



CITY OF HAMILTON

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division**

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARDS 9, 11, 12, 13, 14, and 15
COMMITTEE DATE: October 15, 2013	
SUBJECT/REPORT NO: City of Hamilton Comprehensive Zoning By-law: Proposed Rural Zones and Public Consultation (PED13167) (Wards 9, 11, 12, 13, 14, and 15)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Heather Travis (905) 546-2424 Ext. 4168
SIGNATURE:	

RECOMMENDATION

That the Draft Rural Zones and definitions, attached as Appendix “A” to Report PED13167, be received, and staff be authorized to commence public consultation for these Draft Zones and definitions, including circulation to property owners and the holding of Public Information Centres in the Rural Area.

EXECUTIVE SUMMARY

To implement the policies of the City’s Rural Hamilton Official Plan (RHOP), staff has prepared draft Zones for the Rural area (see Appendix “A”) to be incorporated in Zoning By-law No. 05-200. In preparing the attached zones, staff has endeavoured to create Rural Zones that achieve the goals of the RHOP respecting the protection of agricultural lands in Rural Hamilton. At the same time, the intent of the attached zones is also to allow for flexibility and innovation in agricultural practice, to accommodate the introduction of value-added uses to support and enhance the agricultural community. The attached zones aim to achieve a balance between these two goals. Staff is requesting that the attached draft zones be received for information, and that staff be

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authorized to conduct Public Information Centres in the Rural Area to engage the public and receive comments and feedback on the attached zones.

Alternatives for Consideration - See Page 17.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: N/A.

Staffing: N/A.

Legal: N/A.

HISTORICAL BACKGROUND (Chronology of events)

The City of Hamilton's new Comprehensive Zoning By-law No. 05-200 came into effect on May 25, 2005, and is being implemented in stages. The first stage represented the Downtown Zones. The second stage brought forward the Open Space and Parks Zones, and the third stage brought forward the Institutional Zones. New Industrial (Employment) Zones were brought forward in 2010. The next phase to be brought forward and incorporated into Zoning By-law No. 05-200 will be the new Rural Zones.

Previous work on the Rural Zones had been completed in 2010. Draft Rural Zones were presented to Planning Committee for information prior to commencing public consultation. Six Public Information Centres (PICs) were held in 2010 to present draft Zones and mapping to the public. In addition, the draft Rural Zones and mapping were also circulated for review and comment internally to City Departments, and externally to outside agencies. Comments were received from both internal staff and members of the public as part of this consultation process. However, the draft Zones could not be brought forward to a Public Meeting because the Rural Hamilton Official Plan (RHOP) was not in effect.

On March 7, 2012, the Ontario Municipal Board approved the majority of the RHOP, and it came into full force and effect. As such, staff has resumed work on finalizing the new Rural Zoning. The draft Rural Zones and mapping have been reviewed against the comments received both internally and externally as part of the previous consultation, as well as to ensure conformity with the approved RHOP policies. Based on this review, revisions have been made to the proposed Zones, the zone regulations, and the zone mapping, as will be discussed in this Report.

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

The new Rural Zones implement the policies of the RHOP which, in turn, were guided by the Provincial Greenbelt Plan and Provincial Policy Statement. These policy documents provide very detailed direction regarding the goals related to land use in the Rural Area, as well as permitted uses to be incorporated into implementing Zoning By-laws. These policy documents represent a significant shift in thinking toward rural land uses and development. As such, the new Rural Zones represent, in many instances, a significant departure from the City's existing Rural Zones within the former municipalities' Zoning By-laws.

Relationship to Rural Hamilton Official Plan (RHOP):

Some of the stated goals of the RHOP include: maintaining and promoting the right-to-farm throughout Rural Hamilton; preserving and enhancing prime agricultural areas and specialty crop areas for farming; encouraging all lands in agricultural use to remain in agricultural use; directing non-farm, rural-oriented development to Rural Settlement Areas and Rural Areas (designated in the RHOP); and recognizing the diverse and innovative nature of agriculture by providing opportunities for on-farm diversification.

Schedule "D" - Rural Land Use Designations of the RHOP identifies 6 rural land use designations, being: Agriculture; Specialty Crop; Rural; Mineral Aggregate Resource Extraction Areas; Open Space; and Utility. In addition to these designations, there are also 3 land use designations identified through the Rural Settlement Area Plans found within Volume 2 of the RHOP: Settlement Residential, Settlement Commercial, and Settlement Institutional. The RHOP identifies the uses permitted within each of these designations. For example, the "Agriculture" designation permits only agricultural uses, agricultural-related uses, and on-farm secondary uses. No other uses are permitted within this designation. The proposed zones, to be described in the next section, implement these land use policies for each of the designations. It is important to note that the Zoning By-law may be more restrictive than the policies of the RHOP, but it may not be more permissive.

Based upon the policy direction of the RHOP, staff has endeavoured to create Rural Zones that achieve the goals of the RHOP respecting the protection of agricultural lands. This direction is achieved through the restriction on uses permitted within each zone. Non-agricultural uses (with the exception of a single detached dwelling) are not permitted as-of-right in the Agriculture or Rural Zones. However, the zones do permit agricultural-related and secondary uses to accommodate the introduction of value-added uses to support and enhance the agricultural community.

RELEVANT CONSULTATION

Agricultural and Rural Affairs Advisory Committee:

As part of the previous work on the Rural Zoning By-law in 2010, staff attended a meeting of the Agricultural and Rural Affairs Advisory Committee (ARAAC) to gain input on rural zoning issues. Staff will continue to work with ARAAC, and will be presenting the attached draft Rural Zones at an upcoming ARAAC meeting.

Conservation Authorities:

The four Conservation Authorities with watershed boundaries in the City of Hamilton (Hamilton Conservation Authority, Conservation Halton, Grand River Conservation Authority, and Niagara Peninsula Conservation Authority) have been consulted in relation to the proposed Conservation/Hazard Land - Rural (P6) Zone and the proposed "CA" suffix. The four Conservation Authorities have expressed their support for the proposed approach to the zoning of hazard lands in the Rural Area with the "CA" suffix, as will be addressed in the Analysis/Rationale for Recommendation section below. Staff is continuing to work with the Conservation Authorities to ensure that the proposed P6 Zone and zone mapping fully implement the Natural Heritage policies of the RHOP.

Internal Staff:

Staff from Development Planning and Building Services has had an opportunity to review the attached zones, and a meeting was held to discuss staff comments on the attached. At the meeting, staff suggested changes to add clarity to the proposed zone regulations and definitions, and appropriate changes were made to the draft zones, which have been incorporated into Appendix "A".

Ward Councillors:

Staff will be continuing to meet with the Ward Councillors in the affected Wards to discuss the proposed new Rural zoning, throughout the consultation process.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

Development and Intent of Rural Zones:

The intent of the new Rural Zoning By-law is to be a "living document", which is flexible, user friendly, and responsive to the needs of the agricultural community. The proposed Rural Zones establish a consistent approach to the City's rural lands. In developing the

zones, staff conducted extensive background research to shape the direction of rural zoning within the new Comprehensive Zoning By-law. Existing planning legislation, including the Provincial Policy Statement, the Greenbelt Plan, and the RHOP, were reviewed in relation to the new Rural Zones, as these documents provide the direction which the new Rural Zones must implement. The City's existing Zoning By-laws of the former municipalities were also reviewed. In addition, other recent rural municipal Zoning By-laws were evaluated in an effort to gain an understanding of current best practices and trends for agricultural land use and zoning. Finally, staff conducted site visits to gain an appreciation of current trends related to agriculture within Rural Hamilton, and to gain a deeper understanding of the issues and concerns of the agricultural community.

Proposed Rural Zones:

The proposed Rural Zones are attached as Appendix "A". There are a total of 7 proposed zones, described as follows:

Agriculture (A1) Zone:

The proposed Agriculture (A1) Zone is the most restrictive of the two "A" Zones (A1 and A2). This Zone has been applied to all lands that are designated "Agriculture" or "Specialty Crop" on Schedule "D" to the RHOP. The uses permitted in this zone are restricted to Agriculture, Secondary Uses to Agriculture, Home Business, Single Detached Dwelling, and Residential Care Facility. Uses permitted as Secondary to Agriculture (must be on the same lot as an agricultural operation) are: Agri-tourism, Agricultural Processing Establishment, Agricultural Research Operation, Home Industry, Landscape Contracting Operation, Kennel, and Winery (only within Specialty Crop lands).

Regulations have been included in the zone to address lot area, setbacks, lot coverage, outdoor storage and special regulations for Farm Labour Residences, Mushroom Operations, and Nurseries. Special regulations for Secondary Uses to Agriculture have also been included, related to maximum gross floor area for the use, special setbacks, outdoor storage, and accessory retail permissions, depending on the specific Secondary use. Regulations have also been included for stand-alone, single detached dwellings.

Rural (A2) Zone:

The Rural (A2) Zone has been applied to all lands designated “Rural” on Schedule “D” to the RHOP. The uses permitted in this Zone include all uses permitted in the A1 Zone, as well as the following additional uses: Abattoir; Agricultural Processing Establishment - Stand Alone; Agricultural Storage Establishment; Farm Product Supply Establishment; Kennel (stand alone), Livestock Assembly Point; and Veterinary Service - Farm Animal. The primary difference between the A1 and A2 Zones is that the A2 Zone is more permissive in terms of value-added uses to Agriculture. While the A1 Zone permits only value-added uses, which are secondary to an agricultural operation, the A2 Zone permits these uses and also a range of Agricultural-related Commercial and Industrial uses, as listed above. These Agricultural-related uses may be permitted on-farm as part of a farm operation, or as stand-alone uses that serve one or more farms in the area.

Similar to the A1 Zone, special regulations have been included for Farm Labour Residences, Mushroom Operations, Nurseries, and Secondary Uses to Agriculture. In addition, regulations for the additional permitted uses within the A2 Zone have also been included, with special attention paid to Agricultural Processing Establishments, Abattoirs, and Kennels in terms of setback from adjacent sensitive uses. In general, the regulations of the A2 Zone are more permissive than the A1 regulations, allowing a greater maximum gross floor area for specific uses.

Settlement Residential (S1) Zone:

This zone will be applied to all lands designated as “Settlement Residential” within the Rural Settlement Area Plans in Volume 2 of the RHOP. Within the Settlement Residential (S1) Zone, permitted uses are restricted to a Single Detached Dwelling, Home Business, and Residential Care Facility. Regulations have been included for lot area, lot width, and setbacks.

Settlement Commercial (S2) Zone:

This zone will be applied to all lands designated as “Settlement Commercial” within the Rural Settlement Area Plans in Volume 2 of the RHOP. Within the Settlement Commercial (S2) Zone, permitted uses are restricted to the following: Catering Service, Commercial Recreation, Craftsperson Shop, Day Nursery, Farm Product Supply Establishment, Financial Establishment, Medical Clinic, Motor Vehicle Service Station, Office, Personal Services, Private Club or Lodge, Repair Service, Restaurant, Retail, Studio, and Veterinary Service (standard or Farm Animal). Regulations have been included for lot area, setbacks abutting sensitive uses, outdoor storage, and special requirements for Motor Vehicle Service Stations.

Settlement Institutional (S3) Zone:

This zone will be applied to all lands designated as “Settlement Institutional” within the Rural Settlement Area Plans in Volume 2 of the RHOP. Within the Settlement Institutional (S3) Zone, permitted uses are restricted to a Day Nursery, Educational Establishment, Library, and Place of Worship. Special regulations related to Place of Worship and Educational Establishments have been included.

Extractive Industrial (M12) Zone:

The Extractive Industrial (ME) Zone applies to all lands designated as “Mineral Aggregate Resource Extraction Areas” on Schedule “D” to the RHOP. It is important to note that only existing licensed aggregate operations are identified on Schedule “D” and zoned ME within the Zoning By-law. Any future applications for a new or expanding aggregate operation would require Official Plan and Zoning By-law Amendments. Permitted uses within this designation include a Mineral Aggregate Operation, Agriculture (and related Secondary uses), Conservation, and Recreation. The definition of a Mineral Aggregate Operation includes those lands licensed as a pit or quarry under the Aggregate Resources Act, as well as associated facilities related to extraction, transport, processing, or recycling of Mineral Aggregate Resources, including a concrete batch plant. An asphalt plant and the production of secondary related products are not permitted under this definition.

Conservation/Hazard Land - Rural (P6) Zone:

The Conservation/Hazard Land - Rural (P6) Zone will apply to all lands identified as a Core Area on Schedule “B” to the RHOP, as well as additional lands that have been identified by Conservation Authorities. Permitted uses within the P6 Zone are restricted to Conservation, Flood and Erosion Control facilities, Recreation (passive), as well as Agriculture and existing Single Detached Dwellings. This zone implements the policies of the Greenbelt Plan and the RHOP (Natural Heritage) in terms of protection of natural features and restrictions on development within and adjacent to those features. As per the policies of the RHOP, a Vegetation Protection Zone (VPZ) is required to be identified around identified key natural heritage and key hydrologic features. This VPZ has also been zoned P6.

The Rural P6 Zone differs from the Urban Conservation/Hazard Land (P5) Zone in that there are additional permitted uses in the Rural Zone, namely Agriculture and existing Single Detached Dwellings. These uses are permitted in accordance with the RHOP policies, which recognize that agricultural activities may be suitable and unobtrusive within Core Areas and other natural/hazard features. The policies do identify restrictions on buildings or structures associated with agricultural uses within Core Areas, and this will be controlled through the City’s Site Plan Control By-law. Site Plan

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approval will be required for any development within 120m of a Core Area or Conservation Authority Regulated Area. Existing single detached dwellings are also permitted within the P6 Zone, in recognition of the fact that there are many instances in the Rural Area where such dwellings already exist within a P6 Zone, and these dwellings should not be made legal non-conforming by way of the P6 Zone.

“CA” Suffix for Hazard Lands:

Hazard lands (floodplain, slope/erosion hazard, meander belt), as identified by Conservation Authorities and located outside of the P6 Zone, will be identified with a “CA” suffix. This suffix identifies that the lands cannot be developed until such time as appropriate approvals have been obtained from both the Conservation Authority and the City. It will be identified on zoning maps, and the explanation for the suffix will be included in Section 2 (Interpretation) of Zoning By-law No. 05-200. The four Conservation Authorities with watershed boundaries in Hamilton are supportive of this approach.

The alternative to the “CA” suffix would be to zone all hazard lands as P6, which is essentially a no development zone. Upon review of the zone mapping, staff identified that if all such hazard lands were zoned P6, there are many areas which are largely developed, but would be zoned P6 because of an underlying hazard feature. This approach would be highly restrictive to the current property owners who would be restricted from any expansions or further development of their property without a zoning amendment or minor variance. As such, staff finds that the “CA” suffix approach is preferable and flexible, in that the hazard lands are still identified and development is restricted, but should the appropriate approvals be granted by the Conservation Authority and City, development may proceed without the need for a Zoning Amendment.

Niagara Escarpment Plan:

The proposed Zones will be applied to all lands in Rural Hamilton, including lands that are within the Development Control area of the Niagara Escarpment Plan (NEP). As per the Niagara Escarpment Planning and Development Act, municipal Zoning By-laws are not applicable within the NEP Development Control Area. However, it has been common practice to apply zoning to these lands (the Zoning By-laws of Stoney Creek, Ancaster, and Flamborough applied zoning to the Development Control Area). The underlying zoning can be used by City staff and staff of the Niagara Escarpment Commission (NEC) when reviewing Development Permit applications within this area.

Amendments to Definitions:

Along with the new Rural Zones, new definitions will also be added to Zoning By-law No. 05-200 related to rural land uses. In addition, some existing definitions in Zoning By-law No. 05-200 may be amended to provide clarity or differentiate between urban and rural uses. Some new or amended definitions of note include the following:

Agriculture: Shall mean the growing of crops, including Nursery and horticultural crops, raising of livestock, raising, boarding, and training of horses, raising of other animals for food, fur, or fibre, including poultry and fish, aquaculture, aquaponics, apiaries, agro-forestry, maple syrup production, greenhouse operations, hydroponics, and other such Accessory uses as are customarily and normally associated with agriculture, including limited value retention uses required to make a commodity grown primarily as part of the farm operation saleable (i.e. grain drying, washing, sorting, grading, treating, storing, packing and packaging, feed mill, or grain mill) and selling of agricultural products primarily grown as part of the farm operation, and associated on-farm buildings and structures, including one Single Detached farm Dwelling and a Farm Labour Residence.

This definition of “Agriculture” is a modified version of the “Agriculture” definition in the RHOP. The definition is more detailed to clarify that there are certain uses which normally occur as part of an agricultural operation, such as washing, storing, grading, and packaging of product, which should be considered as part of “Agriculture”. These types of activities are known as “value retention uses”, and are considered an integral part of an agricultural operation, and support production and preparation of market ready agricultural products. This recognition that value retention uses should be considered part of agriculture is important, as it differentiates these activities from more intensive value-added activities such as Agricultural Processing, which should be considered as a separate use from “Agriculture”.

The Zoning By-law definition of “Agriculture” also includes additional examples of types of agriculture (e.g. aquaponics, hydroponics) and the selling of agricultural products grown primarily as part of the farm operation.

Agricultural Processing Establishment - Secondary:

Shall mean the use of land, building, or structure, or portion thereof, for a facility dedicated to the physical or chemical transformation of raw agricultural commodities or agri-based ingredients, but shall not include an Abattoir or Winery. Agricultural processing shall be limited to the value added processing of agricultural commodities or agri-based ingredients grown primarily as part of the farm operation, and may include Accessory Retail.

Agricultural Processing Establishment - Stand Alone:

Shall mean the use of land, building, or structure, or portion thereof, for a stand alone facility dedicated to adding value to agricultural products through the physical or chemical transformation of raw agricultural commodities or agri-based ingredients and Accessory Retail, but shall not include an Abattoir or Winery.

Two new definitions related to Agricultural Processing have been added. Both contain the same definition of processing, which is the physical or chemical transformation of raw agricultural commodities or agri-based ingredients. Agricultural Processing is, therefore, distinguished from the value retention activities included in the definition of “Agriculture” (e.g. washing, sorting, packaging), as those activities do not involve any physical transformation of the product.

The first definition above is for an Agricultural Processing Establishment, which is secondary to an Agricultural use on the same lot. The second definition is an Agricultural Processing Establishment, which is stand-alone; that is, not on the same lot as an Agricultural Operation. While the Agricultural Processing Establishment - Secondary is permitted as a secondary use to Agriculture in both the A1 and A2 Zones, the Agricultural Processing Establishment - Stand Alone is only permitted within the Rural (A2) Zone. The other primary difference between these two uses is that the Agricultural Processing Establishment - Secondary is restricted to the processing of product grown primarily as part of the farm operation on which it is situated, whereas the stand-alone establishment may process products grown from several farming operations.

Home Industry: Shall mean a secondary use to an Agricultural operation, located on the same lot as a permitted “Agriculture” use, and which is limited to a use directly related to Agriculture, such as the repair of agricultural equipment, or a Craftsperson Shop, Tradespersons Shop, or artisans studio, together with the retailing of commodities produced, but shall not include a Motor Vehicle Collision Repair

Establishment, Motor Vehicle Service Station, Motor Vehicle Wrecking Establishment, Contractor's Establishment, and other uses with the potential to contaminate groundwater or negatively impact adjacent uses (e.g. furniture stripping)

The definition of "Home Industry" clarifies that the home industry use must be secondary to an agricultural operation and, therefore, located on the same lot as an agricultural use. A "Home Industry" must meet the criteria in the definition above; that is, it must be directly related to agriculture (such as the repair of agricultural equipment), or it may be a Craftsperson Shop, Tradespersons Shop, or artisan studio. Prohibited uses are also identified in the definition, which are uses that have potential to contaminate ground water resources.

The complete list of new and/or amended definitions to be incorporated into Zoning By-law No. 05-200 can be found in Appendix "A".

Key Issues:

Agricultural-Related Commercial and Industrial Uses and Home Industries:

One of the key issues that staff has researched and addressed through the new rural zoning is the location, type, and size of agricultural-related industrial and commercial uses which may be permitted in the Rural Area, outside of the Rural Settlement Areas. The policy regime (Greenbelt Plan and RHOP) provides direction as to the appropriate types of such uses that may be permitted as-of-right in the Rural Area. Specifically, both Plans permit only *agricultural-related commercial* and *industrial uses* within the "Agriculture" and "Rural" land use designations. Policy D.2.1.2 of the RHOP provides direction related to these uses:

"D.2.1.2 *Agricultural-related uses* are farm-related commercial and farm-related industrial uses that are *small scale*, producing products and services, wholly and directly related to a farming operation and which are required in close proximity to an *agricultural use*. They are uses necessary to support *agricultural uses* and are permitted provided the following conditions are met:

- a) The use must produce products or services directly related to a farming operation, and require a location in close proximity to a *farm operation*. Permitted uses shall be limited to grain dryers, feed mills, grain and seed storage facilities, primary farm produce bulk storage and processing facilities, farm product supply dealers, livestock assembly points, and agricultural research operations;"

In addition, both the Greenbelt Plan and the RHOP also permit and encourage on-farm secondary uses to agriculture in both the “Agriculture” and “Rural” designations, as per Policy D.2.1.3 of the RHOP.

“D.2.1.3 To encourage on-farm economic diversification as a means of reinforcing the agricultural economy limited secondary uses are permitted. On-farm secondary uses are secondary to the primary agricultural use and are limited to agri-tourism uses, farm vacation homes, home industries, kennels, and small scale retailing of agricultural products.”

Of particular note, in relation to this discussion, is the inclusion of home industries as on-farm secondary uses. The RHOP provides the following direction:

“D.2.1.3.2b) A home industry is limited to an *agricultural-related use* such as *small scale* manufacturing, processing and assembly use, or a craftsperson shop, conducted in whole or in part in an *existing* on-farm building.”

Within this policy framework, staff has considered the types of commercial and industrial uses that are appropriate to locate in the Rural Area, as well as those that already exist in Rural Hamilton. Staff has endeavoured to find a balance in the proposed Zoning By-law that allows a limited amount of agriculturally related commercial and industrial uses, while providing restrictions on such uses to ensure that they do not grow to a scale that would be more appropriate in an Urban Area. Similarly, staff has examined the issue of home industries and on-farm secondary uses which provide a value added benefit to the agricultural community. Staff has crafted zoning regulations which allow for the inclusion of home industries and secondary uses at a scale which is appropriate for an on-farm setting. Finally, staff has also examined the existing regulations for Home Businesses in Zoning By-law No. 05-200. Staff is proposing amendments to these regulations for larger lots in the Rural Area to allow greater flexibility and opportunity for home businesses in locations where impacts on adjoining properties are expected to be minimal. The chart below summarizes the proposed approach to zoning for commercial and industrial uses in the Rural Area (not including Rural Settlement Areas).

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Type of Use	Where Permitted	Examples of Use	Regulations
Agriculture	Agriculture (A1) Zone and Rural (A2) Zone	<ul style="list-style-type: none"> • Small scale retailing of Agricultural products. • Nursery/Tree Farm. • Washing, sorting, storing, packaging etc. of agricultural products grown as part of farm operation. 	<ul style="list-style-type: none"> • Restrictions on maximum gross floor area. • Limited to sale of products grown primarily as part of farm operation. • Nursery may also have limited sales of bulk product. • Washing, sorting, packaging, etc., are considered a value retention component of Agriculture with no restrictions.
ON FARM Secondary Uses (only permitted on the same lot as an Agricultural use)	Agriculture (A1) Zone and Rural (A2) Zone	<ul style="list-style-type: none"> • Agricultural Processing Establishment. • Agricultural Research Operation. • Agritourism. • Home Industry - includes repair of agricultural equipment, Craftsperson Shop, Tradesperson Shop, Studio. • Kennel. • Landscape Contractors Establishment. • Winery. 	<ul style="list-style-type: none"> • Restriction on maximum gross floor area. • Restriction on location and amount of outdoor storage. • Restriction on accessory retail. • Special setback from residential uses for Agricultural Processing, Home Industry, and Kennels. • Restriction on number of employees for Home Industry.
Agricultural-Related Commercial and Industrial uses – STAND ALONE	Rural (A2) Zone	<ul style="list-style-type: none"> • Agricultural Processing Establishment. • Agricultural Storage Establishment. • Abattoir. • Farm Product Supply Establishment. • Livestock Assembly Point. • Kennel. 	<ul style="list-style-type: none"> • Minimum and maximum lot area requirements. • Restriction on maximum gross floor area. • Restriction on accessory retail. • Special setback from residential uses for Agricultural Processing, Abattoir, and Kennel.

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		<ul style="list-style-type: none"> • Veterinary Service - Farm Animal. 	
Home Business	Agriculture (A1) Zone and Rural (A2) Zone	<ul style="list-style-type: none"> • Academic Instruction. • Studio. • Office. • Personal Service. • Catering (excludes retail). • Private Home Day Care. • Repair Service (specific). • Bed and Breakfast Establishment. • Craftsperson Shop. • Tradesperson Shop (only on a lot with an area of 0.8 ha or greater). 	<ul style="list-style-type: none"> • Existing regulations in Zoning By-law No. 05-200 apply to all lots in the Agricultural (A1) Zone and to lots in the Rural (A2) Zone less than 0.8 ha in area. • For lots in Rural (A2) Zone with lot area greater than 0.8 ha, additional regulations will be added to allow a Tradesperson Shop, as well as to increase the number of employees permitted and establish setback requirements from adjacent uses.

It is noted that amendments to the RHOP will be required to allow the new rural zoning to be brought forward. In particular, the section on on-farm secondary uses must be amended to include small scale landscape contractors, and the home industry regulations must be amended to permit a Tradesperson Shop. Staff is satisfied that such amendments are appropriate. Given the length of time since adoption of the RHOP (7 years), staff has had further opportunity to examine these issues, and is confident that the proposed amendments are appropriate, given the regulations that will be included in the Zoning By-law to restrict and regulate the uses.

Staff also notes that the RHOP permits resource based commercial and industrial uses in the “Rural” designation, such as commercial nurseries, water bottling plants, etc. However, these uses have not been permitted as-of-right in the attached Zoning By-law, as the RHOP policies are clear that a Zoning By-law Amendment is required to permit any such use. The Zoning Amendment process provides an opportunity to ensure that the proposed use has been fully reviewed in terms of size, location, servicing impacts, and compatibility.

Existing Uses:

A comprehensive review of existing uses and existing special exceptions has been undertaken by staff to determine which legally existing uses in the Rural Area need to be recognized with a Special Exception in the new Zoning By-law. Policy F.1.12.3 of the RHOP gives the authority for legally existing, non-complying uses to be recognized in the new Rural Zoning By-law. It is anticipated that approximately 200 Rural Special Exceptions will be brought forward with the new zoning to recognize such legally existing uses. It is important to note that staff cannot recognize existing illegal uses through this process, as the RHOP only gives direction to recognize existing legal uses through Policy F.1.12.3.

Some existing legal uses may not be recognized in the new Zoning By-law. These uses would become legal non-conforming under the Planning Act. Such uses are allowed to continue and may not be “zoned” out of existence. However, the long term intent is for legal non-conforming uses to cease and be replaced by a use that conforms to the Official Plan and Zoning By-law.

Undersized Existing Lots of Record:

Section C.5.1 of the RHOP provides direction related to Sustainable Private Water and Wastewater Services. Specifically, Policy C.5.1.3(a) states that all development requiring approval under the Planning Act shall ensure that the design and capacity of private services are capable of sustaining the land uses permitted by the Zoning By-law in the buildings to be serviced by the private systems. Policy C.5.1.3(c) indicates that a minimum lot size of 0.4 ha or 1 acre, or such larger lot area as may be required, must be provided to ensure that the lot can be sustainably serviced. Further, Policy F.1.12.6 states that a single detached dwelling can be built on an existing vacant legal lot of record, providing the regulations of Section C.5.1, Sustainable Private Services, can be met. As such, it follows that to ensure that a new dwelling can be sustainably serviced on an existing lot, the existing lot must have a minimum lot size that can appropriately accommodate discharge and dispersion of sewage system effluent. Based on experience of City staff, the minimum lot size normally required to accommodate a sustainable system is 0.5 ha or 1.25 acres. Development on existing lots of a lesser lot area may be possible, but would need to be accompanied by a servicing study to indicate that the lot can be sustainably serviced. Staff estimates that there are approximately 200 existing lots in the Rural Area, zoned for a single detached dwelling, that are less than 1.25 acres in size. A Holding ‘H’ provision will be applied to these lots to ensure that development does not occur until the required servicing study is submitted and approved. At that time, the Holding provision could be removed.

Exclusion of the Radial Separation Distances for Residential Care Facilities:

As a result of a recent OMB decision, Human Right Commission concerns, and the development of the new Zoning By-law, the Planning Committee, at its meeting of September 4, 2013, and confirmed by Council on September 11, 2013, directed:

- (b) *That staff be directed to report to the Planning Committee with a comprehensive review of residential care facilities in the context of the Provincial Policy, as it relates to special needs, radial separation distances, and the Human Rights Code.*

Based on City Council's recent discussions and direction on radial separation distances for residential care facilities, concerns arising from Human Rights Commission decisions, other municipalities have removed this regulation from their By-laws and the concentration of facilities in the Rural Area is not an issue, staff has not included a radial separation distance in the A1, A2, and S3 Zones.

Sourcewater Protection Plans:

The Sourcewater Protection Plan (SPP) for Halton and Hamilton was submitted to the Ministry of the Environment (MOE) in August 2012, and Grand River's Plan was submitted in February 2013. Both Plans are awaiting MOE approval. Municipalities are required to implement the SPP. Several policies within the SPP deal with prohibited uses within specific vulnerable areas in well head protection areas A, B, and E. Staff will be introducing a special figure in the Zoning By-law to identify the properties/areas and the specific prohibited uses. This special figure will affect portions of Carlisle, Freelton, Greensville, and the lands around the Lynden wells. A corresponding Official Plan Amendment will also be required. There has been extensive public consultation on the SPP.

Proposed Consultation Plan and Next Steps:

Staff is preparing to commence public consultation on the proposed Rural Zones in November, 2013. The consultation plan calls for a mail out to all property owners in the Rural Area, which will include information on the dates and times of the Public Information Centres (PICs). Six PICs will be held in total, with two PICs (afternoon and evening) in each of Glanbrook, Ancaster, and Flamborough.

Throughout the Public Consultation process, staff will also be arranging individual meetings with property owners, where requested, to discuss issues they may have and ensure owners have a clear understanding of the effect of the new zoning.

SUBJECT: City of Hamilton Comprehensive Zoning By-law: Proposed Rural Zones and Public Consultation (PED13167) (Wards 9, 11, 12, 13, 14, and 15) - Page 17 of 17

In addition, and as noted above, staff will be attending future meetings of the Agricultural and Rural Affairs Advisory Committee to discuss the draft Rural Zones and receive comments and feedback.

Currently, staff is working to complete the draft zone mapping for presentation at the PICs in November. In addition, staff is continuing to review all existing land uses and site-specific zoning in the Rural Area to determine what special exceptions are required and need to be carried forward into the new By-law.

ALTERNATIVES FOR CONSIDERATION

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

Council may choose not to support the attached Draft Zones and/or not provide authorization for staff to commence public consultation. Planning Committee/Council may choose to have further discussion on changes to the draft zoning before public consultation begins. This alternative would delay the Rural Zoning workplan, and delay the ultimate implementation of the new Rural Zones.

Council may choose: 1) to include a radial separation distance for residential care facilities in the proposed Rural Zones and review this matter once the study is completed; or 2) leave this regulation out of the draft zoning for the November public consultation and then revisit this issue at the formal Public Meeting in early 2014.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

Strategic Priority #1:

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective:

1.1 Continue to grow the non-residential tax base.

1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

APPENDICES / SCHEDULES

- Appendix "A": Draft Rural Zones and Definitions

:HT - Attach. (1)

SECTION #: RURAL ZONES

12.1 AGRICULTURE (A1) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within an Agriculture (A1) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

12.1.1 PERMITTED USES

- Agriculture
- Residential Care Facility
- Secondary Uses to Agriculture
- Single Detached Dwelling

12.1.2 PROHIBITED USES

The following uses are prohibited, as follows:

- i) For lands located within Areas 1 and 2 as indicated in Figures x, x-x, x-x x-x of Schedule "F"-Special Figures:

- Waste Disposal site within the meaning of Part V of the Environmental Protection Act.
- Salt storage facility that can accommodate 5,000 tonnes and greater.
- Snow storage facility
- Motor Vehicle Service Station

- ii) For lands located within Area 3 as indicated in Figures x, x-x, x-x x-x of Schedule "F"-Special Figures:

- Waste Disposal site within the meaning of Part V of the Environmental Protection Act

12.1.3 REGULATIONS

12.1.3.1 AGRICULTURE REGULATIONS

SECTION #: RURAL ZONES

- a) Minimum Lot Area
- i) 40.4 hectares;
 - ii) Notwithstanding i) above, for the lots delineated on Figure " " - Specialty Crop of Schedule "F" – Special Figures, the minimum Lot Area shall be 16.2 hectares.
- b) Minimum Front Yard 15.0 metres;
- c) Minimum Side Yard 15.0 metres;
- d) Minimum Rear Yard 15.0 metres;
- e) Maximum Lot Coverage
- i) 20%
 - ii) Notwithstanding (i) above, the maximum lot coverage for greenhouse operations shall be 60%
- f) Outdoor Storage
- i) Shall not be permitted in any Front Yard or Flankage Yard.
 - ii) Shall be located a minimum of 20 metres from any lot line, and screened by a visual barrier in accordance with Section 4.19 of this By-law.
 - iii) Section 12.1.3.1 f) does not apply to the storage or parking of Agricultural vehicles or equipment.
- g) Small Scale Retailing of Agricultural Products
- i) The maximum gross floor area of all buildings and structures devoted to retailing of agricultural products grown primarily as part of the farm operation shall be 100.0 square metres.
 - ii) Shall not be permitted within a

SECTION #: RURAL ZONES

Dwelling or a Farm Labour Residence.

h) Farm Labour Residence i) A maximum of one Farm Labour Residence shall be permitted on a lot.

ii) Where a Farm Labour Residence is in the form of a temporary detached dwelling or temporary bunk house, the following regulations shall apply:

1. Shall be located within 30m of the farm Dwelling.

2. Shall utilize the existing private services and the existing driveway access to the farm Dwelling.

4. Any temporary detached dwelling shall have a minimum floor area of 65.06 square metres, and a maximum floor area of 116.2 square metres.

5. Any bunk house shall have a minimum gross floor area of 65.06 square metres or 8.36 square metres per resident, whichever is greater

i) Mushroom Operations i) Notwithstanding 12.1.3.1 (b), (c), and (d) above, any buildings or structures associated with a Mushroom Operation shall be setback a minimum of 30.0 metres from any lot line, and shall be situated a minimum of 90.0 metres from any residential use on any adjacent lot.

ii) No stockpiles of waste, manure, fertilizers or compost shall be

SECTION #: RURAL ZONES

permitted within 30.0 metres of any lot line, and 90.0 metres of any residential use on any adjacent lot.

j) Nursery

i) Retailing of horticultural products and bulk material shall be in accordance with 12.1.3.1 g).

ii) The outdoor storage of unenclosed piles of bulk product shall not exceed an aggregate area of 100 square metres

12.1.3.2 ADDITIONAL REGULATIONS FOR SECONDARY USES TO AGRICULTURE

In addition to Section 12.1.3.1 above, the following additional regulations apply to Secondary Uses to Agriculture:

a) Uses Permitted as Secondary to Agriculture

- Agricultural Processing Establishment – Secondary
- Agricultural Research Operation
- Agritourism
- Home Industry
- Kennel
- Landscape Contracting Establishment
- Winery

b) Agricultural Processing Establishment - Secondary

i) The maximum gross floor area for all buildings and structures devoted to an Agricultural Processing Establishment - Secondary shall not exceed 250 square metres.

ii) Any buildings or structures associated with the Agricultural Processing Establishment shall be setback a minimum of 30.0 metres from any residential use on any adjacent lot.

iii) Outdoor storage of goods, materials or equipment shall be permitted in accordance with 12.1.3.1 f), and shall not exceed an aggregate area

of 100 square metres.

- iv) The maximum area permitted for Retail uses Accessory to an Agricultural Processing Establishment – Secondary shall not exceed 15% of the total gross floor area of the Agricultural Processing Establishment – Secondary.
- c) Agritourism
 - i) Indoor uses shall only be located within an existing building or structure.
 - ii) The maximum gross floor area of an existing building or structure devoted to the Agritourism use shall not exceed 250.0 square metres.
- d) Home Industry and Landscape Contracting Establishment.
 - i) Only one Home Industry or one Landscape Contracting Establishment shall be permitted per lot.
 - ii) Shall be located within an existing building or structure and shall occupy no more than 250.0 square metres of gross floor area.
 - iii) Shall be operated by a resident of the property, with no more than 3 non-resident employees on-site.
 - iv) Any buildings or structures associated with the use shall be setback a minimum of 30.0 metres from any residential use on any adjacent lot.
 - v) Outdoor storage of goods, materials or equipment shall be permitted in accordance with 12.1.3.1 f), and shall not exceed an aggregate area

SECTION #: RURAL ZONES

of 100 square metres.

- vi) A maximum of four Commercial Motor Vehicles may be parked unenclosed. Additional Commercial Motor Vehicles must be parked in an enclosed building. This regulation does not apply to the storage or parking of Agricultural vehicles or equipment.
- vii) The maximum area permitted for Retail uses shall not exceed 15% of the total gross floor area of the of the Home Industry or Landscape Contracting Establishment.

f) Kennel

- i) The maximum gross floor area for all buildings and structures devoted to a Kennel use shall be 450.0 square metres.
- ii) Any buildings or structures associated with a Kennel shall be setback a minimum of 60.0 metres from any lot line, and shall be situated a minimum of 150.0 metres from any residential use on any adjacent lot.
- iii) No domestic animals shall be permitted to be kept in any open area within 60.0 metres of any lot line, or within 150.0 metres of any residential use on any adjacent lot.

g) Winery

- i) Shall only be permitted within the area shown on Figure " " - Specialty Crop of Schedule "F" - Special Figures-
- ii) Shall only be permitted on a lot with a minimum area of 4.0 hectares, of which a minimum of 2.0 hectares

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shall be used for the production of grapes or other produce directly associated with on-site wine production.

- iii) The maximum building area devoted to a Winery use shall be 500 square metres of gross floor area exclusive of the basement or cellar, of which a maximum of 25% of the gross floor area may be used for Retail and/or hospitality/tasting purposes.

12.1.3.3 SINGLE DETACHED DWELLING AND RESIDENTIAL CARE FACILITY REGULATIONS

- a) Minimum Lot Area 0.4 hectares;
- b) Minimum Lot Width 30.0 metres;
- c) Maximum Building Height 10.5 metres;
- d) Minimum Front Yard 10.0 metres
- e) Minimum Side Yard 3.0 metres
- f) Minimum Rear Yard 10.0 metres
- g) Maximum Capacity for Residential Care Facility Shall not exceed 10 residents.
- h) Location of Residential Care Facility Shall be located within a Single Detached Dwelling.

12.1.3.4 ACCESSORY BUILDINGS In accordance with the requirements of Sections 4.8 and 4.8.2 of this By-law.

12.1.3.5 HOME BUSINESS REGULATIONS In accordance with the requirements of Section 4.21 of this By-law.

12.1.3.6 PARKING

In accordance with the requirements of Section 5 of this By-law.

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SECTION #: RURAL ZONES

12.2 RURAL (A2) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within an Rural (A2) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

12.2.1 PERMITTED USES

- Abattoir
- Agriculture
- Agricultural Processing Establishment - Stand Alone
- Agricultural Storage Establishment
- Farm Product Supply Establishment
- Kennel
- Livestock Assembly Point
- Residential Care Facility
- Secondary Uses to Agriculture
- Single Detached Dwelling
- Veterinary Service – Farm Animal

12.2.2 PROHIBITED USES

The following uses are prohibited, as follows:

i) For lands located within Areas 1 and 2 as indicated in Figures x, x-x, x-x x-x of Schedule "F"-Special Figures:

- Waste Disposal site within the meaning of Part V of the Environmental Protection Act
- Salt storage facility that can accommodate 5,000 tonnes and greater
- Snow storage facility
- Motor Vehicle Service Station

ii) For lands located within Area 3 as indicated in Figures x, x-x, x-x x-x of Schedule "F"-Special Figures:

- Waste Disposal site within the meaning of Part V of the Environmental Protection Act

12.2.3 REGULATIONS**12.2.3.1 AGRICULTURE REGULATIONS**

- a) Minimum Lot Area 40.4 hectares;
- b) Minimum Front Yard 15.0 metres;
- c) Minimum Side Yard 15.0 metres;
- d) Minimum Rear Yard 15.0 metres;
- e) Maximum Lot Coverage
- i) 20%
 - ii) Notwithstanding (i) above, the maximum lot coverage for greenhouse operations shall be 60%
- f) Outdoor Storage
- i) Shall not be permitted in any Front Yard or Flankage Yard.
 - ii) Shall be located a minimum of 20 metres from any lot line, and screened by a visual barrier in accordance with Section 4.19 of this By-law.
 - iii) Section 12.2.3.1 f) does not apply to the storage or parking of Agricultural vehicles or equipment.
- g) Small Scale Retailing of Agricultural Products
- i) The maximum gross floor area of all buildings and structures devoted to retailing of agricultural products grown primarily as part of the farm operation shall be 200.0 square metres.
 - ii) Shall not be permitted within a Dwelling or a Farm Labour Residence.

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- h) Farm Labour Residence
- i) A maximum of one Farm Labour Residence shall be permitted on a lot.
 - ii) Where a Farm Labour Residence is in the form of a temporary detached Dwelling or temporary bunk house, the following regulations shall apply:
 1. Shall be located within 30m of the farm Dwelling.
 2. Shall utilize the existing private services and the existing driveway access to the farm Dwelling.
 4. Any temporary detached dwelling shall have a minimum floor area of 65.06 square metres, and a maximum floor area of 116.2 square metres.
 5. Any bunk house shall have a minimum gross floor area of 65.06 square metres or 8.36 square metres per resident, whichever is greater.
- i) Mushroom Operations
- i) Notwithstanding 12.2.3.1 (b), (c), and (d) above, any buildings or structures associated with a Mushroom Operation shall be setback a minimum of 30.0 metres from any lot line, and shall be situated a minimum of 90.0 metres from any residential use on any adjacent lot.
 - ii) No stockpiles of waste, manure, fertilizers or compost shall be permitted within 30.0 metres of any lot line, and 90.0 metres of any

residential use on any adjacent lot.

- j) Nursery
 - i) Retailing of horticultural products and bulk material shall be in accordance with 12.2.3.1 g).
 - ii) The outdoor storage of unenclosed piles of bulk product shall not exceed an aggregate area of 100 square metres

**12.2.2.2 ABATTOIR,
AGRICULTURAL
PROCESSING
ESTABLISHMENT -
STAND ALONE,
AGRICULTURAL
STORAGE
ESTABLISHMENT,
FARM PRODUCT
SUPPLY
ESTABLISHMENT,
KENNEL, LIVESTOCK
ASSEMBLY POINT,
AND VETERINARY
SERVICE – FARM
ANIMAL
REGULATIONS**

- a) Minimum Lot Area 0.4 hectares
- b) Maximum Lot Area 4.0 hectares
- c) Minimum Front Yard 15.0 metres
- d) Minimum Side Yard 15.0 metres
- e) Minimum Rear Yard 15.0 metres
- f) Retail The maximum area permitted for retail uses, except a Farm Product Supply Establishment, shall not exceed 15% of the total gross floor area

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- g) Maximum Gross Floor Area 500 square metres
- h) Outdoor Storage
 - i) Shall not be permitted in any Front Yard or Flankage Yard.
 - ii) Shall be located a minimum of 20 metres from any lot line, and screened by a visual barrier in accordance with Section 4.19 of this By-law.
 - iii) Section i) and ii) above shall not apply to the outdoor display of goods or materials for retail purposes in conjunction with a Farm Product Supply Establishment.
- i) Abattoir Any buildings or structures associated with the use shall be setback a minimum of 100.0 metres from any lot line.
- j) Agricultural Processing Establishment – Stand Alone Any buildings or structures associated with the Agricultural Processing Establishment shall be setback a minimum of 30.0 metres from any residential use on any adjacent lot.
- k) Kennel
 - i) Any buildings or structures associated with a Kennel shall be setback a minimum of 60.0 metres from any lot line, and shall be situated a minimum of 150.0 metres from any residential use on any adjacent lot.
 - ii) No domestic animals shall be permitted to be kept in any open area within 60 metres of any lot line, or within 150 metres of any residential use on any adjacent lot.

12.2.2.3 ADDITIONAL REGULATIONS FOR

Notwithstanding Section 12.2.3.1 above, the following regulations apply to

SECTION #: RURAL ZONES

SECONDARY USES TO AGRICULTURE

Secondary Uses to Agriculture:

a) Uses Permitted as Secondary to Agriculture

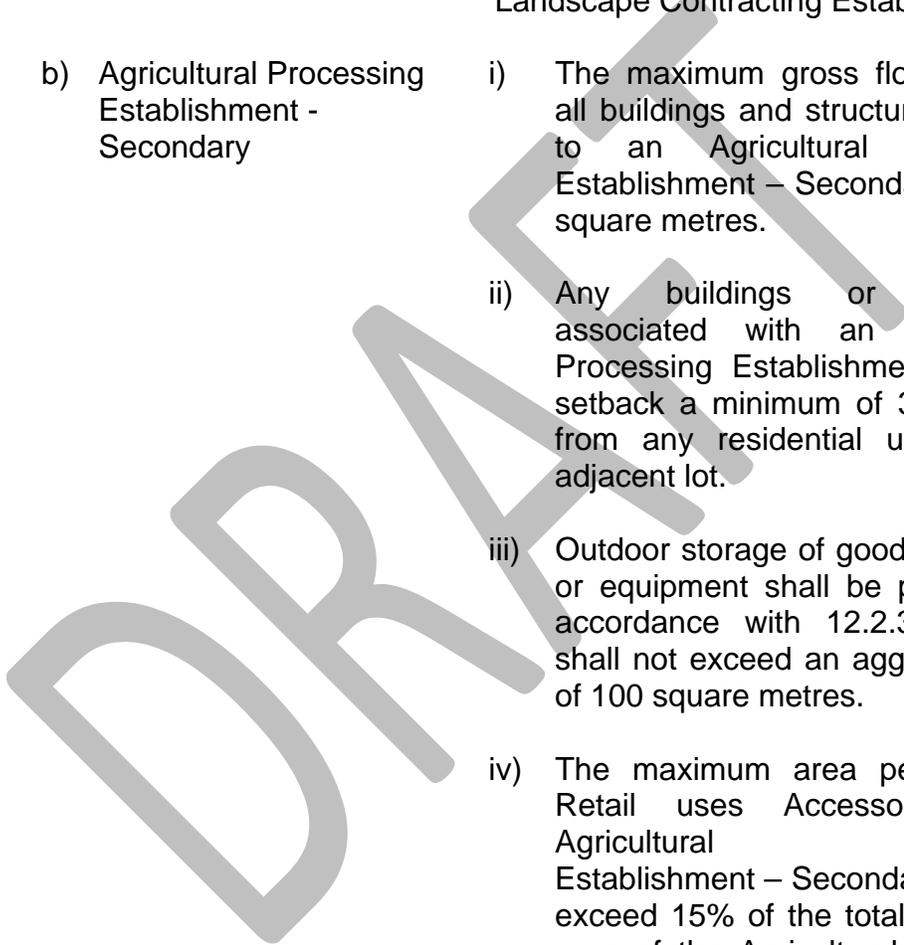
- Agricultural Processing Establishment – Secondary
- Agricultural Research Operation
- Agritourism
- Home Industry
- Kennel
- Landscape Contracting Establishment

b) Agricultural Processing Establishment - Secondary

- i) The maximum gross floor area for all buildings and structures devoted to an Agricultural Processing Establishment – Secondary is 500.0 square metres.
- ii) Any buildings or structures associated with an Agricultural Processing Establishment shall be setback a minimum of 30.0 metres from any residential use on any adjacent lot.
- iii) Outdoor storage of goods, materials or equipment shall be permitted in accordance with 12.2.3.1 f), and shall not exceed an aggregate area of 100 square metres.
- iv) The maximum area permitted for Retail uses Accessory to an Agricultural Processing Establishment – Secondary shall not exceed 15% of the total gross floor area of the Agricultural Processing Establishment – Secondary.

c) Agritourism

- i) Indoor uses shall only be located within an existing building or structure.
- ii) The maximum gross floor area of an existing building or structure



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devoted to the Agritourism use shall not exceed 500.0 square metres.

d) Home Industry and Landscape Contracting Establishment

i) Only one Home Industry or one Landscape Contracting Establishment shall be permitted per lot.

ii) Shall be located within an existing building or structure and shall occupy no more than 500.0 square metres of gross floor area.

iii) Shall be operated by a resident of the property, with no more than 3 non-resident employees on-site.

iv) Any buildings or structures associated with the use shall be setback a minimum of 30.0 metres from any residential use on any adjacent lot.

v) Outdoor storage of goods, materials or equipment shall be permitted in accordance with 12.2.3.1 f), and shall not exceed an aggregate area of 100 square metres.

vi) A maximum of four Commercial Motor Vehicles may be parked unenclosed. Additional Commercial Motor Vehicles must be parked in an enclosed building. This regulation does not apply to the storage or parking of Agricultural vehicles or equipment.

vi) The maximum area permitted for Retail uses shall not exceed of 15% of the gross floor area of the Home Industry or Landscape Contracting Establishment.

SECTION #: RURAL ZONES

- e) Kennel
 - i) The maximum gross floor area for all buildings and structures devoted to a Kennel use shall be 500.0 square metres.
 - ii) Any buildings or structures associated with a Kennel shall be setback a minimum of 60.0 metres from any lot line, and shall be situated a minimum of 150.0 metres from any residential use on any adjacent lot.
 - iii) No domestic animals shall be permitted to be kept in any open area within 60 metres of any lot line, or within 150 metres of any residential use on any adjacent lot.

12.2.2.4 SINGLE DETACHED DWELLING AND RESIDENTIAL CARE FACILITY REGULATIONS

- a) Minimum Lot Area 0.4 hectares;
- b) Minimum Lot Width 30.0 metres;
- c) Maximum Building Height 10.5 metres;
- d) Minimum Front Yard 10.0 metres
- e) Minimum Side Yard 3.0 metres
- f) Minimum Rear Yard 10.0 metres
- g) Maximum Capacity for Residential Care Facility Shall not exceed 10 residents.
- h) Location of Residential Care Facility Shall be located within a Single Detached Dwelling.

12.2.2.5 ACCESSORY In accordance with the requirements of

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BUILDINGS

Sections 4.8 and 4.8.2 of this By-law.

12.2.2.6 HOME BUSINESS REGULATIONS

In accordance with the requirements of Section 4.21 of this By-law.

12.2.2.7 PARKING

In accordance with the requirements of Section 5 of this By-law.

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12.3 SETTLEMENT RESIDENTIAL (S1) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Settlement Residential (S1) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

12.3.1 PERMITTED USES

- Home Business
- Residential Care Facility
- Single Detached Dwelling

12.3.2 PROHIBITED USES

The following uses are prohibited, as follows:

- i) For lands located within Areas 1 and 2 as indicated in Figures x, x-x, x-x x-x of Schedule "F"-Special Figures:

- Waste Disposal site within the meaning of Part V of the Environmental Protection Act
- Salt storage facility that can accommodate 5,000 tonnes and greater
- Snow storage facility
- Motor Vehicle Service Station

- ii) For lands located within Area 3 as indicated in Figures x, x-x, x-x x-x of Schedule "F"-Special Figures:

- Waste Disposal site within the meaning of Part V of the Environmental Protection Act

12.3.3 REGULATIONS

- a) Minimum Lot Area 0.4 hectares;
- b) Minimum Lot Width 30.0 metres;

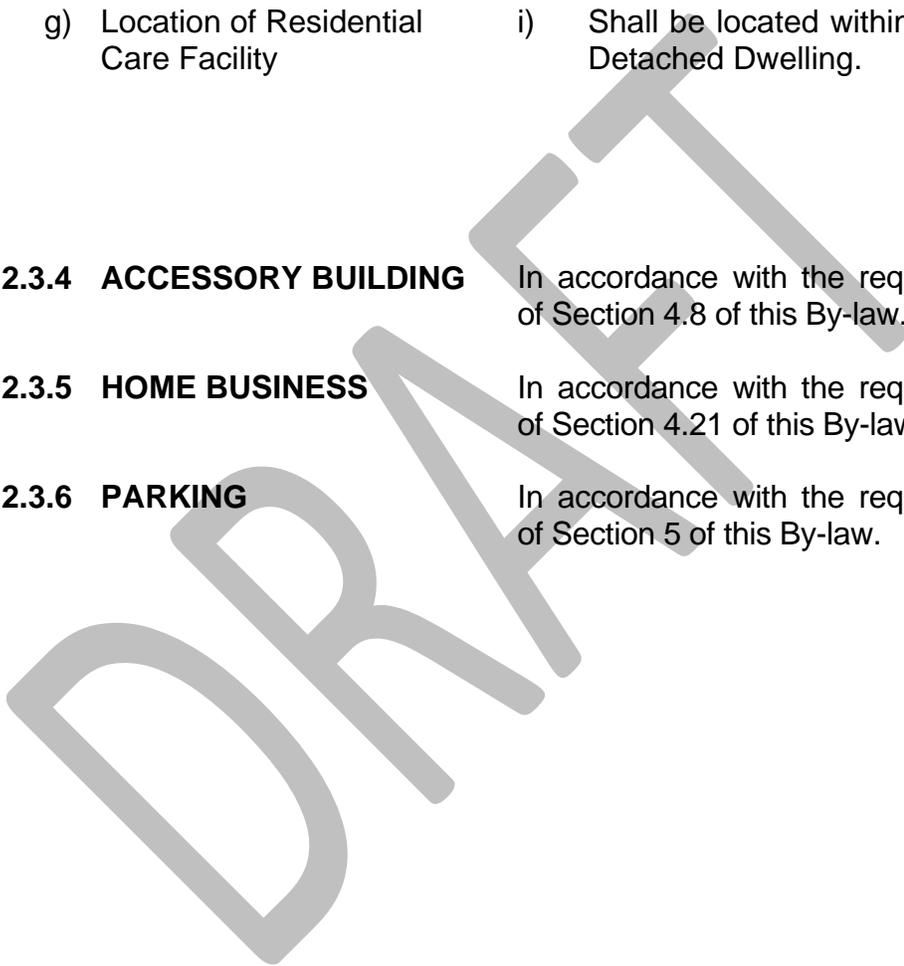
SECTION #: RURAL ZONES

- c) Minimum Front Yard 6.0 metres;
- d) Minimum Side Yard 3.0 metres;
- e) Maximum Building Height 10.5 metres;
- f) Maximum Capacity for Residential Care Facility Shall not exceed 6 residents.
- g) Location of Residential Care Facility i) Shall be located within a Single Detached Dwelling.

12.3.4 ACCESSORY BUILDING In accordance with the requirements of Section 4.8 of this By-law.

12.3.5 HOME BUSINESS In accordance with the requirements of Section 4.21 of this By-law.

12.3.6 PARKING In accordance with the requirements of Section 5 of this By-law.



12.4 SETTLEMENT COMMERCIAL (S2) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Settlement Commercial (S2) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

12.4.1 PERMITTED USES

Catering Service
Commercial Recreation
Craftsperson Shop
Day Nursery
Farm Product Supply Establishment
Financial Establishment
Medical Clinic
Motor Vehicle Service Station
Office
Personal Services
Private Club or Lodge
Repair Service
Restaurant
Retail
Studio
Veterinary Service
Veterinary Service – Farm Animal

12.4.2 PROHIBITED USES

The following uses are prohibited, as follows:

- i) Notwithstanding Section 12.4.1 of this By-law, the following use is prohibited, even as an accessory use:

Dry Cleaning Plant

- ii) For lands located within Areas 1 and 2 as indicated in Figures x, x-x, x-x x-x of Schedule "F"-Special Figures:

Waste Disposal site within the meaning of Part V of the Environmental Protection Act
 Salt storage facility that can accommodate 5,000 tonnes and greater
 Snow storage facility
 Motor Vehicle Service Station

- iii) For lands located within Area 3 as indicated in Figures x, x-x, x-x x-x of Schedule "F"-Special Figures:

Waste Disposal site within the meaning of Part V of the Environmental Protection Act

12.4.3 REGULATIONS

- a) Minimum Lot Area 0.4 hectares
- b) Minimum Yard Abutting a Street 3.0 metres;
- c) Minimum Side Yard
 - i) 3.0 metres;
 - ii) 6.0 metres abutting a Residential Zone.
 - iii) 6.0 metres abutting an Institutional Zone.
- d) Minimum Rear Yard 7.0 metres;
- e) Maximum Building Height 10.5 metres;

SECTION #: RURAL ZONES

- f) Additional Regulations for Motor Vehicle Service Station
 - i) Notwithstanding a) above, fuel pump islands, fuel pumps and canopies shall be setback a minimum 4.5m from any lot line.
 - ii) A minimum 3.0 metre planting strip shall be required abutting any street line.

- g) Outdoor Storage
 - i) No outdoor storage of goods, materials or equipment shall be permitted.
 - ii) Notwithstanding i) above, the display of goods or materials for retail purposes shall be permitted.

- h) Visual Barrier

A visual barrier shall be required along any lot line abutting a Residential Zone or an Institutional Zone property line, in accordance with the requirements of Section 4.19 of this By-law.

12.4.4 ACCESSORY BUILDINGS In accordance with the requirements of Section 4.8 of this By-law.

12.4.5 HOME BUSINESS In accordance with the requirements of Section 4.21 of this By-law.

12.4.6 PARKING In accordance with the requirements of Section 5 of this By-law.

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12.5 SETTLEMENT INSTITUTIONAL (S3) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Settlement Institutional (S3) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

12.5.1 PERMITTED USES

- Day Nursery
- Educational Establishment
- Library
- Place of Worship

12.5.2 PROHIBITED USES

The following uses are prohibited, as follows:

- i) For lands located within Areas 1 and 2 as indicated in Figures x, x-x, x-x x-x of Schedule "F"-Special Figures:

- Waste Disposal site within the meaning of Part V of the Environmental Protection Act
- Salt storage facility that can accommodate 5,000 tonnes and greater
- Snow storage facility
- Motor Vehicle Service Station

- ii) For lands located within Area 3 as indicated in Figures x, x-x, x-x x-x of Schedule "F"-Special Figures:

- Waste Disposal site within the meaning of Part V of the Environmental Protection Act

12.5.3 REGULATIONS

- a) Minimum Lot Area 0.4 hectares;

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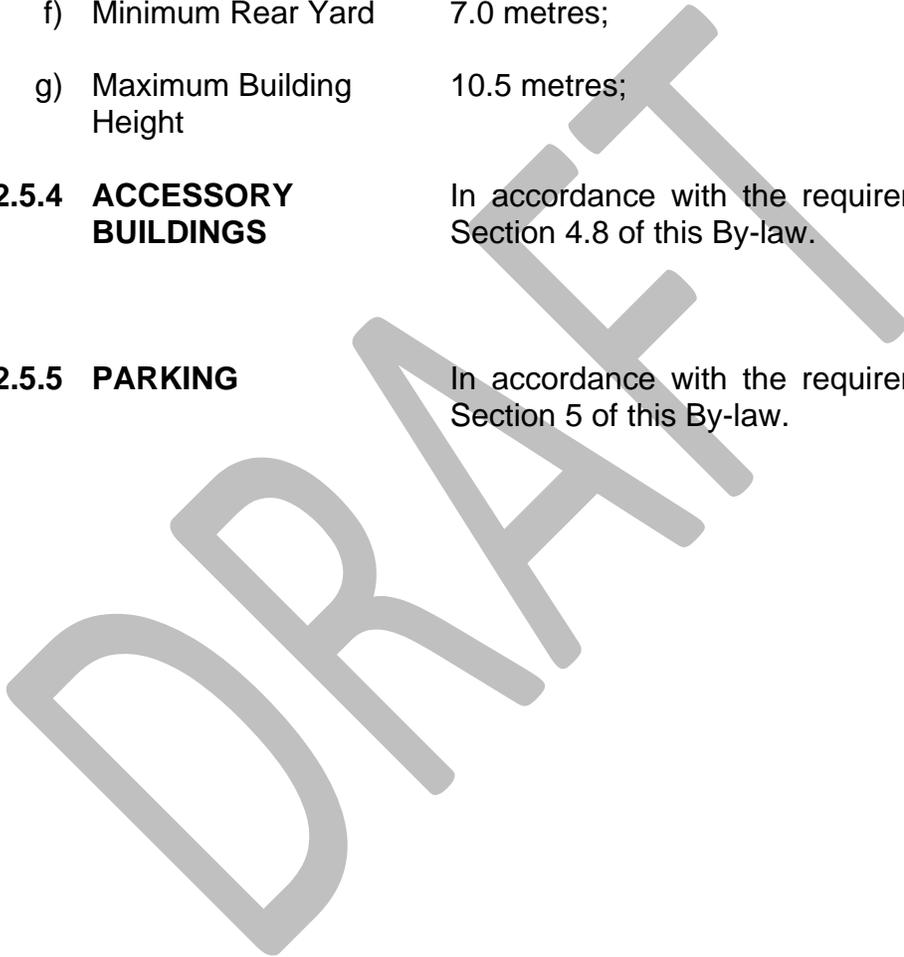
- b) Maximum Lot Area for a Place of Worship 1 hectare;
- c) Minimum Lot Width 30.0 metres;
- d) Minimum Front Yard 6.0 metres;
- e) Minimum Side Yard 3.0 metres;
- f) Minimum Rear Yard 7.0 metres;
- g) Maximum Building Height 10.5 metres;

12.5.4 ACCESSORY BUILDINGS

In accordance with the requirements of Section 4.8 of this By-law.

12.5.5 PARKING

In accordance with the requirements of Section 5 of this By-law.



9.12 EXTRACTIVE INDUSTRIAL (M12) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within an Extractive Industrial (M12) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

9.12.1 PERMITTED USES

Agriculture
 Conservation
 Mineral Aggregate Operation
 Recreation, Passive
 Secondary Uses to Agriculture

9.12.2 PROHIBITED USES

The following uses are prohibited, as follows:

- i) For lands located within Areas 1 and 2 as indicated in Figures x, x-x, x-x x-x of Schedule "F"-Special Figures:

Waste Disposal site within the meaning of Part V of the Environmental Protection Act

Salt storage facility that can accommodate 5,000 tonnes and greater

Snow storage facility

Motor Vehicle Service Station

- ii) For lands located within Area 3 as indicated in Figures x, x-x, x-x x-x of Schedule "F"-Special Figures:

Waste Disposal site within the meaning of Part V of the Environmental Protection Act

9.12.3 REGULATIONS**9.12.3.1 AGRICULTURE REGULATIONS**

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- a) Minimum Lot Area 40.4 hectares;
- b) Minimum Front Yard 15.0 metres;
- c) Minimum Side Yard 15.0 metres;
- d) Minimum Rear Yard 15.0 metres;
- e) Maximum Lot Coverage
- i) 20%
 - ii) Notwithstanding (i) above, the maximum lot coverage for greenhouse operations shall be 60%
- f) Outdoor Storage
- i) Shall not be permitted in any Front Yard or Flankage Yard.
 - ii) Shall be located a minimum of 20 metres from any lot line, and screened by a visual barrier in accordance with Section 4.19 of this By-law.
 - iii) Section 12.6.2.1 f) does not apply to the storage or parking of Agricultural vehicles or equipment.
- g) Small Scale Retailing of Agricultural Products
- i) The maximum gross floor area of all buildings and structures devoted to retailing of agricultural products grown primarily as part of the farm operation shall be 100.0 square metres.
 - ii) Shall not be permitted within a Dwelling or a Farm Labour Residence.
- h) Farm Labour Residence
- i) A maximum of one Farm Labour Residence shall be permitted on a lot.

iii) Where a Farm Labour Residence is in the form of a temporary detached dwelling or temporary bunk house, the following regulations shall apply:

1. Shall be located within 30m of the farm Dwelling.
2. Shall utilize the existing private services and the existing driveway access to the farm dwelling.
4. Any temporary detached dwelling shall have a minimum floor area of 65.06 square metres, and a maximum floor area of 116.2 square metres.
5. Any bunk house shall have a minimum gross floor area of 65.06 square metres or 8.36 square metres per resident, whichever is greater

i) Mushroom Operations

i) Notwithstanding 12.6.2.1 (b), (c), and (d) above, any buildings or structures associated with a Mushroom Operation shall be setback a minimum of 30.0 metres from any lot line, and shall be situated a minimum of 90.0 metres from any residential use on any adjacent lot.

ii) No stockpiles of waste, manure, fertilizers or compost shall be permitted within 30.0 metres of any lot line, and 90.0 metres of any residential use on any adjacent lot.

j) Nursery

i) Retailing of horticultural products and bulk product shall be in accordance with 12.6.2.1 g).

- ii) The outdoor storage of unenclosed piles of bulk material shall not exceed an aggregate area of 100 square metres

9.12.3.2 ADDITIONAL REGULATIONS FOR SECONDARY USES TO AGRICULTURE

In addition to Section 12.6.2.1 above, the following additional regulations apply to Secondary Uses to Agriculture:

- a) Uses Permitted as Secondary to Agriculture

Agricultural Processing Establishment –
Secondary
Agricultural Research Operation
Agritourism
Home Industry
Kennel
Landscape Contracting Establishment

- b) Agricultural Processing Establishment - Secondary

- i) The maximum gross floor area for all buildings and structures devoted to an Agricultural Processing Establishment - Secondary shall not exceed 250 square metres.

- ii) Any buildings or structures associated with the Agricultural Processing Establishment shall be setback a minimum of 30.0 metres from any residential use on any adjacent lot.

- ii) Outdoor storage of goods, materials or equipment shall be permitted in accordance with 12.6.2.1 f), and shall not exceed an aggregate area of 100 square metres.

- iii) The maximum area permitted for Retail uses Accessory to an Agricultural Processing Establishment – Secondary shall not exceed 15% of the total gross floor area of the Agricultural

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Processing Establishment –
Secondary.

c) Agritourism

- i) Indoor uses shall only be located within an existing building or structure.
- ii) The maximum gross floor area of an existing building or structure devoted to the Agritourism use shall not exceed 250.0 square metres.

d) Home Industry and
Landscape Contracting
Establishment

- i) Only one Home Industry or one Landscape Contracting Establishment shall be permitted per lot.
- iv) Shall be located within an existing building or structure and shall occupy no more than 250.0 square metres of gross floor area.
- v) Shall be operated by a resident of the property, with no more than 3 non-resident employees on-site.
- vi) Any buildings or structures associated with the use shall be setback a minimum of 30.0 metres from any residential use on any adjacent lot.
- vi) Outdoor storage of goods, materials or equipment shall be permitted in accordance with 12.6.2.1 f), and shall not exceed an aggregate area of 100 square metres.
- v) A maximum of four Commercial Motor Vehicles may be parked unenclosed. Additional Commercial Motor Vehicles must be parked in an enclosed building. This regulation does not apply to the

storage or parking of Agricultural vehicles or equipment.

iii) The maximum area permitted for Retail uses shall not exceed 15% of the total gross floor area of the of the Home Industry or the Landscape Contracting Establishment.

e) Kennel

i) The maximum gross floor area for all buildings and structures devoted to a Kennel use shall be 450.0 square metres.

ii) Any buildings or structures associated with a Kennel shall be setback a minimum of 60.0 metres from any lot line, and shall be situated a minimum of 150.0 metres from any residential use on any adjacent lot.

iii) No domestic animals shall be permitted to be kept in any open area within 60.0 metres of any lot line, or within 150.0 metres of any residential use on any adjacent lot.

9.12.3.4 MINERAL AGGREGATE OPERATION REGULATIONS

a) Minimum Setback for Excavation

i) 30 metres from any portion of a property lot line abutting a Residential Zone;

ii) 30 metres from any portion of a property lot line abutting a property which contains a residential use;

iii) 30 metres from a street line;

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- iv) 15 metres from all other property lot lines.
 - b) Minimum Setback for buildings or structures, including processing plants
 - i) 90 metres from any portion of a property lot line abutting a Residential Zone;
 - ii) 90 metres from any portion of a property lot line abutting a property which contains a residential use;
 - iii) 90 metres from a street line;
 - iv) 30 metres from all other property lot lines.
 - c) Restriction on Location of Stockpiles of Aggregate, Topsoil, or Overburden
 - Shall not located within 90 metres of a lot line abutting a Residential Zone or containing a residential use, or 30 metres of all other lot lines.
 - d) Landscape and Fencing Requirements
 - i) A minimum 1.2 metre high fence shall be provided around the licensed boundary of a Mineral Aggregate Operation.
 - ii) A landscaped berm of a minimum height of 3.0 metres shall be provided and maintained around the licensed boundary of a Mineral Aggregate Operation.
- 9.12.3.5 ACCESSORY BUILDINGS**
 - In accordance with the requirements of Sections 4.8 and 4.8.2 of this By-law.
- 9.12.3.6 HOME BUSINESS REGULATIONS**
 - In accordance with the requirements of Section 4.21 of this By-law.
- 9.12.3.7 PARKING**
 - In accordance with the requirements of Section 5 of this By-law.

7.6 CONSERVATION/HAZARD LAND RURAL (P6) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Conservation/Hazard Land Rural (P6) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

- | | | |
|----------------|---|---|
| 7.6.1 | PERMITTED USES | Agriculture
Conservation
Existing Single Detached Dwelling
Flood and Erosion Control Facilities
Recreation, Passive |
| 7.6.2 | REGULATIONS | |
| 7.6.2.1 | AGRICULTURAL BUILDINGS | In accordance with Section 12.1.2.1 |
| 7.6.2.2 | EXISTING SINGLE DETACHED DWELLINGS | In accordance with Section 12.1.2.3 |
| 7.6.2.3 | ACCESSORY BUILDINGS | In accordance with the requirements of Sections 4.8 and 4.8.2 of this By-law. |

DEFINITIONS

"Abattoir (**New**)

Shall mean the use of land, building or structure, or portion thereof, for the confinement of live animals awaiting slaughter and slaughtering of live animals and the packaging of animal carcasses and may include the processing, packing, treating, and storing of the product on the premises, but shall not include the manufacture of inedible meat by-products, or rendering of such products as tallow, grease, glue, fertilizer, or any other inedible product.

Agriculture

Shall mean the growing of crops, including Nursery and horticultural crops, raising of livestock, raising, boarding and training of horses, raising of other animals for food, fur or fibre, including poultry and fish, aquaculture, aquaponics, apiaries, agro-forestry, maple syrup production, greenhouse operations, hydroponics, and other such Accessory uses as are customarily and normally associated with agriculture, including limited value retention uses required to make a commodity grown primarily as part of the farm operation salable, such as, but not limited to, grain drying, washing, sorting, grading, treating, storing, packing and packaging, feed mill, or grain mill, and selling of agricultural products primarily grown as part of the farm operation, and associated on-farm buildings and structures, including one Single Detached farm Dwelling and a Farm Labour Residence.

Agricultural Processing Establishment – Secondary (**New**)

Shall mean a Secondary use to an Agricultural operation, for a facility dedicated to the physical or chemical transformation of raw

agricultural commodities or agri-based ingredients, but shall not include an Abattoir or Winery. Agricultural processing shall be limited to the value added processing of agricultural commodities or agri-based ingredients grown primarily as part of the farm operation, and may include Accessory Retail.

Agricultural Processing Establishment – Stand Alone (New)

Shall mean the use of land, building or structure, or portion thereof, for a stand alone facility dedicated to adding value to agricultural products through the physical or chemical transformation of raw agricultural commodities or agri-based ingredients and may include Accessory Retail, but shall not include an Abattoir or Winery.

Agricultural Research Operation (New)

Shall mean a Secondary use to an Agricultural operation for the study and research of Agriculture.

Agricultural Storage Establishment (New)

Shall mean the use of land, building or structure, or portion thereof, for a stand alone facility dedicated to the storage of agricultural products from one or more farm operation(s).

Agritourism (NEW)

Shall mean a Secondary Use to an Agricultural operation that provides educational and active opportunities to experience the agricultural way of life in Rural Hamilton. Such activities may include, for example, farm machinery and equipment exhibitions, farm-tours, petting zoos, corn mazes, hay rides, sleigh rides, processing demonstrations, pick your own produce, farm theme playground for children, and educational facilities that focus on farming instruction, and which may include accessory retail, but shall not include Restaurants or banquet halls.

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Dwelling ALREADY DEFINED IN 05-200, amended
Shall mean a building used or intended to be used for human habitation but shall not include a recreational vehicle, or Farm Labour Residence.

Farm Labour Residence

Shall mean accommodation Accessory to Agriculture and on the same lot as an existing permanent principal farm Dwelling, provided for full-time farm labour where the size and nature of the farm operation requires additional employment, in the form of any of the following:

- a) An Accessory apartment attached to and forming part of the principal farm Dwelling; or,
- b) An Accessory detached dwelling of temporary construction, such as a mobile home; or,
- c) An Accessory detached bunk house of temporary construction, where cooking and sanitary facilities are shared.

Home Industry

Shall mean a Secondary use to an Agricultural operation, which is limited to a use directly related to Agriculture such as the repair of agricultural equipment, or a Craftsperson Shop, Tradespersons Shop, or artisans studio, together with the retailing of commodities produced, but shall not include a Motor Vehicle Collision Repair Establishment, Motor Vehicle Service Station, Motor Vehicle Wrecking Establishment, or Contractor's Establishment.

Kennel

ALREADY DEFINED IN 05-200, amended
Shall mean the use of land, building or structure, or part thereof, for the breeding,

raising, training, sheltering or boarding of dogs, cats and other domestic animals, but shall not include Veterinary Service and Veterinary Service – Farm Animal, or the keeping of farm animals as part of an Agricultural operation.

Landscape Contracting Establishment

ALREADY DEFINED IN 05-200, amended

Shall mean the use of land, building or structure, or part thereof, located on the same lot as a permitted Agriculture/Nursery use, and which is limited to storage and wholesale sales of soil, composted materials and other soil amendments, mulch, rock, screening and other similar landscape materials; landscape design services; storage of landscaping and horticultural maintenance equipment; composting and mixing of soil and soil amendments; and Accessory storage of snow removal equipment.

Livestock Assembly Point (New)

Shall mean feedlots, livestock auction markets, livestock assembly pens, stockyards, dealers in livestock, cooperative or buying stations, livestock shows, or other places where livestock is assembled for the purposes of sale, show, exchange, breeding, barter, or transportation, and where the assembled livestock has more than one owner, but shall not include Retail pet stores. The assembly point may handle one or more species of livestock.

Mineral Aggregate Resources

Shall mean gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resources Act suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt,

talc, wollastonite, mine tailings or other material prescribed under the Mining Act.

Mineral Aggregate Operation

Shall mean:

- a) Lands under license or permit, other than for wayside pits and quarries, issued in accordance with the Aggregate Resources Act, or successors thereto;
- b) For lands not designated under the Aggregate Resources Act, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent and under agreement with or owned by the operator, to permit the continuation of the operation; and,
- c) Associated facilities used in extraction, transport, beneficiation, processing or recycling of Mineral Aggregate Resources, including a concrete batch plant, but shall not include an asphalt plant or the production of secondary related products.

Nursery (NEW)

Shall mean an Agricultural operation for the growing of plants, shrubs, trees or similar vegetation and may include Accessory retailing of horticultural products grown on site and bulk product such as, but not limited to, soil, mulch and aggregate.

Secondary (NEW)

Shall mean, when used to describe a use of land, building or structure, a use which is secondary to the principal use of the property.

Tree Farm (NEW)

Shall mean an Agricultural operation consisting of privately owned tree Nursery, forest managed for timber production, or plantation.

Veterinary Service – Farm Animal (New)

Shall mean an establishment where a veterinarian administers care for the cure, prevention and treatment of disease and injury to farm animals and that may also contain an animal enclosure for farm animals during the treatment period.

Winery (NEW)

Shall mean a Secondary Use to an Agricultural operation for the processing of grapes and other produce in the production of wines or other beverages. Winery uses may include the crushing, fermentation, production, bottling, aging, storage, and Accessory sale of wine and wine-related products and other beverages, a laboratory, a winery administrative office, and a tasting and hospitality and retail area, but shall not include a Restaurant, a banquet hall, a Conference or Convention Centre, or overnight accommodation.

Amendments to General Provisions

5. That SECTION 4 – GENERAL PROVISIONS of By-law 05-200, is hereby amended as follows:
- a) That Section 4.7 of By-law 05-200, be amended by relabeling the existing clause as a) and by adding the following new sub-section:
 - “b) Section 4.7 a) does not apply to lots that do not meet the minimum lot area requirement of Section 12.1.2.3 of the Agriculture A1 Zone or 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.”
 - b) That Section 4.8.1 of By-law 05-200, be amended by adding the words “SETTLEMENT COMMERCIAL, SETTLEMENT INSTITUTIONAL AND SETTLEMENT RESIDENTIAL ZONES” after the words “INSTITUTIONAL ZONES”.
 - c) That the following new section is added:

“4.8.2 Agriculture A1 and Rural A2 Zones

 - a) No accessory building or structure shall be located within a front yard.
 - b) All buildings and structures accessory to Agriculture 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 5.0 metres.”
 - d) That Section 4.12 VACUUM CLAUSE is amended by adding the following new subsection:
 - “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

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with the regulations for any required setbacks, front yard, flankage yard, rear yard, lot width and building height and are permitted by this By-law."

- e) That Section 4.21 HOME BUSINESS is hereby amended as follows:
- i) That Section 4.21 a) is amended by adding the words "including all Dwellings on lots zoned Agriculture A1, and Dwellings on lots zoned Rural A2 which are less than 0.8 hectares in area".
 - ii) That the following new subsections be added:
 - c) In addition to the Home Businesses listed in 4.21 a), the following additional Home Business may be permitted within Dwellings on lots zoned Rural A2 which have a Lot Area of 0.8 hectares or greater:
 - i) Tradesperson Shop.
 - d) Regulations for Home Businesses in Dwellings on lots zoned Rural A2 which have a Lot Area of 0.8 hectares or greater:
 - i) Except in addition to an office, not more than one home business per dwelling unit shall be permitted;
 - ii) No more than 3 non-resident employees shall be permitted on-site;
 - iii) Parking shall be provided at a rate of one space for each dwelling unit; one space for each non-resident on-site employee; and one space for each home business, except as follows:
 - 1. For an office conducted in such a manner so as not to attract customers or clients directly to the dwelling unit, there shall be provided only one space for each dwelling unit and one space for any non-resident employee; and,

2. For a Bed and Breakfast Establishment, there shall be provided one space for each dwelling unit, one space for any non-resident employee and one space for each guestroom.
 3. Notwithstanding anything else in this By-law, parking spaces required for a home business and the dwelling shall be permitted in the form of stacked parking.
- iv) No outdoor storage shall be permitted;
 - v) There shall be no display of product to indicate to persons outside the premises that any part of the premises is being used for any purpose other than that of a dwelling;
 - vi) The total floor area used for a home business, excluding a Bed and Breakfast Establishment, shall not exceed 25% of the gross floor area of the dwelling unit or 100 square metres, whichever is the lesser amount. This requirement shall apply whether the home business is carried out in the dwelling unit or in an accessory building, or both;
 - vii) No noise, vibration, fumes, odour, dust or glare emitted to the environment outside of the building shall be permitted, beyond which is normally associated with a dwelling unit;
 - viii) No repair of equipment having a combustion engine shall be permitted nor shall any such equipment be used in the process of conducting any home business;
 - ix) No repair of parts or accessories for motor vehicles or major recreational equipment shall be permitted;
 - x) The home business may be located within the dwelling unit or within an accessory building, provided the following conditions are met:

1. Any buildings or structures associated with a Tradesperson Shop must be setback a minimum of 30 metres from any residential use on any adjacent lot;
 2. Any buildings or structures associated with a Repair Service located within an accessory building must be setback a minimum 30 metres from any residential use on any adjacent lot.
- xii) A hair dresser or barber shall be limited to a maximum of one hair washing sink and one styling station."
- iii) That subsections 4.21 c) and 4.21 d) be renumbered as subsections 4.21 e) and 4.21 f) respectively.
- g) That the following new section is added:
- "4.26 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 10 acres or greater in size, MDS I shall be applied."