

**Authority:** Item 4, Planning Committee  
Report 23-008 (PED23115)  
CM: May 24, 2023  
Ward: City Wide

**Bill No. 088**

## **CITY OF HAMILTON**

### **BY-LAW NO. 23-088**

#### **To Amend By-law 14-212, To Promote the Conservation and Sustainable Use of Woodlands on Private Property within the Urban Boundary of the City of Hamilton**

**WHEREAS** the City of Hamilton has declared a Climate Change Emergency and trees play an important role in the adaptation and mitigation of Climate Change;

**AND WHEREAS** the City of Hamilton Urban Official Plan recognizes the importance of trees and woodlands to the health and quality of life in our communities and encourages the protection and restoration of trees and forests;

**AND WHEREAS** through the public consultation on the draft Urban Forest Strategy, the residents of Hamilton indicated that better protection for private trees, especially during development, was considered very important and that the City of Hamilton should do more to protect individual trees or groupings of trees that are not regulated by the current Woodlands By-laws;

**AND WHEREAS** it is important to protect trees within future development areas until such time as Secondary Plans including the identification of Natural Heritage Systems have been prepared and adopted by Council;

**AND WHEREAS** this By-law amends By-law No. 14-212;

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

1. That the amendments in this By-law include any necessary grammatical, numbering and lettering changes;
2. That Section 1 of By-law 14-212 be amended to add the following definition in alphabetical order:  
  
“Occupied Building” means a permanent structure used or intended to be used for the shelter, accommodation or enclosure of persons for residential, business, institutional or recreational purposes. For the purposes of this By-law, an attached garage shall be deemed to be part of an Occupied Building;
3. That By-law 14-212 be amended by adding the following Section after Section 2:
  - 2a In addition to Section 2 of this By-law, for those lands identified in Schedules “A1”, “A2” and “A3” to this By-law, this By-law shall apply to:

- (a) Trees with a diameter breast height equal to or greater than 20 centimetres, except such trees that are:
  - (i) Located within 7.5 metres (25 feet) of the outer edge of an Occupied Building existing at the date of passage of this By-law and do not form part of a woodland; or,
  - (ii) Siberian Elms (*Ulmus pumila*), Norway Maples (*Acer platanoides*), Tree of Heaven (*Ailanthus altissima*), or Manitoba Maples (*Acer negundo*) and the destruction of one or more of the trees does not have the effect of reducing the number of trees in a woodland below the number of trees necessary to constitute a woodland.
- 4. That By-law 14-212 be amended by adding the following Section after Section 3:
  - 3a In addition to Section 3 of this By-law, for those lands identified in Schedules “A1”, “A2” and “A3” of this By-law, except as otherwise permitted under Sections 5, 6 or 7 of this By-law or Subsections 2a (a) (i) or (ii), no person through their own actions or through the actions of any other person shall injure or destroy any tree with a diameter breast height equal to or greater than 20 centimetres or permit the destruction or injury of any tree with a diameter breast height equal to or greater than 20 centimetres.
- 5. That By-law 14-212 be amended by adding the words “and 2a” to Section 5, such that Section 5 will read as follows: “Despite Sections 2 and 2a, this By-law does not apply to.....”;
- 6. That By-law 14-212 be amended by adding the following words “or a tree or trees identified in Section 2a” after the word “woodland” in: Subsections 5 (c), 5 (d), 5(e), 5 (f), 5 (g), 5(h), 5(i), 5(j), 5(k), 5(l), 5(n); Section 6; and Sections 8 – 12;
- 7. That Schedules “A1”, “A2” and “A3” to this By-law be added as Schedules “A1”, “A2” and “A3” to By-law 14-212;
- 8. That in all other respects, By-law 14-212 is confirmed; and,
- 9. That the provisions of this By-law shall become effective on the date approved by City Council.

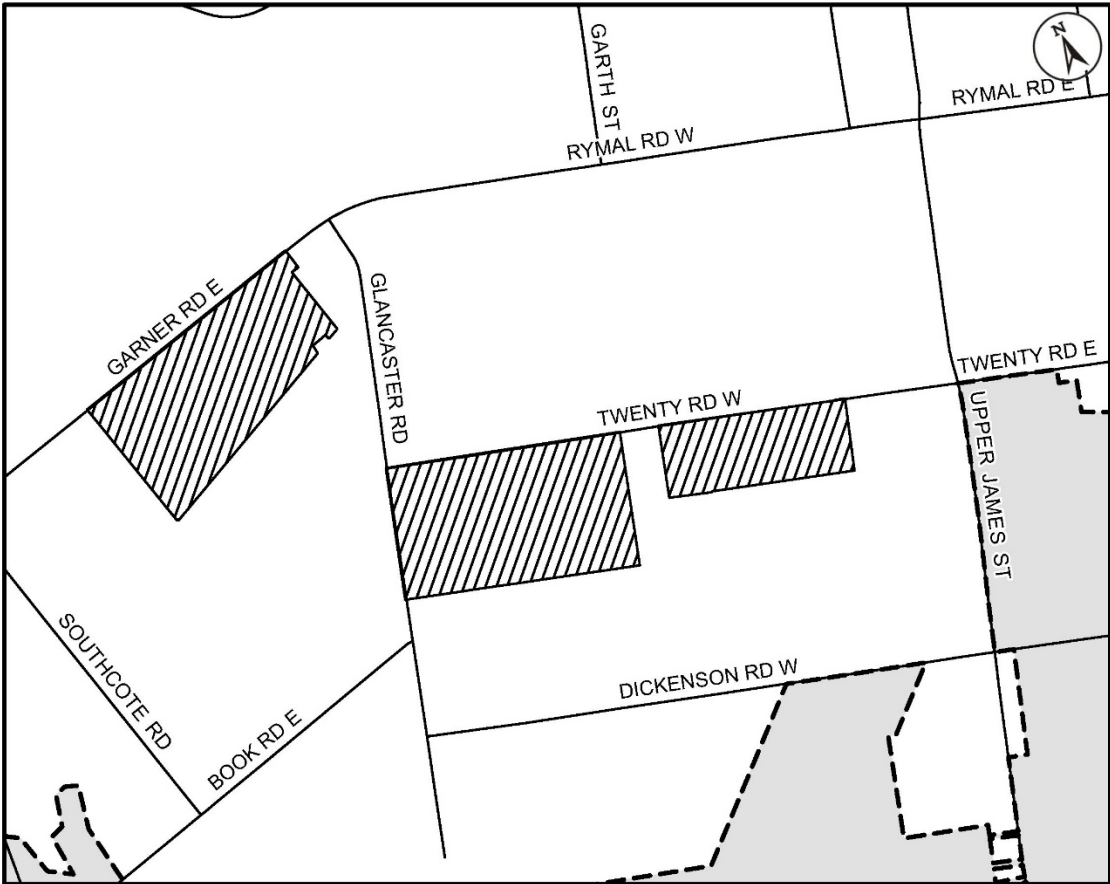
**PASSED** this 24<sup>th</sup> day of May, 2023

---

A. Horwath  
Mayor

---

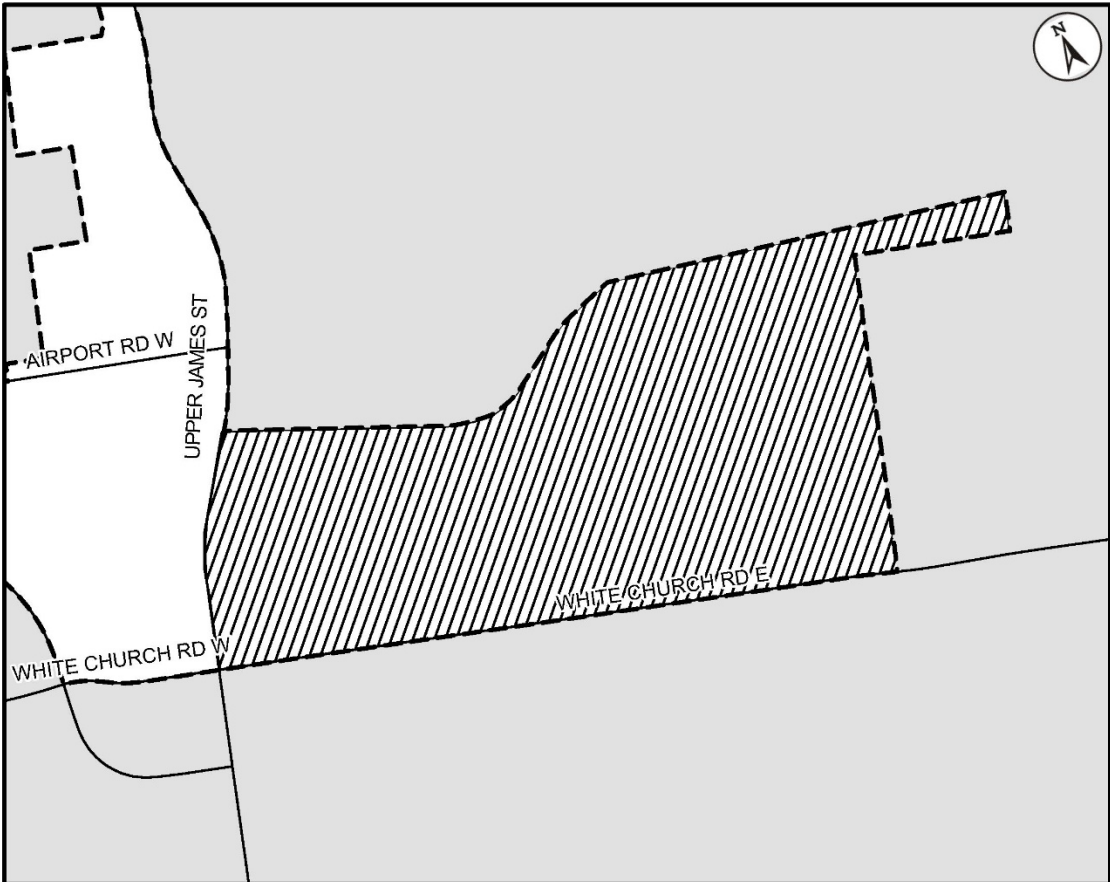
A. Holland  
City Clerk



This is Schedule "A1" to By-law No. 23-  Passed the ..... day of ....., 2023	----- Mayor  ----- Clerk
--	--------------------------------------

<p style="text-align: center;"><b>Schedule "A1"</b></p> <p style="text-align: center;">Map forming Part of By-law No. 23-_____</p> <p style="text-align: center;">to Amend By-law No. 14-212</p>	<p><b>Subject Property</b></p> <ul style="list-style-type: none"> <li> Lands Subject to additional Provision for trees, not part of a Woodland</li> <li> Rural Area</li> <li> Urban Boundary</li> </ul>
--	---

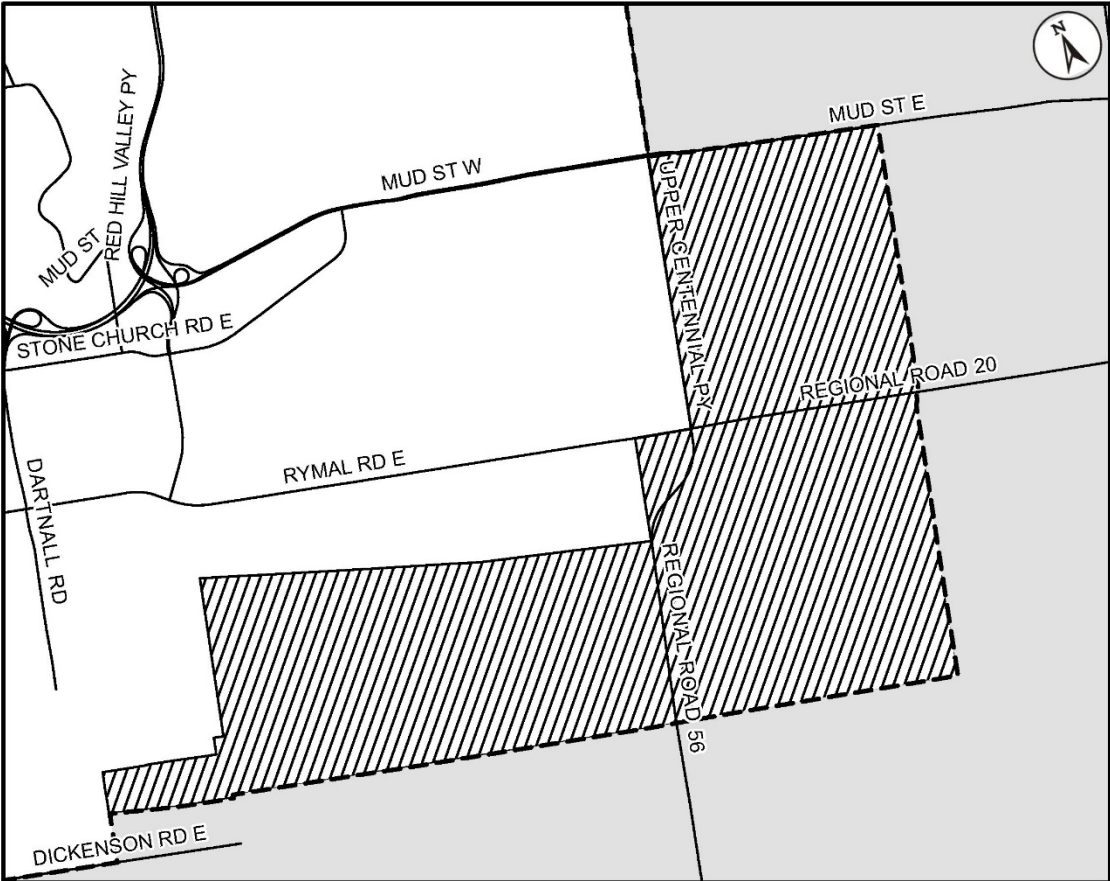
Scale: N.T.S	File Name/Number: Tree By-law	
Date: April 24, 2023	Planner/Technician: SR/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		



This is Schedule "A2" to By-law No. 23-  Passed the ..... day of ....., 2023	----- Mayor  ----- Clerk
--	--------------------------------------

<h2>Schedule "A2"</h2> <p>Map forming Part of                  By-law No. 23-_____</p> <p>to Amend By-law No. 14-212</p>	<p><b>Subject Property</b></p> <ul style="list-style-type: none"> <li> Lands Subject to additional Provision for trees, not part of a Woodland</li> <li> Rural Area</li> <li> Urban Boundary</li> </ul>
--	---

Scale: N.T.S	File Name/Number: Tree By-law	
Date: April 24, 2023	Planner/Technician: SR/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		



This is Schedule "A3" to By-law No. 23-  
 Passed the ..... day of ....., 2023

-----  
 Mayor


-----  
 Clerk


**Schedule "A3"**


Map forming Part of  
 By-law No. 23-\_\_\_\_\_

to Amend By-law No. 14-212

**Subject Property**

 Lands Subject to additional Provision for trees, not part of a Woodland

 Rural Area

 Urban Boundary

Scale: N.T.S	File Name/Number: Tree By-law
Date: April 24, 2023	Planner/Technician: SR/NB
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

