Authority:

Item 4, Planning Committee Report: 15-015 (PED13167(d))

CM: October 14, 2015

Bill No. 238

CITY OF HAMILTON

BY-LAW No. 15-238

To Amend By-law No. 15-173 to Apply Special Exception 253 to Additional Properties to Permit a Landscape Contracting Establishment

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the <u>City of Hamilton Act</u>, 1999, S.O. 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law 05-200;

AND WHEREAS it is desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

AND WHEREAS the said new comprehensive Zoning By-law is being enacted and is coming into force and effect in several stages;

AND WHEREAS, the first stage of the Zoning By-law, being By-law 05-200, came into force on May 25, 2005;

AND WHEREAS By-law 15-173 represented the fifth stage of the Zoning By-law to create new Rural Zones, amending certain provisions of By-law 05-200 and, applying to the Rural Area of the City;

AND WHEREAS Special Exception 253 is contained in By-law 15-173;

AND WHEREAS this By-law applies Special Exception 253 to additional properties in the rural area containing existing landscape contracting establishments, as hereinafter described and depicted;

AND WHEREAS the Rural Hamilton Official Plan was declared in force and effect on March 7, 2012 and is the Official Plan in effect for lands within the Rural Area of the City of Hamilton;

AND WHEREAS this By-law was created as a result of a Council approved motion dated April 8, 2015;

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AND WHEREAS no further public meeting is required in accordance with Section 34 (17) of the <u>Planning Act</u> and as directed by the April 8, 2015 Council approved motion.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

- 1. That Map No. 141 of Schedule "A" Zoning Maps of By-law No. 05-200, is amended by By-law 15-173, is amended changing from the Agriculture (A1) Zone to the Agriculture (A1, 253) Zone, Modified, the extent and boundaries which are shown on Schedule "A1" to this By-law.
- 2. That Map No. 110 of Schedule "A" Zoning Maps of By-law No. 05-200 as amended by By-law 15-173, is amended by changing from the Settlement Residential (S1) Zone to the Settlement Residential (S1, 253) Zone, Modified, the extent and boundaries which are shown on Schedule "A2" to this By-law.
- 3. That Map No. 46 of Schedule "A" Zoning Maps of By-law No. 05-200 as amended by By-law 15-173, is amended by changing from the Open Space (P4) Zone to the Open Space (P4, 253) Zone, Modified, the extent and boundaries which are shown on Schedule "A3" to this By-law.
- 4. That Map No. 45 of Schedule "A" Zoning Maps of By-law No. 05-200, is amended by By-law 15-173, is amended changing from the Agriculture (A1) Zone to the Agriculture (A1, 253) Zone, Modified, the extent and boundaries which are shown on Schedule "A4" to this By-law.
- 5. That Map No. 122 of Schedule "A" Zoning Maps of By-law No. 05-200, is amended by By-law 15-173, is amended changing from the Agriculture (A1) Zone to the Agriculture (A1, 253) Zone, Modified, the extent and boundaries which are shown on Schedule "A5" to this By-law.
- 6. That Map No. 143 of Schedule "A" Zoning Maps of By-law No. 05-200 as amended by By-law 15-173, is amended by changing from the Open Space (P4) Zone to the Open Space (P4, 253) Zone, Modified, the extent and boundaries which are shown on Schedule "A6" to this By-law.
- 7. That Map No. 113 of Schedule "A" Zoning Maps of By-law No. 05-200, is amended by By-law 15-173, is amended changing from the Agriculture (A1) Zone to the Agriculture (A1, 253) Zone, Modified, the extent and boundaries which are shown on Schedule "A7" to this By-law.
- 8. That Map No. 47 of Schedule "A" Zoning Maps of By-law No. 05-200 as amended by By-law 15-173, is amended by changing from the Rural (A2)

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- Zone to the Rural (A2, 253) Zone, Modified, the extent and boundaries which are shown on Schedule "A8" to this By-law.
- 9. That Map No. 80 of Schedule "A" Zoning Maps of By-law No. 05-200 as amended by By-law 15-173, is amended by changing from the Rural (A2) Zone to the Rural (A2, 253) Zone, Modified, the extent and boundaries which are shown on Schedule "A9" to this By-law.
- 10. That Map No. 46 of Schedule "A" Zoning Maps of By-law No. 05-200 as amended by By-law 15-173, is amended by changing from the Rural (A2) Zone to the Rural (A2, 253) Zone, Modified, the extent and boundaries which are shown on Schedule "A10" to this By-law.
- 11. That Map No. 48 of Schedule "A" Zoning Maps of By-law No. 05-200 as amended by By-law 15-173, is amended by changing from the Rural (A2) Zone to the Rural (A2, 253) Zone, Modified, the extent and boundaries which are shown on Schedule "A11" to this By-law.
- 12. That Map No. 60 of Schedule "A" Zoning Maps of By-law No. 05-200 as amended by By-law 15-173, is amended by changing from the Rural (A2) Zone to the Rural (A2, 253) Zone, Modified, the extent and boundaries which are shown on Schedule "A12" to this By-law.
- 13. That Map No. 49 of Schedule "A" Zoning Maps of By-law No. 05-200, is amended by By-law 15-173, is amended changing from the Agriculture (A1) Zone to the Agriculture (A1, 253) Zone, Modified, the extent and boundaries which are shown on Schedule "A13" to this By-law.
- 14. That Map No. 49 of Schedule "A" Zoning Maps of By-law No. 05-200 as amended by By-law 15-173, is amended by changing from the Settlement Residential (S1) Zone to the Settlement Residential (S1, 253) Zone, Modified, the extent and boundaries which are shown on Schedule "A14" to this By-law.
- 15. That Map No. 72 of Schedule "A" Zoning Maps of By-law No. 05-200, is amended by By-law 15-173, is amended changing from the Agriculture (A1) Zone to the Agriculture (A1, 253) Zone, Modified, the extent and boundaries which are shown on Schedule "A15" to this By-law.
- 16. That Map No. 50 of Schedule "A" Zoning Maps of By-law No. 05-200 as amended by By-law 15-173, is amended by changing from the Rural (A2) Zone to the Rural (A2, 253) Zone, Modified, the extent and boundaries which are shown on Schedule "A16" to this By-law.

- 17. That Map No. 71 of Schedule "A" Zoning Maps of By-law No. 05-200 as amended by By-law 15-173, is amended by changing from the Rural (A2) Zone to the Rural (A2, 253) Zone, Modified, the extent and boundaries which are shown on Schedule "A17" to this By-law.
- 18. That Map No. 66 of Schedule "A" Zoning Maps of By-law No. 05-200, is amended by By-law 15-173, is amended changing from the Agriculture (A1) Zone to the Agriculture (A1, 253) Zone, Modified, the extent and boundaries which are shown on Schedule "A18" to this By-law.
- 19. That Map No. 173 of Schedule "A" Zoning Maps of By-law No. 05-200, is amended by By-law 15-173, is amended changing from the Agriculture (A1) Zone to the Agriculture (A1, 253) Zone, Modified, the extent and boundaries which are shown on Schedule "A19" to this By-law.
- 20. That Map No. 60 of Schedule "A" Zoning Maps of By-law No. 05-200 as amended by By-law 15-173, is amended by changing from the Rural (A2) Zone to the Rural (A2, 253) Zone, Modified, the extent and boundaries which are shown on Schedule "A20" to this By-law.
- 21. That Map No. 92 of Schedule "A" Zoning Maps of By-law No. 05-200 as amended by By-law 15-173, is amended by changing from the Rural (A2) Zone to the Rural (A2, 253) Zone, Modified, the extent and boundaries which are shown on Schedule "A21" to this By-law.
- 22. That Map No. 25 of Schedule "A" Zoning Maps of By-law No. 05-200 as amended by By-law 15-173, is amended by changing from the Conservation/Hazard Land Rural (P7) Zone to the Conservation/Hazard Land Rural (P7, 253) Zone, Modified, the extent and boundaries which are shown on Schedule "A22" to this By-law.
- 23. That Map No. 60 of Schedule "A" Zoning Maps of By-law No. 05-200 as amended by By-law 15-173, is amended by changing from the Rural (A2) zone to the Rural (A2, 253) Zone, Modified, the extent and boundaries which are shown on Schedule "A23" to this By-law.
- 24. That Schedule "C" Special Exceptions of By-law No. 05-200 is hereby amended as follows:

That Special Exception 253 be amended by:

a) By adding the number "7.4.1" after the number "12.6.1".

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- b) By adding the words "Open Space (P4) Zone" after the words "Existing Rural Commercial (E1) Zone".
- c) By identifying the following additional Map numbers: 45, 66, 80, 110, 122,143 and 146.
- d) That the row containing the words and numbers "Part of 1182 Brock Road", "Map 46" and "1,373 square metres (0.14 Ha) and set back 76 metres from Brock Road", be amended by:
 - Deleting the word "Part" and replacing it with the word "Parts"; and,
 - ii) Deleting the words and numbers "1,373 square metres (0.14 Ha) andset back 76 metres from Brock Road" and replacing them with the following:

"3,172 square metres (0.32 Ha)
Part 1 – 1,372 square metres (0.14 Ha)
And set back 76 metres from Brock Road
Part 2 – 1,800 square metres (0.18 Ha)
and set back 242 metres from Brock Road"

e) including the following additional properties at the end of the chart following the row containing the words "Part of 888 Beeforth Road Map 39 6,078 square metres (0.61 Ha) and set back 160 metres from Beeforth Road":

Property	Map(s)	Special Exception Area
Part of 44 Garner Road East	Map 146	1,979 square metres (0.20 Ha) and set back 123 metres from Garner Road West and 182 metres from Fiddler's Green Road
Part of 1765 Sawmill Road	Map 173	1,250 square metres (0.12 Ha) and set back 24 metres from Sawmill Road
Part of 3363 Jerseyville Road West	Map 141	5,494 square metres (0.55 Ha) and set back 175 metres from Jerseyville Road West
Part of 2288 Troy Road	Map 110	776 square metres (0.08 Ha)
Part of 1288 Brock Road	Map 46	1,109 square metres (0.11 Ha)
Part of 1434 Middletown Road	Map 45	2,691 square metres (0.27 Ha) and set back 74 metres from

To Amend By-law 15-173 to Apply Special Exception 253 to Additional Properties to Permit a Landscape Contracting Establishment

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		<u> </u>
		Middletown Road
Part of 2532 Governors Road	Map 122	9,859 square metres (0.98 Ha) and
		set back 310 metres from
	}	Governors Road
Part of 1911 Jerseyville Road	Map 143	2,209 square metres (0.22 Ha)
West		
Part of 1480 Concession 2	Map 113	925 square metres (0.09 Ha) and
Road West		set back 49 metres from
		Concession 2 Road West
Part of 627 Concession 6 Road	Map 47	9,350 square metres (0.93 Ha) and
West	'	set back 149 metres from
		Concession 6 Road West
Part of property on southwest	Map 80	18,196 square metres (1.82 Ha)
corner of Concession 5 Road	'	
West and Valens Road		
Part of 861 Brock Road	Map 71	2,679 square metres (0.27 Ha)
		Part 1 – 1,760 square metres (0.17
		Ha) and set back 44 metres set
~		back metres from Brock Road
		Part 2 – 919 square metres (0.09
		Ha) and set back 49 metres from
		Brock Road
Part of 1117 Highway 8	Map 66	8,400 square metres (0.84 Ha)
Part of 1414 Concession 4	Map 92	1,735 square metres (0.17 Ha) and
Road West		set back 328 metres from
		Concession 4 Road West
Two Parts of 928 Regional	Map 25	1,298 square metres (1.38 Ha)
Road 97		Part 1 – 931 square metres (0.09
		Ha) and set back 57 set back
		metres from Regional Road 97
		Part 2 – 367 square metres (0.98
	·	Ha) and set back 129 metres from
		Regional Road 97
Part of 43 Concession 7 Road	Map 48	2,429 square metres (0.24 Ha) and
East		set back 47 metres from
		Concession 7 Road East
Part of 470 Concession 5 Road	Map 60	3,242 square metres (0.32 Ha) and
West		set back 61 metres from
		Concession 5 Road West
Part of 85 Concession 6 Road	Map 49	1,687 square metres (0.17 Ha) and
East		set back 65 metres from
		Concession 6 Road East
Part of 240 and 246	Map 49	3,811 square metres (0.38 Ha) and

To Amend By-law 15-173 to Apply Special Exception 253 to Additional Properties to Permit a Landscape Contracting Establishment

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Concession 6 Road East		set back 78 metres from Concession 6 Road East
Part of 435 Concession 4 Road West	Map 72	2,271 square metres (0.23 Ha) and set back 52 metres from Concession 4 Road West
Part of 609 Robson Road	Map 50	2,353 square metres (0.23 Ha) and set back 71 metres from Robson Road
Part of 414 Concession 5 Road West	Map 60	2,126 square metres (0.21 Ha) and set back 39 metres from Concession 5 Road West
Part of 1017 Highway 6	Map 60	7,992 square metres (0.8 Ha) and set back 72 metres from Highway 6

- 25. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law in accordance with the <u>Planning Act</u>.
- 26. That this By-law No. 15-238 shall come into force and be deemed to have come

into force in accordance with Subsection 34(21) of the <u>Planning Act</u>, either upon the date of passage of this By-law or as provided by the saidSubsection.

PASSED this 14th (4) of October, 2015.

Sam Merulla

Deputy Mayor

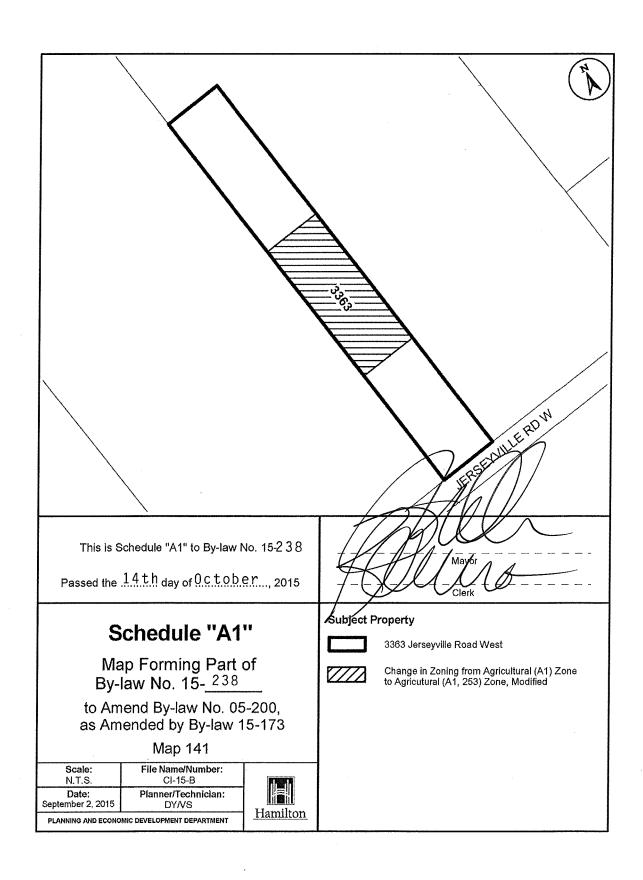
R. Caterini

⊂Citv∕ Clerk

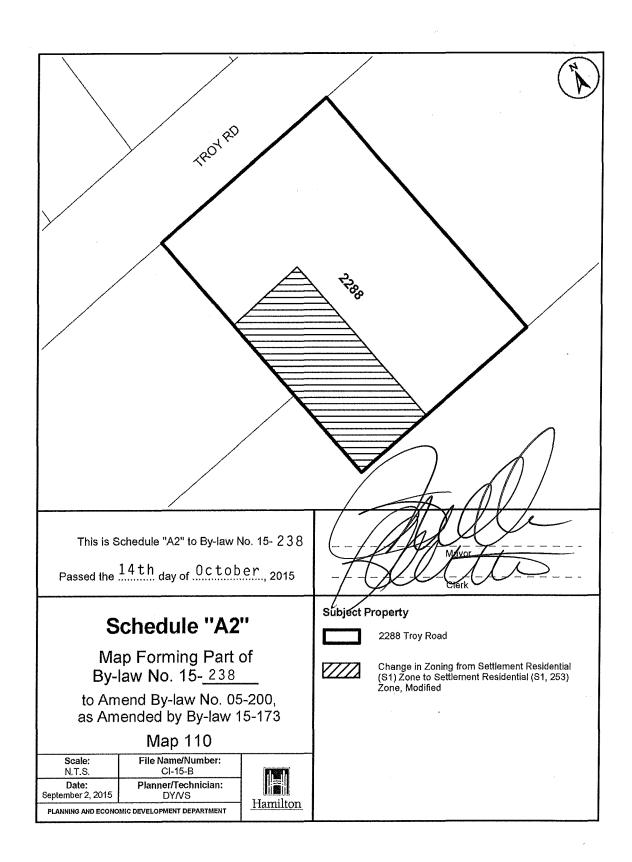
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Schedule 1 – Zoning Maps

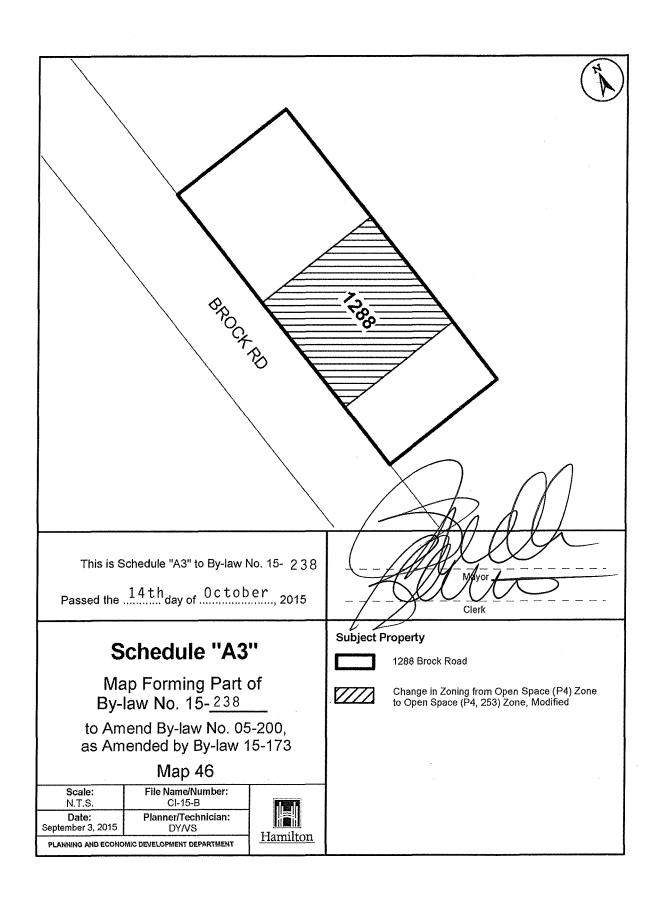
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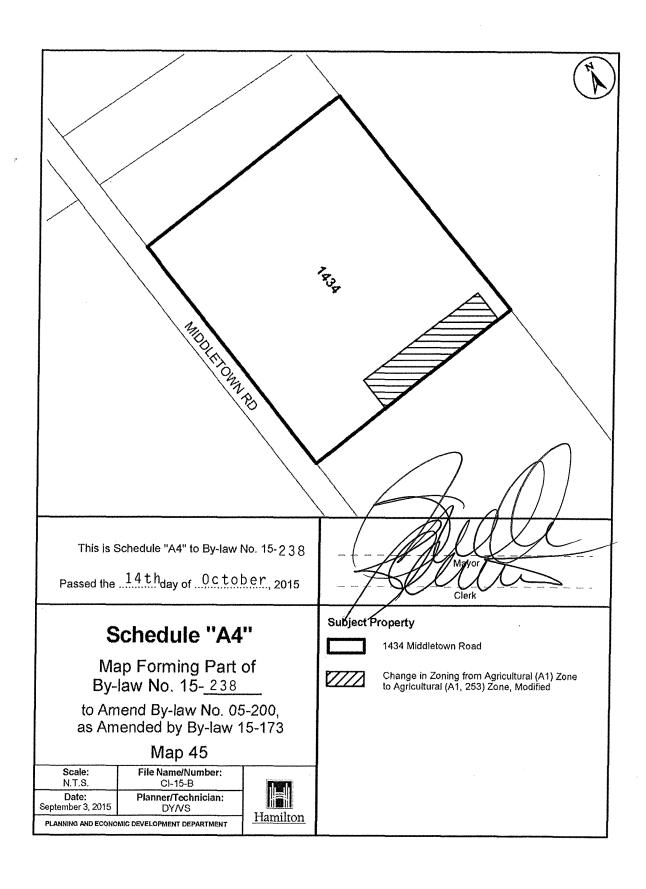
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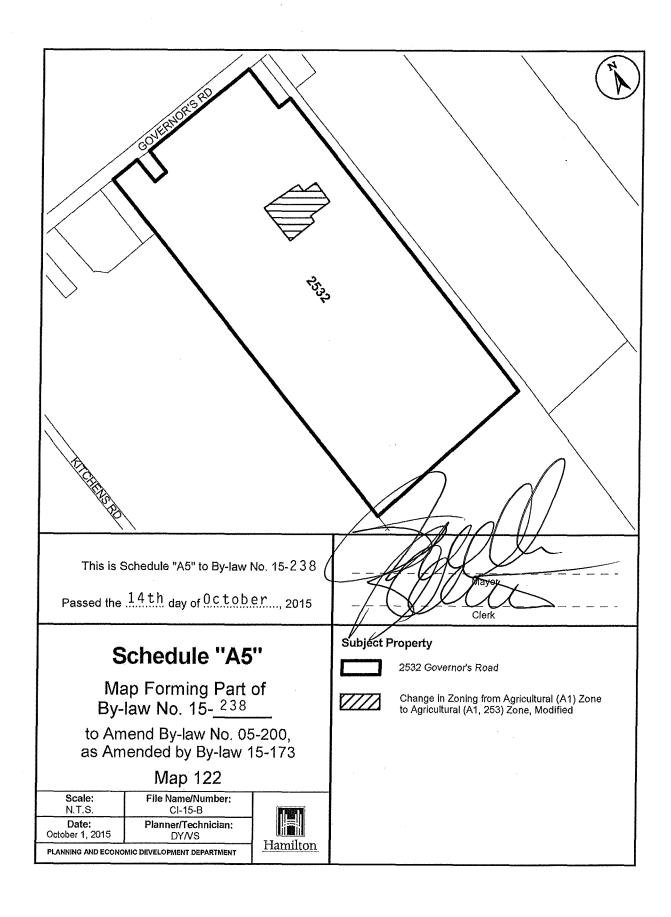
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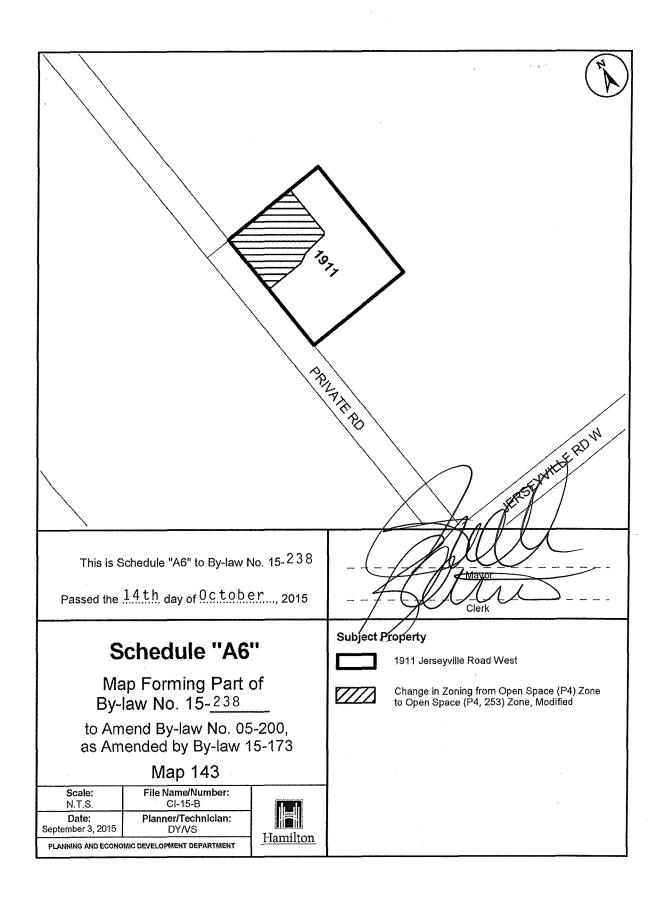
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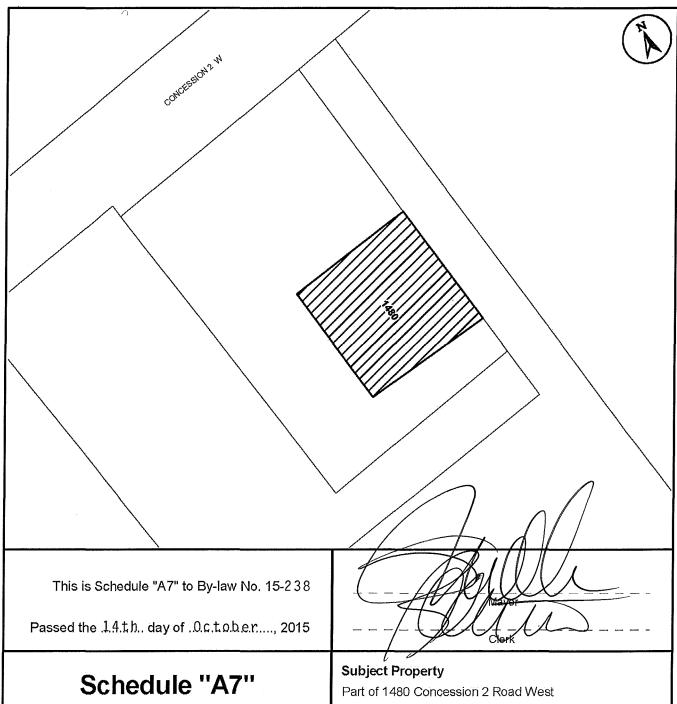


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Map Forming Part of By-law No. 15-238 to Amend By-law No. 05-200 as Amended by By-law 15-173 Map 113

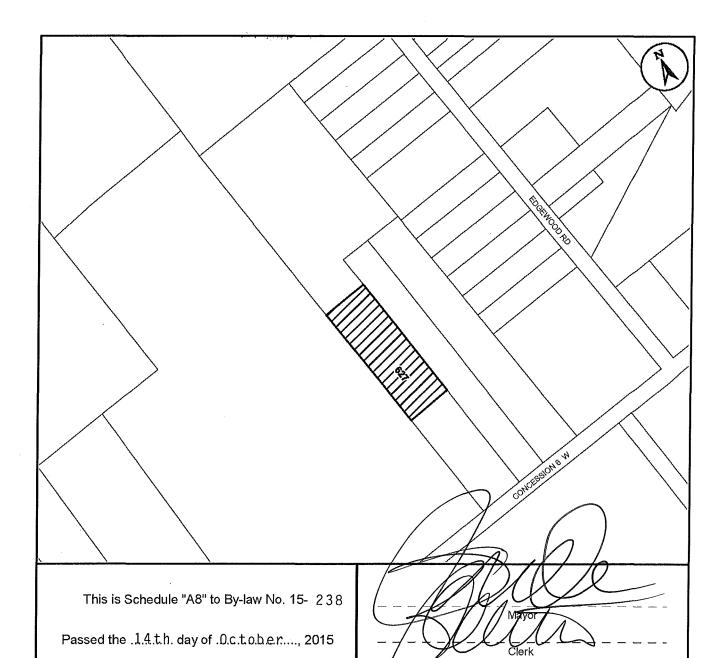
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PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		





Change in Zoning from Agriculture (A1) Zone to Agriculture (A1,253) Zone, Modified

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Schedule "A8"

Map Forming Part of By-law No. 15-238

to Amend By-law No. 05-200 as Amended by By-law 15-173 Map 47

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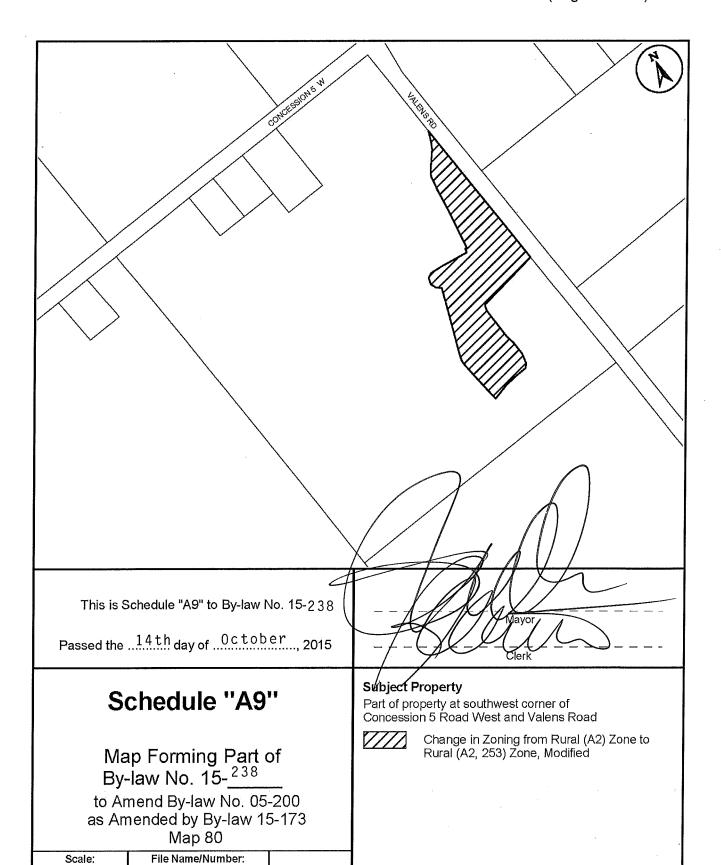
Subject Property

Part of 627 Concession 6 Road West



Change in Zoning from Rural (A2) Zone to Rural (A2, 253) Zone, Modified

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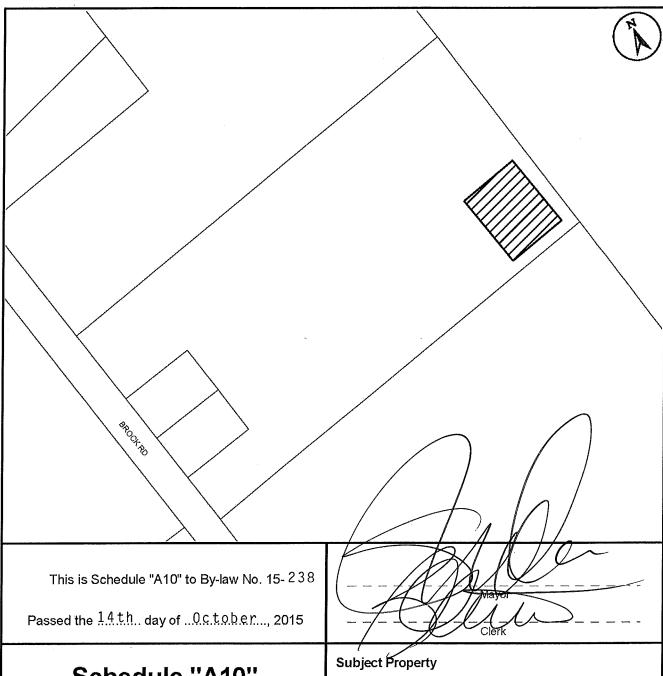
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DY/AL

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Hamilton

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Schedule "A10"

Map Forming Part of By-law No. 15-238

to Amend By-law No. 05-200 as Amended by By-law 15-173 Map 46

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PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

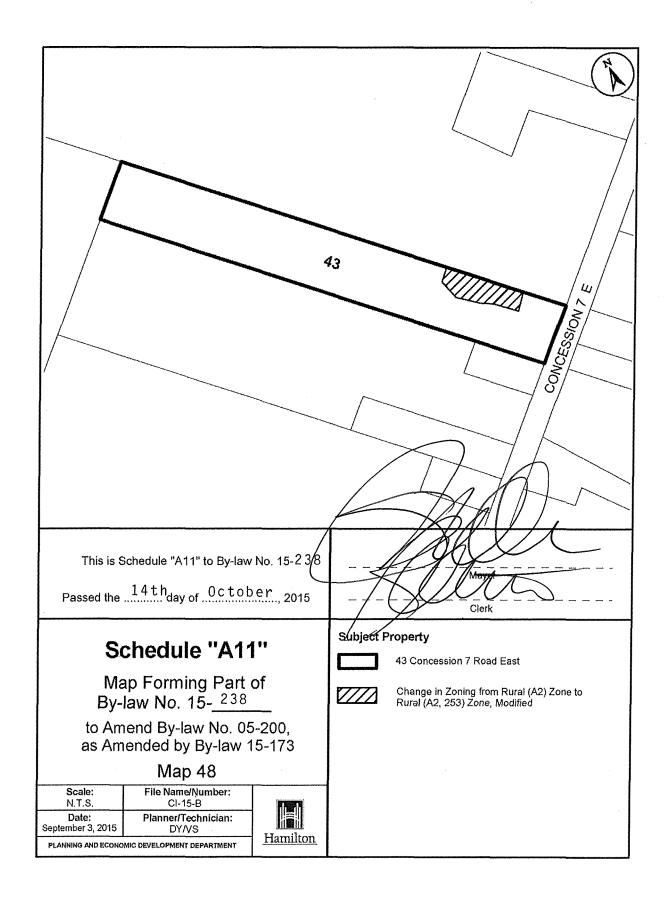


Part of 1182 Brock Road

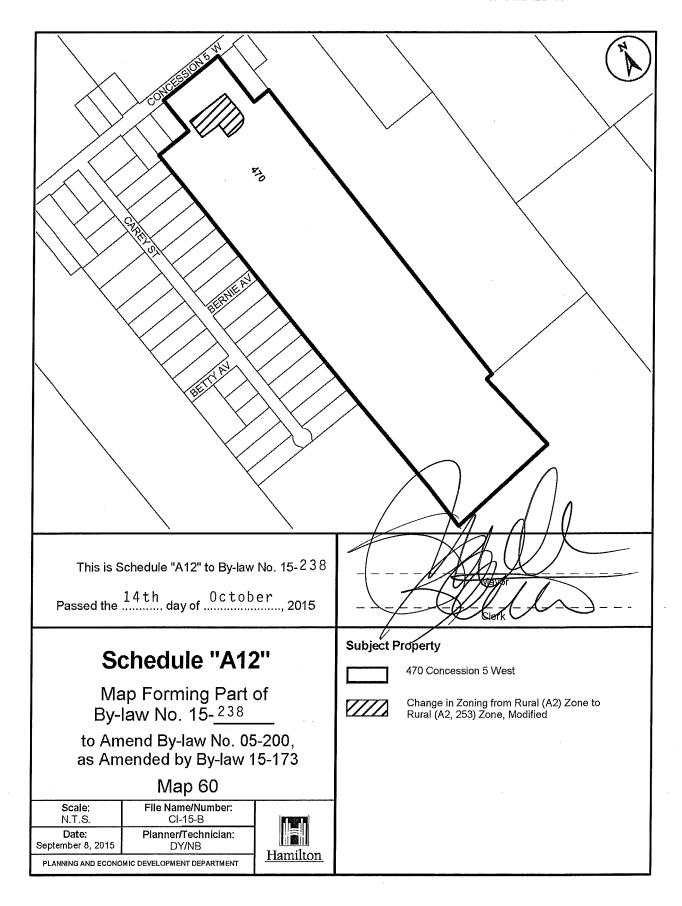


Change in Zoning from Rural (A2) Zone to Rural (A2, 253) Zone, Modified

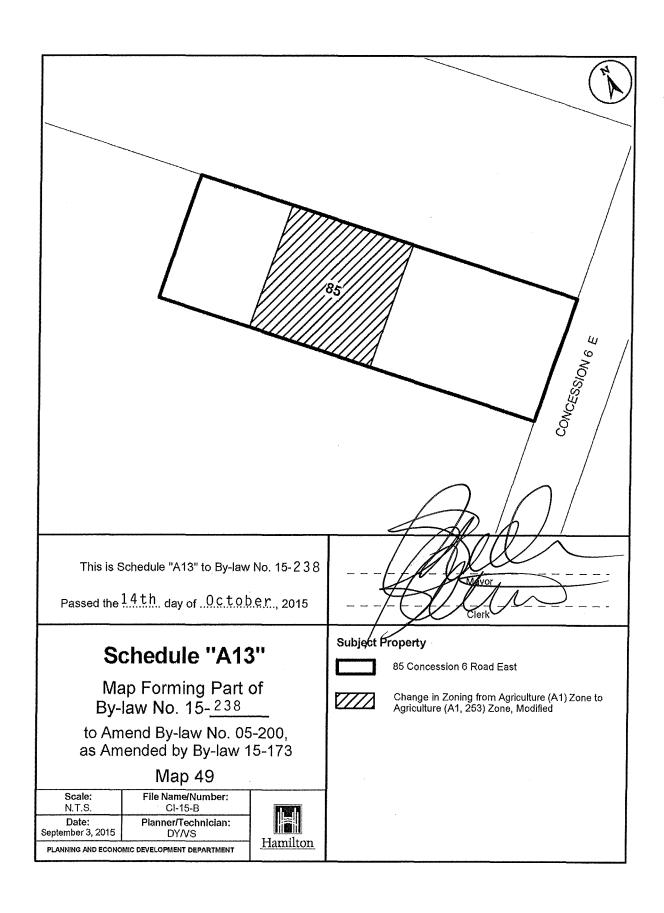
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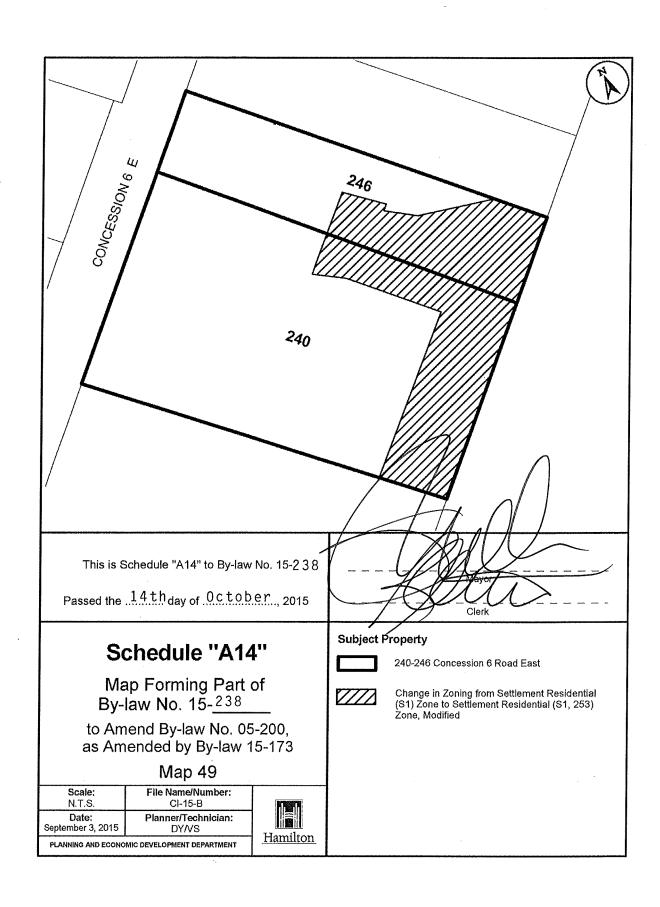
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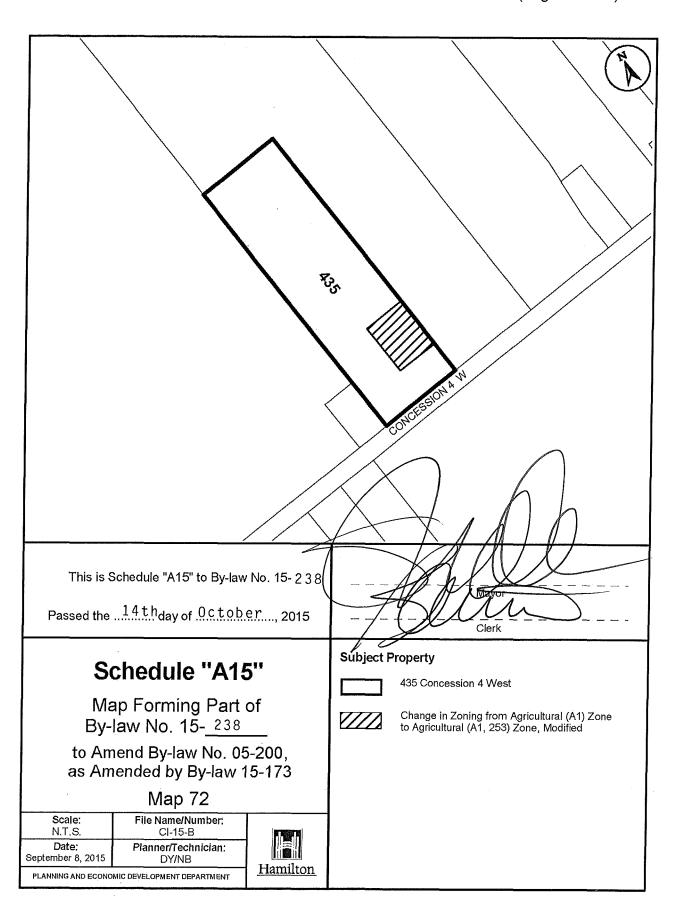
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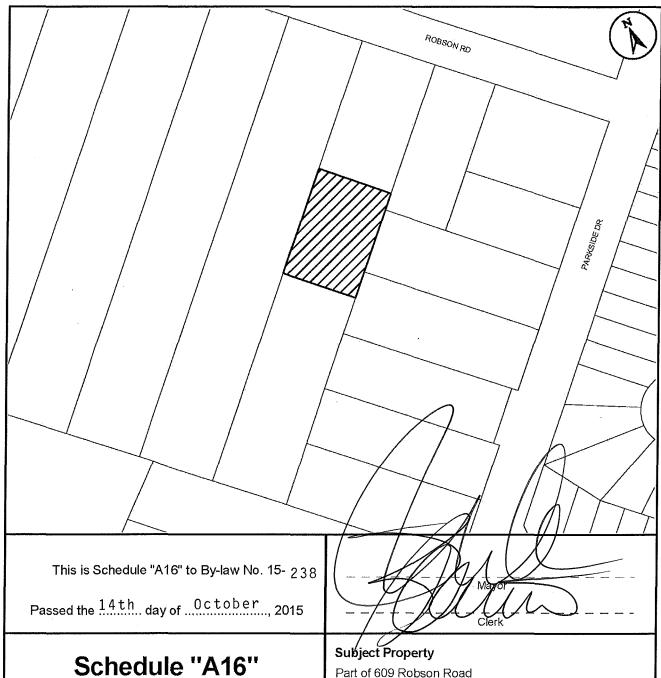
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Map Forming Part of By-law No. 15- 238

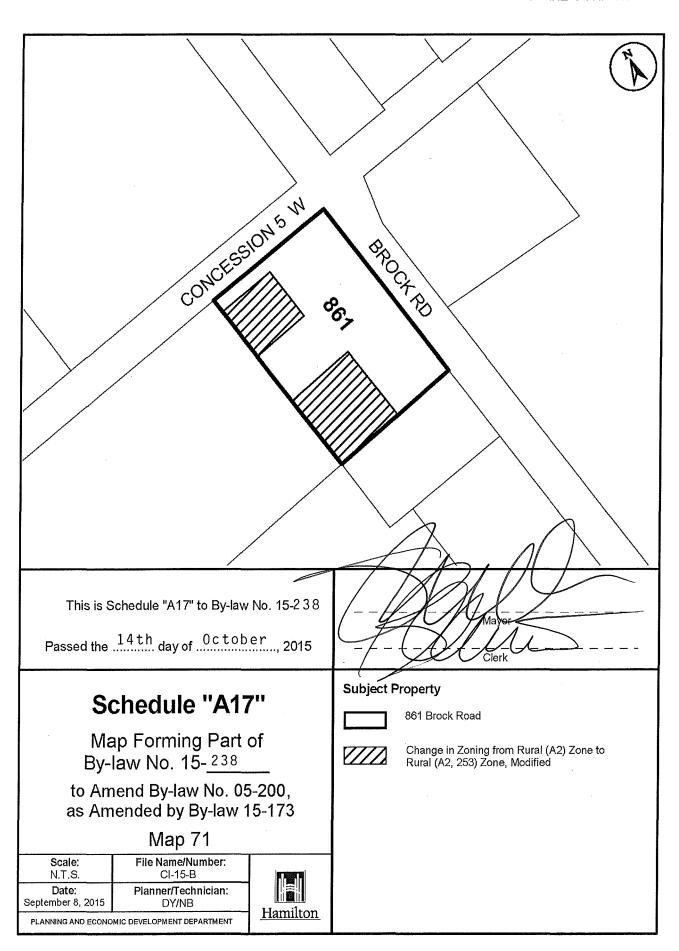
to Amend By-law No. 05-200 as Amended by By-law 15-173 Map 50

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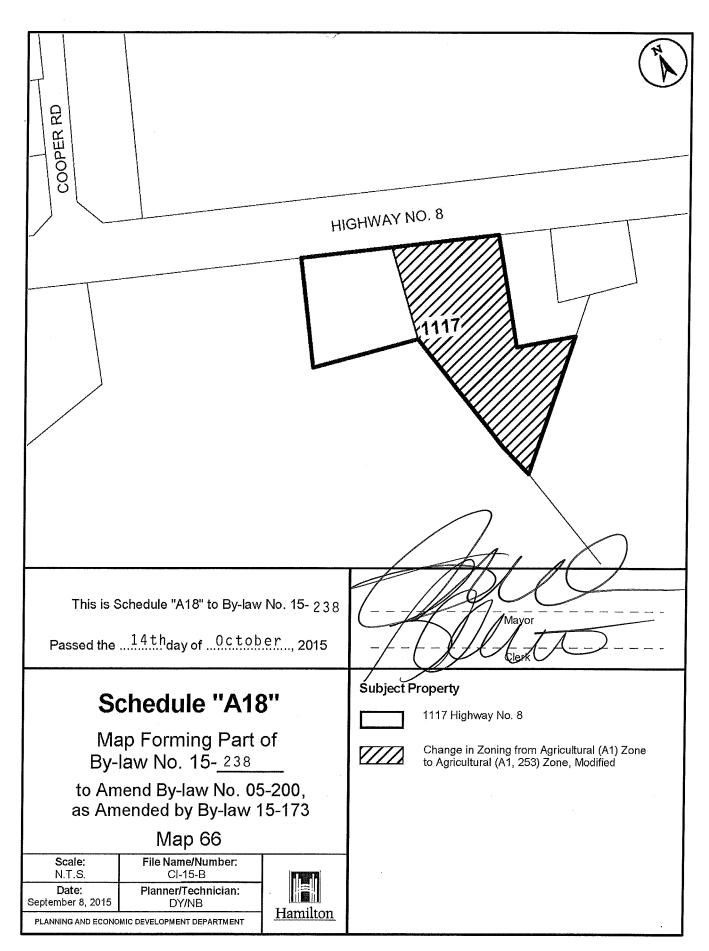


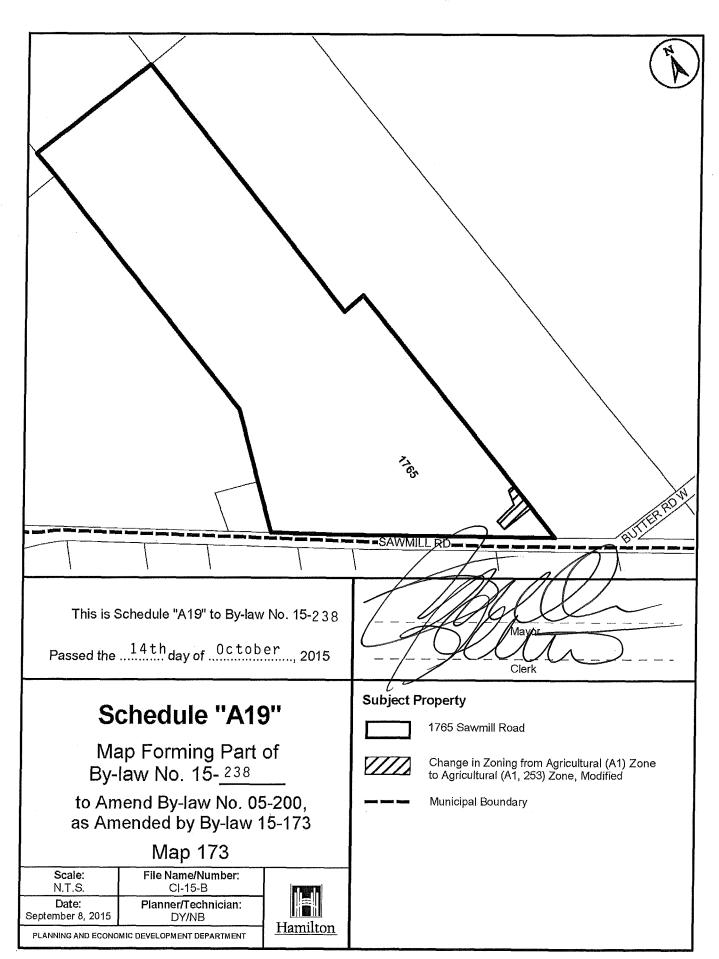
Change in Zoning from Rural (A2) Zone to Rural (A2, 253) Zone, Modified

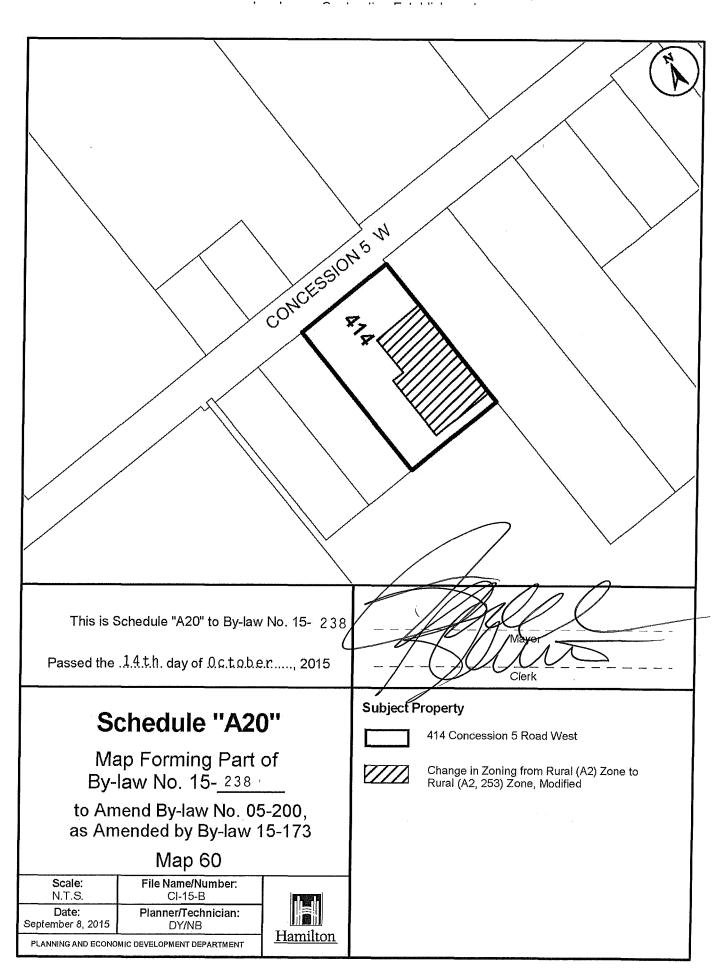
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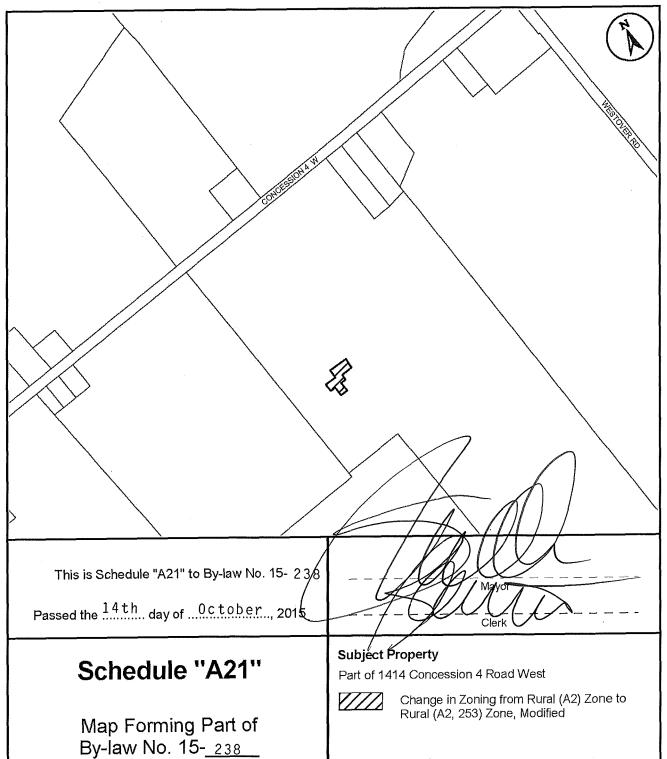
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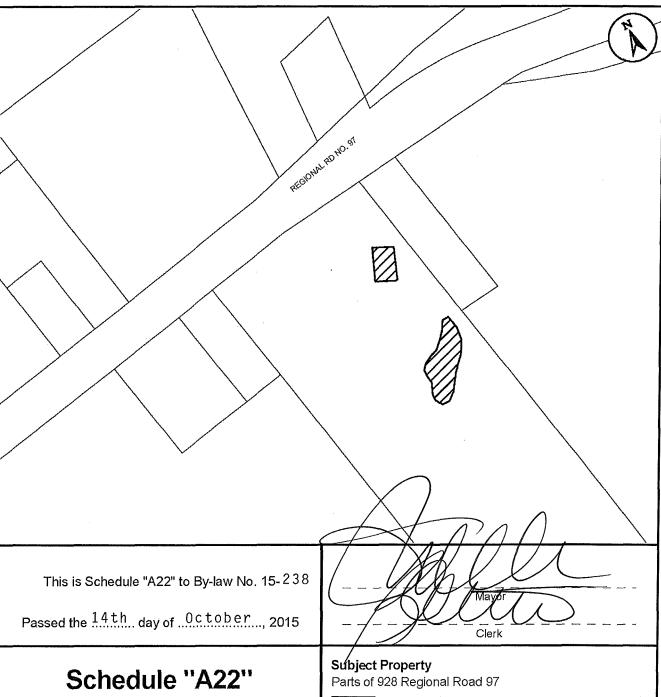
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to Amend By-law No. 05-200 as Amended by By-law 15-173 Map 92

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PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		





Map Forming Part of By-law No. 15-238

to Amend By-law No. 05-200 as Amended by By-law 15-173 Map 25

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September 10, 2015	DY/AL	
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Change in Zoning from Conservative / Hazard Land-Rural (P7) Zone to the Conservation / Hazard Land-Rural (P7, 253) Zone, Modified

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