

**Authority:** Item 5, Planning Committee  
Report 19-017 (PED19190)  
CM: November 13, 2019  
Ward: 5

**Bill No. 278**

**CITY OF HAMILTON  
BY-LAW NO. 19-278**

**To amend Zoning By-law No. 05-200 with respect to lands located at 328, 336, Part of 344, 400, 532, 536, and 538 Beach Boulevard, Hamilton**

**WHEREAS** Council approved Item 5 of Report 19-017 of the Planning Committee, at its meeting held on November 13, 2019;

**AND WHEREAS** this By-law conforms to the Urban Hamilton Official Plan;

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

1. That Maps 735, 793, and 834 of Schedule “A” – Zoning Maps is amended by changing the zoning from the Neighbourhood Commercial (C2) Zone, to the Neighbourhood Commercial (C2, 499) Zone for the lands attached as Schedule “A” to this By-law.
2. That Schedule “C” - Special Exceptions is amended by adding the following new Special Exception:

“499. Within the lands zoned Neighbourhood Commercial (C2) Zone, identified on Maps 735, 793, and 834 of Schedule “A” – Zoning Maps, and described as:

Property Address	Map Number
328 Beach Boulevard	834
336 Beach Boulevard	834
Part of 344 Beach Boulevard	834
400 Beach Boulevard	735
532 Beach Boulevard	793
536 Beach Boulevard	793
538 Beach Boulevard	793

The following special provisions shall apply:

- a) Section 4.6 d) shall not apply to the side yard.
- b) Notwithstanding Section 4.8.1, the following provisions shall apply:
  - i) No accessory building shall be located within a front yard or side yard.

- ii) Minimum Rear Yard                      0.6 metres
  - iii) Maximum Height                        4.5 metres
  - iv) All accessory buildings shall not exceed 30% total lot coverage of the yard in which the accessory buildings are located, included areas devoted exclusively to parking.
  - v) Where an accessory building is designed and intended for parking of motor vehicles, such accessory building shall be set back a minimum of 6.0 metres from any street line.
  - vi) In no cases shall an eave or gutter extend more than 0.3 metres into a minimum yard.
- c) Notwithstanding Section 10.2.3 c) i), the following provision shall apply:
- i) Minimum Interior Side Yard    1.7 metres
- d) In addition to Section 10.2.3: Regulations, the following provisions shall apply:
- i) The minimum ground floor elevation of any building or any building addition shall be 76.5 metres above mean sea level, as defined by the Geodetic Survey Datum, except for any building addition less than 14 square metres in ground floor area, and any accessory building or structure.
  - ii) No basement or cellar shall be permitted for any buildings.
  - iii) Any building addition less than 14 square metres in ground floor area, shall have a minimum ground floor elevation at or above the existing ground floor elevation of the building.
- e) Notwithstanding clause c) of this By-law, an interior side yard may be reduced to a minimum 1.5 metres, provided a common swale between the interior side yard and the adjoining property has been approved under an approved Site Plan.
- f) Notwithstanding any other provisions of this By-law, any lot and the location thereof of any building or structure, existing on the effective date of this By-law, shall be deemed to comply with the regulations for any required setbacks, front yard, façade building length, flankage yard, rear yard, lot width, lot area and building height and are permitted by this By-law.”

3. 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 13<sup>th</sup> day of November, 2019

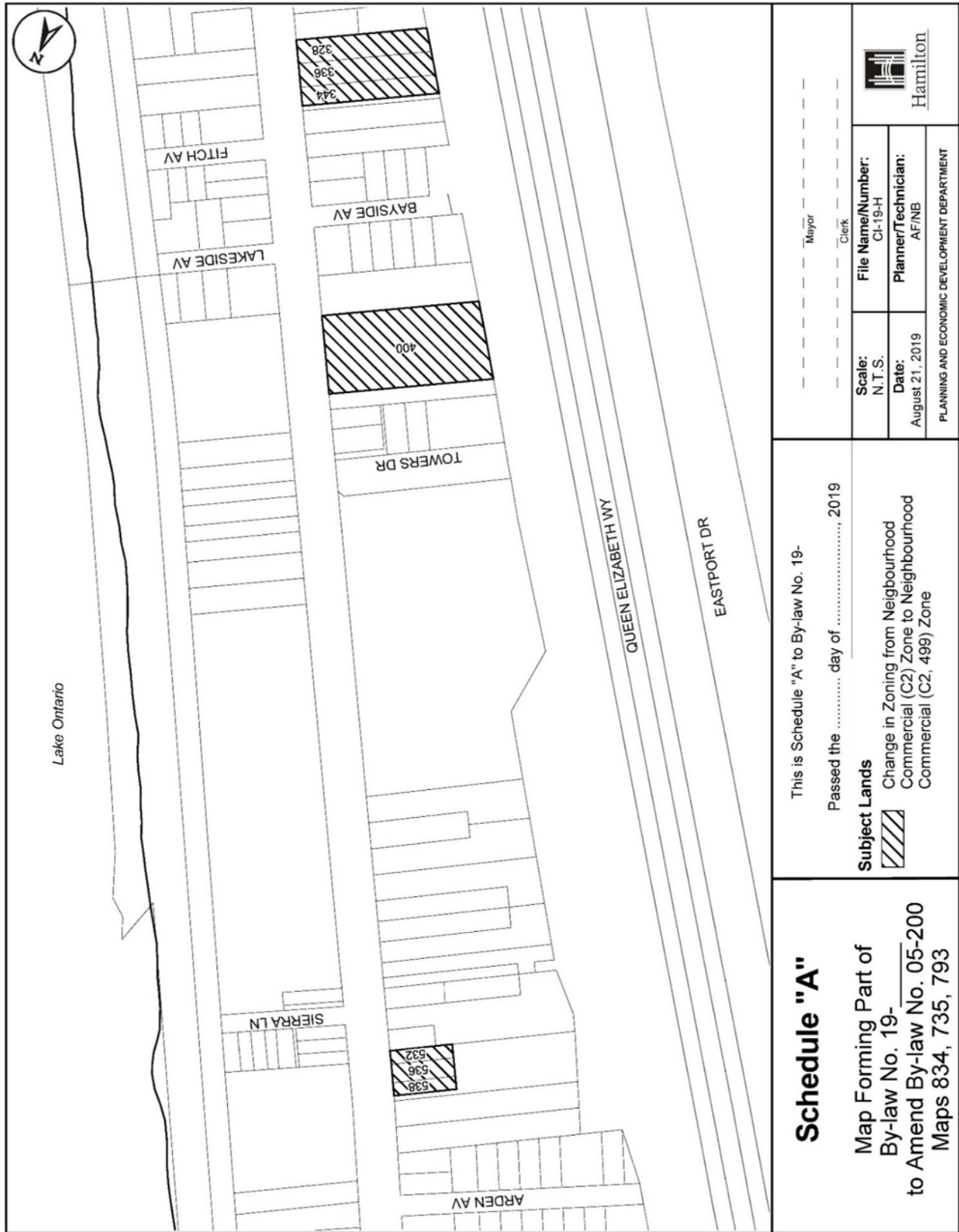
---

F. Eisenberger  
Mayor

---

A. Holland  
City Clerk

CI-19-H



<p><b>Schedule "A"</b></p> <p>Map Forming Part of By-law No. 19- to Amend By-law No. 05-200 Maps 834, 735, 793</p>	<p>This is Schedule "A" to By-law No. 19- Passed the ..... day of ....., 2019</p>		<p>Mayor -----</p> <p>Clerk -----</p>
	<p><b>Subject Lands</b></p> <p>Change in Zoning from Neighbourhood Commercial (C2) Zone to Neighbourhood Commercial (C2, 499) Zone</p>	<p>Scale: N.T.S.</p> <p>Date: August 21, 2019</p>	<p>File Name/Number: CI-19-H</p> <p>Planner/Technician: AF/NB</p>