

Amendments to Section 4: General Provisions

- a) That Subsection 4.4 PUBLIC USES PERMITTED IN ALL ZONES of SECTION 4: GENERAL PROVISIONS of By-law 05-200, is deleted in its entirety and replaced with the following:

"4.4 PUBLIC USES PERMITTED IN ALL ZONES

Notwithstanding anything else in this By-law, a utility company, a communication company, the City or any of its local boards as defined in The Municipal Act, any communications or transportation system owned or operated by or for the City, and any agency of the Federal or Provincial Government, including Hydro One, may, for the purposes of the public service, use any land or erect or use any building in any zone subject to the use or building being in compliance with the most restrictive regulations contained in such zone for any use and the parking requirements of Section 5 of this By-law, for such use and subject to there being no outdoor storage of goods, materials or equipment in any yard abutting a Residential Zone or a Downtown D5 or Downtown D6 Zone or Settlement Residential (S1) Zone. Any buildings erected or used in a Residential Zone or a Downtown D5 or Downtown D6 Zone or Settlement Residential (S1) Zone under the provisions of this Section, shall be designed so as not to intrude into the residential character of the area. This exemption for use in any zone shall not apply to the Neighbourhood Park (P1) Zone, any use, land or building used by Hamilton Hydro, Hydro One or any communication company or utility company for executive or administrative offices, or retail purposes, or any land or building used by any local School Board, University or College. (By-law 06-166, June 14, 2006, By-law 07-321, November 14, 2007)."

- b) That Subsection 4.7 REDUCTION OF YARDS FOR NON-CONFORMING LOTS OF SECTION 4: GENERAL PROVISIONS of By-law 05-200, be amended by relabeling the existing clause as a) and by adding the following new clause:

"b) Section 4.7 a) does not apply to lots that do not meet the minimum lot area requirement of Section 12.1.3.3 of the Agriculture A1 Zone, Section 12.2.2.4 of the Rural A2 Zone, and lots that do not meet the minimum lot area requirement of the Settlement Residential S1 Zone, Settlement Commercial S2 Zone, and Settlement Institutional S3 Zone."

- c) That Subsection 4.8.1 RESIDENTIAL ZONES, DOWNTOWN D5 AND DOWNTOWN D6 ZONES AND INSTITUTIONAL ZONES of SECTION 4: GENERAL PROVISIONS of By-law 05-200, be amended by adding the words "SETTLEMENT COMMERCIAL, SETTLEMENT INSITUTIONAL AND

SETTLEMENT RESIDENTIAL ZONES" after the words "INSTITUTIONAL ZONES", so that it shall read as follows:

"4.8.1 RESIDENTIAL ZONES, DOWNTOWN D5 AND DOWNTOWN D6 ZONES, INSTITUTIONAL ZONES, SETTLEMENT COMMERCIAL, SETTLEMENT INSTITUTIONAL AND SETTLEMENT RESIDENTIAL ZONES"

- d) That the following new Subsection be added to SECTION 4: GENERAL PROVISIONS of By-law 05-200:

"4.8.2 AGRICULTURE A1 ZONE, RURAL A2 ZONE, EXISTING RURAL COMMERCIAL E1 ZONE AND EXISTING RURAL INDUSTRIAL E2 ZONE

- a) No accessory buildings or structures shall be located within a front yard.
 - b) All buildings and structures accessory to an Agriculture use shall comply with all regulations under the Agriculture Regulations section of the A1 and A2 Zones.
 - c) All buildings accessory to a Single Detached Dwelling shall not exceed an area of 120 square metres and shall have a maximum building height of 6.0 metres."
- e) That Subsection 4.12 VACUUM CLAUSE of SECTION 4: GENERAL PROVISIONS of By-law 05-200 is amended by adding the following new clause:

"d) Notwithstanding any other provisions of this By-law, any lot within the Rural and Agricultural Zones of this By-law, and the location thereon 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, flankage yard, rear yard, lot width, lot area, and building height and are permitted by this By-law."

- f) That Subsection 4.23 d) Setback from a Conservation/Hazard Land (P5) Zone of Section 4.23 SPECIAL SETBACKS is hereby deleted in its entirety and replaced with the following:

"d) Setback from a Conservation/Hazard Land (P5) Zone, Conservation/Hazard Land Rural (P7) Zone and Conservation/Hazard Land Rural (P8) Zone

All buildings or structures located on a property shall be setback a minimum of 7.5 metres from a P5, P7 and P8 Zone boundary."

- g) That the following new Subsection be added to SECTION 4: GENERAL PROVISIONS of By-law 05-200:

"4.28 MINIMUM DISTANCE SEPARATION FORMULAE

- a) That all development within the City of Hamilton be subject to the Minimum Distance Separation (MDS) formulae as established by the Province, as amended from time to time.
- b) Notwithstanding a) above, where a new dwelling is proposed to be constructed on a lot 4.0 hectares or greater in size, MDS I shall be applied."

- h) That the following new Subsection be added to SECTION 4: GENERAL PROVISIONS of By-law 05-200:

"4.29 ENVIRONMENTAL IMPACT STATEMENT (EIS)

An EIS may be required where development is proposed in or adjacent to an environmental feature in order to ensure that the environmental feature is appropriately protected against the impacts of development. Accordingly, an EIS may be required for development proposed on lands zoned P6, P7 and P8 as well as development proposed within 120 metres of natural features.

- i) That the following new Subsection be added to SECTION 4: GENERAL PROVISIONS of By-law 05-200:

"4.30 NIAGARA ESCARPMENT PLAN DEVELOPMENT CONTROL AREA

Pursuant to Ontario Regulations 828/90, as amended from time to time, when lands are located within the Development Control Area defined under Ontario Regulation 826/90, as amended from time to time, and identified as "Niagara Escarpment Commission Development Control Area" on Schedule "A" – Zoning Maps, zoning shall have no effect and is provided for information purposes only."