier in accordance with the requirements of Section 4.19.
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Section 15 – Residential Zones		
15.1 – Low Density Residential (R1) Zone		
15.2 – Low Density Residential – Small Lot (R1a) Zone		
Gray highlighted strikethrough text = text to be deleted bolded text = text to be added		
Section	Proposed Change	Proposed Revised Zone Regulation
15.1 – Low Density Residential (R1) Zone		
15.1.1	Community Garden Day Nursery Duplex Dwelling Fourplex Dwelling Lodging House Residential Care Facility Retirement Home Semi-Detached Dwelling Single Detached Dwelling Street Townhouse Dwelling Triplex Dwelling Urban Farm	Community Garden Day Nursery Duplex Dwelling Fourplex Dwelling Lodging House Residential Care Facility Retirement Home Semi-Detached Dwelling Single Detached Dwelling Street Townhouse Dwelling Triplex Dwelling Urban Farm
15.1.1.1	RESTRICTED USES In addition to Section 15.1.1, the following uses shall be permitted in accordance with the following restrictions: i) Residential Care Facility: 1. Maximum capacity of six residents. ii) Retirement Home: 2. Maximum capacity of six residents.	
15.1.2.1	SINGLE DETACHED, DUPLEX DWELLING, TRIPLEX DWELLING, AND DAY NURSERY, LODGING HOUSE, RESIDENTIAL CARE FACILITY AND RETIREMENT HOME REGULATIONS	SINGLE DETACHED, DUPLEX DWELLING, TRIPLEX DWELLING, DAY NURSERY, LODGING HOUSE, RESIDENTIAL CARE FACILITY AND RETIREMENT HOME REGULATIONS
[note: 15.1.2.1		

Section 15 – Residential Zones		
15.1 – Low Density Residential (R1) Zone		
15.2 – Low Density Residential – Small Lot (R1a) Zone		
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added		
Section	Proposed Change	Proposed Revised Zone Regulation
a), b), d), e), f), g) are unchanged through this amendment]		
15.1.2.1 c)	<p>Minimum Setback from the Front Lot Line</p> <p>i) 8.0 4.0 metres;</p> <p>ii) Notwithstanding Section 15.1.2.1 c) i), for lots identified on Figure 36 of Schedule "F" – Special Figures of this By-law, a building may be erected closer to the front lot line in accordance with the following:</p> <ol style="list-style-type: none"> Where two adjacent lots have a front lot line or flankage lot line on the same street, within 10 percent of the average setback from the front lot line or flankage lot line of the two adjacent dwellings; Where one adjacent lot has a front lot line on the same street, within 10 percent of the setback from the front lot line of the one adjacent dwelling; In no cases shall the setback from the front lot line be less than 0.5 metres. 	<p>Minimum Setback from the Front Lot Line</p> <p>i) 4.0 metres;</p> <p>ii) Notwithstanding Section 15.1.2.1 c) i), for lots identified on Figure 36 of Schedule "F" – Special Figures of this By-law, a building may be erected closer to the front lot line in accordance with the following:</p> <ol style="list-style-type: none"> Where two adjacent lots have a front lot line or flankage lot line on the same street, within 10 percent of the average setback from the front lot line or flankage lot line of the two adjacent dwellings; Where one adjacent lot has a front lot line on the same street, within 10 percent of the setback from the front lot line of the one adjacent dwelling; In no cases shall the setback from the front lot line be less than 0.5 metres.
15.1.2.1 h)	Parking	

Section 15 – Residential Zones		
15.1 – Low Density Residential (R1) Zone		
15.2 – Low Density Residential – Small Lot (R1a) Zone		
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added		
Section	Proposed Change	Proposed Revised Zone Regulation
	i) In accordance with the requirements of Section 5 of this By-law; ii) Notwithstanding Section 5.6 c) i), 2 parking spaces shall be required for a single detached dwelling.	
15.1.2.1 h) [new]	h) Minimum Landscaped Area i) 30%; ii) Within the landscaped area, the requirements of Section 4.35 of this By-law shall apply.	h) Minimum Landscaped Area i) 30%; ii) Within the landscaped area, the requirements of Section 4.35 of this By-law shall apply.
15.1.2.1 i)	Accessory Buildings; In accordance with the requirements of Section 4.8 of this By-law.	
15.1.2.1 j)	Home Business; In accordance with the requirements of Section 4.21 of this By-law.	
15.1.2.2 c)	c) Minimum Setback from the Front Lot Line i) 6.0 4.0 metres; ii) Notwithstanding Section 15.1.2.2 c) i), for lots identified on Figure 36 of Schedule "F" – Special Figures of this By-law, a building may be erected closer to the front lot line in accordance with the following:	c) Minimum Setback from the Front Lot Line i) 4.0 metres; ii) Notwithstanding Section 15.1.2.2 c) i), for lots identified on Figure 36 of Schedule "F" – Special Figures of this By-law, a building may be erected closer to the front lot line in accordance with the following:

Section 15 – Residential Zones		
15.1 – Low Density Residential (R1) Zone 15.2 – Low Density Residential – Small Lot (R1a) Zone		
Gray highlighted/crossed-through text = text to be deleted bolded text = text to be added		
Section	Proposed Change	Proposed Revised Zone Regulation
	<ol style="list-style-type: none"> Where two adjacent lots have a front lot line or flankage lot line on the same street, within 10 percent of the average setback from the front lot line or flankage lot line of the two adjacent dwellings; Where one adjacent lot has a front lot line on the same street, within 10 percent of the setback from the front lot line of the one adjacent dwelling; In no cases shall the setback from the front lot line be less than 0.5 metres. 	<ol style="list-style-type: none"> Where two adjacent lots have a front lot line or flankage lot line on the same street, within 10 percent of the average setback from the front lot line or flankage lot line of the two adjacent dwellings; Where one adjacent lot has a front lot line on the same street, within 10 percent of the setback from the front lot line of the one adjacent dwelling; In no cases shall the setback from the front lot line be less than 0.5 metres.
15.1.2.2 h)	Parking In accordance with the requirements of Section 5 of this By-law.	
15.1.2.2 h) [new]	h) Minimum Landscaped Area <ol style="list-style-type: none"> 30%; Within the landscaped area, the requirements of Section 4.35 of this By-law shall apply. 	h) Minimum Landscaped Area <ol style="list-style-type: none"> 30%; Within the landscaped area, the requirements of Section 4.35 of this By-law shall apply.
15.1.2.2 i)	Accessory Buildings In accordance with the requirements of Section 4.8 of this By-law.	
15.1.2.2 j)	Home Business In accordance with the requirements of Section 4.21 of this By-law.	

Section 15 – Residential Zones		
15.1 – Low Density Residential (R1) Zone		
15.2 – Low Density Residential – Small Lot (R1a) Zone		
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added		
Section	Proposed Change	Proposed Revised Zone Regulation
15.1.2.3 c)	c) Minimum Setback from the Front Lot Line 6.0 4.0 metres;	c) Minimum Setback from the Front Lot Line 4.0 metres;
15.1.2.3 h)	Parking In accordance with the requirements of Section 5 of this By-law	
15.1.2.3 h) [new]	h) Landscaped Area In accordance with the requirements of Section 4.35 a) and b) of this By-law.	h) Landscaped Area In accordance with the requirements of Section 4.35 a) and b) of this By-law.
15.1.2.3 i)	Accessory Buildings In accordance with the requirements of Section 4.6 of this By-law	
15.1.2.3 j)	Home Business In accordance with the requirements of Section 4.21 of the By-law	
15.1.2.4	LODGING HOUSE, RESIDENTIAL CARE FACILITY AND RETIREMENT HOME REGULATIONS	
15.1.2.4 a)	Minimum Lot Area 660.0 square metres;	
15.1.2.4 b)	Minimum Lot Width 12.0 metres;	
15.1.2.4 c)	Minimum Setback from the Street Line 6.0 metres;	
15.1.2.4 d)	Minimum Setback from a Side Lot Line 1.2 metres;	
15.1.2.4 e)	Minimum Setback from a Flankage Lot Line 0.0 metres;	

Section 15 – Residential Zones		
15.1 – Low Density Residential (R1) Zone		
15.2 – Low Density Residential – Small Lot (R1a) Zone		
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added		
Section	Proposed Change	Proposed Revised Zone Regulation
15.1.2.4 f)	Minimum Setback from the Rear Lot Line 7.5 metres;	
15.1.2.4 g)	Maximum Building Height 10.5 metres;	
15.1.2.4 n)	Parking In accordance with the requirements of Section 6 of this By-law;	
15.1.2.4 o)	Accessory Buildings In accordance with the requirements of Section 1.8 of this By-law;	
15.1.2.4 [new]	FOURPLEX DWELLING REGULATIONS	FOURPLEX DWELLING REGULATIONS
15.1.2.4 a)	a) Minimum Lot Area 360.0 square metres;	a) Minimum Lot Area 360.0 square metres;
15.1.2.4 b)	b) Minimum Lot Width 12.0 metres;	b) Minimum Lot Width 12.0 metres;
15.1.2.4 c)	c) Minimum Setback from the Front Lot Line i) 4.0 metres; ii) Notwithstanding Section 15.1.2.4 c) i), for lots identified on Figure 36 of Schedule "F" – Special Figures of this By-law, a building may be erected closer to the front lot line in accordance with the following: 1. Where two adjacent lots have a front lot line or flankage lot line on the same street, within 10 percent of the average setback from the front lot line or flankage lot line of the two adjacent dwellings; 2. Where one adjacent lot has a front lot line on the same street, within 10 percent of the setback from the front lot line of the one adjacent dwelling;	c) Minimum Setback from the Front Lot Line i) 4.0 metres; ii) Notwithstanding Section 15.1.2.4 c) i), for lots identified on Figure 36 of Schedule "F" – Special Figures of this By-law, a building may be erected closer to the front lot line in accordance with the following: 1. Where two adjacent lots have a front lot line or flankage lot line on the same street, within 10 percent of the average setback from the front lot line or flankage lot line of the two adjacent dwellings; 2. Where one adjacent lot has a front lot line on the same street, within 10 percent of the setback from the front lot line of the one adjacent dwelling;

Section 15 – Residential Zones		
15.1 – Low Density Residential (R1) Zone		
15.2 – Low Density Residential – Small Lot (R1a) Zone		
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added		
Section	Proposed Change	Proposed Revised Zone Regulation
	3. In no cases shall the setback from the front lot line be less than 0.5 metres.	3. In no cases shall the setback from the front lot line be less than 0.5 metres.
15.1.2.4 d)	d) Minimum Setback from a Side Lot Line 1.2 metres, and a minimum aggregate of 3.5 metres;	d) Minimum Setback from a Side Lot Line 1.2 metres, and a minimum aggregate of 3.5 metres;
15.1.2.4 e)	e) Minimum Setback from a Flankage Lot Line 3.0 metres;	e) Minimum Setback from a Flankage Lot Line 3.0 metres;
15.1.2.4 f)	f) Minimum Setback from the Rear Lot Line 7.5 metres;	f) Minimum Setback from the Rear Lot Line 7.5 metres;
15.1.2.4 g)	g) Maximum Building Height 10.5 metres;	g) Maximum Building Height 10.5 metres;
15.1.2.4 h)	h) Maximum Lot Coverage 40%;	h) Maximum Lot Coverage 40%;
15.1.2.4 i)	i) Minimum Landscaped Area i) 30%; ii) Within the landscaped area, the requirements of Section 4.35 of this By-law shall apply.	i) Minimum Landscaped Area i) 30%; ii) Within the landscaped area, the requirements of Section 4.35 of this By-law shall apply.
15.1.2.4 j)	j) Visual Barrier	j) Visual Barrier

Section 15 – Residential Zones		
15.1 – Low Density Residential (R1) Zone		
15.2 – Low Density Residential – Small Lot (R1a) Zone		
Gray highlighted strikethrough text = text to be deleted bolded text = text to be added		
Section	Proposed Change	Proposed Revised Zone Regulation
	<p>i) A visual barrier shall be required along side lot lines and the rear lot line in accordance with the requirements of Section 4.19 of this By-law.</p> <p>ii) Notwithstanding Section 15.1.2.4 j) i), rear yard parking shall comply with the requirements of Section 4.35 d).</p>	<p>i) A visual barrier shall be required along side lot lines and the rear lot line in accordance with the requirements of Section 4.19 of this By-law.</p> <p>ii) Notwithstanding Section 15.1.2.4 j) i), rear yard parking shall comply with the requirements of Section 4.35 d).</p>
15.1.2.4 k)	<p>k) Amenity Area</p> <p>Amenity areas shall not be permitted in the side yard or on the roof-top of the dwelling.</p>	<p>k) Amenity Area</p> <p>Amenity areas shall not be permitted in the side yard or on the roof-top of the dwelling.</p>
15.1.2.4 l)	<p>l) Waste Storage</p> <p>Outdoor waste storage shall be fully enclosed and shall not be located in the front yard.</p>	<p>l) Waste Storage</p> <p>Outdoor waste storage shall be fully enclosed and shall not be located in the front yard.</p>
15.1.2.5	<p>URBAN FARM</p> <p>In accordance with the requirements of Section 4.26 of this By-law.</p>	
15.1.2.6	<p>COMMUNITY GARDEN REGULATIONS</p> <p>In accordance with the requirements of Section 4.27 of this By-law.</p>	
15.1.2.7	<p>ADDITIONAL DWELLING UNIT AND ADDITIONAL DWELLING UNIT DETACHED REGULATIONS</p> <p>In accordance with the requirements of Section 4.33 of this By-law.</p>	
15.1.2.8	<p>CONVERTED DWELLINGS</p>	

Section 15 – Residential Zones		
15.1 – Low Density Residential (R1) Zone		
15.2 – Low Density Residential – Small Lot (R1a) Zone		
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added		
Section	Proposed Change	Proposed Revised Zone Regulation
15.2	<p>In accordance with the requirements of Section 4.34 of this By-law.</p> <p>Explanatory Note: The R1a Zone applies to low density residential areas where lots are typically smaller than those in the R1 Zone. The R1a Zone is prevalent in older neighbourhoods across the Lower City. The intent of the R1a Zone is to permit a range of low density residential housing types to meet the needs of the residents of the city.</p>	<p>Explanatory Note: The R1a Zone applies to low density residential areas where lots are typically smaller than those in the R1 Zone. The intent of the R1a Zone is to permit a range of low density residential housing types to meet the needs of the residents of the city.</p>
15.2.1	<p>Community Garden</p> <p>Day Nursery</p> <p>Duplex Dwelling</p> <p>Fourplex Dwelling</p> <p>Lodging House</p> <p>Residential Care Facility</p> <p>Retirement Home</p> <p>Semi-Detached Dwelling</p> <p>Single Detached Dwelling</p> <p>Street Townhouse Dwelling</p> <p>Triplex Dwelling</p> <p>Urban Farm</p>	<p>Community Garden</p> <p>Day Nursery</p> <p>Duplex Dwelling</p> <p>Fourplex Dwelling</p> <p>Lodging House</p> <p>Residential Care Facility</p> <p>Retirement Home</p> <p>Semi-Detached Dwelling</p> <p>Single Detached Dwelling</p> <p>Street Townhouse Dwelling</p> <p>Triplex Dwelling</p> <p>Urban Farm</p>
15.2.1.1	<p><u>RESTRICTED USES</u></p> <p>In addition to Section 15.2.1, the following uses shall be permitted in accordance with the following restrictions:</p> <p>i) Residential Care Facility;</p> <p>2. Maximum capacity of six residents;</p>	

Section 15 – Residential Zones		
15.1 – Low Density Residential (R1) Zone 15.2 – Low Density Residential – Small Lot (R1a) Zone		
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Section	Proposed Change	Proposed Revised Zone Regulation
	<p>i) Retirement Home;</p> <p>2 – Maximum capacity of six residents;</p>	
15.2.2.1 [note: 15.2.2.1 a), b), d), e), f) g) are unchanged through this amendment]	SINGLE DETACHED, DUPLEX DWELLING, TRIPLEX DWELLING, AND DAY NURSERY, LODGING HOUSE, RESIDENTIAL CARE FACILITY AND RETIREMENT HOME REGULATIONS	SINGLE DETACHED, DUPLEX DWELLING, TRIPLEX DWELLING, DAY NURSERY, LODGING HOUSE, RESIDENTIAL CARE FACILITY AND RETIREMENT HOME REGULATIONS
15.2.2.1 c)	<p>c) Minimum Setback from the Front Lot Line</p> <p>i) 3.0 4.0 metres;</p> <p>ii) Notwithstanding Section 15.2.2.1 c) i), for lots identified on Figure 36 of Schedule "F" – Special Figures of this By-law, a building may be erected closer to the front lot line in accordance with the following:</p> <ol style="list-style-type: none"> Within 10 percent of the average setback from the front lot line or flankage lot line of the two adjacent dwellings, or in the case of a corner lot, within 10% of the setback from the front lot line of the adjacent dwelling sharing a side lot line. In no cases shall the setback from the front lot line be less than 0.5 metres. 	<p>c) Minimum Setback from the Front Lot Line</p> <p>i) 4.0 metres;</p> <p>ii) Notwithstanding Section 15.2.2.1 c) i), for lots identified on Figure 36 of Schedule "F" – Special Figures of this By-law, a building may be erected closer to the front lot line in accordance with the following:</p> <ol style="list-style-type: none"> Within 10 percent of the average setback from the front lot line or flankage lot line of the two adjacent dwellings, or in the case of a corner lot, within 10% of the setback from the front lot line of the adjacent dwelling sharing a side lot line. In no cases shall the setback from the front lot line be less than 0.5 metres.

Section 15 – Residential Zones		
15.1 – Low Density Residential (R1) Zone		
15.2 – Low Density Residential – Small Lot (R1a) Zone		
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Section	Proposed Change	Proposed Revised Zone Regulation
15.2.2.1 h)	<p>Parking</p> <p>In accordance with the requirements of Section 5 of this By-law</p> <p>ii) Notwithstanding Section 5.6 c) i), 2 parking spaces shall be required for a Single Detached Dwelling.</p>	
15.2.2.1 h) [new]	<p>h) Minimum Landscaped Area</p> <p>i) 30%;</p> <p>ii) Within the landscaped area, the requirements of Section 4.35 of this By-law shall apply.</p>	<p>h) Minimum Landscaped Area</p> <p>i) 30%;</p> <p>ii) Within the landscaped area, the requirements of Section 4.35 of this By-law shall apply.</p>
15.2.2.1 i)	<p>Accessory Buildings</p> <p>In accordance with the requirements of Section 4.21 of this By-law</p>	
15.2.2.1 j)	<p>Home Business</p> <p>In accordance with the requirements of 4.21 of this By-law</p>	
15.2.2.2 c)	<p>c) Minimum Setback from the Front Lot Line</p> <p>i) 3.9 4.0 metres;</p> <p>ii) Notwithstanding Section 15.2.2.2 c) i), for lots identified on Figure 36 of Schedule "F" – Special Figures of this By-law, a building may be erected closer to the front lot line in accordance with the following:</p>	<p>c) Minimum Setback from the Front Lot Line</p> <p>i) 4.0 metres;</p> <p>ii) Notwithstanding Section 15.2.2.2 c) i), for lots identified on Figure 36 of Schedule "F" – Special Figures of this By-law, a building may be erected closer to the front lot line in accordance with the following:</p>

Section 15 – Residential Zones		
15.1 – Low Density Residential (R1) Zone		
15.2 – Low Density Residential – Small Lot (R1a) Zone		
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added		
Section	Proposed Change	Proposed Revised Zone Regulation
	<p>1. Within 10 percent of the average setback from the front lot line or flankage lot line of the two adjacent dwellings, or in the case of a corner lot, within 10% of the setback from the front lot line of the adjacent dwelling sharing a side lot line.</p> <p>2. In no cases shall the setback from the front lot line be less than 0.5 metres</p>	<p>1. Within 10 percent of the average setback from the front lot line or flankage lot line of the two adjacent dwellings, or in the case of a corner lot, within 10% of the setback from the front lot line of the adjacent dwelling sharing a side lot line.</p> <p>2. In no cases shall the setback from the front lot line be less than 0.5 metres</p>
15.2.2.2 h)	<p>Parking</p> <p>i) In accordance with the requirements of Section 5 of this By-law.</p> <p>ii) Notwithstanding Section 5.6 c) i) 2 parking spaces shall be required for a Single Detached Dwellings.</p>	
15.2.2.2 h) [new]	<p>h) Minimum Landscaped Area</p> <p>i) 30%;</p> <p>ii) Within the landscaped area, the requirements of Section 4.35 of this By-law shall apply.</p>	<p>h) Minimum Landscaped Area</p> <p>i) 30%;</p> <p>ii) Within the landscaped area, the requirements of Section 4.35 of this By-law shall apply.</p>
15.2.2.2 i)	<p>Accessory Buildings</p> <p>In accordance with the requirements of Section 4.21 of this By-law.</p>	
15.2.2.2 j)	<p>Home Business</p> <p>In accordance with the requirements of 4.21 of this By-law.</p>	
15.2.2.3 c)	c) Minimum Setback from the Front Lot Line	c) Minimum Setback from the Front Lot Line

Section 15 – Residential Zones		
15.1 – Low Density Residential (R1) Zone		
15.2 – Low Density Residential – Small Lot (R1a) Zone		
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Section	Proposed Change	Proposed Revised Zone Regulation
	3.0 4.0 metres;	4.0 metres;
15.2.2.3 h)	Parking In accordance with the requirements of Section 5 of this By-law.	
15.2.2.3 h) [new]	h) Landscaped Area In accordance with the requirements of Section 4.35 a) and b) of this By-law.	h) Landscaped Area In accordance with the requirements of Section 4.35 a) and b) of this By-law.
15.2.2.3 i)	Accessory Buildings In accordance with the requirements of Section 4.21 of this By-law.	
15.2.2.3 j)	Home Business In accordance with the requirements of Section 4.21 of this By-law.	
15.2.2.4	LODGING HOUSE, RESIDENTIAL CARE FACILITY AND RETIREMENT HOME REGULATIONS	
15.2.2.4 a)	Minimum Lot Area — 270 square metres;	
15.2.2.4 b)	Minimum Lot Width — 9.0 metres;	
15.2.2.4 c)	Minimum Setback from the Street Line 3.0 metres;	
15.2.2.4 d)	Minimum Setback from a Side Lot Line 1.2 metres;	
15.2.2.4 e)	Minimum Setback from a Flankage Lot Line	

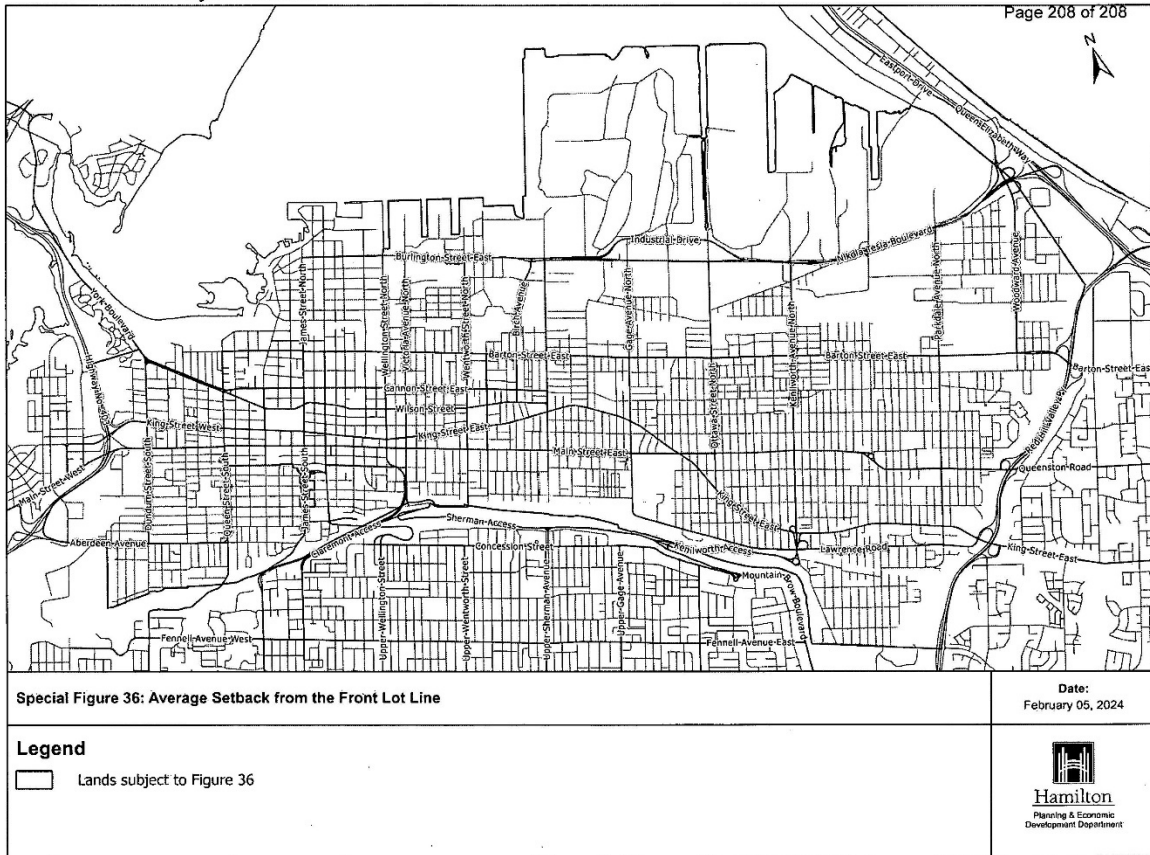
Section 15 – Residential Zones		
15.1 – Low Density Residential (R1) Zone		
15.2 – Low Density Residential – Small Lot (R1a) Zone		
Grey highlighted or through text = text to be deleted bolded text = text to be added		
Section	Proposed Change	Proposed Revised Zone Regulation
15.2.2.4 f)	3.0 metres; Minimum Setback from the Rear Lot Line	
15.2.2.4 g)	7.5 metres; Maximum Building Height 10.5 metres;	
15.2.2.4 h)	Parking	
15.2.2.4 i)	In accordance with the requirements of Section 5 of this By-law; Accessory Buildings	
15.2.2.4 j)	In accordance with the requirements of Section 4.8 of this By-law; Home Business	
15.2.2.4 k)	In accordance with the requirements of Section 4.21 of this By-law;	
15.2.2.4 [new]	FOURPLEX DWELLING REGULATIONS	FOURPLEX DWELLING REGULATIONS
15.2.2.4 a)	a) Minimum Lot Area 300 square metres;	a) Minimum Lot Area 300 square metres;
15.2.2.4 b)	b) Minimum Lot Width 10.0 metres;	b) Minimum Lot Width 10.0 metres;
15.2.2.4 c)	c) Minimum Setback from the Front Lot Line i) 4.0 metres; ii) Notwithstanding Section 15.2.2.4 c) i), for lots identified on Figure 36 of Schedule "F" – Special Figures of this By-law, a building may be erected closer to the front lot line in accordance with the following: 1. Within 10 percent of the average setback from the front lot line or flankage lot line of the two adjacent dwellings,	c) Minimum Setback from the Front Lot Line i) 4.0 metres; ii) Notwithstanding Section 15.2.2.4 c) i), for lots identified on Figure 36 of Schedule "F" – Special Figures of this By-law, a building may be erected closer to the front lot line in accordance with the following: 1. Within 10 percent of the average setback from the front lot line or flankage lot line of the two adjacent dwellings,

Section 15 – Residential Zones		
15.1 – Low Density Residential (R1) Zone		
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Section	Proposed Change	Proposed Revised Zone Regulation
	<p>or in the case of a corner lot, within 10% of the setback from the front lot line of the adjacent dwelling sharing a side lot line.</p> <p>2. In no cases shall the setback from the front lot line be less than 0.5 metres.</p>	<p>or in the case of a corner lot, within 10% of the setback from the front lot line of the adjacent dwelling sharing a side lot line.</p> <p>2. In no cases shall the setback from the front lot line be less than 0.5 metres</p>
15.2.2.4 d)	d) Minimum Setback from a Side Lot Line	d) Minimum Setback from a Side Lot Line
	1.2 metres, and a minimum aggregate of 3.5 metres.	1.2 metres, and a minimum aggregate of 3.5 metres.
15.2.2.4 e)	e) Minimum Setback from a Flankage Lot Line	e) Minimum Setback from a Flankage Lot Line
	3.0 metres;	3.0 metres;
15.2.2.4 f)	f) Minimum Setback from the Rear Lot Line	f) Minimum Setback from the Rear Lot Line
	7.5 metres;	7.5 metres;
15.2.2.4 g)	g) Maximum Building Height 10.5 metres;	g) Maximum Building Height 10.5 metres;
15.2.2.4 h)	h) Minimum Landscaped Area	h) Minimum Landscaped Area
	i) 30%;	i) 30%;
	ii) Within the landscaped area, the requirements of Section 4.35 of this By-law shall apply.	ii) Within the landscaped area, the requirements of Section 4.35 of this By-law shall apply.
15.2.2.4 i)	i) Visual Barrier	i) Visual Barrier
	i) A Visual Barrier shall be required along side lot lines and the rear lot line in accordance with the requirements of Section 4.19 of this By-law.	i) A Visual Barrier shall be required along side lot lines and the rear lot line in accordance with the requirements of Section 4.19 of this By-law.

Section 15 – Residential Zones		
15.1 – Low Density Residential (R1) Zone		
15.2 – Low Density Residential – Small Lot (R1a) Zone		
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added		
Section	Proposed Change	Proposed Revised Zone Regulation
	ii) Notwithstanding Section 15.2.2.4 i) i), rear yard parking shall comply with the requirements of Section 4.35 d) of this By-law.	ii) Notwithstanding Section 15.2.2.4 i) i), rear yard parking shall comply with the requirements of Section 4.35 d) of this By-law.
15.2.2.4 j)	j) Amenity Area Amenity areas shall not be permitted in the side yard or on the roof-top of the dwelling.	j) Amenity Area Amenity areas shall not be permitted in the side yard or on the roof-top of the dwelling.
15.2.2.4 k)	k) Waste Storage Outdoor waste storage shall be fully enclosed and shall not be located in the front yard.	k) Waste Storage Outdoor waste storage shall be fully enclosed and shall not be located in the front yard.
15.2.2.5	URBAN FARM In accordance with the requirements of Section 4.26 of this By-law.	
15.2.2.6	COMMUNITY GARDEN REGULATIONS In accordance with the requirements of Section 4.27 of this By-law.	
15.2.2.7	ADDITIONAL DWELLING UNIT AND ADDITIONAL DWELLING UNIT DETACHED REGULATIONS In accordance with the requirements of Section 4.33 of this By-law.	
15.2.2.8	CONVERTED DWELLINGS In accordance with the requirements of Section 4.34 of this By-law.	

Schedule C to By-law No. 24-051

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ATTACHMENT 2

OLT-24-000544 - The portions of text shown with orange highlighting show the portions of the By-law that remain under appeal City-wide. Additional notation identifies those sections that remain under appeal on a site-specific basis.

Last updated: July 11, 2024

Authority: Item 4, Planning Committee Report 24-003 (PED22154(a))
 CM: March 27, 2024 Ward: City Wide
 Written approval for this by-law was given by Mayoral Decision MDE-2024 10
 Dated April 10, 2024

Bill No. 052

CITY OF HAMILTON

BY-LAW NO. 24-052

To Delete and Replace Section 5: Parking of Zoning By-law No. 05-200

WHEREAS Council approved Item 4 of Report 24-003 of the Planning Committee, at its meeting held on February 23, 2024;

AND WHEREAS this By-law conforms to the Urban Hamilton Official Plan, Rural Hamilton Official Plan, Hamilton-Wentworth Regional Official Plan and City of Hamilton Official Plan;

NOW THEREFORE Council amends Zoning By-law No. 05-200 as follows:

1. That Schedule "A" – Zoning Maps, is amended by adding Parking Rate Areas in accordance with Schedules "A1 – A15" of this By-law.
2. That Section 3: Definitions be amended as follows:
 - a) That the definition of Motor Vehicle Gas Bar be amended by adding the words ", or where electric vehicles are charged for a fee," after the words "offered for sale" in the definition of Motor Vehicle Gas Bar so that it reads:

"Motor Vehicle Gas Bar Shall mean a use on a lot, where fuel or lubricants are offered for sale, **or where electric vehicles are charged for a fee**, but where no provision is made for the repair or maintenance of motor vehicles and may include the sale of foods and convenience items but shall not include a Motor Vehicle Service Station or a Motor Vehicle Wrecking Establishment."
 - b) That the definition of Motor Vehicle Service Station be amended by adding the words "the charging of electric vehicles for a fee," after the words "and/or convenience goods," in the definition of Motor Vehicle Service Station so that it reads:

To Delete and Replace Section 5: Parking of Zoning By-law No. 05-200

“Motor Vehicle Service Station Shall mean an establishment used for the sale of fuel, automotive accessories and/or convenience goods, **the charging of electric vehicles for a fee**, the repair or replacement of parts in a motor vehicle and shall include but not be limited to the repair or replacement of mufflers, exhaust systems, shock absorbers, transmissions, gears, brakes, clutch assemblies, steering systems, tires, wheels, windshields, windows and other mechanical or electrical parts or systems, the installation of undercoating, engine tuning, lubrication and engine conversion or replacement but shall not include a Motor Vehicle Collision Repair Establishment, Motor Vehicle Sales and Service Establishment, or a Motor Vehicle Wrecking Establishment.”

- c) That the following definition of Parking Space, Electric Vehicle be added in alphabetical order:

“Parking Space, Electric Vehicle

Appealed by The Cadillac Fairview Corporation, Hammer GP LP and Hammer GP Services Corp., and West End Home Builders' Association, respecting the definition "Parking Space, Electric Vehicle".

Shall mean a Parking Space equipped with electric vehicle charging equipment which provides, or which is capable of providing Level 2, or greater, electric vehicle charging in accordance with the SAE International J1772 standard, as amended.”

- d) That the definition of Planting Strip be amended by deleting the words “charging stations,” so that it reads:

“Planting Strip Shall mean an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a buffer and may include low level architectural walls or features, and fire hydrants, but shall not include walkways and sidewalks unless a walkway or sidewalk traverses the planting strip to provide access to the site.”

- e) That the following definition of Trailer be added in alphabetical order:

“Trailer Shall mean a vehicle that is at any time drawn upon a highway by a motor vehicle, except:

To Delete and Replace Section 5: Parking of Zoning By-law No. 05-200

- a) an implement used for agricultural purposes;
- b) a mobile home;
- c) another motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway; and,
- d) a side car attached to a motorcycle,

but shall not include major recreational equipment and a commercial motor vehicle.

- f) That the definition of Motor Vehicle – Commercial be deleted and replaced with the following:

“Motor Vehicle – Commercial Shall mean a motor vehicle having attached to it a truck or delivery body and includes an ambulance, a hearse, a casket wagon, a fire apparatus, a bus, a tractor, and a tow truck used for hauling purposes on a highway, but shall not include:

- a) a commercial motor vehicle leased for no longer than thirty days by an individual for the transportation of goods kept for that individual's personal use or the gratuitous carriage of passengers,
- b) a commercial motor vehicle operated under a permit and number plates that is not transporting passengers or goods,
- c) a commercial motor vehicle operated under the authority of an In-Transit permit; and,
- d) a bus that is used for personal purposes without compensation.”

3. That Section 4: General Provisions be amended as follows:

- a) That Section 4.6 be amended by adding the following new subsection:

“i) Wall-mounted electric vehicle charging equipment may encroach into any required yard to a maximum of 0.3 metres.”

To Delete and Replace Section 5: Parking of Zoning By-law No. 05-200

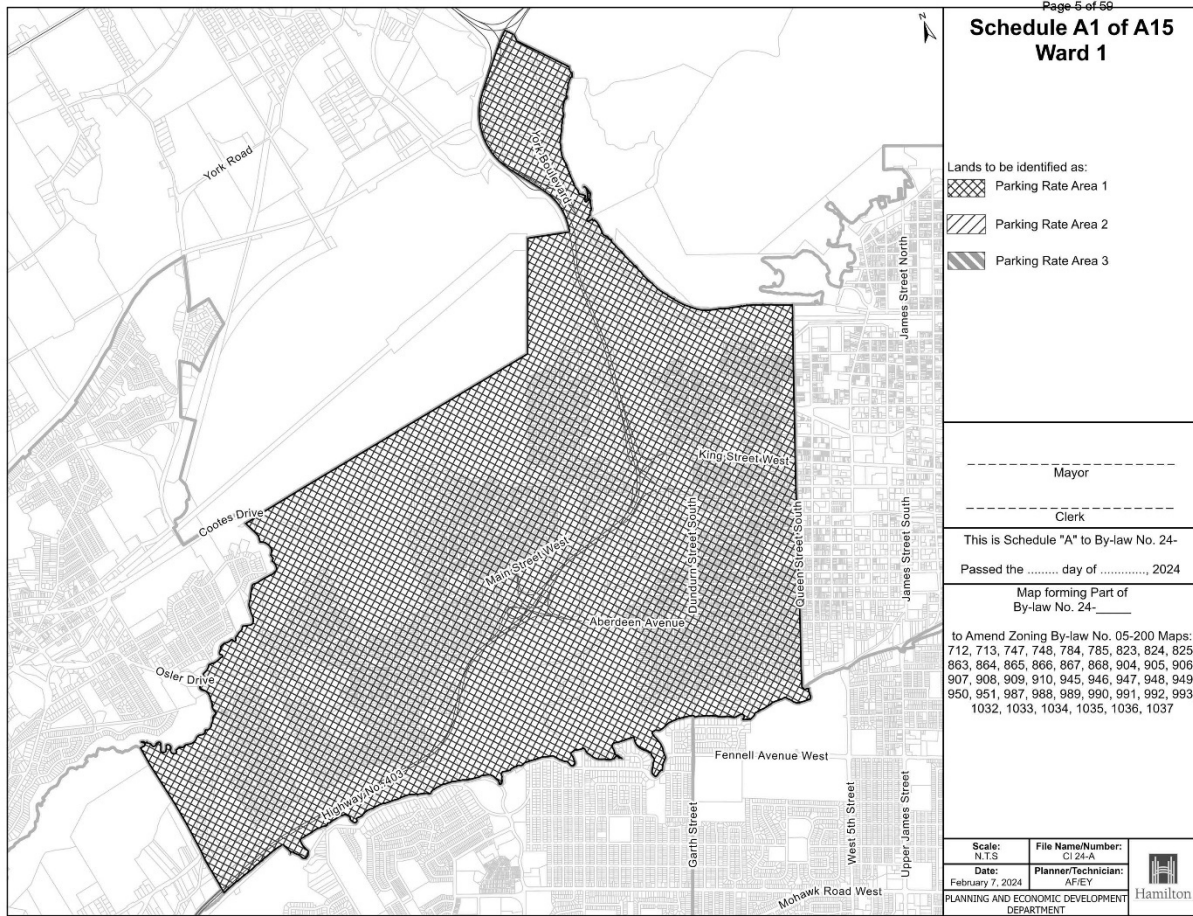
4. That Section 5: Parking be deleted and replaced by Schedule "B" – Section 5: Parking attached to this By-law.
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

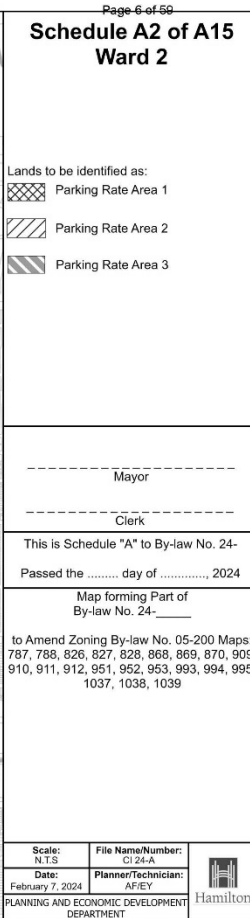
PASSED this 10th day of April, 2024

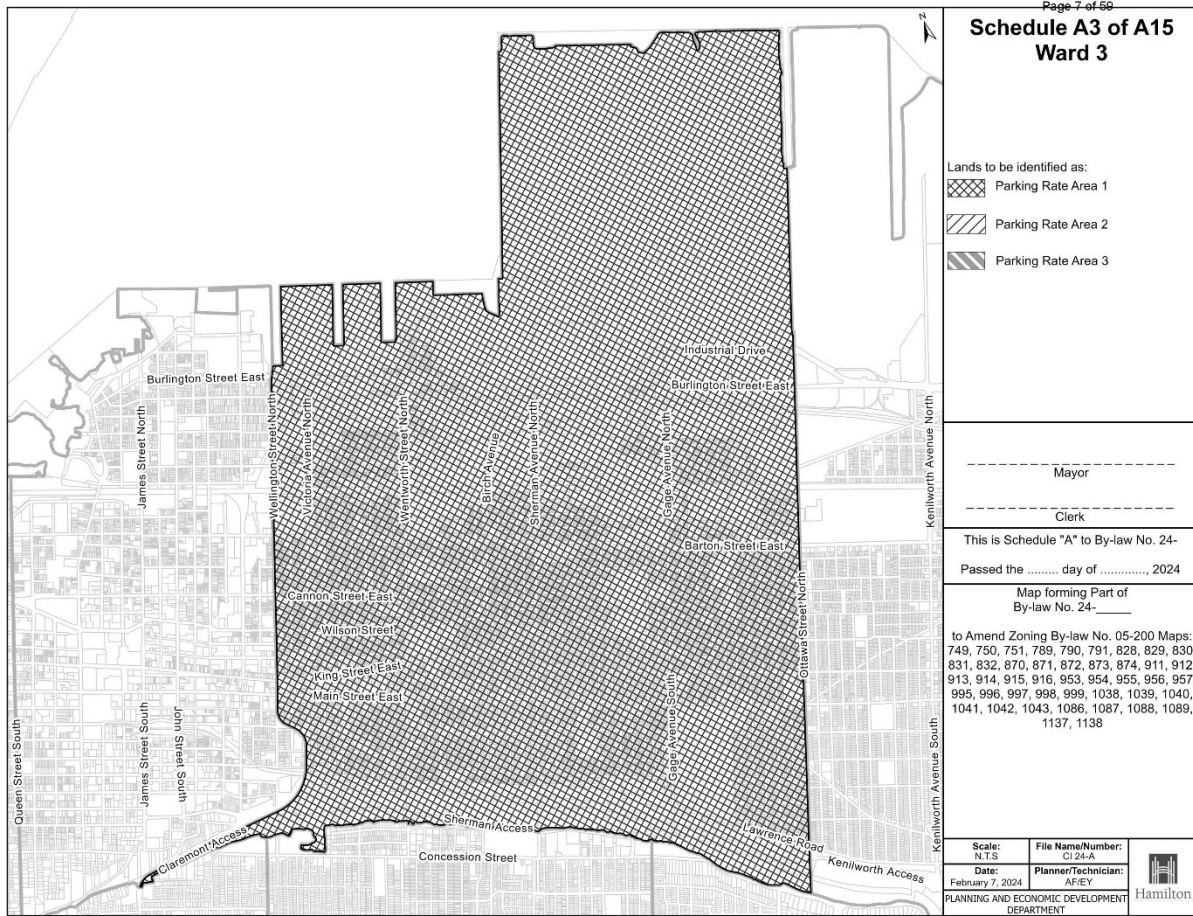
A. Horwath
Mayor

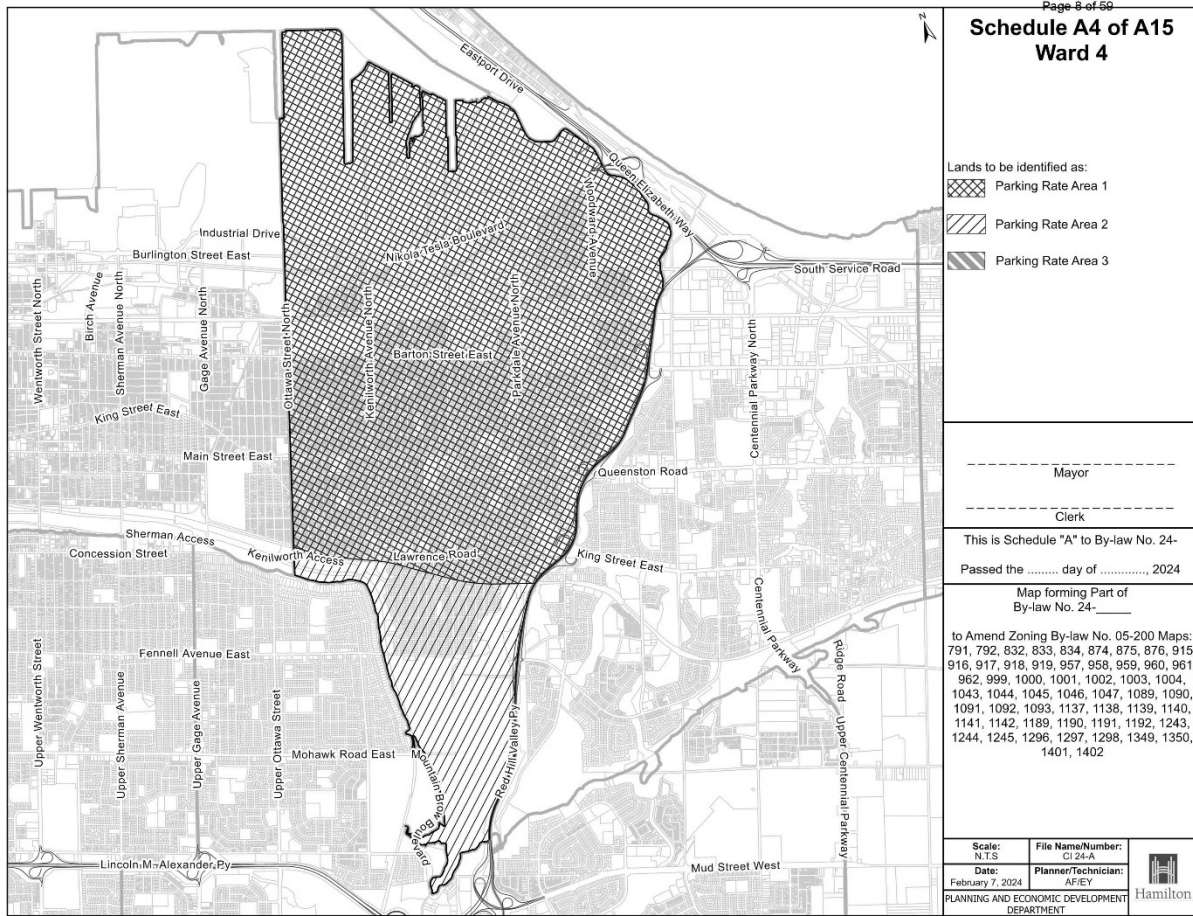
J. Pilon
Acting City Clerk

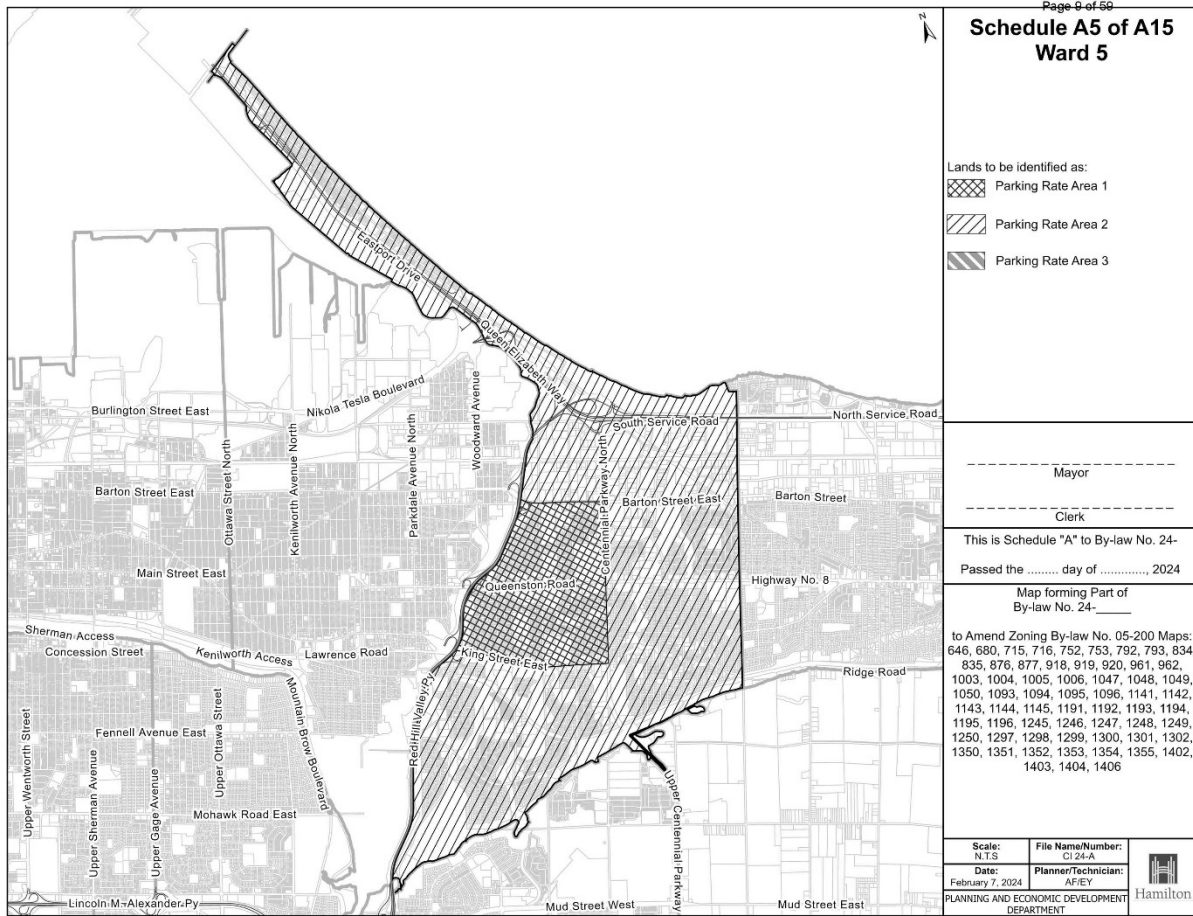
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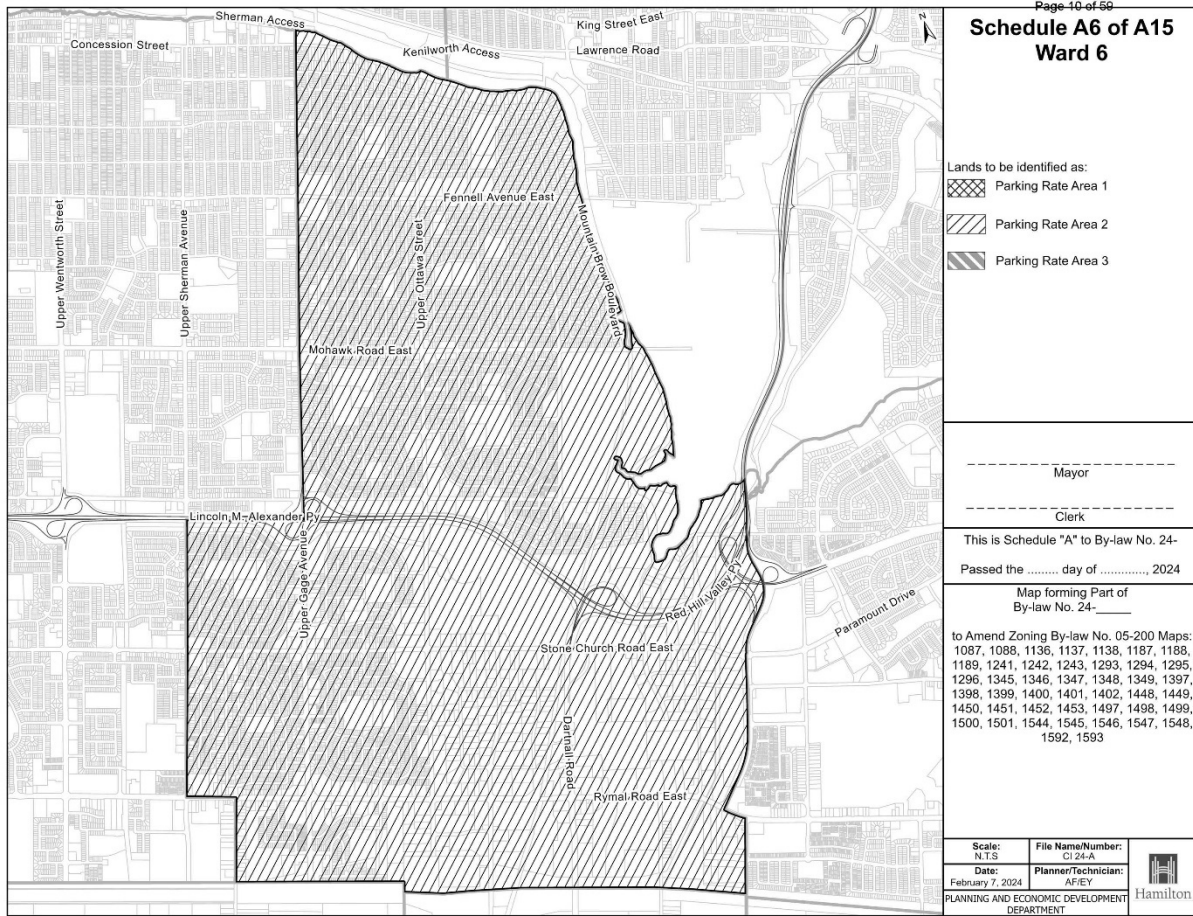


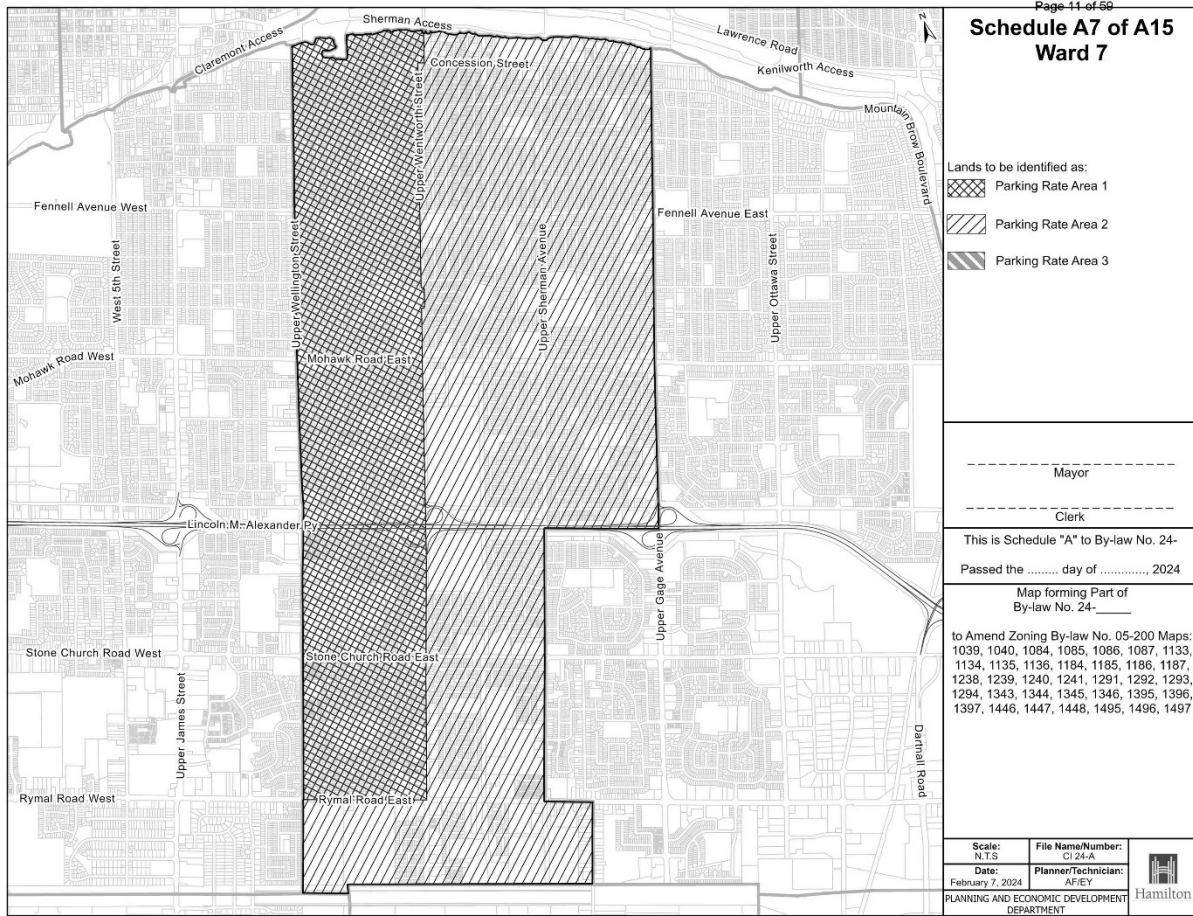


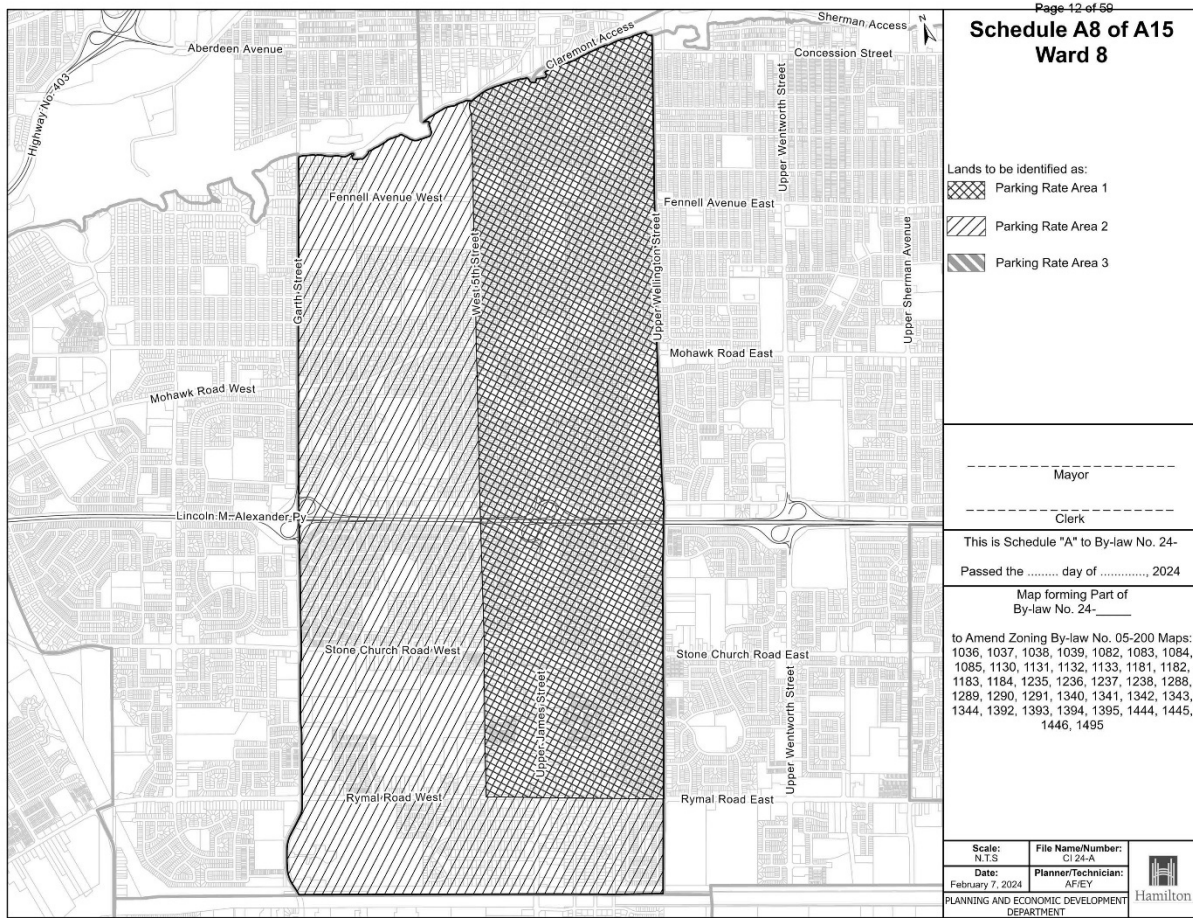


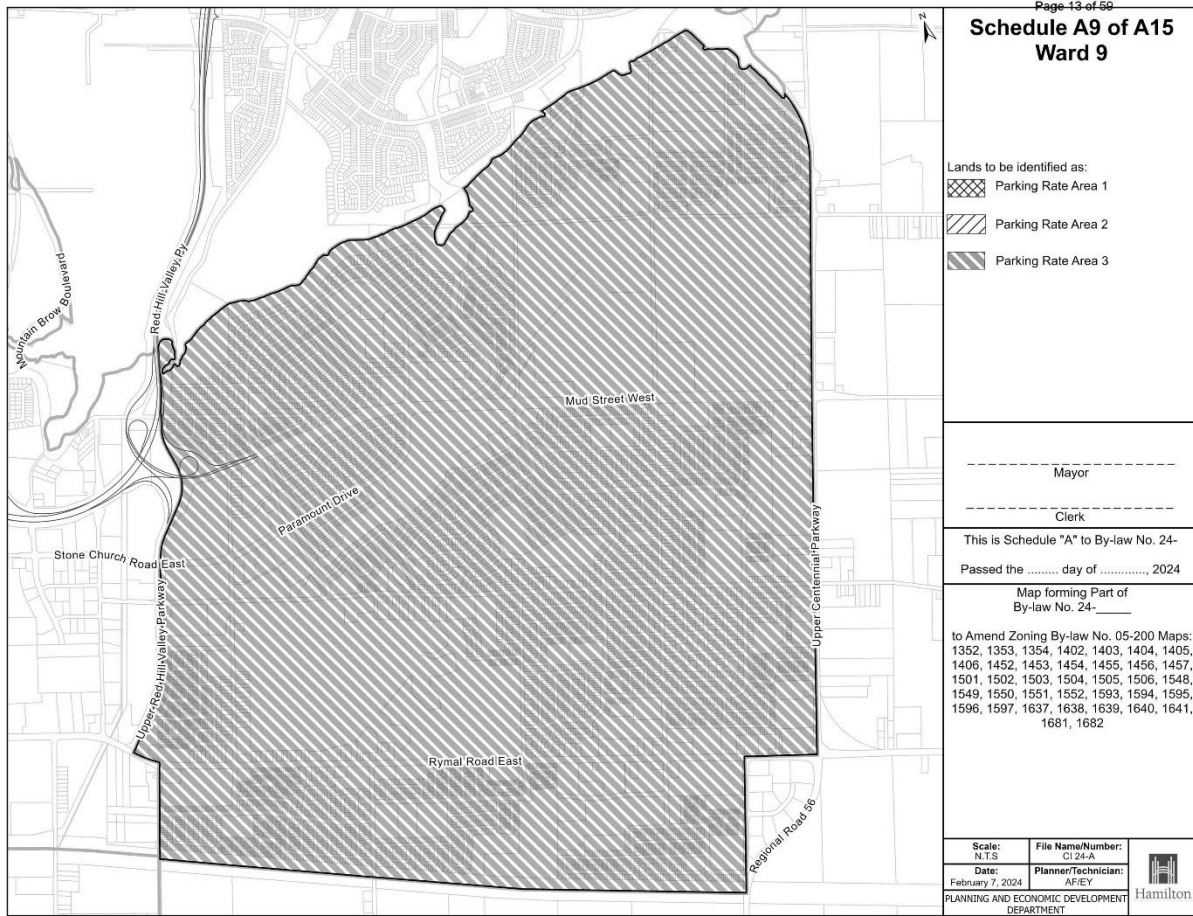


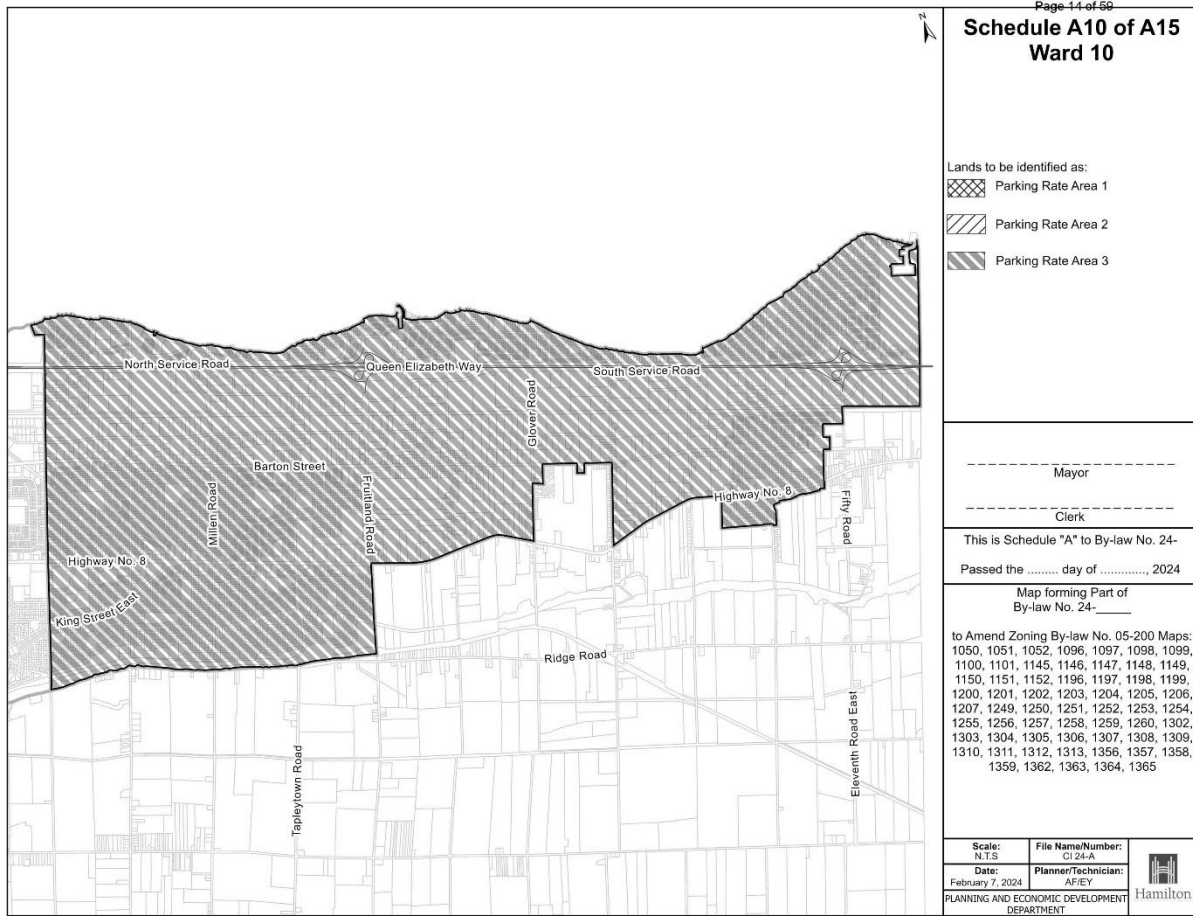


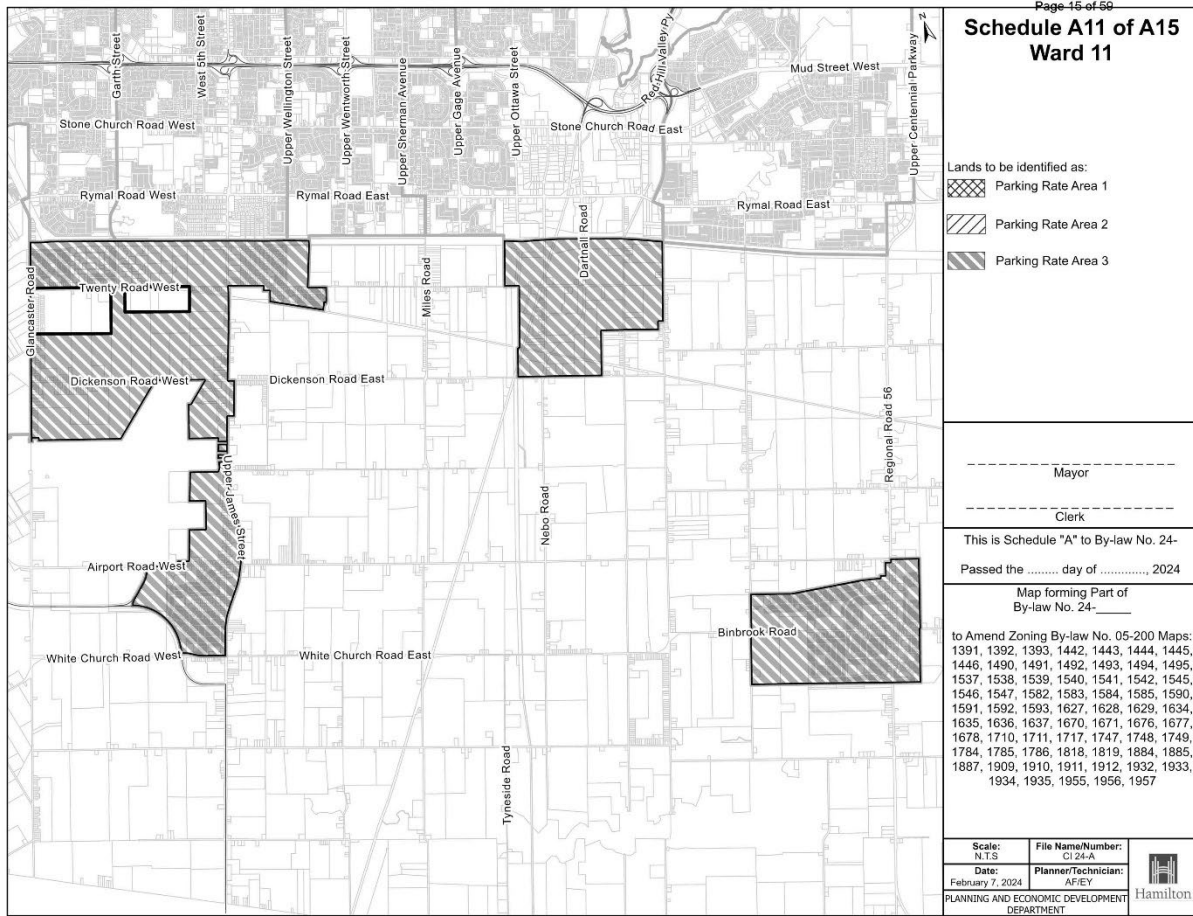


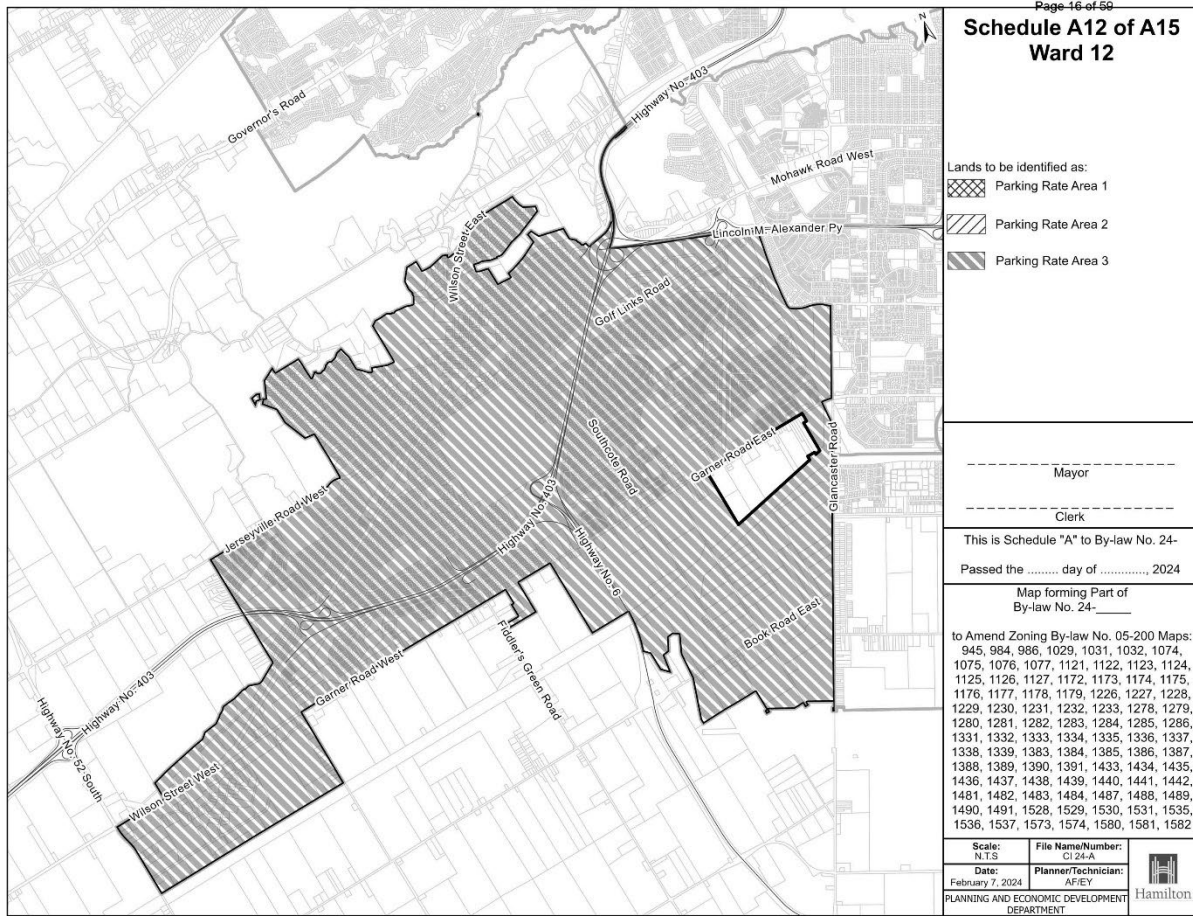


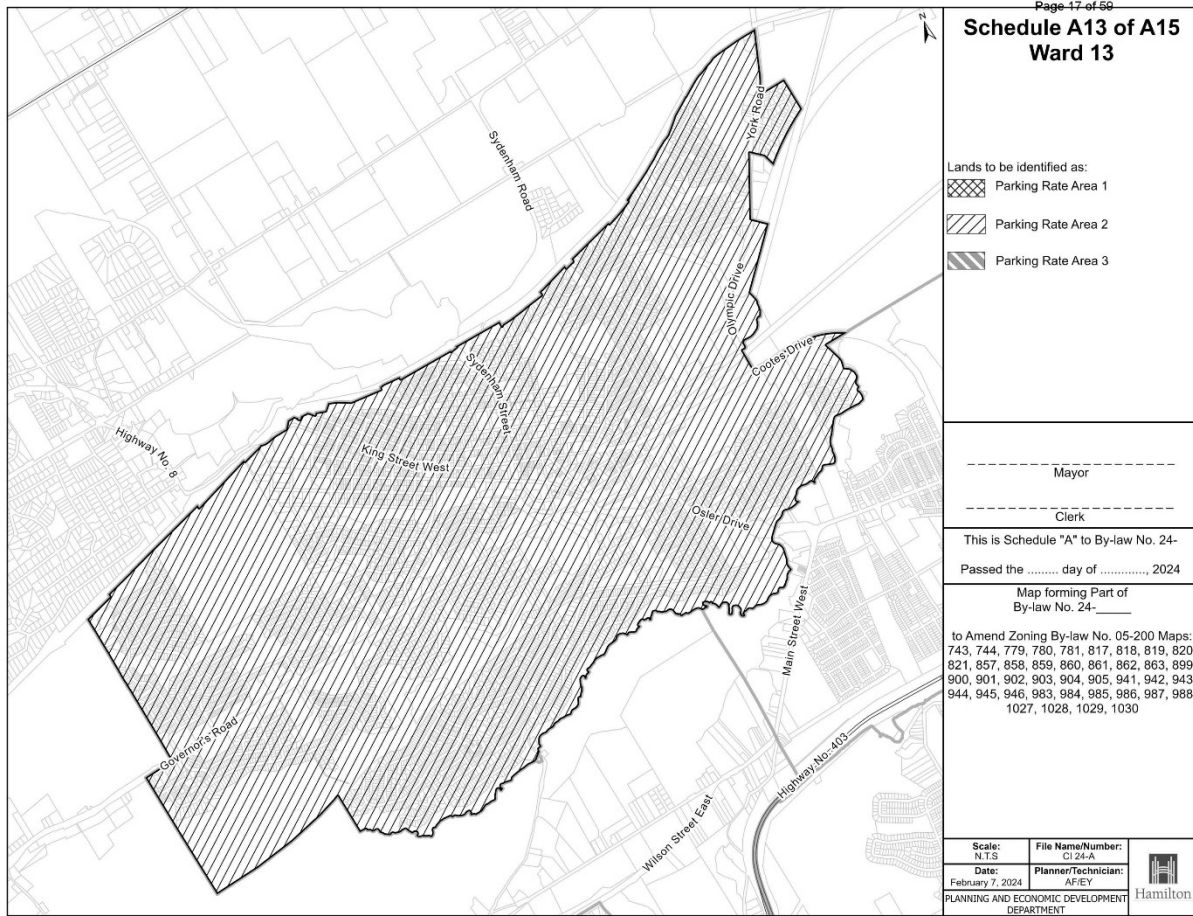


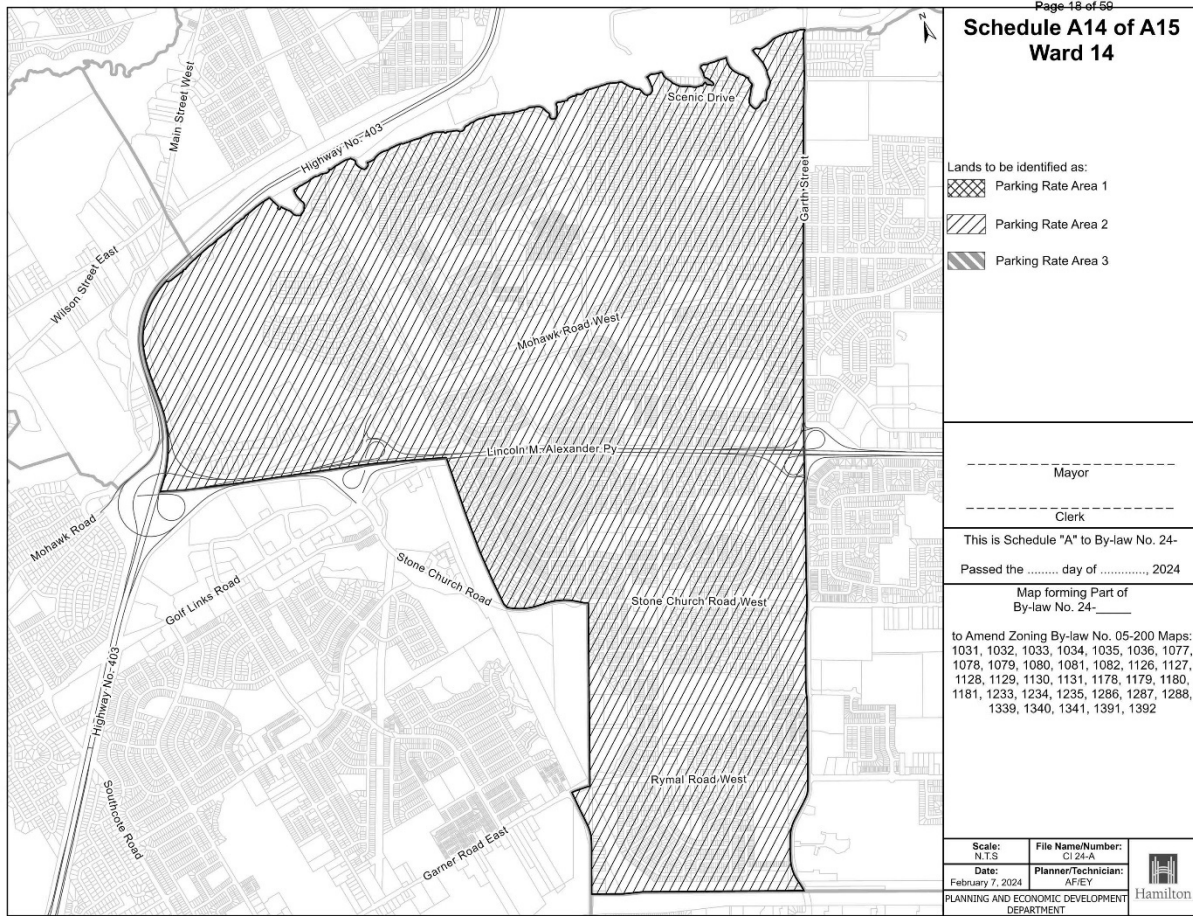


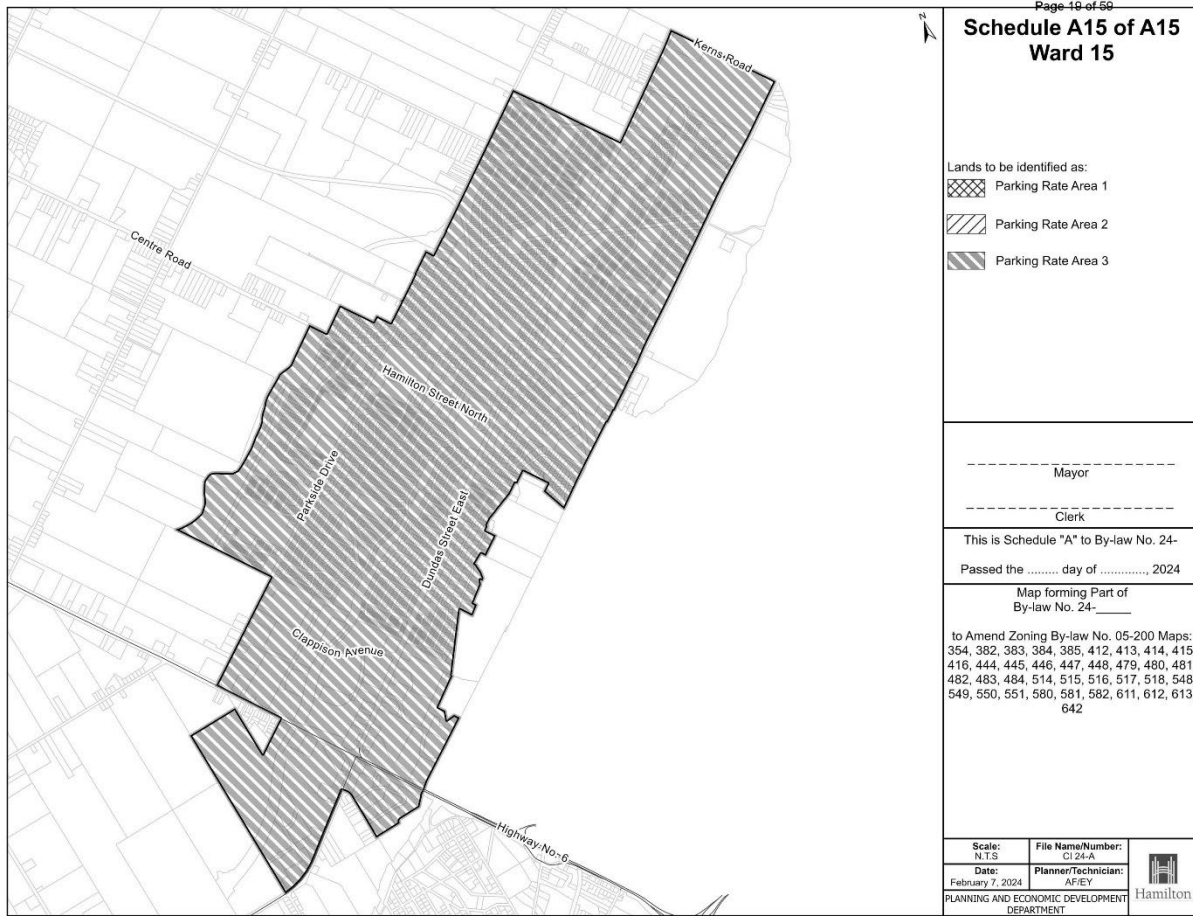












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Where this By-law requires the provision of parking facilities, no lands shall be used and no building shall be used or erected in any zone unless there are provided and maintained facilities for parking in accordance with the following regulations and Parking Schedules, unless otherwise specifically provided for in this By-law.

5.1 PARKING SUPPLY REQUIREMENTS AND RESTRICTIONS**5.1.1 MINIMUM REQUIRED NUMBER OF PARKING SPACES****a) Minimum Number of Required Parking Spaces**

The minimum number of required parking spaces which must be provided shall be the result of applying:

- i) The minimum amount in accordance with the Minimum Required Parking Rate Schedule in Section 5.7.1;
- ii) Any eligible exception in this Section; and,
- iii) Any eligible deductions in this Section.

b) Exception for Existing Buildings in All Zones

Notwithstanding Section 5.7.1, for any use 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, except that:

- i) a use shall not be required to provide additional parking beyond that which is required by Section 5.7.1; and,
- ii) where an addition, alteration or expansion of an existing building is proposed, the parking requirements of Section 5.7.1 shall only apply to the increased gross floor area of the building.

c) Rounding Calculations

- i) Where the application of the parking standards in Section 5.7.1, 5.7.2, 5.7.4, and 5.7.5 results in a numeric fraction, fractions shall be rounded down to the nearest whole number.

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- ii) Where the application of the minimum accessible parking standards in Section 5.7.3 results in a numeric fraction, fractions shall be rounded up to the nearest whole number.
- iii) Where the calculations in Sections 5.7.1, 5.7.2, 5.7.3, 5.7.4 or 5.7.5 apply to multiple uses, rounding shall only be applied to the sum of the requirements for all uses on the lot.
- d) Required Parking to be Provided on Same Lot

All required parking spaces shall be located on the same lot as the use for which they are required, unless the parking spaces are provided on another lot in compliance with Section 5.6.1.
- e) Provision of Parking on a Lot Subject to Multiple Zones

Where more than one zone applies to a lot, parking spaces provided for any use on the lot may be located within any zone within the boundaries of the lot, except:
 - i) where a portion of a lot is within one of the Open Space and Park Zones, no parking spaces may be located within such portion of the lot except parking spaces required for a permitted use located within such portion.

5.1.2 MAXIMUM PERMITTED NUMBER OF PARKING

- a) Maximum Permitted Number of Parking Spaces

Where Section 5.7.2 specifies a maximum permitted number of parking spaces, the number of parking spaces located on a lot shall not exceed that number.
- b) Reduction of Excess Parking Spaces

Where the number of existing parking spaces exceeds the maximum permitted in accordance with Section 5.7.2, 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 in Section 5.7.1.

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5.1.3 MINIMUM REQUIRED NUMBER OF ACCESSIBLE PARKING SPACES**a) Minimum Number of Accessible Parking Spaces**

Accessible parking shall be designated and provided in accordance with the requirements of the Minimum Accessible Parking Rate Schedule in Section 5.7.3.

b) Exception for Certain Residential Uses

Section 5.7.3 shall not apply to Single Detached Dwellings, Semi-Detached Dwellings, Duplex Dwellings, Triplex Dwellings, Fourplex Dwellings and Street Townhouse Dwellings.

5.1.4 MINIMUM REQUIRED NUMBER OF ELECTRIC VEHICLE PARKING SPACES**a) Minimum Required Number of Electric Vehicle Parking Spaces**

Where parking spaces are provided, Electric Vehicle Parking Spaces shall be provided in accordance with:

i) The minimum rates in accordance with the Parking Schedule in Section 5.7.4; and,

ii) Any eligible exception in this Section.

Appealed by Hammer GP LP and Hammer GP Services Corp., and West End Home Builders' Association, respecting Section 5.1.4 a)*

b) Exception for the Agriculture (A1) Zone, Rural (A2) Zone, and any Open Space and Park Zone

The minimum requirement for Electric Vehicle Parking Spaces shall not apply to any parking space located within one of the following Zones:

- i) Agriculture (A1) Zone;
- ii) Rural (A2) Zone; and,
- iii) Any Open Space and Park Zone.

c) Exception for Existing Buildings in All Zones

Notwithstanding Section 5.7.4, for any use within any Zone, located in all or part of a building existing on the effective date of this By-law, no Electric Vehicle Parking Spaces are required, except that:

*The appeal by Hammer GP LP and Hammer GP Services Corp. is in respect of the property located at 75 Centennial Parkway North, Hamilton.

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- i) where an addition or expansion of an existing building is proposed, the Electric Vehicle Parking requirements of Section 5.7.4 shall only apply to such addition or expansion.

Appealed by Hammer GP LP and Hammer GP Services Corp., and West End Home Builders' Association, respecting Section 5.1.4.c)*

d) Exception for Existing Parking Lots in All Zones

Notwithstanding Section 5.7.4, for any Parking Lot or portion thereof within any Zone, existing on the effective date of this By-law, no Electric Vehicle Parking Spaces are required, except that:

Appealed by Hammer GP LP and Hammer GP Services Corp. in respect of the property located at 75 Centennial Parkway North, Hamilton, respecting Section 5.1.4 d)

- i) where an expansion or enlargement of such parking is proposed, the electric vehicle parking requirements of Section 5.7.4 shall only apply to such expansion or enlargement.

e) Regulations for Electric Vehicle Parking Spaces

Electric Vehicle Parking Spaces shall be subject to the regulations in Section 5.6.7.

Appealed by Hammer GP LP and Hammer GP Services Corp. in respect of the property located at 75 Centennial Parkway North, Hamilton, respecting Section 5.1.4 e).

5.2 FUNCTIONAL DESIGN REQUIREMENTS

5.2.1 MINIMUM PARKING SPACE DIMENSIONS

a) Minimum Parking Space Dimensions

Unless permitted by another regulation in this By-law, parking space sizes shall be a minimum of 2.8 metres in width and 5.8 metres in length.

b) Required Increase in Width due to Obstruction

Where a wall, column, or any other obstruction is located abutting or within any parking space, the minimum width of a parking space shall be increased by 0.3 metres for each side which is obstructed by a wall, column, or other obstruction;

c) Exceptions to Increase in Width due to Obstruction

Notwithstanding Subsection 5.2.1 b), an additional 0.3 metres shall not be required provided all of the following conditions are met:

- i) the maximum length of the wall, column or other obstruction shall not exceed 1.15 metres, measured along the side of the parking

*The appeal by Hammer GP LP and Hammer GP Services Corp. is in respect of the property located at 75 Centennial Parkway North, Hamilton.

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space, from the front or rear of the space towards the side's midpoint;

- ii) the wall, column or other obstruction is located at the front, rear, or both ends of the parking space; and,
 - iii) the wall, column or other obstruction does not project more than 0.15 metres into the width of the parking space.
- d) Increase in Length Due to Stairs within an Attached Garage
- The length of each parking space in an attached garage of a dwelling unit shall be increased by an equivalent length of the step, steps or stairwell that extends into the parking space, except:
- i) an open stairway may project into the length of the required parking space not more than 0.75 metres provided the height of the stairway does not exceed 0.5 metres.
- e) Light Standards Not Considered Obstructions
- Notwithstanding Section 5.2.1 b), light standards, including the base, located at the intersection of four parking spaces shall not be considered as an obstruction.
- f) Optional Reduction in Minimum Dimensions for Small Car Parking
- Notwithstanding Subsection 5.2.1 a), where 10 or more parking spaces are provided on a lot, the minimum parking space size of not more than 10% of such required parking spaces may be a width of 2.6 metres and a length of 5.5 metres, provided that any such parking space is clearly identified as being reserved for the parking of small cars only.
- g) Minimum Parallel Parking Space Dimensions
- Notwithstanding Subsection 5.2.1 a), each parallel parking space shall have a minimum width of 2.4 metres and a minimum length of 6.7 metres, except that end spaces which have a clear, unobstructed approach, may have a minimum length of 5.5 metres.

5.2.2 MINIMUM ACCESSIBLE PARKING SPACE DIMENSIONS AND MINIMUM ACCESSIBILITY AISLE REQUIREMENTS

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a) Minimum Accessible Parking Space Width and Accessibility Aisle Requirement

Each accessible parking space shall have:

- i) a minimum width of 3.4 metres, notwithstanding Section 5.2.1 a) above and subject to Section 5.2.2 b) below;
- ii) a minimum length of 5.8 metres; and,
- iii) a minimum of one side must continuously abut an accessibility aisle, provided in accordance with Section 5.2.2 c) and d) below.

b) Permitted Reduction in Width for Accessible Parking Spaces

Where two or more accessible parking spaces are provided, a maximum of 50% of such spaces, rounded up to the nearest whole number in the case of a numeric fraction, may have a reduced minimum width of 2.4 metres.

c) Accessibility Aisle Requirements

A minimum of one side of each accessible parking space shall continuously abut an unobstructed accessibility aisle which shall:

- i) have a minimum width of 1.5 metres;
- ii) have a minimum length which extends the full length of each abutting accessible parking space; and,
- iii) be clearly identified and marked.

d) Sharing of Accessibility Aisle

A maximum of two accessible parking spaces may abut one accessibility aisle, provided such spaces continuously abut opposite sides of the shared accessibility aisle.

5.2.3 DRIVE AISLE REQUIREMENTSa) Minimum Drive Aisle Width

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The drive aisle abutting any parking space shall be designed and provided in accordance with the following minimum width requirements.

Parking Angle Degree	One-Way and Two-Way Aisle Width
0°	3.7 m
15°	3.7 m
30°	3.7 m
45°	4.5 m
60°	5.5 m
75°	6.0 m
90°	6.0 m

5.2.4 ACCESS REQUIREMENTSa) Access Design Requirements

Access to all parking shall:

- i) be arranged so as to not interfere with normal public use of the street or laneway;
- ii) be provided by means of an access driveway:
 - 1. located on the lot; or,
 - 2. located partly on the lot in the case of a mutual driveway; or,
 - 3. by means of a Right-of-Way; and,
- iii) in the case of a Parking Lot, provide ingress and egress of vehicles to and from a street in a forward motion only.

b) Minimum Access Driveway Width

The width of any driveway providing access to a parking space shall be a minimum of 2.7 metres.

c) Tandem and Stacked Parking Restriction and Exceptions

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All parking spaces shall have adequate means of ingress and egress to and from the street or laneway without the necessity of moving any other motor vehicle, except:

- i) the accessibility to a maximum of one of the parking spaces for a Single Detached Dwelling may be obstructed by another motor vehicle; and,
 - ii) where a parking attendant is on site or a valet service is provided in association with a Commercial Parking Facility or Hotel, parking spaces may be designed to include the use of tandem or stacked parking.
- d) Minimum Floor Level for an Attached Garage

Where an attached garage is provided for a Single Detached Dwelling, Semi-Detached Dwelling, Duplex Dwelling, Street Townhouse Dwelling, Triplex Dwelling or Fourplex Dwelling in any Zone except the Agriculture (A1) and Rural (A2) Zone, the finished floor level of the garage shall be a minimum of 0.3 metres above grade.

5.3 LOCATIONAL, LANDSCAPING AND SURFACE MATERIAL REQUIREMENTS**5.3.1 LOCATIONAL AND LANDSCAPING REQUIREMENTS FOR ALL USES**a) Streetline Setback and Planting Strip Requirement

Unless identified as exempt in Section 5.3.1 b), parking spaces and associated drive aisles, excluding driveways extending directly from the street, shall be subject to all of the following:

- i) Shall not be located within 3.0 metres of a street line;
 - ii) Shall provide a 3.0 metre wide Planting Strip being required and permanently maintained between the street line and the parking spaces or aisle, except for that portion of a lot line;
1. Notwithstanding 5.3.1 a) iii), no Planting Strip shall be required for any portion of a lot line abutting the Red Hill Valley Parkway or the Lincoln Alexander Parkway; and,

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- iii) Where a Planting Strip is provided, as per 5.3.1 a) ii) above, any architectural wall or feature within the Planting Strip shall be limited to a maximum height of 0.6 metres.

b) Exemption for Certain Uses

The setback and Planting Strip requirements of Section 5.3.1 a) shall not apply to parking provided in association with the following uses:

- i) Single Detached Dwelling;
- ii) Semi-Detached Dwelling;
- iii) Street Townhouse Dwelling;
- iv) Duplex Dwelling;
- v) Triplex Dwelling; and
- vi) Fourplex Dwelling.

c) Multiple Dwelling Front and Flankage Yard Parking Restriction

In addition to Section 5.3.1 a), on a lot containing a Multiple Dwelling:

- i) With the exception of any visitor parking required by Section 5.7.1, 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. In no case shall any parking be located within the required front yard or required flankage yard or within 3.0 metres of a street line.
- ii) Visitor parking may be permitted between the façade and a street provided that no more than 50% of the front or flankage yard shall be used for visitor parking and access to such parking.

d) Landscape Strip and Visual Barrier Requirement for Parking Lots

Where a Parking Lot is situated on a lot which abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown (D5), or Downtown (D6) Zone, the following shall be provided and maintained along that portion of the lot line that abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown (D5) Zone, or Downtown (D6) Zone:

- i) A minimum 1.5 metre wide landscape strip which shall contain a Visual Barrier in accordance with Section 4.19 of this By-law.

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e) Landsaped Area and Landsaped Parking Island Requirements for Surface Parking Lots Containing 50 or More Parking Spaces in All Zones

In addition to Section 5.3.1 b), the following requirements shall apply to surface Parking Lots in all zones which contain 50 or more parking spaces:

- i) Landsaped Area(s) and Landsaped Parking Island(s) with a minimum combined area of 10% of the area of the Parking Lot and associated access driveway and manoeuvring areas shall be provided and maintained;
- ii) Each Landsaped Area and Landsaped Parking Island shall have a minimum area of 10.0 square metres;
- iii) The calculation for Landsaped Area(s) and Landsaped Parking Island(s) shall not include the area of landscaping provided to satisfy the minimum requirement of any other Section of this By-law;
- iv) A Landsaped Area or Landsaped Parking Island may be traversed by a pedestrian walkway; and,
- v) When calculating the minimum number of parking spaces in accordance with Section 5.7.1, such number may be reduced by the number needed to accommodate the minimum Landsaped Parking Island requirement of this section, up to a maximum of 10% of the required parking spaces.

5.3.2 LOCATIONAL, LANDSCAPING AND DRIVEWAY REQUIREMENTS FOR SINGLE DETACHED DWELLINGS, SEMI-DETACHED DWELLINGS, DUPLEX DWELLINGS, TRIPLEX DWELLINGS AND FOURPLEX DWELLINGS IN ALL ZONES EXCEPT THE AGRICULTURE (A1) AND RURAL (A2) ZONES

- a) On a lot containing a Single Detached Dwelling, Semi-Detached Dwelling, Duplex Dwelling, Triplex Dwelling or Fourplex Dwelling, in all Zones except the Agriculture (A1) and Rural (A2) Zone:
 - i) The width of a driveway shall not exceed the width of an attached garage;
 - ii) Notwithstanding Subsection 5.3.2 a) i), on a lot having an attached garage less than 5.0 metres in width, the driveway may extend beyond the width of the garage toward the side lot line to a maximum

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width of 5.0 metres and no closer than 0.6 metres to the side lot line, nearest to the garage;

- iii) In the case of a dwelling unit without an attached garage, the driveway width shall not exceed 50% of the lot width or 8.0 metres, whichever is less;
- iv) A maximum of one driveway shall be permitted for each dwelling unit, except in the case of:
 - 1. A corner lot where a maximum of one driveway may be permitted from each street.
 - 2. On a lot having a minimum width of 30.0 metres, a maximum of two driveways may be permitted.
- v) On a corner lot, no access driveway shall be permitted through a daylight triangle.

5.3.3 LOCATIONAL, LANDSCAPING AND DRIVEWAY REQUIREMENTS FOR STREET TOWNHOUSE DWELLINGS

- a) On a lot containing a Street Townhouse Dwelling:
 - i) The required parking spaces for such dwelling shall be located a minimum distance of 5.8 metres from the street line to which the driveway is accessed; and,
 - ii) No parking shall be permitted in a required front yard or required flankage yard.

5.3.4 PARKING FACILITY SURFACE MATERIAL REQUIREMENTS

- a) Parking Spaces, Driveways and Widening(s) in All Zones

Parking spaces, driveways and widening(s) in all zones shall be provided and maintained with stable surfaces such as asphalt, concrete or other hard-surfaced material, crushed stone, permeable pavers or gravel, and shall be maintained in a dust free condition.

- i) Notwithstanding Section 5.3.4 a), on a lot containing a residential use in a Residential Zone, any parking provided beyond that which is required by Section 5.7.1 of this By-law shall be maintained with

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permeable material and shall not be deemed landscaped area in the calculation of total landscaped area on a lot.

- ii) Notwithstanding Section 5.3.4 a), in the Industrial Zones, where crushed stone or gravel is provided, the access driveway shall be designed such that a minimum of 10.0 metres extending from the streetline shall be constructed and maintained with asphalt, concrete or other hard surfaced material, and shall be maintained in a dust free condition.

b) Parking Lots in All Zones, except the Rural Zones

Parking Lots in all zones, except the Rural Zones, shall be designed and maintained with stable surfaces such as asphalt, concrete, or other hard-surfaced material, or permeable pavers.

c) Parking Lots in the Rural Zones

Parking lots in the Rural Zones shall be designed and maintained with stable surfaces such as asphalt, concrete or other hard-surfaced material, crushed stone, permeable pavers, or gravel, except that:

- i) Where crushed stone or gravel is provided, the access driveway shall be designed such that a minimum of 10.0 metres extending from the streetline shall be constructed and maintained with asphalt, concrete or other hard surfaced material, and shall be maintained in a dust free condition.

5.4 BICYCLE PARKING REQUIREMENTS

5.4.1 MINIMUM BICYCLE PARKING REQUIREMENTS

a) Minimum Number of Required Bicycle Parking Spaces

The minimum required number of short-term and long-term bicycle parking spaces which must be provided for each building on a lot in accordance with Section 5.4.2 shall be the result of applying:

- i) The minimum amount in accordance with the Minimum Bicycle Parking Schedule in Section 5.7.5; and,
- ii) Any eligible exception in this Section.

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b) Exception for Existing Buildings

Notwithstanding Section 5.7.5, for any use located in all or part of a building existing on the effective date of this By-law, no additional 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 that:

- i) a use shall not be required to provide additional bicycle parking beyond that which is required by Section 5.7.5; and,
- ii) where an addition, alteration or expansion of an existing building is proposed, the bicycle parking requirements of Section 5.7.5 shall only apply to the increased gross floor area of the building.

5.4.2 BICYCLE PARKING REGULATIONSa) Bicycle Parking Locational Requirements

- i) Short-term Bicycle Parking Spaces shall be publicly accessible and located within a bicycle parking area at grade, which includes the first floor of a building or an exterior surface area.
- ii) Long-term Bicycle Parking Spaces shall be located in a secure enclosed bicycle parking area.

5.5 LOADING FACILITIES**5.5.1 LOADING FACILITY REGULATIONS**

- a) The location of loading doors and associated loading facilities shall be subject to the following:
 - i) Shall not be permitted within a Front Yard;
 - ii) Shall not be permitted in any yard abutting a street, except where screened from view by a Visual Barrier in accordance with Section 4.19 of this By-law; and,
 - iii) Shall not be permitted in a required yard abutting a Residential Zone or an Institutional Zone and shall be screened from view by a Visual Barrier in accordance with Section 4.19 of this By-law.

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5.6 GENERAL PARKING REGULATIONS**5.6.1 REQUIREMENTS FOR LOCATING REQUIRED PARKING ON ANOTHER LOT**

- a) Notwithstanding Subsection 5.1.1 d), where the provision of parking on the same lot as the use requiring the parking is not possible, such off-site parking may be located on another lot within 300.0 metres of the lot containing the use requiring the parking, provided:
 - i) Such off-site parking shall only be permitted within a zone in which the use requiring such parking is permitted or a U3 Zone;
 - ii) Such off-site parking shall be subject to Subsection 5.6.1 b); and,
 - iii) Notwithstanding Subsection 5.6.1 a), off-site parking shall only be permitted on a lot in a Residential Zone where the off-site parking is for a use in a Residential Zone.
- b) Where the required parking is provided in accordance with 5.6.1 a) above, the owners of both lots shall enter into an agreement with the City to be registered against the title of both the lot upon which parking is to be provided and the lot containing the use requiring the parking. The lot upon which the parking is located, pursuant to the agreement, shall continue to be so used only for such purposes until alternate parking spaces in conformity with the regulations of this By-law are provided.
- c) Parking as provided for in 5.6.1 b) may be transferred to another lot in accordance with Subsection 5.6.1 a), provided that an agreement as per 5.6.1 b) is registered on title of said other lot.

5.6.2 COMMERCIAL MOTOR VEHICLES

- a) In any Residential Zone, Downtown (D5) Zone, Downtown (D6) Zone, Settlement Residential (S1) Zone, or any Residential uses in any Institutional Zone:
 - i) A maximum of one Commercial Motor Vehicle may be parked on a lot.
 - ii) Commercial Motor Vehicles shall be stored or parked within a garage or fully enclosed building.

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- iii) Notwithstanding Subsection 5.6.2 a) ii), a Commercial Motor Vehicle may be parked on a driveway, provided the vehicle:
 - 1. shall not exceed a gross weight of 3,000 kilograms registered with the Province;
 - 2. shall not exceed a maximum vehicle length of 6.0 metres;
 - 3. shall not exceed a maximum vehicle height of 2.4 metres; and,
 - 4. shall not occupy the required parking spaces for existing dwellings on the lot.
- iv) Subsections 5.6.2 a) i), ii), and iii) shall not apply to any Commercial Motor Vehicle attending a residential lot for the purpose of short-term delivery or service.
- b) In any Agricultural (A1) Zone or Rural (A2) Zone:
 - i) A maximum of one Commercial Motor Vehicle may be parked unenclosed, provided it is setback a minimum of 20 metres from any lot line and 50 metres from a dwelling on an adjacent lot.
 - ii) Notwithstanding the definition of Commercial Motor Vehicle, Section 5.6.2 b) i) above does not apply to the storage or parking of agricultural vehicles and equipment associated with an agricultural operation.

5.6.3 TRAILERS

- a) Storage of one trailer in any Residential Zone, Downtown D5 Zone, Downtown D6 Zone, residential uses in any Institutional Zone or Settlement Residential S1 Zone, shall be permitted provided that the trailer:
 - i) shall be stored within a garage or fully enclosed building; or,
 - ii) on a driveway, provided the trailer:
 - 1. remains attached to a motor vehicle;

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- 2. shall not exceed a maximum combined vehicle length of 6.0 metres;
 - 3. shall not exceed a maximum height of 2.4 metres;
 - 4. shall not exceed a maximum width of 2.5 metres; and,
 - 5. shall not occupy the required parking spaces for existing dwellings on the lot.
- iii) Notwithstanding Subsection i) and ii) above, any motor vehicle with a trailer may attend residential properties for the purpose of delivery or service only.
- b) In any Agricultural A1 Zone or Rural A2 Zone,
 - i) A maximum of one trailer may be stored unenclosed, provided it is setback a minimum of 20 metres from any lot line and 50 metres from a dwelling on an adjacent lot.
 - ii) Notwithstanding the definition of Trailer, Section i) above does not apply to the storage or parking of agricultural equipment associated with an agricultural operation.

5.6.4 MAJOR RECREATIONAL EQUIPMENT

- a) In any Residential Zone, Downtown (D5) or Downtown (D6) Zone or Settlement Residential (S1) Zone, Major Recreational Equipment:
 - i) May be stored in a garage;
 - ii) Shall not be stored in the front yard or flankage yard;
 - iii) May be stored in a rear yard provided that it is screened from the view of a street and abutting properties zoned Residential or Downtown (D5) or Downtown (D6) with a Visual Barrier in accordance with Section 4.19 of this By-law;
 - iv) May be stored in a carport or side yard provided that the Major Recreational Equipment is screened with a Visual Barrier in accordance with Section 4.19 of this By-law, and has a minimum setback of 1.2 metres from the side lot line; and,

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- v) Notwithstanding 5.6.4 a) ii), iii), and iv), Major Recreational Equipment may be parked on a driveway wholly inside the lot line between May 1st and October 31st in each year.
- b) In any Rural Zone, Major Recreational Equipment:
 - i) May be stored enclosed;
 - ii) Shall not be stored in the minimum required front yard or flankage yard;
 - iii) May be stored in a rear yard or side yard provided that the Major Recreational Equipment is screened with a visual barrier in accordance with Section 4.19 of this By-law, and has a minimum setback of 1.2 metres from the side or rear lot line;
 - iv) Notwithstanding Subsections i), ii) and iii) herein, Major Recreational Equipment may be parked on a driveway wholly inside the lot line between May 1st and October 31st in each year; and,
 - v) Storage of Major Recreational Equipment shall only be permitted for Major Recreational Equipment owned by a resident of the lot.

5.6.5 PROHIBITION OF NEW PRINCIPAL SURFACE PARKING LOTS IN DOWNTOWN ZONES

- a) Within any Downtown Zone, no new surface parking lots shall be permitted except where the parking is accessory to the main use on the same lot.

5.6.6 VISITOR PARKING SPACE REQUIREMENTS

- a) A required visitor parking space provided on a lot shall be clearly identified and marked as being reserved for such purpose.

5.6.7 ELECTRIC VEHICLE PARKING SPACE REGULATIONS

- a) Permission for Chargers to Encroach Within Required Landscaping Features and Planting Strips

Notwithstanding any other Section of this By-law, except Section 5.6.7 b) below, a charging device associated with an Electric Vehicle Parking Space, including any such space required by Section 5.1.4, may be located

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within any of the following required features and will not constitute a reduction of that feature's provision:

- i) Planting Strip;
- ii) Landscape Strip;
- iii) Landscaped Area; and,
- iv) Landscaped Parking Island.

b) Restrictions for Chargers Encroaching Within Required Landscaping Features and Planting Strips

Despite Section 5.6.7 a) above, the permission to encroach within the noted features shall not apply to any of the following:

- i) A transformer or mechanical enclosure other than a charging device; or,
- ii) A charging device with a hard-surfaced base exceeding an area of 1.0 square metres.

c) Permission for Chargers to Encroach Within any Required Yard

Notwithstanding any other Section of this By-law, a charging device associated with an Electric Vehicle Parking Space may be located within any required yard, except that any such charging device may not be located:

- i) less than 0.6 metres from any lot line; or,
- ii) within a visibility triangle.

5.7 PARKING SCHEDULES

a) Parking Rate Areas

Where this By-law indicates that a Parking Rate Area (PRA) applies for the purpose of calculating a parking requirement or permission, such Parking Rate Area shall apply to lands and shall be indicated as Parking Rate Area (PRA1), (PRA2) and (PRA3) on Schedule "A" – Zoning Maps.

b) Application of Parking Rate Areas

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Where a parking rate or requirement contained in this By-law does not contain reference to a Parking Rate Area (PRA), such parking rate shall apply to all lands throughout the City. Only where a parking rate refers to a specific Parking Rate Area, and where such use is located within that specified Parking Rate Area, shall there be any modification to the parking rate, and only in the manner prescribed.

5.7.1 MINIMUM REQUIRED PARKING RATE SCHEDULEa) Minimum Required Parking Rate Schedule

Parking spaces shall be provided in the minimum quantity specified in Column 2 hereunder for each use listed in Column 1:

Column 1	Column 2
i. Residential Uses	
Single Detached Dwelling; Semi-Detached Dwelling; Street Townhouse Dwelling	a) In PRA 1, no parking spaces are required. b) In all other areas, 1 per unit.
Duplex Dwelling	a) In PRA 1, no parking spaces are required. b) In all other areas, a total of 1 parking space.
Additional Dwelling Unit; Additional Dwelling Unit - Detached	a) In PRA 1, PRA 2 or PRA 3, no parking spaces are required. b) In all other areas, 1 per unit.
Triplex Dwelling	a) In PRA 1, no parking spaces are required.

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	b) In PRA 2, a total of 2 parking spaces.
	c) In all other areas, 1 per unit.
Fourplex Dwelling	a) In PRA 1, no parking spaces are required.
	b) In PRA 2, a total of 3 parking space.
	c) In all other areas, 1 per unit.
Dwelling Unit, and Dwelling Unit, Mixed Use, where the total number of such units on the lot is less than 5	a) In PRA 1, no parking spaces are required.
	b) In PRA 2, 0.5 spaces per unit.
	c) In PRA 3, 0.85 spaces per unit.
	d) In all other areas, 1 space per unit.
Multiple Dwelling; Dwelling Unit, Mixed Use, where the total number of such units is 5 or greater Appealed by The Cadillac Fairview Corporation in respect of the property located at 999 Upper Wentworth Street, Hamilton, respecting Section 5.7.1 a) i., for the uses: Multiple Dwelling Dwelling Unit, Mixed Use In Parking Rate Area (PRA) 2 (Section 5.7.1 a) i. b))	a) In PRA 1, no parking spaces are required for residents, and 2 visitor parking spaces, plus 0.05 visitor parking spaces are required per unit.
	b) In PRA 2, 0.5 spaces per unit for residents, plus 0.15 visitor parking spaces per unit.
	c) In PRA 3, 0.85 spaces per unit for residents, plus 0.25 visitor parking spaces per unit.
	d) In all other areas, 1 space per unit for residents, plus 0.3 visitor parking spaces per unit.
Residential Care Facility, Emergency Shelter, Corrections Residence, Lodging House, Retirement Home	a) In PRA 1, no parking spaces are required.
	b) In PRA 2, and, i) within a Residential Zone, 1 space for each building containing such use; or,

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	<p>ii) within any other Zone, 0.5 spaces for each 3 persons accommodated, plus 0.15 visitor parking spaces for each 3 persons accommodated.</p>
	<p>c) In PRA 3, and,</p> <p>i) within a Residential Zone, 1 space for each building containing such use; or,</p> <p>ii) within any other Zone, 0.85 spaces for each 3 persons accommodated, plus 0.25 visitor parking spaces for each 3 persons accommodated.</p>
	<p>d) In all other areas, and</p> <p>i) within a Residential Zone, 1 space for each building containing such use; or,</p> <p>ii) within any other Zone, 1 space for each 3 persons accommodated, plus 0.3 visitor parking spaces for each 3 persons accommodated.</p>
ii. Institutional Uses	
Day Nursery	<p>i) 0.8 for each 100.0 square metres of gross floor area.</p> <p>ii) Notwithstanding clause i), no parking shall be required where a Day Nursery is located within an Education Establishment or Place of Worship.</p>
Long Term Care Facility	1 space for each 3 patient beds.
Place of Worship	<p>a) In PRA 1, and</p> <p>i) within a Downtown Zone, no parking spaces are required; or,</p> <p>ii) within any other Zone, 6.25 spaces for each 100.0 square metres of gross</p>

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	floor area, inclusive of a basement or cellar, to accommodate such use.
	b) In all other areas, 10 spaces for each 100.0 square metres of gross floor area, inclusive of a basement or cellar, to accommodate such use.
Hospital	1 for each 100.0 square metres of gross floor area.
Social Services Establishment	a) In PRA 1, no parking spaces are required.
	b) In all other areas, 3.33 spaces for each 100.0 square metres of gross floor area.
iii. Educational Establishments	
Elementary School	a) In PRA 1, 1 space for each classroom.
	b) In all other areas, 1.25 spaces for each classroom.
Secondary School	a) In PRA 1, 1.5 spaces for each classroom.
	b) In PRA 2, 2 spaces for each classroom.
	c) In all other areas, 3 spaces for each classroom.
University, College	a) Within a Transit Oriented Corridor Zone, in accordance with the minimum requirements applicable to an Educational Establishment.
	b) In all other areas, 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 23.0 square metres of the gross floor area which accommodates the auditorium, theatre

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	or stadium, whichever results in greater requirement.
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.
Educational Establishment	a) In PRA 1, 1.5 spaces for each classroom. b) In PRA 2, 2 spaces for each classroom. c) In all other areas, 3 spaces for each classroom.
iv. Commercial Uses	
Adult Entertainment Parlour	5 for each 100.0 square metres of gross floor area.
Agricultural Supply Establishment	3.33 for each 100.0 square metres of gross floor area which accommodates retail and 1 for each 100.0 square metres of gross floor area which accommodates warehousing.
Bowling Alley	4 for each lane.
Building or Contracting Supply Establishment	3.33 for each 100 square metres of gross floor area which accommodates the Office, Retail and Showroom component of the use.
Building and Lumber Supply Establishment	2 for each 100 square metres of gross floor area.
Cinema	1 for every 6 persons accommodated for such use.
Commercial Motor Vehicle Sales, Rental and Service Establishment	1 for each 100 square metres of gross floor area and 2 for each service bay.

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Commercial School	2 spaces for each 100 square metres of gross floor area in excess of 450 square metres.
Conference or Convention Centre	In any Downtown Zone, 1 for each 100 square metres of gross floor area in excess of 450 square metres. In all other areas, 3.33 for each 100 square metres of gross floor area.
Courier Establishment	3.33 for each 100 square metres of gross floor area which accommodates the Office component of the use.
Driving Range	1.5 for each tee-off pad.
Equipment Sales and Service Establishment	1 for each 100 square metres of gross floor area.
Financial Establishment	a) In PRA 1 and, i) within a Downtown Zone, 2 for each 100 square metres of gross floor area in excess of 450 square metres; or, ii) within any other Zone, 2 spaces for each 100 square metres of gross floor area. b) In all other areas, 3.33 spaces for each 100 square metres of gross floor area.
Fitness Club	a) In PRA 1, 3.5 spaces for each 100 square metres of gross floor area. b) In all other areas, 6.67 spaces for each 100 square metres of gross floor area
Funeral Home	5 for each 100.0 square metres of gross floor area.

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Golf Course	6 for each hole.
Home Furnishing Retail	2 for each 100.0 square metres of gross floor area.
Home Improvement Supply Establishment	2 for each 100.0 square metres of gross floor area.
Hotel	In PRA 1, 0.6 spaces for each guest room In all other areas, 0.9 spaces for each guest room
Laboratory	a) In PRA 1 and, i) within a Downtown Zone, no parking spaces are required; or, ii) within any other Zone, 1 space for each 100 square metres of gross floor area which accommodates such use b) In all other areas, 2 spaces for each 100.0 square metres of gross floor area.
Major Recreational Equipment Sales and Service Establishment	1 for each 100.0 square metres of gross floor area.
Marina	1 for each boat slip.
Medical Clinic	a) In PRA 1, and, i) within a Downtown Zone, 2 for each 100 square metres of gross floor area in excess of 450 square metres; or, ii) within any other Zone, 2 spaces for each 100 square metres of gross floor area which accommodates such use.

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	b) In all other areas, 4.5 spaces for each 100.0 square metres of gross floor area.
Mini Golf	1.5 for each hole.
Motor Vehicle Dealership	1 for each 100.0 square metres of gross floor area and 2 for each service bay.
Motor Vehicle Gas Bar	4 for each 100.0 square metres of gross floor area.
Motor Vehicle Service Station	4 for each service bay.
Motor Vehicle Washing Establishment	3.33 for each 100.0 square metres of gross floor area and 2 for every manual washing bay.
Office	<p>a) In PRA 1, 1.25 for each 100.0 square metres of gross floor area in excess of 450 square metres.</p> <p>b) In PRA 2, 2.5 for each 100.0 square metres of gross floor area in excess of 450 square metres.</p> <p>c) In all other areas, 3 spaces for each 100.0 square metres of gross floor area in excess of 450 square metres.</p>
Personal Service	<p>a) In PRA 1 and,</p> <p>i) within a Downtown Zone, no parking is required; or,</p> <p>ii) within any other Zone, 6.25 for each 100.0 square metres of gross floor area in excess of 450 square metres.</p> <p>b) In all other areas, 6.25 for each 100.0 square metres of gross floor area in excess of 450 square metres.</p>

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Repair Service	<p>a) In PRA 1 and,</p> <p>i) within a Downtown Zone, no parking is required; or,</p> <p>ii) within any other Zone, 2 for each 100.0 square metres of gross floor area in excess of 450 square metres which accommodates the Office, Retail, and Showroom component of the use.</p> <p>b) 3.33 for each 100.0 square metres of gross floor area in excess of 450 square metres which accommodates the Office, Retail, and Showroom component of the use.</p>
Restaurant	<p>a) In PRA 1 and,</p> <p>i) within a Downtown Zone, no parking is required; or,</p> <p>ii) within any other Zone, 2 for each 100.0 square metres of gross floor area in excess of 450 square metres which accommodates such use.</p> <p>b) In all other areas, 12.5 for each 100.0 square metres of gross floor area in excess of 450 square metres which accommodates such use.</p>
Retail	<p>a) In PRA 1, and,</p> <p>i) within a Downtown Zone, no parking is required; or,</p> <p>ii) within any other Zone, 2 for each 100.0 square metres of gross floor area in excess of 450 square metres which accommodates such use.</p>

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	<p>b) In all other areas,</p> <p>i) 5.5 for each 100.0 square metres of gross floor area between 450.0 square metres and 4,000 square metres; and,</p> <p>ii) 2 for each 100.0 square metres of gross floor area greater than 4,000.0 square metres.</p>
Shopping Centre	<p>a) In PRA 1 and,</p> <p>i) within a Downtown Zone, no parking is required; or,</p> <p>ii) within any other Zone, 2 for each 100.0 square metres of gross floor area in excess of 450 square metres which accommodates such use.</p> <p>b) In all other areas,</p> <p>i) 5.5 for each 100.0 square metres of gross floor area between 450.0 square metres and 4,000 square metres; and,</p> <p>ii) 2 for each 100.0 square metres of gross floor area greater than 4,000.0 square metres.</p>
Performing Arts Theatre	1 for each 10 persons accommodated.
Warehouse	<p>a) In PRA 1, 0.75 for each 100.0 square metres of gross floor area which accommodates the office portion of such use.</p> <p>b) In all other areas, 3.33 for each 100.0 square metres of gross floor area which</p>

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	accommodates the Office component of the use.
Other Commercial Uses not Listed Above	<p>a) In PRA 1, and,</p> <p>i) within a Downtown Zone, no parking is required; or,</p> <p>ii) within any other Zone, 2 for each 100.0 square metres of gross floor area which accommodates such use.</p> <p>b) In all other areas, 3.33 for each 100.0 square metres of gross floor area.</p>
v. Industrial Uses	
Bulk Fuel and Oil Storage	3.33 for each 100.0 square metres of gross floor area which accommodates the Office component of the use.
Commercial Motor Vehicle Sales, Rental and Service Establishment	0.87 for each 100.0 square metres of gross floor area.
Commercial Motor Vehicle Washing Establishment	4 for each service bay.
Communications Establishment	2 for each 100.0 square metres of gross floor area which accommodates such use.
Contractor's Establishment	0.87 for each 100.0 square metres of gross floor area.
Dry Cleaning Plant	0.87 for each 100.0 square metres of gross floor area.
Equipment and Machinery Sales, Rental and Service Establishment	1 for each 100.0 square metres of gross floor area.

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Industrial Administrative Office	3.33 for each 100.0 square metres of gross floor area.
Laboratory	<p>a) In PRA 1, and,</p> <p>i) within a Downtown Zone, no parking spaces are required; or,</p> <p>ii) within any other Zone, 1 space for each 100 square metres of gross floor area which accommodates such use.</p> <p>b) In all other areas, 2 spaces for each 100.0 square metres of gross floor area.</p>
Labour Association Hall	3.33 for each 100.0 square metres of gross floor area.
Landscape Contracting Establishment	0.87 for each 100.0 square metres of gross floor area.
Manufacturing	<p>a) In PRA 1, 1.6 for each 100.0 square metres of gross floor area which accommodates the Office component of the use, plus 0.5 for each 100.0 square metres of gross floor area, which accommodates the remainder of the use.</p> <p>b) In all other areas, 3.33 for each 100.0 square metres of gross floor area which accommodates the Office component of the use, plus 0.5 for each 100.0 square metres of gross floor area, which accommodates the remainder of the use.</p>
Marine Service	3.33 for each 100.0 square metres of gross floor area which accommodates the Office component of the use.
Motor Vehicle Collision Repair Establishment	0.87 for each 100.0 square metres of gross floor area.

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Planned Business Centre within an Industrial Zone, except an M4 Zone	2 for each 100.0 square metres of gross floor area.
Planned Business Centre within an M4 Zone	<p>a) In PRA 1, 2 for each 100.0 square metres of gross floor area, and:</p> <p>i) where a Restaurant occupies more than 30 percent of the gross floor area of the planned business centre, the specific parking requirement for the Restaurant shall be required in addition to the planned business centre requirement for the remaining gross floor area of the planned business centre; and,</p> <p>ii) where a Medical Clinic occupies more than 30 percent of the gross floor area of the planned business centre, the specific parking requirement for the Medical Clinic shall be required in addition to the planned business centre requirement for the remaining gross floor area of the planned business centre.</p> <p>b) In all other areas, 3.33 for each 100.0 square metres of gross floor area, and:</p> <p>i) where a Restaurant occupies more than 30 percent of the gross floor area of the planned business centre, the specific parking requirement for the Restaurant shall be required in addition to the planned business centre requirement for the remaining gross floor area of the planned business centre; and,</p> <p>ii) where a Medical Clinic occupies more than 30 percent of the gross</p>

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	floor area of the planned business centre, the specific parking requirement for the Medical Clinic shall be required in addition to the planned business centre requirement for the remaining gross floor area of the planned business centre.
Private Power Generation Facility	3.33 for each 100.0 square metres of gross floor area which accommodates the Office component of the use.
Production Studio	0.5 for each 100.0 square metres of gross floor area.
Repair Service	<p>a) In PRA 1 and,</p> <p>i) within a Downtown Zone, no parking is required; or,</p> <p>ii) within any other Zone, 2 for each 100.0 square metres of gross floor area in excess of 450 square metres which accommodates the Office, Retail, and Showroom component of the use.</p> <p>b) 3.33 for each 100.0 square metres of gross floor area in excess of 450 square metres which accommodates the Office, Retail, and Showroom component of the use.</p>
Research and Development Establishment within an M1 Zone	1.33 for each 100.0 square metres of gross floor area, which accommodates such use, except for that portion of the building used for laboratory, warehouse or manufacturing uses where 0.87 for each 100.0 square metres of gross floor area shall be required.
Research and Development Establishment within an	2 for each 100.0 square metres of gross floor area.

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Industrial Zone, except an M1 Zone	
Salvage Yard	3.33 for each 100.0 square metres of gross floor area which accommodates the Office and Retail component of the use.
Surveying, Engineering, Planning or Design Business	3.33 for each 100.0 square metres of gross floor area.
Towing Establishment	3.33 for each 100.0 square metres of gross floor area which accommodates the Office component of the use.
Trade School	3.33 for each 100.0 square metres of gross floor area which accommodates the Office component of the use.
Tradesperson's Shop	3.33 for each 100.0 square metres of gross floor area which accommodates the Office, Retail and Showroom component of the use.
Transport Terminal	3.33 for each 100.0 square metres of gross floor area which accommodates the Office component of the use.
Waste Management Facility; Waste Processing Facility; Waste Transfer Facility; Hazardous Waste Management Facility; and Waste Disposal Facility	3.33 for each 100.0 square metres of gross floor area which accommodates the Office component of the use.
vi. Agricultural Uses	
Agriculture, except for a specific Agriculture use noted below	No parking is required.
Single Detached Farm Dwelling	1 space per unit.

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Aquaponics; Cannabis Growing and Harvesting Facility; Greenhouses	a) In an A1, A2, E1, or E2 Zone, no parking is required.
	b) In all other areas, 3.33 for each 100.0 square metres of gross floor area which accommodates the Office component of the use, plus 0.5 for each 100.0 square metres of gross floor area, which accommodates the remainder of the use.
Farm Product Supply Dealer	3.33 for each 100.0 square metres of gross floor area which accommodates the Showroom component of the use.
Kennel	3.33 for each 100.0 square metres of gross floor area which accommodates the Office and Retail component of the use.

5.7.2 MAXIMUM PERMITTED PARKING RATE SCHEDULEa) Maximum Permitted Parking Rate Schedule

For any use listed in Column 1, the number of parking spaces provided shall not exceed the number in Column 2:

Column 1	Column 2
i. Residential Uses	
Multiple Dwelling, and Dwelling Unit, Mixed Use, where the total number of such units is 5 or greater	a) In PRA 1, 1 space per unit, inclusive of resident and visitor parking spaces.
	b) In PRA 2, 1.25 spaces per unit, inclusive of resident and visitor parking spaces.
	c) In PRA 3, 2 spaces per unit, inclusive of resident and visitor parking spaces.

5.7.3 MINIMUM ACCESSIBLE PARKING RATE SCHEDULE

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a) Minimum Accessible Parking Rate Schedules

The minimum number of accessible parking spaces which must be provided shall be the greater minimum number resulting from the calculations in Sections 5.7.3 b) and 5.7.3 c) below, with numeric fractions rounded up in accordance with Section 5.1.1 c) ii) and iii).

b) Minimum Accessible Parking Calculation 1 - Proportionate to Parking Provision

On a lot containing 5 or more parking spaces, a minimum number of the parking spaces provided shall meet the requirements of the Minimum Accessible Parking Rate Schedule below:

Column 1 Total Number of Parking Spaces Provided	Column 2 Minimum Number of Accessible Parking Spaces
5 – 100 spaces	Minimum 4% of the total number of parking spaces provided;
101 – 200 spaces	Minimum 1 space + 3% of the total number of parking spaces provided;
201 - 1000 spaces	Minimum 2 spaces + 2% of the total number of parking spaces provided; and,
1000 or more spaces	Minimum 11 + 1% of the total number of required parking spaces.

c) Minimum Accessible Parking Calculation 2 - Where Total Parking Provision is Reduced Pursuant to a Parking Rate Area or Downtown Zone

The minimum number of accessible parking spaces which must be provided shall be:

- i) In any Zone, except a Downtown Zone, the result of:
 - a) applying the requirements of Section 5.7.1 to all uses, excluding the existing gross floor area within any existing building, and excluding the application of any Parking Rate

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Area or Downtown Zone, to produce a total number of parking spaces; and,

- b) applying the corresponding requirement listed in Column 2 of Schedule 5.7.3 b) to the total number of parking spaces resulting from the calculation in Section 5.7.3 c) i) a) immediately above to produce the minimum required number of accessible parking spaces.

- ii) In any Downtown Zone, the result of applying Column 2 hereunder for each use listed in Column 1, excluding any existing gross floor area within any existing building:

Column 1 Use Within any Downtown Zone	Column 2 Minimum Number of Accessible Parking Spaces
i. Residential Uses	
Dwelling Unit, Mixed Use Multiple Dwelling	0.02 per unit in excess of 12 dwelling units.
Residential Care Facility, Emergency Shelter, Lodging House, Retirement Home	0.04 for each 3 persons accommodated or designed for accommodation.
ii. Institutional Uses	
Long Term Care Facility	0.04 for each 3 patient beds.
Day Nursery, except a Day Nursery located within an Educational Establishment	0.03 for each 100 square metres of gross floor area.
Social Services Establishment	0.08 for each 100.0 square metres of gross floor area.
iii. Educational Establishments	
Elementary School	0.05 for each classroom.

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Secondary School	0.12 for each classroom plus 0.04 for each 7 seat capacity in an auditorium, theatre or stadium.
University, College	0.2 for each classroom plus 0.04 for every 7 seat capacity in an auditorium, theatre or stadium <u>or</u> 0.2 spaces for every classroom plus 0.04 space for each 23 square metres of the gross floor area which accommodates the auditorium, theatre or stadium, whichever results in greater requirement.
Residential use on the same lot as a University or College	None required
iv. Commercial Uses	No requirement applies unless specifically listed in the subsection below.
Commercial School; Financial Establishment; Medical Clinic; Office; Veterinary Service	0.08 for each 100 square metres of gross floor area in excess of 500 square metres.
Hotel	0.03 per guest room.
Conference or Convention Centre	0.04 for each 100 square metres of gross floor area in excess of 550 square metres.

5.7.4 MINIMUM ELECTRIC VEHICLE PARKING RATE SCHEDULEa) Minimum Electric Vehicle Parking Rate Schedule

Of the parking spaces provided on a lot, a minimum percentage shall be provided as Electric Vehicle Parking Spaces, as specified in Column 2 hereunder for each associated use listed in Column 1, and any such Electric Vehicle Parking Spaces shall be subject to Section 5.6.7:

Column 1	Column 2
i. Residential Uses	

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Single Detached Dwelling; Semi-Detached Dwelling; Street Townhouse Dwelling; Duplex Dwelling; Triplex Dwelling; Fourplex Dwelling;	100% of all parking spaces.
Dwelling Unit; Dwelling Unit, Mixed Use; Multiple Dwelling	100% of all parking spaces, excluding any visitor parking space.
Appealed by The Cadillac Fairview Corporation, Hammer GP LP and Hammer GP Services Corp., and West End Home Builders' Association, respecting Section 5.7.4 a) i.	
ii. All Other Uses	
All uses other than the specific uses listed above	50% of all parking spaces.
Appealed by Hammer GP LP and Hammer GP Services Corp., in respect of the property located at 75 Centennial Parkway North, Hamilton, and The Cadillac Fairview Corporation, in respect of the property located at 999 Upper Wentworth Street, Hamilton, respecting Section 5.7.4 a) ii.	

5.7.5 MINIMUM BICYCLE PARKING RATE SCHEDULE**a) Minimum Required Bicycle Parking Rate Schedule**

For each building containing one or more of the uses listed in Column 1 in the following schedule:

- i) Short-term Bicycle Parking Spaces shall be provided in the minimum quantity specified in Column 2 and subject to the regulations in Section 5.4.2; and
- ii) Long-term Bicycle Parking Spaces shall be provided in the minimum quantity specified in Column 3 and subject to the regulations in Section 5.4.2.

Column 1	Column 2 (Short-term Bicycle Parking)	Column 3 (Long-term Bicycle Parking)
i. Residential Uses		

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Multiple Dwelling, and Dwelling Unit, Mixed Use, where the total number of such units exceeds 4	a) In Parking Rate Area (PRA) 1 and PRA 2, 0.1 per unit.	a) In Parking Rate Area (PRA) 1 and PRA 2, 0.7 per unit.
	b) In all other areas, 0.05 per unit.	b) In all other areas, 0.5 per unit.
Lodging House	a) In PRA 1 and PRA 2, 0.1 per lodging unit.	a) In PRA 1 and PRA 2, 0.7 per lodging unit.
	b) In all other areas, 0.05 per lodging unit.	b) In all other areas, 0.5 per lodging unit.
ii. Non-Residential Uses		
Commercial Entertainment; Commercial Recreation; Commercial School; Educational Establishment; Medical Clinic; Office; Personal Services; Place of Worship; Restaurant; Retail; Commercial or Institutional uses not listed above	a) In PRA 1 and PRA 2, 0.2 for each 100 square metres of gross floor area.	a) In PRA 1 and PRA 2, 0.15 for each 100 square metres of gross floor area.
	b) In all other areas, 0.15 for each 100 square metres of gross floor area.	b) In all other areas, 0.1 for each 100 square metres of gross floor area.
Manufacturing; Warehouse; Any other industrial use not listed above	a) In PRA 1 and PRA 2, 0.2 for each 100 square metres of gross floor area which accommodates the Office, Retail, and Showroom component of the use.	a) In PRA 1 and PRA 2, 0.15 for each 100 square metres of gross floor area.

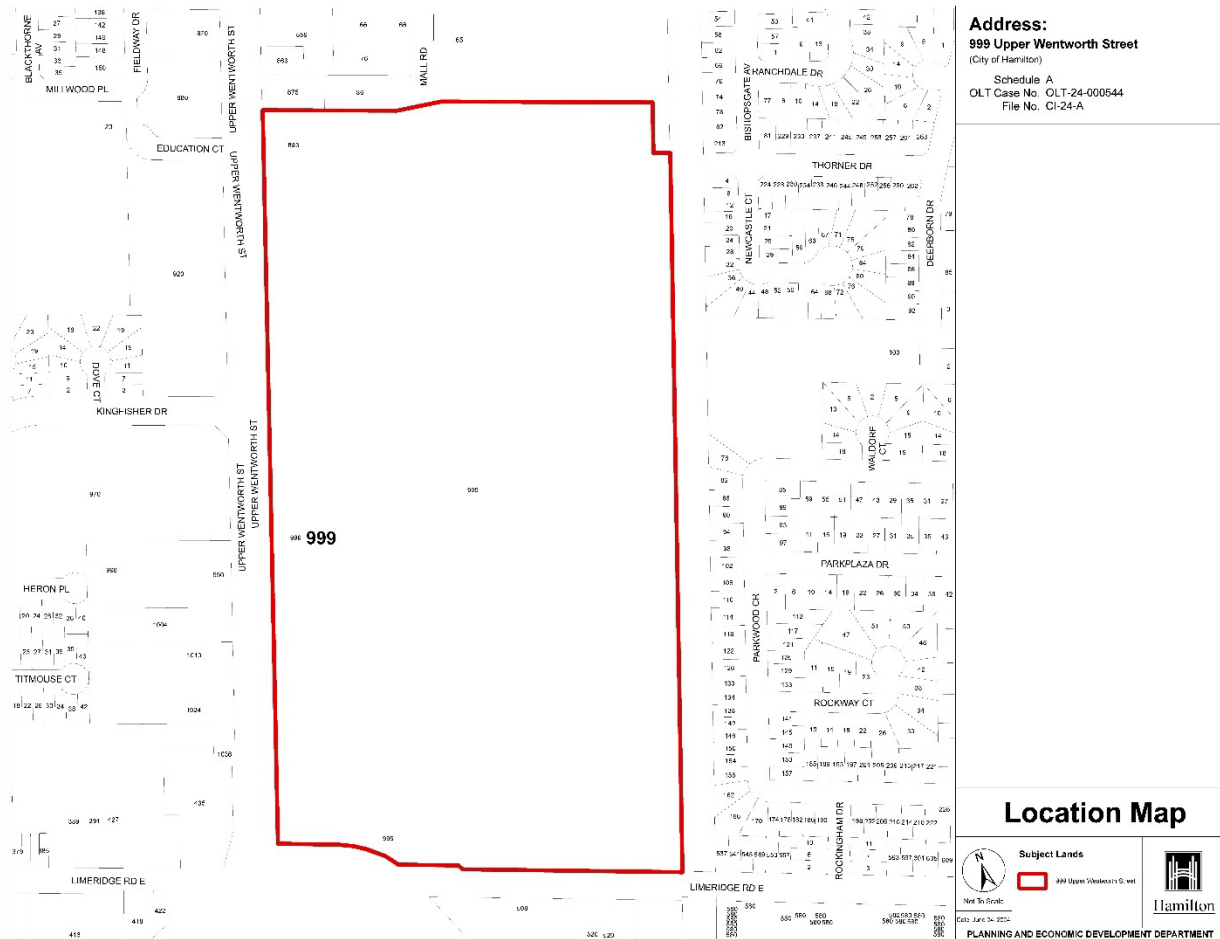
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	b) In all other areas, 0.15 for each 100 square metres of gross floor area which accommodates the Office, Retail, and Showroom component of the use.	b) In all other areas, 0.1 for each 100 square metres of gross floor area.
Elementary School; Secondary School	a) In PRA 1 and PRA 2, 0.2 for each 100 square metres of gross floor area. b) In all other areas, 0.15 for each 100 square metres of gross floor area.	a) In PRA 1 and PRA 2, 0.15 for each 100 square metres of gross floor area. b) In all other areas, 0.1 for each 100 square metres of gross floor area.
University, College	In all areas, 1.2 for each 100 square metres of gross floor area.	In all areas, 1 for each 100 square metres of gross floor area.

ATTACHMENT 3



ATTACHMENT 4

