

Authority: Item 9, Planning Committee
Report: 15-019 (PED15028(a))
CM: December 9, 2015

Bill No. 286

CITY OF HAMILTON

BY-LAW NO. 15-286

To Amend Zoning By-law No. 05-200 Respecting Corrections to Definition of Model Home, Model Home Regulations and Accessory Buildings in All Zones Regulations

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 City of Hamilton Act, 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 No. 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 Council of the City of Hamilton, in adopting Item 9 of Report 15-019 of the Planning Committee, at its meeting held on the 9th day of December, 2015, which recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

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 the Urban Hamilton Official Plan was declared in force and effect on August 16, 2013 and is the Official Plan in effect for lands within the Urban Area of the City of Hamilton;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan;

AND WHEREAS this By-law will be in conformity with the Rural Hamilton Official Plan upon finalization of Amendment No. 11;

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

1. 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, 288) Zone, Modified, the extent and boundaries which are shown on Schedule "A1" to this By-law.

2. That Map No. 167 of Schedule "A" – Zoning Maps of By-law No. 05-200, as amended by By-law 15-173, is amended by changing from the Agriculture (A1) Zone to the Existing Rural Industrial (E2, 166, H15) Zone, Modified, the extent and boundaries which are shown on Schedule "A2" to this By-law.
3. That **SECTION 3: DEFINITIONS** is amended by deleting and replacing the definition of model home as follows:

Model Home Shall mean a single detached dwelling, semi-detached dwelling, multiple dwelling, street townhouse dwelling or a block of townhouse dwelling units used in the interim for the sole purpose of an office and/or show room and/or sales centre each of which shall promote the sale of residential units within a draft approved plan of subdivision or a registered plan of subdivision.

4. That **SECTION 4: GENERAL PROVISIONS** is amended by:
 - (a) revising clauses b) and f) of Subsection **4.8.1 – RESIDENTIAL ZONES, DOWNTOWN D5 AND DOWNTOWN D6 ZONES AND INSTITUTIONAL ZONES** as follows:
 - b) All buildings accessory to a residential use shall not exceed 30% lot coverage of the yard in which the accessory buildings are located, including areas devoted exclusively to parking, to a maximum of 97 square metres. This regulation shall not apply to an inground swimming pool.
 - f) Except as noted in clause d), accessory buildings greater than 18 square metres in gross floor area shall comply with all other regulations required for the dwelling type to which the building is accessory to.
 - (b) deleting and replacing Subsection **4.15 – MODEL HOMES IN DRAFT PLANS OF SUBDIVISION** as follows:

4.15 MODEL HOMES IN PLANS OF SUBDIVISION

Notwithstanding any other provisions of this By-law, where a subdivision agreement has been executed (signed) by the owner, more than one model home may be constructed on a lot prior to registration of the plan of subdivision or on a lot or block within a registered plan of subdivision subject to the following restrictions:

- a) The use shall be permitted in the zone in which the dwelling is to be located;
 - b) Each dwelling unit shall be used for the purpose of a model home only and shall not be occupied as a dwelling unit prior to the date of the registration of the subdivision plan;
 - c) For the purpose of this Section, a “multiple dwelling” shall only include that form of housing type commonly described as a block or cluster townhouse;
 - d) The maximum number of model homes shall not exceed 10% of the total number of lots intended for single detached dwellings, semi-detached dwellings or townhouse dwelling unit purposes within the draft approved plan of subdivision or registered plan of subdivision, to a maximum of 20 dwelling units;
 - e) The model home shall comply with all other provisions of this By-law, as though the dwellings and/or units were constructed on the lot within the registered plan of subdivision; and,
 - f) The model home shall comply with all applicable terms and conditions of the said subdivision agreement.
5. That Schedule “C” – Special Exceptions of By-law No. 05-200 is hereby amended as follows:
- (a) That Special Exception 151 is amended by adding “, Motor Vehicle Service Station” after “repair operation”;
 - (b) Adding Special Exception 288:
“288 In addition to Section 12.3.1, on those lands zoned Settlement Residential (S1) Zone, identified on Map 49 of Schedule “A” – Zoning Maps, described as 917 Centre Road, a Warehouse within the existing buildings shall also be permitted.”
6. That Schedule “D” – Holding Provisions of By-law No. 05-200 is hereby amended by adding an additional Holding Provision as follows:
- “15. Notwithstanding Section 12.7 of this By-law, on those lands zoned Existing Rural Industrial (E2, 166) Zone, Modified, identified on Map 167 of Schedule “A” – Zoning Maps and described as 432 Highland Road

East, the expansion of the Agriculture Processing Establishment – Stand Alone shall not be permitted until such time as:

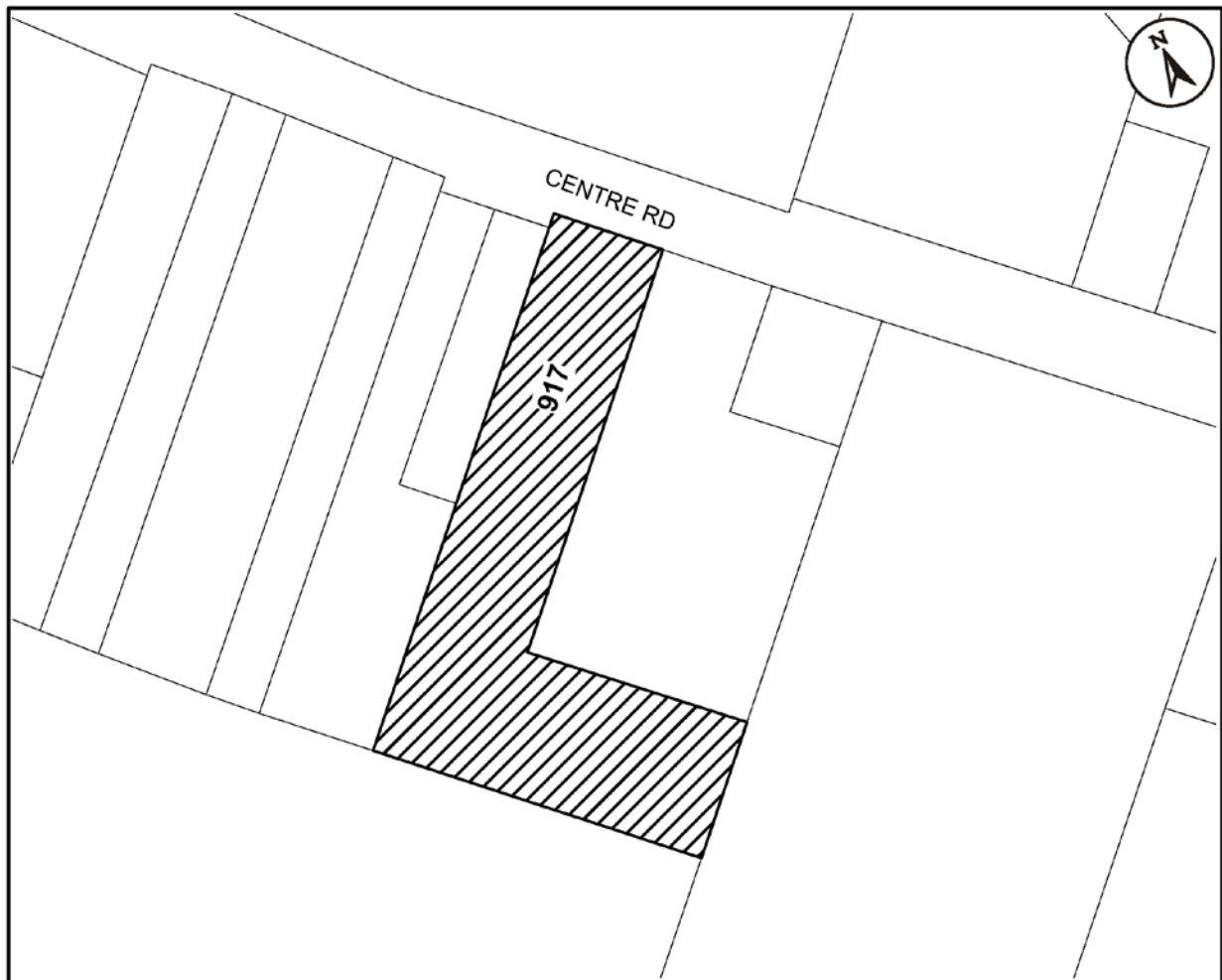
- a) The owner/applicant submits a Hydrogeological Assessment of the subject lands based on the proposed development in order to assess the capacity of the subject lands for sustainable private servicing to the satisfaction of the Manager of Source Protection Planning, Public Works Department.”
7. That this By-law No. 15-285 shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Sub-section.

PASSED this 9th day of December, 2015.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

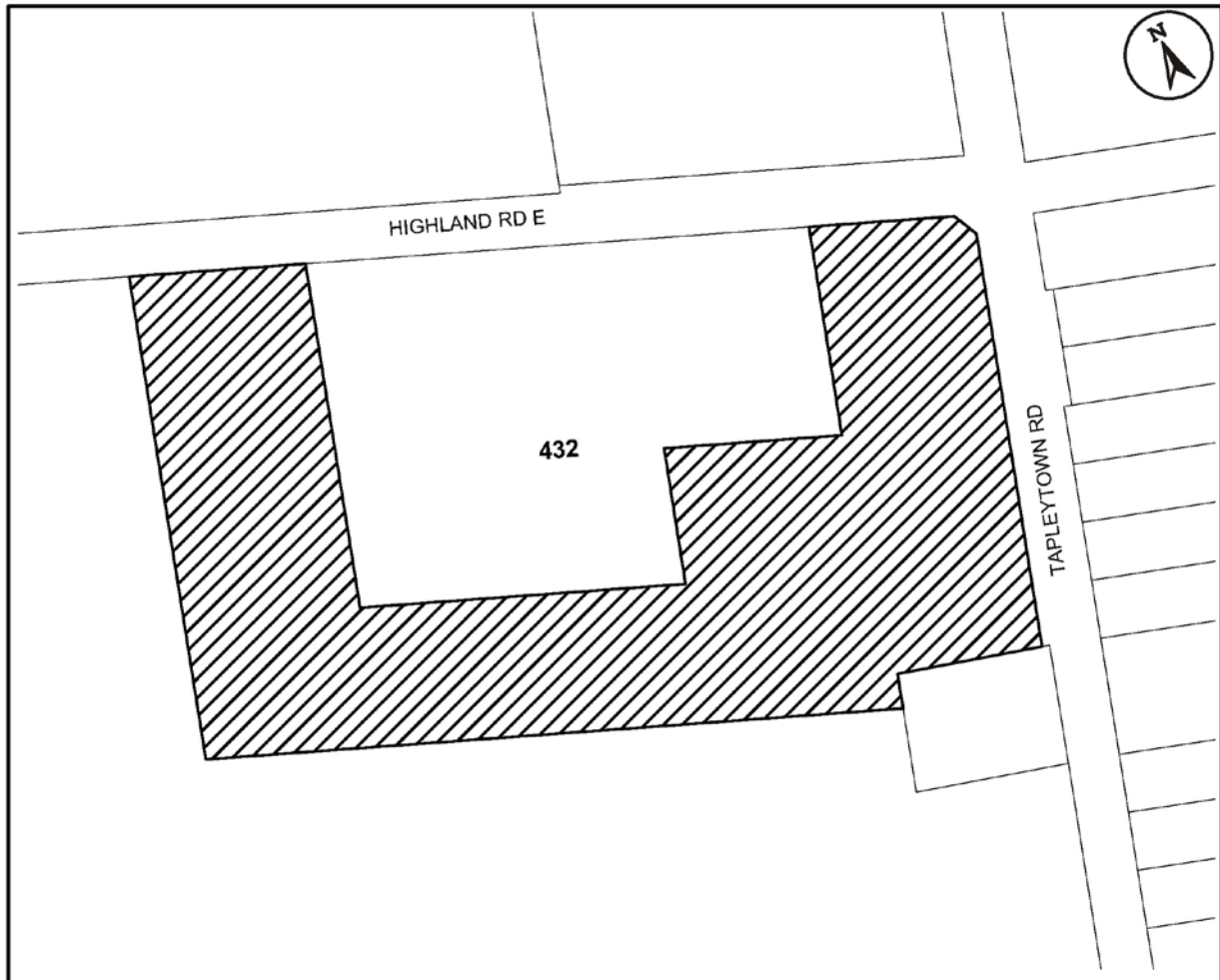
CI-15-H



This is Schedule "A1" to By-law No. 15- Passed the day of, 2015	----- Mayor ----- Clerk
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<h2>Schedule "A1"</h2> <h3>Map Forming Part of By-law No. 15-_____</h3> to Amend By-law No. 05-200 Map 49	Subject Property 917 Centre Road Lands to be rezoned from the Settlement Residential (S1) Zone to the Settlement Residential (S1, 288) Zone, Modified
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Scale: N.T.S.	File Name/Number: CI-15-H	
Date: October 21, 2015	Planner/Technician: PD/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		



<p>This is Schedule "A2" to By-law No. 15-</p> <p>Passed the day of, 2015</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<p style="text-align: center;">Schedule "A2"</p> <p style="text-align: center;">Map Forming Part of By-law No. 15-_____</p> <p style="text-align: center;">to Amend By-law No. 05-200 Map 167</p>	<p>Subject Property</p> <p>432 Highland Road East</p> <p> Lands to be rezoned from the Agriculture (A1) Zone to the Existing Rural Industrial (E2, 166, H15) Zone, Modified</p>
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