**Council Direction:**

N/A

**Information:**

**Background**

To implement the policies of the City’s Rural Hamilton Official Plan (RHOP), staff prepared draft Zones for the Rural area to be incorporated into Zoning By-law No. 05-200. In preparing the draft zones, staff endeavoured to create Rural Zones that achieve the goals of the RHOP respecting the protection of agricultural lands, while at the same time allow for flexibility and innovation in agricultural practice. The zones aim to achieve a balance between these two goals.

The following draft Rural Zones were presented to Planning Committee on October 15, 2013 as part of Report PED13167:

- Agriculture (A1) Zone
- Rural (A2) Zone
- Settlement Residential (S1) Zone
- Settlement Commercial (S2) Zone
- Settlement Institutional (S3) Zone
- Conservation/Hazard Land – Rural (P6) Zone
- Extractive Industrial (M12) Zone
At that time, the draft zones were received by Planning Committee and staff were authorized to commence public consultation. The results of the public consultation and staff response to the feedback received are described in this Report.

Public Consultation

In order to present the draft rural zones to members of the public, seven statutory Open Houses were held in November and December 2013. Two Open Houses were held in the afternoon and evening in Binbrook, Ancaster, and Rockton, and one was held in the evening in Carlisle. These Open Houses were advertised in local community newspapers and the Hamilton Spectator. While the intent had been to also mail a postcard advertising these sessions to all rural property owners, a complication in the mail-out prevented this process from occurring. As such, the November and December Open Houses were poorly attended (approximately 80 attendees in total between all seven sessions). The low turn-out was a result of property owners not receiving a postcard notification and therefore being unaware of the meetings.

As a result, four additional Open Houses (two in Binbrook and two in Flamborough) were held in January 2014. These Open Houses were advertised in local newspapers and a postcard was mailed to every property owner in the rural area. The attendance at this second round of Open Houses was exceptional, with approximately 600 attendees in total between the four sessions. A comment form was available at the Open Houses which could be provided to staff at the meeting or sent in at a later date.

In addition to the Open Houses, a dedicated website for the Rural Zoning project was created and the draft rural zones and zone mapping were made available for public review on the website. An on-line comment form was also available.

The response to the draft zones was significant. A summary of the follow-up to the Open Houses is as follows:

- Overall number of comments and concerns received - 82 (18 comment forms received at Open Houses, 27 on-line comment forms, 11 mailed comment forms, plus 26 additional email comments);
- Over 150 other items of correspondence received through phone, email and mail – mainly requests for hard copies of maps and other general enquiries;
- Over 200 information packages and responses sent out by staff in response to requests from property owners (information requests, clarifications, map requests, and other general enquiries);
- 15 meetings held with residents and business owners to discuss concerns, including a meeting with the Hamilton-Wentworth Federation of Agriculture (HWFA) Committee for the Proposed Zoning By-law; and,
- 3 site visits arranged with property owners.
The comments and concerns raised by property owners is summarized in the next section, and attached as Appendices “A1” to “A9”.

Staff also attended a meeting of the Agricultural and Rural Affairs Advisory Committee (ARAAC) to discuss the draft zones and respond to questions from the Committee.

What did we hear? A summary of comments received and proposed responses

A summary of the comments received on the draft zones is attached as Appendices “A1” to “A9”. The primary issues identified are related to the following: Conservation/Hazard Land – Rural (P6) Zone, Landscape Contractors, Wineries and Breweries, Abattoirs, and Existing Industrial and Commercial Zoning. These issues and the proposed response and revisions are summarized herein.

1. P6 Zone

**Concern**

Staff received 38 comments related to the proposed Conservation/Hazard Land – Rural (P6) Zone. The P6 Zone was applied to all lands which are identified as a Core Area in the Rural Hamilton Official Plan (RHOP). A 30 m buffer, or Vegetation Protection Zone (as required by the Greenbelt Plan and RHOP), was also mapped and zoned P6. The concerns over this Zone were twofold. First, there was a concern over the extent of the lands which were captured within the P6 Zone. Many enquires were received from property owners who questioned the application of the P6 Zone on their lands as they were not aware of, nor could they distinguish, any natural features on their property. Further, with the inclusion of the 30 m buffer within the P6 Zone, the zone boundary included portions of lots which were already fully developed, thereby creating further confusion and concern for property owners.

Second, there was concern over the proposed regulations contained within the draft P6 Zone. The proposed regulations prohibited any new development within lands zoned P6. New buildings or structures were not permitted, nor were expansions to existing buildings or structures. The zone did recognize and permit existing development (single detached dwellings and agricultural uses). Further, Agriculture was also recognized as a permitted use (for instance, crop and pasture land) provided that no new buildings or structures were erected. Concerns were raised that the regulations in the P6 Zone were too restrictive and would negatively impact property owners. The agricultural community expressed concern that the restriction on new development would be an impediment to farmers. Further, property owners were concerned over the ability to sell their lands in the future with such restrictions in place, and over the ability to rebuild their house should it be torn down or removed for any reason.
Response

Staff have undertaken a further review of the P6 Zone, and in particular, the policies of the Greenbelt Plan and the RHOP related to Core Areas. Staff have also consulted with the four local Conservation Authorities for their input on this issue. Staff are proposing the following changes to address the concerns raised above.

First, the 30 m buffer will be removed from the P6 Zone. This buffer area will instead be zoned with the appropriate zone depending on the location of the property (for example, A1 or A2). Staff are supportive of removing the buffer from the P6 Zone provided that future development within this area can be evaluated through a Site Plan Control application (see discussion below) to demonstrate no negative impact on the adjacent natural features. The removal of the 30 m buffer from the P6 Zone will address many of the concerns staff heard from local residents, particularly on smaller lots where the inclusion of the buffer resulted in the majority of the lot being zoned P6. Removing the 30 m buffer from the P6 Zone resulted in a 23% reduction in lands zoned P6.

Second, the lands identified as Core Areas within the RHOP, which had previously all been zoned P6, will be broken down into the following three zones based on feature type, location, and the required level of protection:

- **P8 Zone**: will apply to all lands identified as a Provincially Significant Wetland (PSW) within the RHOP. This Zone will maintain the restrictions that had previously been applied to the P6 Zone. No new development or expansions will be permitted within the P8 Zone, in accordance with the Provincial Policy Statement, 2014 (PPS), the Greenbelt Plan and the RHOP. However, a regulation has been included to allow, as-of-right, the rebuilding of a dwelling or structure that has been demolished, on the same footprint.

- **P7 Zone**: will apply to all lands identified as a Key Hydrologic Feature (with the exception of PSWs) and to all lands identified as a Key Natural Heritage Feature within the Greenbelt Natural Heritage System. The policies of the Greenbelt Plan and the RHOP permit the expansion of existing buildings and structures within these defined features, provided it is demonstrated that there will be no negative impacts on the Core Area. The demonstration of no negative impacts would be evaluated through the submission of a Site Plan Control application, and may require the submission of an Environmental Impact Statement (EIS). New development (in the form of new buildings or structures) would not be permitted in the P7 Zone.

- **P6 Zone**: will apply to all lands identified as an Environmentally Significant Area (ESA) or Earth Science ANSI, and to all lands identified as a Key Natural Heritage Feature located outside of the Greenbelt Natural Heritage System.
The policies of the Greenbelt Plan and the RHOP allow for development within these features (in the form of new buildings and structures or expansions to existing buildings), however, it must be demonstrated that there will be no negative impact on the feature. As such, the submission of an EIS through a Site Plan Control application may be required.

The overall percentage of lands within the Rural Area which are zoned P6, P7 or P8 is 27%. Of this total, 8% is zoned P6, 11% is zoned P7, and 8% is zoned P8. An explanatory note has been included at the beginning of each of the P6, P7 and P8 Zones, which provides an explanation of the features that have been included in each zone. The proposed P6, P7 and P8 Zones are attached as Appendices "B6", "B7", and "B8".

Site Plan Control By-law

As noted above, the revisions to the P6 Zone are closely tied to the proposed revisions to the Site Plan Control By-law. A report was presented to Planning Committee in January, 2014 which proposed changes to the existing Site Plan Control By-law. The proposed changes would clarify that approval of a Site Plan Control application is required for all development proposed within or adjacent (defined as within 120 m) to a Core Area, whereas currently this does not apply to agricultural uses. This report was tabled at Planning Committee on January 14, 2014, with an instruction for staff to undertake public consultation on the issue prior to coming back to Committee (further discussion on the timing of public consultation on the Site Plan Control By-law will be provided below).

However, what must be noted is that the only mechanism for staff to ensure that there will be no negative impact on Core Area features as a result of a proposed development within or adjacent to a Core Area (as required through Greenbelt and RHOP policies) would be through the submission of a Site Plan Control application, and if necessary, an EIS. If this mechanism is available for staff to ensure that Core Area features will not be impacted, the P6 Zone can be modified as explained above. However, if the Site Plan Control By-law is not amended to include development within 120 m of a Core Area, the P6 Zone would need to stay as indicated in the previous draft, which restricts development altogether in any Core Area. Without Site Plan Control, the only mechanism for staff to review a proposed development within or adjacent to one of these features would be through the submission of a Zoning By-law Amendment application, or an application to the Committee of Adjustment for approval of a minor variance, to permit development within the P6 Zone. This process is more onerous than a Site Plan Control application, and would not be the preferred approach.

It is important to note that the revisions to the Site Plan Control By-law provide the authority for staff to require approval of a Site Plan Control application prior to development occurring within or adjacent to a Core Area. However, when
reviewing a proposed development within or adjacent to a Core Area, as is current best practice, staff will continue to have the option to determine that a proposal will not be subject to Site Plan Control, if the proposed works are located within an area that is already significantly disturbed, or located a substantial distance from the Core feature. Furthermore, training in this regard will be provided to staff to ensure consistency and fairness in identifying the requirement for approval of a Site Plan Control application.

2. Landscape Contractors

Concern

A number of comments were received regarding landscape contractors within the Rural area. The draft rural zones allowed a Landscape Contracting Establishment as a Secondary use to an Agricultural operation, on all lands zoned A1 or A2, in the same manner that a Home Industry would be permitted. Regulations had been included to limit the size of such operations through limitations on gross floor area, number of employees and restrictions on the parking of vehicles and outdoor storage. However, concerns were raised by members of the public surrounding the following issues:

- Nuisance impacts experienced from existing landscape contracting establishments;
- Concern over the operations not remaining ‘secondary’;
- Concern that the proposed regulations will not be effective in limiting the size of such operations; and,
- Opinion that the use is not appropriate in the rural area.

One landowner response was also received which was supportive of the inclusion of landscape contracting establishments in the rural area, provided that regulations were included to control the size and scale of such operations.

Response

Staff reviewed the comments received on this issue and also met with residents who were concerned over the inclusion of this use within the rural zones. Further, staff undertook additional research on this issue through comparisons with other municipal zoning by-laws. The research indicates that the landscape contracting use has not been included as a permitted secondary use to agriculture within an agricultural zone in any other municipal zoning documents. The only exception to this is a report and draft guidelines from Halton Region which recommend the inclusion of a landscape contracting establishment as a permitted secondary use to a commercial farm operation, provided regulations including, but not limited to, minimum lot size and minimum portion of the lot area used for the growing of horticultural plants are met.
Staff recognize the concerns of rural residents regarding this use, while at the same time recognize that there may be appropriate locations for this use in the rural area. As such, staff are recommending the following revisions to the A1, A2 and M12 Zones as related to Landscape Contracting Establishments, attached as Appendices “B1”, “B2” and “B9”:

- Establish a minimum lot size for all Secondary Uses to Agriculture of 5 ha. This regulation would restrict a Landscape Contracting Establishment to a lot with a minimum lot area of 5 ha;
- Separate the regulations for Landscape Contractors from the regulations for Home Industries, in recognition of the increased potential for nuisance issues associated with this use;
- Only permit a Landscape Contracting Establishment as a Secondary Use to a Nursery operation, with a minimum of 65% of the land in nursery production;
- Restrict the number of employees to 3 overall, whereas the previous regulations had restricted the number of employees to 3 on-site; and,
- Tighten the restrictions on motor vehicles associated with the use. The previous draft had restricted the number of Commercial Motor Vehicles (CMVs), as defined, to 3. CMVs are defined as vehicles over 4 tonnes. Other types of vehicles were not addressed. The new regulations will apply to all types of motor vehicles associated with the use, including CMVs, and will restrict the overall number of vehicles which may be parked unenclosed to 3.

The above noted revisions will require that Landscape Contracting Establishments be restricted to large lots as part of a Nursery operation, with additional restrictions in place to reduce nuisance impacts.

3. Wineries/Cideries and Breweries

Concern

A number of comments were received regarding wineries and breweries in the rural area. The draft zones had permitted a Winery as a Secondary Use to an Agricultural operation, but the use had been permitted only within the lands identified as Specialty Crop in the RHOP. This restriction is in keeping with RHOP policies. However, comments were received from both members of the public and Planning Committee identifying a need to expand the area for wineries to encompass the entire rural area, as such operations can be viable throughout the rural area. Further, a concern was expressed that “cideries” should also be permitted and regulated in the same manner as wineries. Finally, comments were received regarding “micro-breweries” as a secondary use to agriculture, and a need to allow this use within the proposed rural zoning by-law.
Response

Staff considered the comments received regarding wineries, cideries and breweries, and also conducted additional research on how these uses are treated in other municipal zoning by-laws. Accordingly, the following revisions are proposed:

- Remove the restriction on the location of wineries. Wineries will be permitted as a Secondary Use to Agriculture throughout the Rural Area;
- Amend the definition of winery to Agricultural Cidery/Winery, and clarify that cideries are permitted within the definition; and,
- Add a definition of an Agricultural Brewery, which will be considered an Agricultural Processing Establishment and, in turn, permitted as a Secondary use to Agriculture.

An amendment to the RHOP will be required to implement this change to allow wineries throughout the area. Staff feel this amendment can be supported, as the opportunity to establish an Agricultural Cidery/Winery as a Secondary use provides a value added opportunity for the rural community, and promotes economic development and tourism options in the rural area.

4. Abattoirs

Concern

Several letters were received from residents with a concern over the inclusion of an Abattoir as a permitted use in the A2 Zone. The concern centred around the potential for an abattoir to locate in proximity to residential uses, and required setback distances for such a use. The draft A2 Zone allowed an abattoir as a permitted use, however, a setback of 100 m was required from any lot line.

Response

Staff reviewed the comments received and conducted additional research on the subject. There is not a lot of comparable data available on other municipal zoning regulations for abattoirs. These are often dealt with on a site specific basis, with zoning regulations crafted for the use through part of the zoning application. The regulations that were reviewed confirm that the proposed 100 m setback is in keeping with other municipal documents. To provide an additional level of comfort for rural residents and to ensure setback requirements can be achieved, the minimum lot size for an abattoir has been increased to 5.0 ha.

The research that Staff has undertaken indicates that the establishment of new abattoirs in the rural area is not likely as the regulatory approvals from other levels of government required for this use, particularly in terms of food safety and
inspections, are significant. However, as this is a use that is critical to support the farming community, staff feel that it is important to allow the use, with the appropriate restrictions in place.

5. Existing Rural Industrial and Commercial Zones

Concern

The Zoning By-laws of the former municipalities, which are currently in force and effect, include zones which allow a wide spectrum of permitted uses. These Zones include Rural Industrial zones which permit a range of industrial uses including manufacturing, auto and transportation related uses, storage, and other rural industrial uses, and Highway Commercial Zones which permit a range of retail, service, auto-related and other commercial uses. The proposed new Rural Zoning By-law does not include these type of zones. This approach implements the direction of the Greenbelt Plan and RHOP which permit only agriculturally-related commercial and industrial uses on lands designated as Agriculture or Rural. As such, the draft A1 Zone permits agriculturally-related commercial and industrial uses as secondary to an agricultural operation such as Agricultural Processing, small scale retailing and Home Industries. The draft A2 Zone is more permissive in that it allows a wider range of agriculturally-related commercial and industrial uses including Agricultural Processing, Agricultural Storage, Abattoir, Farm Product Supply Establishment, Kennels, and a Veterinary Service – Farm Animal. Other resource-based commercial and industrial uses would be permitted only through a zoning by-law amendment.

Staff received several letters of concern from local residents and business owners who currently have more permissive rural industrial or commercial zoning on their properties. The new zoning will recognize all legally existing uses currently on the lands, but will not recognize the other permitted uses identified in current zoning by-laws which are not presently in existence, nor will it recognize illegal uses. The property owners are concerned over the loss of this wide range of uses, and are concerned about future loss of property value and/or difficulty in selling their properties in the future.

Response

The policies of the Greenbelt Plan and the RHOP do not allow for the recognition of all uses which are currently permitted, but not built, on a property to be carried forward. The policies do allow for all uses which are currently legally existing on a property to be carried forward and recognized in the new zoning by-law. All legally existing uses which do not conform to the new zoning by-law will either be recognized in the new by-law with a special exception, or will become legal non-conforming. Staff have met with 5 property owners who have concerns about the change from industrial or commercial zoning on their lands to the new rural zones.
Staff are working with these property owners to draft site specific zoning permissions (special exceptions) for these properties which will recognize all uses currently permitted on the lands and allow for maximum flexibility for their continued operation in the future. Other property owners have provided comments expressing concern over the change on their lands. Staff have offered to meet with all of these property owners, and will continue to do so.

6. Other Changes

Other changes which have been made to the draft zones, attached as Appendices "B1" to "B12", in response to comments received include:

- The maximum lot coverage for greenhouses has been increased to 70% from 60% (in response to comments from HWFA);
- The regulations for outdoor storage have been modified to clarify that outdoor storage is not permitted in a minimum front yard or flankage yard, whereas the draft zones had restricted it in any front yard or flankage yard. Further, the minimum setback for outdoor storage has been reduced to 10 m, whereas the draft zones had required a setback of 20 m (in response to comments from HWFA);
- Regulations have been added to allow for a Farm Produce/Product Stand, and to clarify that it may be located in a front yard (in response to comments from HWFA);
- Regulations have been added to clarify the maximum size for a Farm Labour Residence attached to a dwelling, and to remove the requirement for shared services;
- The size requirements for maximum gross floor area for various uses have been made consistent between the A1 and A2 Zones (in response to comments from HWFA);
- The maximum area devoted to retail for the following uses has been removed: Agricultural Processing Establishment, Agri-tourism, and Home Industry. Instead, the maximum allowance for retail uses of 200 sq m will apply to these uses (in response to comments from HWFA);
- The minimum lot size for a stand-alone Agricultural Processing Establishment has been increased from 0.4 ha to 0.6 ha, and the minimum lot size for a stand-alone Kennel has been increased from 0.4 ha to 2.0 ha, in order to allow for appropriate setbacks;
- The regulations regarding accessory buildings have been modified to state that accessory buildings are not permitted in a minimum front yard, whereas the previous draft had prohibited such buildings in any front yard, and to allow for a maximum height of 6 m (in response to comments from HWFA);
- Remove the allowance to operate a Tradesperson’s Shop as a Home Industry on rural lots over 0.8 ha in size to address concerns over potential nuisance impacts;
Regulations related to the parking of Commercial Motor Vehicles and recreational equipment, which were not previously included, have been added; and,

The definition and regulations for a medical marihuana growing and harvesting facility that have been proposed in PED14037(b), have been incorporated into the “A1” and “A2” Zones.

Areas to be left out of Zoning By-law

Upon further review and consultation with City departments and outside agencies, it has been determined that the following specific geographic areas will not be included in the new Rural Zoning By-law at this time:

1. Pleasantview area of Dundas

The Pleasantview area of Dundas, which was identified in the RHOP as Special Policy Area A, was amended into the Niagara Escarpment Plan (NEP) on October 28, 2013. The lands will be brought into the Development Control area of the NEP in the future, but to date this change has not occurred. As such, staff feel that it is prudent to maintain the existing zoning of the Dundas Zoning By-law for these lands. Once the Niagara Escarpment Commission (NEC) has completed its review of these lands and brought them into Development Control, underlying zoning will be applied to the lands which will take direction form the NEC designations through a future City initiative.

2. Portions of the Greensville Rural Settlement Area

The Greensville Subwatershed Study is currently ongoing. This study will provide a basis for the protection, maintenance and enhancement of surface water and groundwater quality and quantity through environmentally sound and responsive policy development within the Rural Settlement Area (RSA). The resulting plan will provide recommendations as to where and how future development activity can occur so as to minimize flood risks and degradation of water quality. Until such time as this study is complete, undeveloped portions of the Greensville RSA will not be zoned in the new Zoning By-law. The existing zoning of the Flamborough Zoning By-law will continue to apply. The study will make recommendations regarding potential development areas, constraint areas, and lot sizes, so it is prudent to wait for the outcomes of the study prior to assigning zoning.

3. Lands within the Airport Employment Growth District (AEGD) Study Area

The AEGD study area, as opposed to the Secondary Plan Area, has been excluded from the proposed rural zoning since the boundary of the Secondary Plan is the subject of the Phase 3 OMB hearing. This hearing will determine the boundary of the AEGD Secondary Plan; some lands may be removed; other lands could be
added. After the resolution of this OMB hearing, staff will proceed to zone the lands that are excluded from the AEGD Secondary Plan to an appropriate rural zone.

4. Swayze Road Business Park

The lands located at the southeast corner of Swayze Road and Regional Road 20 are known as the Swayze Road Business Park. It is the City’s long term intent to bring these lands into the urban boundary as part of a future Official Plan Amendment. As such, and until this occurs, the existing zoning of the Glanbrook Zoning By-law will continue to apply to these lands.

5. Lower Stoney Creek, west of Fifty Road

As part of the upcoming Provincial Greenbelt Plan review in 2015, City staff will be recommending that the lands located between the existing urban boundary and Fifty Road, at the least, and north of Highway 8, should be removed from the Greenbelt Plan and included within the urban boundary. As such, any decisions related to zoning of these lands will be deferred until after the Greenbelt Plan review, and in the interim, the existing zoning of the Stoney Creek Zoning By-law will continue to apply to these lands. Deferring the zoning decision on these lands does not adversely affect the land owners or preclude any future decision of Council on recommended changes to the Greenbelt Plan.

Next Steps

Following receipt of this report, staff will post the revised zones on the Rural Zoning website, along with updated mapping. Staff will notify, through email or mail, all of the property owners that provided comments on the draft zones. The letter will inform the property owner of the changes to the zones and the mapping, and ask that they review the revisions to determine if their concerns have been addressed. Staff will be available to meet with individual property owners to discuss any remaining concerns and attend site visits as necessary over the summer months.

In November 2014, another round of Open Houses will be held to present the revised zones and zone mapping. The revisions to the Site Plan Control By-law will also be presented at this meeting. It is anticipated that Open Houses will be held in Binbrook (afternoon and evening) and Flamborough (afternoon and evening).

In January 2015, the new Rural Zones, the implementing Official Plan Amendment, and the proposed revisions to the Site Plan Control By-law will be brought forward to Planning Committee for a public meeting under the Planning Act. All residents that have attended Open Houses and/or submitted comments or enquiries on the new zoning will be notified of the public meeting.
Implications on Timing for the Commercial/Mixed Use and Residential Zones

Based on several factors, including the number of comments and the extent of the revisions to the zones and mapping, the rural zoning will be delayed by 8 months. As a result, progress on the remaining zones will also be delayed since additional staff time and resources are committed to completing the rural zones. In January 2015, staff will bring forward an amended timeline for the completion of the commercial/mixed use zones and the residential zones.

Appendices

- Appendix “A1” – Comment Summary – A1 Zone
- Appendix “A2” – Comment Summary – P6 Zone
- Appendix “A3” – Comment Summary – Landscape Contracting Establishments
- Appendix “A4” – Comment Summary – Wineries/Breweries
- Appendix “A5” – Comment Summary – Abattoirs
- Appendix “A6” – Comment Summary – Existing Rural Industrial Zoning
- Appendix “A7” – Comment Summary – Special Exceptions
- Appendix “A8” – Comment Summary – Other Comments
- Appendix “A9” – Comment Summary – HWFA Comments
- Appendix “B1” – Agriculture (A1) Zone
- Appendix “B2” – Rural (A2) Zone
- Appendix “B3” – Settlement Residential (S1) Zone
- Appendix “B4” – Settlement Commercial (S2) Zone
- Appendix “B5” – Settlement Institutional (S3) Zone
- Appendix “B6” – Conservation/Hazard Land Rural (P6) Zone
- Appendix “B7” – Conservation/Hazard Land Rural (P7) Zone
- Appendix “B8” – Conservation/Hazard Land Rural (P8) Zone
- Appendix “B9” – Extractive Industrial (M12) Zone
- Appendix “B10” – Definitions
- Appendix “B12” – Parking
### Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014

#### A1 ZONE REGULATIONS

<table>
<thead>
<tr>
<th>Submitted by</th>
<th>Written Comments</th>
<th>Response, as per Revised Zones dated May, 2014</th>
</tr>
</thead>
</table>
| Andrea Otten 568 Lynden Road | - A1 Zone regulations discouraging as maximum gfa for retailing only 250 square metres, while other uses given 500 square metres  
- Hamilton should be promoting local food by allowing for adequate retail space and limiting retail space to 500 square metres  
- Shouldn’t limit outdoor storage for nursery to 100 square metres. Should this be limited? why not limit size in terms of percentage of lot area  
- Agritourism is limited to existing buildings and only 250 square metres, size needs to be increased  
- Locating bunkhouses within 30 metres of farm dwelling unreasonable, need to be situated in a suitable area | - Max GFA for small scale retailing of agricultural products, now 200 sq. m. for both A1 and A2 zones  
- Limitation for nursery storage applies to unenclosed piles of bulk product  
- The limitation to existing buildings for agri-tourism has been removed and the gfa has been increased to 500 sq m.  
- Bunkhouses need to be located within proximity of farm cluster |
| Earle & Sharon Clugston 3826 Governor’s Road | - Regulation 12.1.3.1 g i) small scale retailing of agricultural products, should the maximum gross floor area not be 200 square metres (the same a Rural (A2) Zone regulation 12.2.3.1 g i)? | - Small scale retailing of agricultural products, max GFA now 200 sq. m. for both A1 and A2 zones |
| Bill Dam William Dam Seeds Ltd. | - There is confusion on both parties – rural home owners and business owners. Home owners think it is opening up the country side to new business – existing businesses find it highly restrictive to growth.  
- The proposed draft is difficult to interpret and read.  
- Minimum lot size. I do not know many lot sizes in rural Flamborough that would be 40 hectares – maybe bonafide farms would be over 40 hectares but they are made up of multiple lots. Where does this minimum come from? The old zoning had min lot size of 2 hectares for livestock. Provisions were made for exceptions. The greenbelt and NEC do not | - Revisions made to draft zones to provide clarity  
- Minimum lot size provisions for agricultural use pertains to new lot creation |
<table>
<thead>
<tr>
<th>Submitted by</th>
<th>Written Comments</th>
<th>Response, as per Revised Zones dated May, 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>have this restrictive sizing.</td>
<td>• Additional regulations for Secondary Uses to Agriculture have been included in A1 and A2 zones</td>
</tr>
<tr>
<td></td>
<td>• The term secondary to agriculture doesn’t fly for almost every business in rural Hamilton. You will be pressed to find a landscape contractor, home business, kennel etc that supplements a farm – meaning revenue for the farm would be greater. Bonafide farms have increased in size by 4 fold in the last 15 years. There are way fewer farmers in rural Ontario because of efficiency and consolidation – the only increase has been in small specialty market farms and for the most part they are all under 40 hectares.</td>
<td>• Regulations pertaining to Landscape Contracting Establishment – Secondary have been revised in A1 and A2 zones</td>
</tr>
<tr>
<td></td>
<td>• Why do Landscape contractors get special mention? Not to pick on Landscapers (I have many family members in the occupation) but the draft seems to single out them and causes animosity in the rural areas. They should have to abide to the same rules as a company distributing dental equipment or an electrical contractor.</td>
<td>• Home business is already a defined use under 05-200</td>
</tr>
<tr>
<td></td>
<td>• The draft uses Home Industry and Home Business throughout the document but only defines Home industry.</td>
<td>• Restrictions on building size are reflective on the scale of use</td>
</tr>
<tr>
<td></td>
<td>• Buildings are classified for taxation and permits based on usage Agricultural / Commercial / Industrial / Office and Institutional. Zoning should also reflect that both in wording and classification. I note a lot of retail and processing wording - this should be Ag-industrial and Ag-commercial.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Restrictions of building sizes are not fair – why not use 20% of lot coverage. Former zoning rules used lot coverage – it was plain and simple. If you look at most existing businesses in the rural areas you will find most are over the 500 sq m restriction being proposed. Example would be Marsh Bros, country ag, Galers, CMP meats, ALT trucking, Agro foods, Rosthey, Fredrick Trucking, Brenn Be Farms, Second Nature and that is just in this area. If restrictions are imposed than it will cripple Ag business and many will be forced out of Hamilton to counties that are more receptive to business. The former</td>
<td></td>
</tr>
</tbody>
</table>
### Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014

#### A1 ZONE REGULATIONS

<table>
<thead>
<tr>
<th>Submitted by</th>
<th>Written Comments</th>
<th>Response, as per Revised Zones dated May, 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>zoning did not do this. I cannot find any reference to building size in NEC, greenbelt and provincial policy.</td>
<td>• Legally existing uses that want to expand beyond the size permissions proposed within the draft A1 and A2 zones would need to apply for minor variance or rezoning, through which the proposed change would be evaluated</td>
</tr>
<tr>
<td></td>
<td>• Existing businesses that do not conform will be not able to expand as needed – the argument about moving into industrial parks does not fly – many rural businesses have customer retention based on location and also not afford the high land rates in industrial parks. Again businesses per sq ft pay a lot more taxes than residential and farm. The greenbelt Act 4.5.3 uses a term of ‘Legally Existing uses’ - this is a better way to word it – legally non-conforming is a negative and impacts a person who owns a business. The new draft also restricts existing businesses that do not conform to not be allowed to switch usage. For example we package seed – but if our business changes we may package something completely different. Small business is always in a state of change – it is called reforming to what is relevant.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• My suggestion is to allow existing businesses to file for exemptions and to be reviewed on an individual basis.</td>
<td>• A zoning by-law by its nature is prescriptive and is to have defined uses and corresponding regulations</td>
</tr>
<tr>
<td></td>
<td>• The Draft uses the phrase – “No person shall erect, or use any building in whole or in part, or use any land in whole or in part” - this is harsh wording – not a ‘living document’ which is flexible, user friendly, and responsive to the needs of rural business. I understand the erect but not to use a building is and has always been poor wording in zoning – it puts the hair up on one’s neck.</td>
<td>• Lot coverage’s and setbacks are dependent on the use</td>
</tr>
<tr>
<td></td>
<td>• The Draft is inconsistent in lot coverages and setbacks with-in the Zone eg A2 starts off with min lot area of 40 hectares in 12.2.3.1 then in 12.2.2.2 in has a min of .4 hectares then in 12.2.2.4 it changes the setbacks from 15 to 10 and 3.</td>
<td>• Front yard is already a</td>
</tr>
<tr>
<td></td>
<td>• In 12.2.2.b iii there is a reference to 12.2.3.1 f) which does not exist. Also outdoor storage of machinery should be related to lot coverage – 100 sq meters is not much.</td>
<td></td>
</tr>
</tbody>
</table>
### Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014

**A1 ZONE REGULATIONS**

<table>
<thead>
<tr>
<th>Submitted by</th>
<th>Written Comments</th>
<th>Response, as per Revised Zones dated May, 2014</th>
</tr>
</thead>
</table>
|              | • I have noticed that in almost every zoning paper around there is a mention of ‘front yard’ – but there is no definition. For example our primary residence sits behind our buildings and our loading facilities face the street ahead of these. In the parking bylaw 5.2.1 a it does not allow loading doors in the front yard - why is this? It only makes sense to allow as direct of approach for truckers, plus it uses less land. Seeing as the new bylaw references the parking bylaw maybe changes need to be added for rural businesses.  
• My suggestion is to approach the document as a rural business and as a rural homeowner recognizing that provisions and exemptions need to be allowed. | defined term within 05-200  
• Legally established uses have been identified with a special exception where appropriate, otherwise the use will become a legal non-conforming use |
# Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014

## P6 ZONE REGULATIONS

<table>
<thead>
<tr>
<th>Submitted by</th>
<th>Written Comments</th>
<th>Response, as per Revised Zones dated May, 2014</th>
</tr>
</thead>
</table>
| Oak Knoll Developments Ltd and Ken Martin  
721, Deer Valley Road, Ancaster | • Objection to proposed P6 zoning, as no new buildings/structures and expansions to existing buildings permitted | • Lands will now be zoned new P6  
• New P6 Zone now more permissive allowing for additions to existing buildings as well as new buildings and structures |
| Ken Martin  
271 Lime Kiln Road, Ancaster | • Objection to proposed P6 zoning, as no new buildings/structures and expansions to existing buildings permitted  
• Open yard is not a "significant forest" | • Lands will now be zoned new P6  
• New P6 Zone now more permissive allowing for additions to existing buildings as well as new buildings and structures |
| Ken Blair  
92 Harrisburg Road, RR 21  
Paris  
N3L 3E1 | • Large amount of area to be zoned P6 and the mapping information used to inform the extent of P6 area may be outdated and doesn't account for elevation  
• Physical site inspections would result in less areas being zoned P6  
• P6 zone does not permit new buildings and expansions to existing buildings and was told that this could be addressed through rezoning, site plan and minor variance.  
• Zoning should have language that if owner wishes to build, then physical site inspection should be done in order to determine whether or not to allow building, much like conservation authority will do  
• Language a bit ambiguous and should be better defined to recognize those instances where boundaries for conservation are not accurate | • Former P6 zoned portion now zoned new P7 and P8 with previous 30 metre buffer area removed and now zoned A1  
• New P7 zone now permits expansions to existing buildings |
| Shelly Detzler  
988 Brock Road | • Property contains existing sawmill and proposed zoning for property is A2 and P6  
• Concern regarding why so much of existing sawmill proposed to be zoned P6 | • Former P6 zoned portion will now be zoned new P6 with previous 30 metre buffer area removed and now zoned A1  
• New P7 zone now permits expansions to existing buildings |
# Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014

## P6 ZONE REGULATIONS

<table>
<thead>
<tr>
<th>Commenter</th>
<th>Concerns/Concerns Regarding P6 (Core Areas)</th>
<th>Former P6 Zoned Portion Will Now Be Zoned A1, As Determined Through Further Mapping Review.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Larry Freeman</td>
<td>- Concerns regarding P6 (Core Areas) identified on property</td>
<td>- Former P6 zoned portion will now be zoned A1, as determined through further mapping review.</td>
</tr>
<tr>
<td>406 Fletcher Road</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Paul Dube            | - How will new zoning affect ability to rebuild/renovate accessory buildings?  
- Would rebuilding of existing garage require site plan approval as building within 120 metres of Core Area and is this something new?  
- Former P6 zoned portion will now be zoned new P7 with previous 30 metre buffer area removed and now zoned A2  
- New P7 Zone allows for replacement of existing buildings provided existing setbacks are maintained or encroachment into existing setbacks is not greater than 10%  
- Site plan approval may be required and this is not something new |                                                                                          |
| 408 5th Concession Road West |                                             |                                                                                          |
| Jozef Lustig         | - Concerned with P6 Zone being applied to property as may prevent expansion of uses on site  
- P6 zone will make it hard to resell property in future  
- P6 zone should be removed from property  
- Should revisit the draft P6 Zone in order to allow for expansions/modernization of existing structures (i.e. allowing for expansions up to | - 30 metre buffer area now removed from former P6 portion resulting in entire property now being zoned A2 |
<p>| 1791 Centre Road     |                                             |                                                                                          |</p>
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Concerns</th>
<th>Regs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ken Tigchelaar</td>
<td>K&amp;K Greenhouses</td>
<td>Concerned with P6 Zone being applied to property</td>
<td>Former P6 zoned portion will now be zoned new P7 and P8</td>
</tr>
<tr>
<td></td>
<td>1852-1862 Concession 6 W</td>
<td>Information requested regarding P6 (Core Areas) identified on property</td>
<td>New P7 zone allows for expansions to existing building of up to 10% of the GFA of the existing building</td>
</tr>
<tr>
<td>Paul Tigchelaar</td>
<td>1852 6th Concession West</td>
<td>Concerned with P6 Zone being applied to property</td>
<td>Former P6 zoned portion will now be zoned new P7 and P8</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Making it impossible expand farm</td>
<td>New P7 zone allows for expansions to existing building of up to 10% of the GFA of the existing building</td>
</tr>
<tr>
<td>Bruce Crezel</td>
<td>1665 Safari Road</td>
<td>Concerned with not having ability to replace garage on property as falls within P6 Zone</td>
<td>Former P6 zoned portion will now be zoned new P7 and P8</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Existing buildings on property appear to be located within new P7 zoned portion</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>New P7 Zone allows for replacement of existing buildings provided existing setbacks are maintained or encroachment into existing setbacks is not greater than 10%</td>
</tr>
<tr>
<td>Grace Widuch</td>
<td>233 4th Concession West</td>
<td>Property to be split zoned</td>
<td>30 metre buffer area now removed from former P6 portion resulting in entire property now being</td>
</tr>
</tbody>
</table>
|                    |                          | Concern as to whether this will impact resale value and ability to rebuild or build addition to the home | }
## Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014

### P6 ZONE REGULATIONS

<table>
<thead>
<tr>
<th>Name</th>
<th>Comments</th>
<th>zoned A2</th>
</tr>
</thead>
</table>
| Bill Bell             | • Concern regarding whether P6 will apply to entire property and prohibit development                                                                                                                   | • Former P6 zoned portion will now be zoned new P7  
  • New P7 Zone allows for replacement of existing buildings or expansions to existing buildings provided existing setbacks are maintained or encroachment into existing setbacks is not greater than 10% |
| 902 Shaver Road       |                                                                                                                                                                                                          |                                                                                                                                                                                                          |
| Tammi Perreault       | • P6 Zone limits our farming and income and growth  
  • P6 is blanket approach without research  
  • No structure regulation limits farmers  
  • Opposed to P6 and not given opportunity to appeal  
  • Environmentally significant areas need to be identified and protected before zoning in place  
  • Property owners who identify issues with zoning need to be exempt until issues resolved  
  • Should not be responsibility of owners to pay for variances etc  
  • We don’t want P6 and want part of property re-evaluated at cost of City.                                                                 | • Former P6 zoned portion will now be zoned new P6, P7 and P8 with previous 30 metre buffer area removed at rear of property and now zoned A1  
  • Existing buildings on this property appear to all now be located within the new P7 zoned portion of the lands  
  • New P7 Zone allows for replacement of existing buildings or expansions to existing buildings provided existing setbacks are maintained or encroachment into existing setbacks is not greater than 10%  
  • Environmentally Significant Areas are identified in RHOP |
| 183 Orkney Road       |                                                                                                                                                                                                          |                                                                                                                                                                                                          |
# Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014

## P6 Zone Regulations

<table>
<thead>
<tr>
<th>Commenter</th>
<th>Comments</th>
</tr>
</thead>
</table>
| Al Perreault | - Public advisory process has not educated people on proposed changes  
- Posting draft maps on website at end of January not acceptable when residents have until end of January to submit comments and not to mention receiving postcards after first series of meetings  
- Seems like City trying to slide whole process under rug and get least possible feedback from public  
- Concerns with P6 zone. Why can’t regulations stay as is, with current restrictions under GRCA  
- Proposed zoning will limit future farming plans and devalue property significantly  
- If City wants no development in P6 zone, should buy all the P6 lands as will be putting restrictions on families to earn income |
| Scotty Banks | - By-law is overly restrictive  
- Strongly in favour of additions to existing buildings being permitted in P6 Zone |
| John & Linda Corlis | - Concern regarding entire 7 ½ acre property zoned P6  
- Only ½ acre lowland, remainder property high land with bush |

- Former P6 zoned portion will now be zoned new P6, P7 and P8 with previous 30 metre buffer area removed at rear of property and now zoned A1  
- Existing buildings on this property appear to all now be located within the new P7 zoned portion of the lands  
- New P7 Zone allows for replacement of existing buildings or expansions to existing buildings provided existing setbacks are maintained or encroachment into existing setbacks is not greater than 10%  
- Lands will now be zoned new P6 with previous 30 metre buffer area removed |
### P6 ZONE REGULATIONS

<table>
<thead>
<tr>
<th>Phil Rapattoni</th>
<th>Concern regarding entire 7 ½ acre property zoned P6. While forest in back of property, majority of property is on high part of land and only small portion has a ditch. Perhaps re-assessment could clarify concerns.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Lands will now be zoned new P6 with previous 30 metre buffer area removed and now zoned A1. New P6 Zone now more permissive allowing for additions to existing buildings as well as new buildings and structures.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Kelly Stukas</th>
<th>Concern regarding entire 7 ½ acre property zoned P6. While forest in back of property, majority of property is on high part of land and only small portion has a ditch. Perhaps re-assessment could clarify concerns.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Lands will now be zoned new P6 with previous 30 metre buffer area removed and now zoned A1. New P6 Zone now more permissive allowing for additions to existing buildings as well as new buildings and structures.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Garry Beswetherick</th>
<th>Concern regarding 61 acre property being zoned P6. Property has been used for agriculture, pasturage and wood harvesting. Would this still be permitted? Regulation 7.6.2.1 of P6 zone means that bedroom could not be added to existing house. This doesn't make sense. If rezoned to P6 taxes should go down dramatically. City of Hamilton has not walked property. 8-10 acres that could be classed as A1.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Former P6 zoned portion will now be zoned A1 and new P6, P7 and P8. Existing buildings on property are zoned A1 as ESA boundary has been refined to remove the existing manicured area. New P6 Zone now more permissive.</td>
</tr>
</tbody>
</table>

**Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014**

- Think lowland is only part that should be classed as hazard.
- New P6 Zone now more permissive allowing for additions to existing buildings as well as new buildings and structures.
- Lands will now be zoned new P6 with previous 30 metre buffer area removed and now zoned A1.
- New P6 Zone now more permissive allowing for additions to existing buildings as well as new buildings and structures.
- Former P6 zoned portion will now be zoned A1 and new P6, P7 and P8.
- Existing buildings on property are zoned A1 as ESA boundary has been refined to remove the existing manicured area.
- New P6 Zone now more permissive.
### Appendix “A2” to Report PED13167a (Page 7 of 19)

#### Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014

**P6 ZONE REGULATIONS**

<table>
<thead>
<tr>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hope final plan shows more common sense</td>
</tr>
<tr>
<td>Stream on map 118 not close to correct</td>
</tr>
<tr>
<td>allowing for additions to existing buildings as well as new buildings and structures</td>
</tr>
<tr>
<td>New P7 Zone allows for replacement of existing buildings provided existing setbacks are maintained or encroachment into existing setbacks is not greater than 10%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Linda Varangu 1724 Concession 6 West</th>
</tr>
</thead>
<tbody>
<tr>
<td>Our family supports the principal of protecting environmentally sensitive areas</td>
</tr>
<tr>
<td>Our farm is on map 67 and has designations of Agriculture A1; sensitive area P6; and CA Regulated Area</td>
</tr>
<tr>
<td>We also support the need to support farmers with environmentally sustainable operations. These types of operations should be encouraged - if yields or efficiencies can be increased with no detriment to the land - then why not encourage them even if there is a need for new buildings - if they don't impact on the environment? The way the REVISED Plan is worded new buildings cannot be built.</td>
</tr>
<tr>
<td>We find ourselves in a situation I just described. We would like to build a greenhouse attached to an existing barn. This greenhouse would be nestled between existing buildings - the barn and an implement shed. Can you provide us guidance on how we can address this situation?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Kal and Cheryl Wahtras 2484 Concession 2 Road West</th>
</tr>
</thead>
<tbody>
<tr>
<td>Properties we own have been in our families for two hundred years</td>
</tr>
<tr>
<td>Have worked hard on and off farm to produce living and look after properties and taxes have climbed higher and higher</td>
</tr>
<tr>
<td>City now telling us “new building or structures shall not be permitted; expansions to existing buildings and structures shall not be permitted”</td>
</tr>
<tr>
<td>If you understand agriculture, you understand</td>
</tr>
<tr>
<td>Former P6 zoned portion will now be zoned new P7 and P8 with previous 30 metre buffer area removed and now zoned A1</td>
</tr>
<tr>
<td>Existing buildings on this property appear to all now be located within the A1 zoned portion of the lands</td>
</tr>
<tr>
<td>A greenhouse addition would be permitted within the A1 Zone</td>
</tr>
<tr>
<td>Former P6 zoned portion will now be zoned new P7 and P8 with previous 30 metre buffer area removed and now zoned A1</td>
</tr>
<tr>
<td>While the new P8 zone does not permit new buildings or</td>
</tr>
</tbody>
</table>
# Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014

## P6 ZONE REGULATIONS

<table>
<thead>
<tr>
<th>Comment</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>that buildings are a big part of the industry (i.e. drive sheds, workshops, animal shelter, granny suites, etc.)</td>
<td>Clear that City does not want any agriculture within boundaries with the proposed zoning by-law</td>
</tr>
<tr>
<td>Monika Holden and Rose Bandmann 1147 Cooper Road</td>
<td>What is it about our property that makes it P6?</td>
</tr>
<tr>
<td></td>
<td>Who makes determination and how was this done?</td>
</tr>
<tr>
<td></td>
<td>When people buy property not reasonable to think how current by-laws could change</td>
</tr>
<tr>
<td></td>
<td>Unreasonable to put blanket ban on permits for building new or adding onto existing structures in P6 zoned properties</td>
</tr>
<tr>
<td>Robert E. Jarrett 1597 Millborough Line</td>
<td>Proposed zoning for property split between P6 and A2</td>
</tr>
<tr>
<td></td>
<td>Proposed regulation 7.6.2.1 for P6 will destroy value of our property</td>
</tr>
<tr>
<td></td>
<td>Strongly object to designating any portion of property P6 without detailed feedback and site visit by Halton Conservation</td>
</tr>
</tbody>
</table>
Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014

### P6 ZONE REGULATIONS

<table>
<thead>
<tr>
<th>Name</th>
<th>Comments</th>
</tr>
</thead>
</table>
| Jim Barton 579 Book Road West | - P6 Zone on majority of property, few acres A1  
- Run maple syrup operation on a hobby basis and with proposed zoning won't have ability to expand operation with construction of new building  
- If we are agricultural land, why can't we develop our lands for agricultural purposes. Ability of farmers to develop the farm are being limited through restrictions on buildings  
- Former P6 zoned portion now zoned new P7 with previous 30 metre buffer area removed and now zoned A1  
- New P7 Zone allows for expansions of existing buildings provided existing setbacks are maintained or encroachment into existing setbacks is not greater than 10% |
| Catherine Lee 651 Slote Road | - Concern regarding property being zoned P6  
- Lands will now be zoned new P6  
- New P6 Zone now more permissive allowing for additions to existing buildings as well as new buildings and structures |
| Julie and John Richer Russwood Farmstead 1339 Old Highway 8 | - Concerned about limits of the ESA and in turn P6 Zone area  
- Would small structures be permitted in P6 zone?  
- The term “existing agriculture” is confusing  
- Change in zoning and too much control over private land will disable farm and ability to work towards sustainable agriculture  
- Former P6 zoned portion now zoned new P7 and new P8  
- 30 metre buffer area removed and now zoned A1, which has increased the lot area |
<table>
<thead>
<tr>
<th>Summary of Written Comments Received Following Rural Zoning PICs in November &amp; December 2013 and January 2014</th>
</tr>
</thead>
</table>

**P6 ZONE REGULATIONS**

- Goal of sustainable farming to improve lands and promote natural habitats. We need to be able to be good stewards without having hands tied by legislation and bylaws
- Sustainable, natural and organic farm practices should be permitted in P6 Zone with clear guidelines. Should permit pasturing a limited number of animals on clearly indicated acreage, small agricultural infrastructure with limitations of being at least 30 metres from particular natural feature
- Landowners should not be restricted from using wood from their woodlots for personal use (heating) if they practice good forestry management
- Landowners should be able to use their land without restriction as long as doesn't have environmentally damaging effect on land or natural feature
- Sustainable farms in P6 zone should be given grants to assist them in continuing a practice that is costly and difficult
- Agribusinesses and big commercial farm operations that are degrading land, soil fertility, polluting with herbicides, pesticides, human waste and are farming in middle of night to hide these practices should be the primary concern of the City. They own vast acreage and are causing decline of pollinators, insects, birds and animal populations and our health as a population. They are also major contributors of climate change
- Greenbelt legislation prevents municipalities from rezoning prime agricultural lands
- This is a massive by-law change from current by-law under which we were completely agriculture

**Troy Simillie**

- Concern over P6 boundary splitting property at 7102 Twenty Road
- Concern over accuracy of P6 Zone data

**zoned A1**

- New P7 Zone allows for expansions of existing buildings provided existing setbacks are maintained or encroachment into existing setbacks is not greater than 10%
- All Zones permit Agriculture

- With the removal of the 30 m buffer there is no P6 zoning remaining on the property
- Entire property is zoned A2
### P6 ZONE REGULATIONS

<table>
<thead>
<tr>
<th>Name</th>
<th>Concern</th>
<th>With the removal of the 30 m buffer there is no P6 zoning remaining on the property</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Verhey 2980 Powerline Road West</td>
<td>- Concern regarding portion of property being zoned P6</td>
<td>- Entire property is zoned A1</td>
</tr>
<tr>
<td>Brian Smith 2060 Haldibrook Road</td>
<td>- Concern regarding P6 Zone being applied to property</td>
<td>- Entire property is zoned A1</td>
</tr>
</tbody>
</table>
| Adrian Mohammed 986 5th Concession Road West | - Have 55 acre farm and currently rise lambs, goats and poultry for meat or eggs  
- New farmer that bought the property based on the current agricultural zoning  
- Primary concern is the proposed P6 Zone as it applies to my property as the P6 portion contains the pastures, barn, barnyard, two wells, house, two driveways, hydro service and greenhouse frame  
- Fear is that at some point in future barn will need to be replaced and new storage buildings will need to be constructed for the farm operation in order to remain competitive and the P6 regulations state that "no new buildings or structures" and "expansions to existing building" would not be permitted  
- If I cannot expand or change layout of existing barn foundation I will have no other alternative than to stop farming  
- Have also wanted to expand my maple syrup production as current bucket collection method will not allow me to expand  
- Would need to construct a centralized sugar shack within maple bush and this would have less impact on environment than using heavy equipment through forest  
- Under P6 regulations I could not build this and would be forced to abandon this revenue stream  
- If draft zone not changed to allow any room for | - Former P6 zoned portion now zoned A2, new P6, new P7 and new P8 with previous 30 metre buffer area removed and now zoned A2  
- Removal of the 30 m buffer results in a larger portion of the lot now zoned A2  
- ESA boundary has been refined to remove manicured and developed portion of lot. This area will now be zoned A2  
- Further review of the ESA boundary in this area is ongoing and may result in additional areas being removed from ESA boundary  
- The new P6 Zone now more permissive allowing for new buildings and structures as well as additions to existing |
P6 ZONE REGULATIONS

- growth or expansion of these buildings or addition of agricultural accessory buildings on my farm, I cannot remain competitive with other farms outside the Greenbelt or on international basis
  - Farms today need to be flexible and efficient
  - City is also proposing EIS and Linkage Assessments to be required for new building permits and these studies could range in cost from $5,000 to $20,000 and still doesn't guarantee Conservation Authority will grant approval
  - Uncertainty unacceptable for any new farm business
  - If proposed zoning remains as is and the Conservation Authority or City doesn't allow me to build, replace or expand my barn or agricultural buildings, I would be forced to build in A2 portion. This would remove arable lands out of agricultural production and in turn reduce profits and efficiencies of hay and field crops and I would be forced to add half mile of hydro services, new wells and new road to make farm operationally viable
  - As my A2 zone portion is landlocked from Concession Rd these services would transect the P6 Zone and this would increase heavy farm equipment and vehicles through P6 zone
  - Does this make any sense? Would the CA allow this?
  - The costs from such a situation would be prohibitive and would bankrupt my farm
  - Although the city does not consider my land prime agricultural land, I was able to achieve 50 bushels/acre of soybeans and the draft zoning would remove very productive lands out of agriculture
  - I am concerned farming community not properly consulted for their comments as the on-line documents concerning Zoning by-law contained two different definitions for P6 – one that permitted agriculture and one that permitted existing agriculture
  - How many older farmers may not have internet and therefore would not have commented on
Summary of Written Comments Received Following Rural Zoning PIcs
in November & December 2013 and January 2014

P6 ZONE REGULATIONS

<table>
<thead>
<tr>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>When mapping was presented in 2010, I had issue with accuracy of maps as some features mapped incorrectly</td>
</tr>
<tr>
<td>Two streams indicted on my property do not exist</td>
</tr>
<tr>
<td>How old were the base maps used in determining these features? Were any field surveys conducted to verify accuracy? Seems polygons used in mapping of rural zones, digitized using are photo interpretation without any ground monitoring</td>
</tr>
<tr>
<td>Concerns over mapping brought to attention of Robert Clackett (City) and Watershed Officer (CA) previously and both assured me that agriculture would continue to be permitted not just existing agriculture with building restrictions and therefore I never pushed the mapping issue at that time</td>
</tr>
<tr>
<td>Broad brush approach in creating public policy based off of erroneous data not for the better of anyone</td>
</tr>
<tr>
<td>If the proposed zoning was to go forward, I cannot go forward with this farm business and will not be willing to invest anymore within City of Hamilton</td>
</tr>
<tr>
<td>I do not believe economic impacts of the zoning change have been fully explored and small or new producers will start to fade out as they become inefficient as result of the proposed designations and regulations</td>
</tr>
<tr>
<td>As the draft zoning reads, the goals of the Rural Official Plan as they apply to agricultural protection do not apply to my property or small farm business</td>
</tr>
<tr>
<td>Proposed zoning will force me out of agriculture and I ask you to reconsider the P6 Zone regulations and their ramifications as they pertain to agriculture</td>
</tr>
<tr>
<td>There must be a middle ground that offers protection to both natural features and small farming operations</td>
</tr>
<tr>
<td>I have a right to farm and the barriers to being successful in agriculture are already enormous</td>
</tr>
<tr>
<td>Barriers to entry will be impossible should the</td>
</tr>
</tbody>
</table>

- Earlier version of P6 Zone attached to staff report did not provide clarity with regard to permissions of the zone particularly regarding new development. This was corrected in the revised version posted to the website and presented to public at Open Houses
- Zone mapping is based on Core Areas identified in RHOP
**Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014**

**P6 ZONE REGULATIONS**

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dan Lane</td>
<td>1268 Gore Road</td>
<td>• Concern regarding extent of property being zoned P6</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Former P6 zoned portion now zoned new P7 and new P8 with previous 30 metre buffer area removed and now zoned A2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Removal of the 30 m buffer results in a larger portion of the lot now zoned A2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Most of developed portion is zoned A2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• New P7 Zone allows for expansions of existing buildings provided existing setbacks are maintained or encroachment into existing setbacks is not greater than 10%</td>
</tr>
<tr>
<td>Edward Gruppe</td>
<td>1334 Powerline Road West Lynden, ON</td>
<td>• Concern regarding property being zoned P6</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Former P6 zoned portion now zoned new P7</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• New P7 Zone allows for expansions of existing buildings provided existing setbacks are maintained or encroachment into existing setbacks is not greater than 10%</td>
</tr>
<tr>
<td>James Webb</td>
<td>WEBB Planning Consultants Inc. On behalf of 1292 Old Highway No 8</td>
<td>• Concern regarding portion of property being zoned P6</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• This P6 portion is currently under review by staff, additional information is being requested from owner</td>
</tr>
</tbody>
</table>
### P6 ZONE REGULATIONS

<table>
<thead>
<tr>
<th>Name</th>
<th>Comments</th>
</tr>
</thead>
</table>
| Ian Dunlop         | - Currently my 4 acre property is split zoned A and CM. My house and garage are located in the A-zoned area.  
- The new mapping now shows almost my entire property zoned P6, and just my front yard as A2. I read that the new P6 zoning is based on Core Areas, but I have to question how accurate that mapping is. According to much more detailed maps I have obtained from the Conservation Authority; my home is located outside the significant wetland, woodland and ESA areas.  
- I would like to hear from you regarding the implications of the zoning change, and whether or not either a zoning boundary adjustment or exception can be investigated for my property before the by-law comes into force, in order to recognize the location of the single-family dwelling and garage as of right.   |
| Beverly Shepard    | - We live on P6 Zoned property which will not permit addition of any new structures  
- Built compost bin and raised bed vegetable garden two years ago  
- Would these structures have been forbidden if new zoning in effect  
- If so, the P6 zone will make country life pretty difficult  
- We do not have any tax breaks on this; and which new zoning will not permit us to touch  
- This needs more consideration                                                                                                                                     |
| Jen Dodds          | - There is a building lot on corner of my farm marked as A1 and I think the owners will not appreciate paying taxes for something they will never be able to build on as according to your rules the lot is not even an acre in size  
- The P6 area on my property is too large  
- Some of the P6 area is used for my agricultural business which is horses and while I understand I can continue agriculture, I hope to expand in future                                                                 |
|                    | - Removal of the 30 m buffer results in a larger portion of the lot being zoned A2, including the house and garage  
- The remainder of the former P6 portion is now zoned new P7 which permits expansions to existing buildings  
- The split between the A2 and P7 zones in the proposed By-law follows very closely to the current zoning which is split between A and CM                                                                                   |
|                    | - Former P6 zoned portion now zoned new P7 and a small portion of new P8 to the rear  
- New P7 Zone allows for expansions of existing buildings provided existing setbacks are maintained or encroachment into existing setbacks is not greater than 10%                                                                                     |
|                    | - H5 provision does not prohibit future development, it indicates that additional information is required before development may proceed  
- Former P6 zoned portion now zoned new P6 and new P7 with
## P6 ZONE REGULATIONS

- I have just put a lot of money into a building which could possibly be in P6 area and wish to have opportunity to expand if needed
- The farm is my business and income and disheartening to think I will never make enough money to save for future
- Would like to forward copy of what I think P6 should be, but can't attach here
- Very hard to tell dimensions of bubbles and I want to be sure I can expand in future

<table>
<thead>
<tr>
<th>Anne Jones</th>
</tr>
</thead>
<tbody>
<tr>
<td>2350 Second Concession Road West Lynden</td>
</tr>
</tbody>
</table>
- Understand why we have zoning but concerns are who decides these zones and restrictions that go along with them
- What studies were done so that property owners would not be negatively impacted by your decisions
- My property has been zoned agricultural and conservation land
- I figured that the conservation land zone has decreased my property values considerably as I am not permitted buildings on the land I pay taxes on
- Who will compensate me for this loss of use of land
- These regulations will prevent me from building much needed shelters for my animals and prevent me from being able to put up a kennel for dogs which was going to happen to help supplement my income after retirement
- I am also concerned with all of your regulations and distance for buildings from property lines

<table>
<thead>
<tr>
<th>previosu 30 metre buffer area removed and now zoned A1</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Removal of the 30 m buffer results in a larger portion of the lot being zoned A1</td>
</tr>
<tr>
<td>- New P6 Zone now more permissive allowing for new buildings and structures as well as additions to existing buildings</td>
</tr>
<tr>
<td>- New P7 Zone allows for expansions of existing buildings provided existing setbacks are maintained or encroachment into existing setbacks is not greater than 10%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Former P6 zoned portion now zoned new P6, P7 and new P8 with previous 30 metre buffer area removed and now zoned A1</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Removal of the 30 m buffer results in a larger portion of the lot being zoned A1</td>
</tr>
<tr>
<td>- New P7 Zone now permits expansions to existing buildings</td>
</tr>
<tr>
<td>- A kennel is permitted in the A1 zoned portion of the property</td>
</tr>
</tbody>
</table>
# Appendix "A2" to Report PED13167a (Page 17 of 19)

## Summary of Written Comments Received Following Rural Zoning PICs
### in November & December 2013 and January 2014

### P6 ZONE REGULATIONS

<table>
<thead>
<tr>
<th>Commenter</th>
<th>Address</th>
<th>Concerns/Issues</th>
<th>Additional Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Catharine Dunn</td>
<td>2525 Second Concession Road West Lynden</td>
<td>• Concern over extent of P6 zone on property&lt;br&gt;• With the removal of the 30 m buffer there is no P6 zoning remaining on the property&lt;br&gt;• Entire property is zoned A1</td>
<td></td>
</tr>
<tr>
<td>Dave Mercer</td>
<td>1055 Highway 6</td>
<td>• Concern over extent of P6 on property&lt;br&gt;• Property has been filled so P6 no longer applies</td>
<td>• Former P6 zoned portion now zoned A2 after further mapping review indicates features are not present on the site</td>
</tr>
<tr>
<td>Lin Vanderszagge</td>
<td>839 Brock Rd. RR#4, Dundas, L9H 5E4</td>
<td>• Concern over extent of P6 on property</td>
<td>• Former P6 zoned portion now zoned new P8 with previous 30 metre buffer area removed and now zoned A2&lt;br&gt;• Removal of the 30 m buffer results in a larger portion of the lot being zoned A2, including all of the developed portion of the lot</td>
</tr>
<tr>
<td>Wayne Caldwell on behalf of Deborah Caldwell</td>
<td>2290 Highway 6 RR 3 Puslinch</td>
<td>• The new proposed zoning proposed to zone virtually the entire property P6 with a tiny A2 portion&lt;br&gt;• Entire property is also subject to Conservation Authority regulations&lt;br&gt;• A2 Zone permits a single detached dwelling, while P6 zone permits an existing single detached dwelling&lt;br&gt;• Also, P6 zone regulations do not permit new buildings or structures as well as expansions to existing buildings and structures&lt;br&gt;• This property is designated Rural in the Rural Hamilton Official Plan&lt;br&gt;• Request: extend the A2 Zone boundary to include the building area and associated</td>
<td>• Former P6 zoned portion now zoned new P8 with previous 30 metre buffer area removed and now zoned A2&lt;br&gt;• Removal of the 30 m buffer results in a larger portion of the lot being zoned A2, including all of the developed portion of the lot</td>
</tr>
</tbody>
</table>
Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014

**P6 ZONE REGULATIONS**

<table>
<thead>
<tr>
<th>Developer</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albert Land 5 Cumminsville Drive</td>
<td>- Concern regarding portion of property being zoned P6</td>
</tr>
<tr>
<td>Dino Rubli 3 Cumminsville Drive</td>
<td>- Many other owners in this area will face similar impacts, so the city can expect more contacts regarding this issue. - When I bought my property in 1983, I was informed that much of my 3 acre property was on the floodplain, but that the section abutting</td>
</tr>
</tbody>
</table>

- Reasoning behind request is to clarify that the existing residence could be re-established or reconstructed in the event of accidental destruction or a decision by future property owner to rebuild in same location
- It is recognized that property will continue to be subject to Conservation Authority regulations
- The current proposed zoning appears to include the parking area adjacent to the buildings within the A2 portion, but not the buildings themselves
- The above request is based on the following:
  1. The existing residence has been in place for approximately 60 years with an addition constructed in the 1970's
  2. According to existing zoning approximately half of the property is zoned A and this zone permits a residence. The existing CM Zone portion, where residence is located, also permit agriculture, which permits a residence. The location of the existing residence is at a relatively high elevation overlooking the property and I believe this is an optimum location on the property both from a building and an environmental perspective
  3. The property is designated Rural in the OP and the request appears to be in conformity with this designation

- 30 metre buffer area now removed from former P6 portion resulting in entire property now being zoned S1
- 30 metre buffer area now removed from former P6 portion and now zoned S1
- The existing buildings on the property appear
### P6 ZONE REGULATIONS

<table>
<thead>
<tr>
<th>Cumminsville Drive was not and that building on that section was acceptable. I have a letter from Conservation Halton confirming this. The flood plain area is well documented and mapped. The zoning plan I saw on the Hamilton website about 3 years ago confirmed this with the flood plain section shown as &quot;hazardous&quot;.</th>
</tr>
</thead>
<tbody>
<tr>
<td>• With the proposed rezoning, the line has been shifted so that approximately 1/2 of the residential section of my property will be zoned as &quot;hazardous&quot;. So what are the implications?</td>
</tr>
<tr>
<td>• My workshop built in 2008, my septic system and other landscape features will now be in the &quot;hazardous&quot; zone. While they may be &quot;grandfathered&quot;, they would be non conforming. So when my septic system needs to be rebuilt, as an example, this will not be allowed since septic systems are not allowed in &quot;hazardous&quot; areas. So I will have no access to washrooms, laundry or kitchen facilities at my home.</td>
</tr>
<tr>
<td>• Will decrease the value of my home</td>
</tr>
<tr>
<td>• Why is my property being rezoned?</td>
</tr>
<tr>
<td>• Did not receive postcard notification.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>to all now be located within the S1 portion of the property</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Remainer of former P6 portion now being zoned new P8</td>
</tr>
</tbody>
</table>
Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014

LANDSCAPE CONTRACTING ESTABLISHMENTS

<table>
<thead>
<tr>
<th>Submitted by</th>
<th>Written Comments</th>
<th>Response, as per Revised Zones dated May, 2014</th>
</tr>
</thead>
</table>
| John Bennett and Elizabeth Bluemke, Lynden, ON | • Main concern has to do with “Secondary use” of smaller parcels of Agriculturally-zoned land, located near Settlement Residential areas: Specifically, the ability of Landscape Contracting Establishments to operate on lots where a bona-fide farming operation is effectively untenable.  
• While we fully support the ability of farm families to supplement their income by engaging in compatible secondary use in rural zones, we have seen and experienced incidents of larger, fully independent landscaping companies relocating to small parcels of Agriculturally-zoned land to take advantage of lower tax rates and lax regulation. Formalizing this use in the RHOP will increase the flight of what are clearly commercial operations from commercial property to inadequately-regulated rural locations. Minimal or no farming is taking place on such properties, irrespective of whether or not the landowners hold a Farm Registration number.  
• We have seen significant disruption of our rural environment, with such operations beginning as early as 6:00 AM in the morning, seven days a week, continuing late at night, with the associated noise, traffic, dumping / burning of waste, and other nuisances. Minimal or no farming is taking place on such properties, irrespective of whether or not the owners hold a Farm Registration number. Carving out an exemption for such use will exacerbate these problems.  
• The mechanisms contained in the proposed zoning regulations for limiting the size of secondary use do not adequately address these issues, and have no method for ensuring that the “secondary” use is truly secondary to the primary agricultural use of the land.  
• We have seen examples of landscaping firms with existing commercial property in Hamilton, | Revisions made to regulations pertaining to Landscape Contracting Establishment -- Secondary within the A1 and A2 Zones. |
Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014

**LANDSCAPE CONTRACTING ESTABLISHMENTS**

| multiple employees, a half-dozen trucks, trailers, dump trucks, snow removal machines and Bobcats, operating full-time from a smaller, A-zoned property, which directly abuts Settlement Residential land. Even if the bare minimum of farming income were to be produced on the property, it would be eclipsed by the six-figure income generated by the business. This is an ongoing concern with multiple residents of the settlement area, with a significant disruption of daily life occurring on an ongoing basis.
| • We believe that Hamilton can use the experience of other local communities in dealing with these types of issues, and that there is little justification for including the special category of "Landscape Contracting Establishments" as a secondary use.
| • The establishment of the dominant use of a property for a Landscape Contracting Establishment that does not primarily involve growing would not conform to the Greenbelt Plan.
| • Halton restricts secondary uses to "Commercial Farms", defined as "a farm which is deemed to be a viable farm operation and which normally produces sufficient income to support a farm family." This confirms and strengthens the secondary use requirement.
| • Municipality of Clarington, in Durham Region, has adopted an official plan that more tightly regulates secondary uses on Agricultural land that abuts rural settlement areas. Their official plan only allows secondary farm-related industrial/commercial uses provided that such uses do not abut any designated rural settlement areas.
| • The Rural Hamilton Official Plan specifies that "On-farm secondary uses are secondary to the primary agricultural use of the land... [and]... The use shall be clearly secondary to the primary agricultural use".
Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014

LANDSCAPE CONTRACTING ESTABLISHMENTS

<table>
<thead>
<tr>
<th>The terms “primary”, “secondary” and “principle” listed above are key, and it is incumbent upon the city to ensure that the primary use of the land remains agricultural. Currently, however, the provisions in the RHOP do not provide adequate mechanisms for doing so.</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The addition &quot;Landscape Contracting Establishment&quot; as a recognized secondary use for Agricultural land was recently added and this type of commercial operation on a non bona-fide farm operation has significant potential to disrupt rural life, and will likely result in the loss commercial tax revenues for the City of Hamilton as businesses discover the advantages of moving their operations to small-scale rural parcels.</td>
</tr>
<tr>
<td>• We believe that Zoning should:</td>
</tr>
<tr>
<td>1) Provide stronger mechanisms for ensuring that “Secondary” use for Agriculturally-zoned land is clearly secondary. Other municipalities, such as Halton, restrict secondary uses to &quot;Commercial Farms&quot;, which are defined as &quot;a farm which is deemed to be a viable farm operation and which normally produces sufficient income to support a farm family.&quot;</td>
</tr>
<tr>
<td>These mechanisms can include:</td>
</tr>
<tr>
<td>- A definition of “Secondary use” based on relative income compared to farm income</td>
</tr>
<tr>
<td>- A larger farm size requirement to ensure a viable operation. We believe that the current requirement of four hectares is too small to ensure that a farm is a bona-fide agricultural enterprise</td>
</tr>
<tr>
<td>- Require a larger percentage of land to be actively farmed</td>
</tr>
<tr>
<td>- Require that more than 50% of commodity and service sales be of farm products and services</td>
</tr>
<tr>
<td>- Restrict operating hours of secondary usages</td>
</tr>
<tr>
<td>- Provide larger setbacks and screening</td>
</tr>
</tbody>
</table>
Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014

LANDSCAPE CONTRACTING ESTABLISHMENTS

<table>
<thead>
<tr>
<th>Requirements that limit the abuse of smaller properties</th>
</tr>
</thead>
<tbody>
<tr>
<td>2) Provide greater protection for Settlement Residential-zoned properties in rural areas. A large concentration of rural residents are located in Settlement Residential zones, and encroaching commercial operations can therefore affect a large number of families. One approach used in other jurisdictions is to limit secondary uses on any land abutting Rural Settlement zones. For example, in Durham Region, the Municipality of Clarington allows secondary farm-related industrial/commercial uses provided that such uses do not abut any designated rural settlement areas.</td>
</tr>
<tr>
<td>3) Remove &quot;Landscape Contracting Establishment&quot; as a defined &quot;Secondary&quot; Use category for Agriculturally-zoned lands. The Official Plans in other Greenbelt-regulated municipalities do not provide special dispensation for Landscape Contracting Establishments: Hamilton should follow suit, and not carve out a special exemption for these quasi-agricultural/commercial operations that will significantly affect the rural environment.</td>
</tr>
</tbody>
</table>

- Our family has lived in rural Hamilton for a number of years, and we have seen the ongoing abuse of the existing zoning regulations by large and small commercial operations.
- We believe that formally allowing Landscape Contracting Establishments as a secondary agricultural use with ineffective provisions for enforcement is the wrong approach, and urge council and staff to revisit this policy.

Jim and Tanya McCullough

- As rural residential home owners we are concerned that the zoning will officially allow

- Revisions made to regulations pertaining
Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014

LANDSCAPE CONTRACTING ESTABLISHMENTS

commercial businesses to operate in our residential neighborhoods. We have already experienced the negative effects of illegal, commercial businesses in our rural environment including early morning and late evening operations, 7 days a week, numerous employees plus their personal vehicles, increased traffic, obnoxious noises, foul smells and unsightly views. Plus, most of these illegal businesses have nothing to do with agricultural farming. For instance, landscape construction and maintenance are in no way related to farming and therefore should not be considered secondary to the primary agricultural use of the land. By legitimately allowing commercial businesses to operate in the rural community the zoning will only exacerbate these problems.

- New rural zoning does not have adequate requirements and restrictions to ensure that these commercial businesses/secondary uses are truly secondary to the primary agricultural use of the land. For instance, when the revenue generated from the commercial business far exceeds the revenue generated from the farm this can no longer be considered secondary use. Also, the current minimum land requirement is much too small of an area to not interfere with the quality of life and resale value of surrounding residential properties. The zoning does not have an adequate means of differentiating and enforcing farm use vs. secondary use in terms of number of employees, equipment, out buildings, hours of operation and so forth.

- The changes to home industry in the RHOP will also negatively impact the rural environment. For instance, under this proposed zoning it will now be plausible for trades persons (eg. cabinet makers, welders, etc) to run their businesses adjacent to rural, residential properties. Similar to the secondary use of agricultural land, these home industries will result in a disruption to the rural way of life. Commercial businesses should remain in commercial/industrial areas.

- Formally allowing commercial businesses to operate in our residential neighborhoods. We have already experienced the negative effects of illegal, commercial businesses in our rural environment including early morning and late evening operations, 7 days a week, numerous employees plus their personal vehicles, increased traffic, obnoxious noises, foul smells and unsightly views. Plus, most of these illegal businesses have nothing to do with agricultural farming. For instance, landscape construction and maintenance are in no way related to farming and therefore should not be considered secondary to the primary agricultural use of the land. By legitimately allowing commercial businesses to operate in the rural community the zoning will only exacerbate these problems.

- New rural zoning does not have adequate requirements and restrictions to ensure that these commercial businesses/secondary uses are truly secondary to the primary agricultural use of the land. For instance, when the revenue generated from the commercial business far exceeds the revenue generated from the farm this can no longer be considered secondary use. Also, the current minimum land requirement is much too small of an area to not interfere with the quality of life and resale value of surrounding residential properties. The zoning does not have an adequate means of differentiating and enforcing farm use vs. secondary use in terms of number of employees, equipment, out buildings, hours of operation and so forth.

- The changes to home industry in the RHOP will also negatively impact the rural environment. For instance, under this proposed zoning it will now be plausible for trades persons (eg. cabinet makers, welders, etc) to run their businesses adjacent to rural, residential properties. Similar to the secondary use of agricultural land, these home industries will result in a disruption to the rural way of life. Commercial businesses should remain in commercial/industrial areas.

- Formally allowing commercial businesses to
Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014

LANDSCAPE CONTRACTING ESTABLISHMENTS

<table>
<thead>
<tr>
<th>Comment</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Operate in rural, residential neighborhoods is not only detrimental to the rural environment but also to the quality of life of its residents. We strongly request that city staff and council consider these issues and make appropriate amendments to the zoning.</td>
<td></td>
</tr>
<tr>
<td>- Also the P6 zoning of our property. There is now a possibility of the bylaw limiting/denying us the ability to modify or expand on our property.</td>
<td></td>
</tr>
<tr>
<td>- Former P6 zoned portion now zoned new P7 and new P8</td>
<td></td>
</tr>
<tr>
<td>- Developed portion of property would be zoned new P7, which permits expansions to existing buildings</td>
<td></td>
</tr>
</tbody>
</table>

Marc Schutten
Granite Park Inc.
1285 Brock Road

General Considerations:
- Good that the Landscape/Horticultural Industry is finally given its proper place under the heading of 'Agriculture' since it really does fall under its umbrella.
- It is also fitting that this new zoning includes Landscaping as permissible use.
- By its very nature, and the equipment needed to sustain this industry, it has always been unsuitable for any urban inclusion.
- I have been in this industry for 30 years and can assure you that is the case. Urbanites will complain long and hard about noise, business, traffic etc. It really does not work there. And so the shift was, and continues to be to rural destinations.
- The reality is (at least in Flamborough) that there are so many landscape companies operating in our rural areas that it would be impossible to not acknowledge their existence. This does not mean that we could not restrict it.
- Have spoken to Councillor Pasuta who lives in our area and one of the concerns we share is not that there are landscape companies running their businesses from rural areas, but rather that there seems to be few restrictions on where and to what degree these businesses can operate. You can see where some are trying to cram their

Revisions made to regulations pertaining to Landscape Contracting Establishment – Secondary within the A1 and A2 Zones.
LANDSCAPE CONTRACTING ESTABLISHMENTS

landscape business on a 1 acre parcel. These are the ones this zoning needs to restrict and/or prevent from happening.

Specific Considerations and Guidelines for Landscape use:

- The parcel of land on which a landscape company operates must be 4 acres or more.
- It must be of a size to meet all proper setback requirements and possibilities for setbacks from property lines, street lines, neighbours etc.
- Out buildings should be erected for purposes of adequate storage. These outbuildings will have to be sized according to the requirements and needs of an operator. This will naturally fall under Building Department requirements. The purpose of these structures would be to allow for storage of vehicles, equipment and the like as per new proposed guidelines.
- There ought to be basic landscape requirements for the premises to ensure the property is visually appealing. (i.e.: not slabs of concrete and asphalt over the entire area with little landscape arrangements to make it look appealing).
- There ought to be "visual City audits" to ensure compliance. This ought to be a desirable and reasonable arrangement for any operator who is also a rural dweller as they have a financial interest in seeing it this way.
- If you keep the above in mind, we will eliminate the eyesores from our rural community. Operators will need to invest in their operation to ensure compliance as well as an environment that is in keeping with the intent of this new zoning.
### Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014

#### WINERIES AND BREWERIES

<table>
<thead>
<tr>
<th>Submitted by</th>
<th>Written Comments</th>
<th>Response, as per Revised Zones dated May, 2014</th>
</tr>
</thead>
</table>
| C. McMaster  | • Wineries now allowed. Reconsider restrictive rules so Hamilton can be competitive with Niagara  
• Should allow micro-breweries too | • Wineries now permitted within both the A1 and A2 zones.  
• Agricultural breweries are permitted under the proposed zoning in both the A1 and A2 zones.  
• Agricultural breweries have now been identified as being an Agricultural Processing Establishment – Secondary use within the definition.  
• Residential care facilities should not be allowed in Agriculture (A1) zone. Only permit those already existing |
| Tanya and Steven Hogarth  
2027 Highway 5, RR 1 Troy | • In 2012 submitted formal consultation application pertaining to establishing craft micro-brewery on property, using ingredients grown on site in making the beer.  
• Micro-brewery would be established in an existing implement shed on site.  
• At the time of the formal consultation application, Rural OP was not in effect yet and were assured that micro-brewery would be a use that fell under Rural OP permissions  
• Believe zoning by-law should state that a micro-brewery is a permitted use | • Agricultural breweries are permitted under the proposed zoning in both the A1 and A2 zones.  
• Agricultural breweries have now been identified as being an Agricultural Processing Establishment – Secondary use within the definition. |
## Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014

### ABATTOIRS

<table>
<thead>
<tr>
<th>Submitted by</th>
<th>Written Comments</th>
<th>Response, as per Revised Zones dated May, 2014</th>
</tr>
</thead>
</table>
| Mrs. Welsh and Mrs. Stewart | - Concern with abattoir being permitted under new Rural zoning | - Abattoir is only a permitted use in A2 Zone  
- Additional regulation for increased lot size has been included in the A2 Zone pertaining to Abattoirs |
| Rob Vanderboom 933 Brock Road | - A2 - Setbacks for an abattoir - setback is 100 m from residential use. This is inadequate in proximity to residential neighbouring use; from an odour issue and water runoff concern...i don't want ecoli in my well water. What is the size of the allowed abattoir usage, and what approvals would need to occur before someone could set up an abattoir beside my small residential lot?  
- A2 - Agricultural processing establishment - from a residential perspective, as a potential neighbour to this use, what guidelines would be made for traffic, & times of operation, as there will likely be implications for trucking, similar to what was experienced in Millgrove, for SunFresh(?) application, which has now re-located to Highway 6, from 5th concession west. In addition, a setback of 30 metres, is not sufficient to NOT interfere with a neighbouring residential use!  
- Under agritourism definition - why can't restaurants & banquet halls be allowed - i would like to have these options, if suitably located, available in my rural neighbourhood? | - Additional regulation for increased lot size has been included in the A2 Zone pertaining to Abattoirs  
- Maximum size permitted for abattoir is 500 sq m  
- Federal and/or provincial approvals required for establishment of new abattoir  
- Zoning By-law does not address noise (Noise By-law) or trucking issues. 30 m setback exceeds D6 guildeline minimum separation from a Class 1 use  
- Restaurants and banquet halls not permitted under OP |
| Murray McCabe 411 5th Concession | - Concern over whether an abattoir could be set up beside home | - Abattoir is only a permitted use in A2 |
### ABATTOIRS

<table>
<thead>
<tr>
<th>Road West</th>
<th>• Would there be consultation or official request to appeal before project could proceed</th>
<th>Zone</th>
<th>• Additional regulation for increased lot size has been included in the A2 Zone pertaining to Abattoirs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wayne Hussey 10 Stonebury Place</td>
<td>• Concern over A2 Zone allowing for ability for slaughter house to be set up</td>
<td>• Abattoir is only a permitted use in A2 Zone</td>
<td>• Additional regulation for increased lot size has been included in the A2 Zone pertaining to Abattoirs</td>
</tr>
</tbody>
</table>
### Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014

**EXISTING RURAL INDUSTRIAL ZONING**

<table>
<thead>
<tr>
<th>Submitted by</th>
<th>Written Comments</th>
<th>Response, as per Revised Zones dated May, 2014</th>
</tr>
</thead>
</table>
| Relf Devaney Aldershot Structural(1986) Limited 437 Ofield Road South | • 437 Ofield Road South property currently contains structural steel fabrication plant and surrounding properties also industrial  
  • Proposed zoning for property and surrounding lands A2, recommend applying rural industrial zone to these lands  
  • Also P6 portion on this property which should be removed as has been altered extensively over years  
  • Wants meeting to discuss concerns either individually or with the business owners in area | • Regarding rural industrial uses, policies of the Greenbelt Plan and the RHOP do not allow for the recognition of all uses which are currently permitted, but not built, on a property to be carried forward. The policies do allow for all uses which are currently legally existing on a property to be carried forward and recognized in the new zoning by-law.  
  • With removal of 30 m buffer, there is no P6 Zoning remaining on the subject lands  
  • Staff have offered to meet with resident to discuss a special exception, but have not received response |
## Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014

### SPECIAL EXCEPTIONS

<table>
<thead>
<tr>
<th>Submitted by</th>
<th>Written Comments</th>
<th>Response, as per Revised Zones dated May, 2014</th>
</tr>
</thead>
</table>
| David W. Aston MHBC Planning On behalf of Trimac Transportation 489 Highway 8 | • Concerns regarding the wording of the special exception for this property so that it captures all of the uses currently existing on the property beyond the existing transport terminal | • Meeting held to discuss special exception. Current zoning = M3  
• Special Exception has been revised and provided to agent and owner |
| G. Thevathasan                         | • Wants to expand uses on property that currently has existing gas station to include restaurant or car wash                                                                                                         | • Proposed site specific can only recognize existing legally established uses                                                                                           |
| Georgina Beattie 1375-1381 Highway 8   | • Concerns regarding proposed zoning for property at 1375-1381 Highway 8 property                                                                                                                                 | • Meetings held with owner to discuss concerns.  
• Review ongoing                                                                                                                           |
| Sam Shah and Soneil Properties 3761 Highway 6 | • Concerns regarding the wording of the special exception for 3761 Highway 6 property so that it captures all of the uses proposed as part of site redevelopment (car sales, motor vehicle service station, gas station with convenience store, restaurant with drive-through) | • Meeting held to discuss concerns. Current zoning = C4-065  
• Special Exception has been revised and provided to agent and owner                                                                  |
| Nimmi Khurana and Ted van Overdijk 1233 Safari Road | • Property currently zoned 'A' Agriculture under Flamborough Zoning By-law and wants zoning to remain intact  
• Wants to keep current permission for existing mental health practice that's permitted under current zoning  
• Wants stand-alone permanent help house permitted as of right | • Meeting held to discuss concerns  
• Special Exception has been included for this property and provided to owner, which recognizes the existing mental health practice |
| Don Marsh Iron City Ag Leasing         | • Property has two businesses: County Ag Services and Marsh Brothers Tractor                                                                                                                                       | • Meeting held with resident to discuss                                                                                                                                   |
### Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014

#### SPECIAL EXCEPTIONS

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Concerns</th>
<th>Additional Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inc.</td>
<td>1379 Highway 5 West</td>
<td>• Have three buildings that total over 50,000 square feet and employ 25 people year round</td>
<td>• Rural zoning makes mention of no storage in the front yard, but we don't have a rear yard as property has frontage on two highways&lt;br&gt;• This property can never revert to Agricultural usage&lt;br&gt;• Our property has long been commercial and commercial property worth more than rural. Please maintain our commercial zoning</td>
</tr>
<tr>
<td>Michael Shepherd</td>
<td>65 Oak Avenue</td>
<td>• Concern regarding the site specifics applied to the property</td>
<td></td>
</tr>
<tr>
<td>William Johnston</td>
<td>1062 Gore Road</td>
<td>• Wants to maintain existing special exception permitting auto repair garage on the property</td>
<td>• Current zoning = R2-19, R2-24 and CM&lt;br&gt;• Located within portion of Greensville RSA which may be impacted by recommendations of Greensville Subwatershed Study, will not be zoned at this time, Town of Flamborough Zoning By-law will remain in effect</td>
</tr>
<tr>
<td>Ruth Victor and Associates</td>
<td>On behalf of 57 and 58 12th Concession Road East</td>
<td>• Wants the proposed Rural Zoning to reflect the site specific Flamborough ZBL amendment that will be going forward to Council in March</td>
<td>• Current zoning = A-24&lt;br&gt;• Special Exception has been included for this property and provided to owner, which permits auto repair</td>
</tr>
<tr>
<td>Dr. Paula Dupuy</td>
<td>Troy Veterinary</td>
<td>• Owner of Troy Veterinary Servicing requesting that a special exemption be granted to allow a</td>
<td>• Current zoning = A and CM.</td>
</tr>
</tbody>
</table>
**Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014**

**SPECIAL EXCEPTIONS**

<table>
<thead>
<tr>
<th>Services</th>
<th>farm animal veterinary service on the property</th>
</tr>
</thead>
<tbody>
<tr>
<td>1165 Highway 8</td>
<td>Troy Veterinary Services was started in 2004 out of my home in Troy. I provided mobile veterinary care to equine, small ruminant (sheep, goats, llamas, alpacas), cattle, swine, poultry and domestic animals in the rural community of Flamborough. In 2006 I moved to my current address at 1165 Highway 8 just east of the village of Sheffield and continued to operate my mobile veterinary service from this location. Since that time a natural demand has evolved to treat animals on site, primarily for sick and surgical cases. We regularly treat horses, ponies, goats, pot-bellied pigs, poultry, rabbits, dogs and cats on site in addition to our mobile farm service. The vast majority of our clientele is from our local rural community. The practice, both mobile and onsite is able to operate out of, and contained within, existing buildings on site.</td>
</tr>
<tr>
<td>PO Box 61</td>
<td>My property is a 38 acre parcel of land with a primary residence, a barn used to house horses and a Quonset Hut for hay and farm implement storage. Approximately 23 acres is used to pasture horses and ponies and to crop hay. This land is not however, prime agricultural land due to the bedrock that sits very close (0-12&quot;) to the surface throughout the farm. In fact, there are several visible rock outcroppings. Also the topsoil is primarily clay with broad areas of wetland. The provincial land classification maps are erroneous, but the city has more specific plans, which indicate the soil limitations and render the land &quot;rural&quot; as opposed to &quot;agricultural&quot;. The remaining 15 acres include the residential/building area as well as a large piece of woodland with a creek that is currently zoned conservation land and will be in the new conservation/land hazard zone. For these reasons, this particular parcel of land does not fit well into the proposed prime agricultural zoning.</td>
</tr>
<tr>
<td>Sheffield, ON L0R 1Z0</td>
<td>It is my hope that you consider my request and will make the appropriate adjustments to allow myself, and my staff to continue to serve the</td>
</tr>
</tbody>
</table>

- Operation is not legally established
- Property is designated Agriculture in RHOP which does not allow for stand-alone agriculturally related uses
- Proposed zone is A1, which implements the Agriculture designation and therefore does not permit Veterinary Service – Farm Animal use. As such, use cannot be recognized. An Official Plan Amendment would be required.
## Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014

### SPECIAL EXCEPTIONS

| Herman Ciardullo  
Oakridge Group Inc.  
340 Hwy 20, RR1  
Hannon, ON L0R 1P0 |  
### Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014

#### SPECIAL EXCEPTIONS

<table>
<thead>
<tr>
<th>Scenario Proposed by City</th>
<th>Ed Fothergill</th>
</tr>
</thead>
<tbody>
<tr>
<td>• We are asking that the city recognize our existing landscape business and not asking for any further expansions</td>
<td>On behalf of Garden Grove Nursery</td>
</tr>
<tr>
<td>• Operation has existed for over 20 years without any complaints or conflicts</td>
<td>136-156 5th Concession Rd E</td>
</tr>
<tr>
<td>• We can provide you with all the history to assist in considering our request</td>
<td>• Existing nursery and landscape contracting establishment</td>
</tr>
<tr>
<td>• Please provide us with written notice of future meetings, notices and reports relates to the rural zoning by-law</td>
<td>• Request for site specific provisions to be included in the rural zoning by-law to recognize landscape contracting establishment</td>
</tr>
<tr>
<td>- Staff are reviewing correspondence and will meet with agent/owner to discuss</td>
<td></td>
</tr>
</tbody>
</table>
## Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014

### OTHER COMMENTS

<table>
<thead>
<tr>
<th>Submitted by</th>
<th>Written Comments</th>
<th>Response, as per Revised Zones dated May, 2014</th>
</tr>
</thead>
</table>
| Heather Danseneau      | • All our questions were answered very well.  
• Hamilton is recognizing our special needs.                                                                                                           | Comments/Statements noted                     |
| RR # 2                 |                                                                                                                                                                                                             |                                               |
| Roy Lyons              | • Areas being ditched on municipal property. No place for the water to go unless it is ditched on private property.                                                                                          | Concern not related to Zoning                |
| 446 Rock Chapel Road, RR2 |                                                                                                                                                                                                             |                                               |
| Dundas                 |                                                                                                                                                                                                             |                                               |
| Tony Onufer            | • A number of zoning provisions and restrictions are inaccurate and could impact agriculture.  
• Agriculture to thrive needs: 1. Roads  
2. Proper drainage  
3. And freedom from regulations that make no sense but impede a farmers ability to further accepted legal activities  
• What stakeholders were involved in drafting of the zoning by-law?  
• By-law should have a need and be fair to all  
• Why does Agritourism exclude banquet halls and restaurants?  
• Are farm animals prohibited on a property that has a kennel?  
• Why does Winery not include restaurant, banquet hall and convention facility?  
• How was agriculture minimum lot area of 40.4 ha arrived at?  
• Consultation with public and ARAAC  
• Banquet halls not permitted based on O  
• Farm animals are not prohibited on property with kennel  
• Banquet halls and restaurants not permitted in OP  
• Greenbelt Plan and Official Plan require 40 ha for new lot creation |                                               |
| Box 39, Millgrove      |                                                                                                                                                                                                             |                                               |
Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014

OTHER COMMENTS

<table>
<thead>
<tr>
<th>Comments</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Setbacks for kennels would probably put most existing kennels in violation</td>
<td>• Existing building locations are recognized through 4.12 d)</td>
</tr>
<tr>
<td>• 0.4 ha minimum lot size for residential would put most dwellings in violation and setbacks would be impossible to meet</td>
<td>• Existing lots and building locations are recognized through 4.12 d)</td>
</tr>
<tr>
<td>• 100 metre setback for abattoir too much</td>
<td>• 100 metre setback required to protect adjacent uses</td>
</tr>
<tr>
<td>• What procedure determined zone that property falls into? Is it property by property basis? By blocks of land? Soil class and topography? Does it consider needs of society?</td>
<td>• Zones based on OP mapping</td>
</tr>
<tr>
<td>• Residential buildings have height limit, why size of living space not addressed</td>
<td>• Staff consider setbacks and height as sufficient to control building size</td>
</tr>
<tr>
<td>• Maximum 1 ha lot area for place of worship may be too restrictive</td>
<td>• Maximum lot size for place of worship has been increased to 2 ha</td>
</tr>
<tr>
<td>• Regulations/bylaws should have a need and be based on common sense</td>
<td></td>
</tr>
</tbody>
</table>

Cathy McMaster

• As wineries regulations being revised, hope that they will result in Hamilton being competitive
• Let by-law reflect 1.25 ac is min lot size requirement for new development on vacant lots
• Residential care facilities should only be allowed in Rural (A2) Zone and Rural Settlements

• Noted
• By-law requires minimum 1 ac, but proposed severances are reviewed to determine if larger lot size is required
• Direction to permit Residential Care Facilities in A1 and A2 Zones comes
### OTHER COMMENTS

<table>
<thead>
<tr>
<th>Comment</th>
<th>From</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot size for agriculture should be 38 hectares or 95 acres</td>
<td>OP</td>
</tr>
<tr>
<td>Home business should be allowed to have 4 non-resident employees</td>
<td>Home industry regulations are reflective of scale</td>
</tr>
<tr>
<td>Review septic system sustainability for a residential care facility if allowed 10 residents plus staff</td>
<td>Proposals would be reviewed on individual basis</td>
</tr>
<tr>
<td>Is 30 metres sufficient setback for quarry excavation in order to prevent erosion/landslides</td>
<td>30 m requirement comes from ARA standards</td>
</tr>
<tr>
<td>Agricultural operations need option to erect accessory buildings/structures in front yard, as allow for further value-added endeavors</td>
<td>Additional regulation has been included in A1 and A2 Zones to permit a Farm Produce/Product Stand within a front yard</td>
</tr>
<tr>
<td>Restricting building height for farm operations is not operative given size of farm equipment.</td>
<td>Height for accessory buildings has been increased to 6 m</td>
</tr>
<tr>
<td>Regulations should address issue of topsoil removal and dumping</td>
<td>Not zoning related</td>
</tr>
<tr>
<td>Need to preserve food-growing land</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name</th>
<th>Comment</th>
<th>From</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gregg Wilson</td>
<td>There is considerable debate as to whether by-laws can be applied to private property</td>
<td>City has clear and unambiguous legal authority to both approve OP policies and zoning for private property</td>
</tr>
<tr>
<td>303 Mohawk Road East</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No name provided</td>
<td>Thanks for including rural areas in info sessions</td>
<td>Noted</td>
</tr>
<tr>
<td>Postcard sent in mail was good way to advise residents about meeting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Robert Gris</td>
<td>Roads – infrastructure</td>
<td>Most concerns noted are not Zoning</td>
</tr>
<tr>
<td>Extension to existing housing</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**OTHER COMMENTS**

<table>
<thead>
<tr>
<th>Name</th>
<th>Comments</th>
<th>Notes</th>
</tr>
</thead>
</table>
| Shiraz Elkheir, 214 Miles Road | • Are there any plans to provide sewer connection to homes along Miles Road?  
• Can my lot be severed?  
• Can the rear half of my property be developed for residential lots? | Residents questions were answered and were unrelated to the proposed zoning. |
| Lynda Davidson, 31 Galaxy Blvd Freelton | • Concerns regarding minimum lot size of 40.4 hectares in A2 Zone, what does it mean for existing lots less than this size  
• What minimum building size requiring building permit? | Minimum lot size regulations have been clarified in general provisions section of the Zoning By-law (4.12d)  
• Additional information provided to resident |
| Ed Dokter, 682 5th Concession West | • Homeowners being more and more restricted in what they can do  
• Rural plan very intrusive and affecting lives in very uncompassionate way | Noted |
| Susan Page                  | • Concerned that proposed changes will result in commercial businesses being                | Commercial businesses other                                           |

**Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014**
## Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014

### OTHER COMMENTS

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>231 Wilson St E</td>
<td></td>
<td>allowed to operate in residential areas than a home based business within Rural Settlement Areas are not permitted</td>
</tr>
</tbody>
</table>
| Troy Smillie          | 3365 Golf Club Road              | • Zoning lines have no regard for property lines, making 1 and 2 acre properties subject to different zoning restrictions  
• Zoning changes should not apply to current owners and should take effect when properties change ownership or else a simple, cost free process should be but in place for appeals, adjustments or exclusions  
• Zoning relates to properties not ownership |
| Kyna Roung            | 1482 4th Concession West Troy, ON L0R 2B0 | • Rural settlement areas should have same by-laws for animals as urban Hamilton  
• Settlement areas part of farming community and should be able to keep hobby farm on land  
• The keeping of livestock is considered an agricultural use and due to the potential for odour nuisance impacts is not permitted in Rural Settlement Areas |
| Danya Scime           | 367 Highway 5 West Dundas L9H 5E2 | • Property has been antique and flea market since 1970’s and disagree that A1 and property cannot be used as a farm  
• There are some serious errors in Schedule D and contradictions to the Greenbelt and PPS  
• Proposed zone places further restrictions on property while opening up opportunities on others  
• Objects to reference of 'Hazard' lands in P6 zone title  
• A1 and A2 Zones implement Schedule D of the Rural Official Plan |
| Olga Kraus            | 202 8th Concession Rd E, Box 22 Carlisle L0R 1H0 | • Proposed A1 and A2 zones don't reflect the agricultural quality of lands in Carlisle area  
• Appears proposed zones have been  
• Agriculture/Rural designations in OP were based on the LEAR Study and land |
Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014

OTHER COMMENTS

<table>
<thead>
<tr>
<th>Comment</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>created in order to allow for eventual expansion of settlement area</td>
<td>use planning</td>
</tr>
<tr>
<td>• Staff did not provide sufficient information to support reasoning behind proposed zones and should be more transparent</td>
<td>• RSA boundaries cannot expand</td>
</tr>
</tbody>
</table>

| Larry Vernon | Handouts were made available at the meetings and additional information was mailed to residents if they requested it |
| 1429 Concession 5 West | |
| • Seems in many cases City assumes residents affected have access and knowledge of computers | |
| • This is not always the case particularly with the elderly | |
| • Please take this fact into consideration in all your planning | |

| Richard M. Tywonek | Most concerns not related to Zoning |
| 8477 Dickenson Road | | OP does not permit the establishment of new commercial uses in the rural area |
| • If no sewer service along Dickenson East towards Centennial, this area should be provided with such service connecting to Upper James | |
| • Why not permit motel on A2 connection to Upper James (like Dickenson East) | |
| • Is there plan to eventually provide City sewer along Dickenson East? | |
| • How come Binbrook is growing while Mount Hope properties are being zoned out? | |

| Susan Frandsen | Zoning does not relate to property taxes |
| 941 Kirkwall Road | Legal uses will either become legal non-conforming or will have a Special Exception applied to the property |
| • How will zoning affect property taxes? | |
| • How does the By-law benefit rural residents? | |
| • Are parts of the By-law already in effect? | |
| • Will existing businesses be grandfathered? | |
| • Can the new By-law be rejected by citizens? | |

| Christine Senson | Conservation Authority Regulated areas not new. |
| 1198 Highway 6 | |
| • Are the Conservation Authority Regulated areas new or have they been expanded? Don't recall my | |
# Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014

## OTHER COMMENTS

<table>
<thead>
<tr>
<th>Property</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>property being part of this</td>
<td>• We are now proposing to show the regulated areas on zoning maps so that residents are aware of them.</td>
</tr>
</tbody>
</table>

| Frank Finelli | • Rural property address is 606 Glover Road, which does not contain a dwelling and is just a hobby farm | • Mapping error in OP and in turn Zoning mapping. |
| 84 Purdy Cres | • Property is proposed to be zoned P4 | • Property should be designated Rural in OP and in turn zoned A2. |
| | • Wondering if this correct zone? | • These changes have been made accordingly. |
### Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014

**COMMENTS FROM HAMILTON WENTWORTH FEDERATION OF AGRICULTURE (HWFA)**

<table>
<thead>
<tr>
<th>Submitted by</th>
<th>Written Comments</th>
<th>Response, as per Revised Zones dated May, 2014</th>
</tr>
</thead>
</table>
| Michelle Spoelstra  
Hamilton-Wentworth Federation of Agriculture  
1620 Guyatt Road East  
Binbrook, Ontario  
L0R 1C0 | **Agriculture and Value Retention**  
- The maximum lot coverage for a greenhouse operation is 60%. We suggest 80%. Growth in vegetable production can definitely come from greenhouse technology. Fewer restrictions would be helpful going forward.  
- Under "Agriculture and Value Retention", no accessory building or structure shall be allowed in a front yard. This would be totally unfair for a new farmer or added value incentives. Front yards vary in size, shape and distance from the road.  
- Buildings accessory to a dwelling shall not exceed 120 square metres and a maximum height of 5 metres. It was decided that the size is likely sufficient but we would like a maximum of 6 metres in height. Many older farmhouses are three stories high; therefore for both esthetic reasons and functionality this change may be needed.  
- It was decided that the maximum gross floor area of all buildings or structures devoted to retailing at 100 square metres is too small. Retail activity in commodity selling eats up space for display, for inventory and for maintaining cleanliness. We would prefer a limit of 250 square metres.  
- Outdoor storage at 20 metres from any lot line is restrictive for greenhouses. We suggest 10 metres from a lot line. Greenhouses and Specialty Operations are not based on | • Max lot coverage for greenhouses in A1 and A2 zones has been increased to 70%  
• New regulation has been included in A1 and A2 Zones to permit Farm Produce/Product Stand in front yard  
• Height permission for accessory building to a dwelling has been increased to 6 metres  
• Max area for retailing of agricultural products increased to 200 metres within A1 Zone and is the same for A2 Zone  
• Regulation pertaining to location of outdoor storage in A1 and A2 zone changed to 10 |
**Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014**

**COMMENTS FROM HAMILTON WENTWORTH FEDERATION OF AGRICULTURE (HWFA)**

<table>
<thead>
<tr>
<th>Category</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Agricultural Processing Establishment – Secondary</strong></td>
<td>We are clearly taking exceptions to sizes. We want the gross floor area for buildings or structures to be doubled, i.e. 500 square metres. The outdoor storage area at 100 square metres is also inadequate. Perhaps it might be commensurate with the building size. Consideration for &quot;seasonal products&quot; and degradable products should be regarded. In agriculture a choice when unusual considerations arise in the future as they continue best management practices during high demand times. We would double the area for permitted retail use to 30%.</td>
</tr>
<tr>
<td><strong>Agritourism</strong></td>
<td>We request that the maximum floor area devoted to agritourism match what is allowed for zone A2 Rural, i.e. 500 square metres. As well, there is no room for new concept ideas in agritourism. If allowed and in compliance, a new facility should be allowed for the promotion of agritourism. Using existing buildings or structures may be too restrictive.</td>
</tr>
<tr>
<td><strong>Kennel</strong></td>
<td>We request that the gross floor area devoted to a kennel match what is allowed for zone A2 Rural, i.e. 500 square metres.</td>
</tr>
<tr>
<td><strong>Winery</strong></td>
<td>However, we are interested in having a wine store. This is important to attract customers to our winery. Max GFA for Agritourism increase to 500 sq m within A1 Zone. Restriction to existing buildings has been removed. Max GFA for Kennel within A1 Zone increased to 500 sq. m.</td>
</tr>
</tbody>
</table>
### Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014

#### COMMENTS FROM HAMILTON WENTWORTH FEDERATION OF AGRICULTURE (HWFA)

<table>
<thead>
<tr>
<th>HWFA Comments</th>
<th>OP Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>We recognize that the rules for wineries are still being drafted. For this to be a competitive activity for our agricultural business people, it has to allow what other counties in Ontario allow. Investment in it will not be forthcoming if regulations are too stringent and therefore self-defeating. It also makes sense that micro-breweries be allowed.</td>
<td>Wineries are now included as part of term Agricultural Cidery/Winery and are permitted as a secondary use to agriculture within A1 and A2 Zoned lands</td>
</tr>
</tbody>
</table>
| **Residential Care Facility**  
- Food producing land should not be taken for this purpose. These facilities should be in settlement areas where people have access to a bank, the library etc. | **OP provided direction**  
- to permit residential care facility within an existing dwelling |
| **General Comments**  
- Farmers in zone A1 want services reasonably close for convenience. An appropriate business to add would be a farm animal veterinary clinic.  
- We are still very concerned with the amount of soil that is being moved about. There appears to be no rules as to the type of soil or where it gets dumped. Much of the hauling of soil operates in the underground economy. The whole practice is detrimental to good management and impacts water filtration. The city should make an effort to tag loads coming in and going out. Twin it with the permit process. At the very least impose a levy in a first step to protect our food lands.  
- The repair of farm machinery and equipment is allowed as a home business. A regulation states that no repair of equipment having a combustion engine shall be permitted. We are pointing out that every tractor, combine and other types of equipment have combustion engines. | **Veterinary Service – Farm Animal permitted within A2 Zoned lands**  
- Sod farm is considered an agricultural use and as such we cannot restrict is as a use  
- Repair of farm machinery is permitted as a Home Industry |
### Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014

#### COMMENTS FROM HAMILTON WENTWORTH FEDERATION OF AGRICULTURE (HWFA)

<table>
<thead>
<tr>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>The City of Hamilton must stop taking food-producing land. Places to Grow dictates that cities are to intensify. Stop the sprawl. Understand that farmland is not land waiting for development.</td>
</tr>
<tr>
<td>We recognize P6 regulations are still being drafted. Both the 120 metre and the 30 metre setback distances may be excessive in our view.</td>
</tr>
<tr>
<td>Please keep in mind, those in agriculture take great pride in what they do. We are stewards of the land! We adhere to best management practices and follow due diligence.</td>
</tr>
<tr>
<td>It is, however, confusing to the industry when we hear statements like &quot;Added Value&quot; or &quot;Market Growth&quot; when added restrictions prevent these visions. Wentworth County needs to remain competitive especially with its neighboring counties. Farmers are feeding more and more people, working with less land available to them, and heightened restrictions. We are an adaptable industry but please do not tie our hands completely agriculture must remain sustainable.</td>
</tr>
<tr>
<td>In future the City should reconsider the zoning plans. A single agricultural zone for A1 and A2 seems reasonable in that some businesses are already grandfathered and A1 could accept industry partners.</td>
</tr>
<tr>
<td>See revised P6, P7, P8 regulations. These regulations apply to buildings only. Agriculture is permitted.</td>
</tr>
</tbody>
</table>
March 14th, 2014

Attention: Joanne Hickey-Evans, 
Heather Travis, 
Steve Robichaud, 
Chris Murray

Re: Draft of the City of Hamilton, Comprehensive Zoning By-Law

Recently, the City held an “Open House” in Ancaster, Binbrook and Rockton for the purposes of the proposed Rural Zone Plan. Due to these public meetings, it has been reported back to our board there are still concerns that need to be addressed.

On behalf of President Mel Switzer, the Board of Directors and the members of the Hamilton-Wentworth Federation of Agriculture, I wish to thank the City for allowing the HWFA the timeline extension to properly address agriculture’s concerns for the proposed Zoning By-law.

The HWFA organized a committee to examine concerns and allow farmers to voice opinions about the proposed zoning by-laws.

Upon the committee’s examination, taking several issues into consideration, we from the HWFA would like to propose the following changes to the proposed Zoning By-law.

Agriculture and Value Retention

1. The maximum lot coverage for a greenhouse operation is 60%. We suggest 80%. Growth in vegetable production can definitely come from greenhouse technology. Fewer restrictions would be helpful going forward.

2. Under “Agriculture and Value Retention”, no accessory building or structure shall be allowed in a front yard. This would be totally unfair for a new farmer or added value incentives. Front yards vary in size, shape and distance from the road.

3. Buildings accessory to a dwelling shall not exceed 120 square metres and a maximum height of 5 metres. It was decided that the size is likely sufficient but we would like a maximum of 6 metres in height. Many older farmhouses are three stories high; therefore for both esthetic reasons and functionality this change may be needed.

4. It was decided that the maximum gross floor area of all buildings or structures devoted to retailing at 100 square metres is too small. Retail activity in commodity selling eats up space for display, for inventory and for maintaining cleanliness. We would prefer a limit of 250 square metres.
Summary of Written Comments Received Following Rural Zoning PLCs in November & December 2013 and January 2014

COMMENTS FROM HAMILTON WENTWORTH FEDERATION OF AGRICULTURE (HWFA)

5. Outdoor storage at 20 metres from any lot line is restrictive for greenhouses. We suggest 10 metres from a lot line. Greenhouses and Specialty Operations are not based on large agriculture acres and will need to utilize all the area available to them.

6. A grower of nursery products also needs 250 square metres of gross floor area for retail purposes.

Agricultural Processing Establishment – Secondary

7. We are clearly taking exceptions to sizes. We want the gross floor area for buildings or structures to be doubled, i.e. 500 square metres. The outdoor storage area at 100 square metres is also inadequate. Perhaps it might be commensurate with the building size. Consideration for “seasonal products” and degradable products should be regarded. This will In agriculture a choice when unusual considerations arise in the future as they continue best management practices during high demand times. We would double the area for permitted retail use to 30%.

Agritourism

8. We request that the maximum floor area devoted to agritourism match what is allowed for zone A2 Rural, i.e. 500 square metres. As well, there is no room for new concept ideas in agritourism. If allowed and in compliance, a new facility should be allowed for the promotion of agritourism. Using existing buildings or structures may be too restrictive.

Kennel

9. We request that the gross floor area devoted to a kennel match what is allowed for zone A2 Rural, i.e. 500 square metres.

Winery

10. We recognize that the rules for wineries are still being drafted. For this to be a competitive activity for our agricultural business people, it has to allow what other counties in Ontario allow. Investment in it will not be forthcoming if regulations are too stringent and therefore self-defeating. It also makes sense that micro-breweries be allowed.

Residential Care Facility

11. Food producing land should not be taken for this purpose. These facilities should be in settlement areas where people have access to a bank, the library etc.

General Comments

12. Farmers in zone A1 want services reasonably close for convenience. An appropriate business to add would be a farm animal veterinary clinic.

13. We are still very concerned with the amount of soil that is being moved about. There appears to be no rules as to the type of soil or where it gets dumped. Much of the hauling of soil operates in the underground economy. The whole practice is detrimental to good management and impacts water filtration. The city should make an effort to tag loads coming in and going out. Twin it with the permit process. At the very least impose a levy in a first step to protect our food lands.
Summary of Written Comments Received Following Rural Zoning PICs in November & December 2013 and January 2014

COMMENTS FROM HAMILTON WENTWORTH FEDERATION OF AGRICULTURE (HWFA)

14. The repair of farm machinery and equipment is allowed as a home business. A regulation states that no repair of equipment having a combustion engine shall be permitted. We are pointing out that every tractor, combine and other types of equipment have combustion engines.

15. The City of Hamilton must stop taking food-producing land. Places to Grow dictates that cities are to intensify. Stop the sprawl. Understand that farmland is not land waiting for development.

16. We recognize P6 regulations are still being drafted. Both the 120 metre and the 30 metre setback distances may be excessive in our view.

17. Please keep in mind, those in agriculture take great pride in what they do. We are stewards of the land! We adhere to best management practices and follow due diligence.

18. It is, however, confusing to the industry when we hear statements like “Added Value” or “Market Growth” when added restrictions prevent these visions. Wentworth County needs to remain competitive especially with its neighboring counties. Farmers are feeding more and more people, working with less land available to them, and heightened restrictions. We are an adaptable industry but please do not tie our hands completely agriculture must remain sustainable.

19. In future the City should reconsider the zoning plans. A single agricultural zone for A1 and A2 seems reasonable in that some businesses are already grandfathered and A1 could accept industry partners.

These comments reflect the collective viewpoints.

Hamilton-Wentworth Federation of Agriculture Committee for the Proposed Zoning By-law
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
Home Business
Residential Care Facility
Secondary Uses to Agriculture
Single Detached Dwelling

12.1.2 PROHIBITED USES

The following uses are prohibited, as follows:

a) For lands located within Vulnerable Area 1 as delineated in Figures 5.0, 5.1, 5.2, and 5.3 of Schedule “F”- Special Figures:

i) Waste Disposal sites under Part V of Environmental Protection Act that include the following activities:

1) storage, treatment and discharge of mine tailings;
2) land farming of petroleum refining waste;
3) storage of polychlorinated biphenyl (PCB) waste;
4) application of untreated septage to land;
5) injection of liquid waste into a well;
6) storage of hazardous waste.

ii) hazardous waste management facility

May 2014
iii) waste management facility

iv) Salt Storage Facility that can accommodate 5,000 tonnes and greater

v) snow storage facility greater than 1 ha in size

vi) Motor Vehicle Service Station

vii) motor vehicle collision repair establishment

b) For lands located within Vulnerable Area 2, as delineated in Figures 5.0, 5.1, 5.2 and 5.3 of Schedule “F”-Special Figures:

i) Waste Disposal sites under Part V of Environmental Protection Act that include the injection of liquid waste into a well;

ii) waste disposal facility

c) For lands located within Vulnerable Area 3 as delineated on Figure 5.0 of Schedule “F”-Special Figures:

i) Waste Disposal sites under Part V of Environmental Protection Act that include the application of untreated septage to land.

12.1.3 REGULATIONS

12.1.3.1 AGRICULTURE REGULATIONS

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 70%.

f) Outdoor Storage i) Shall not be permitted in any minimum Front Yard or minimum Flankage Yard;

ii) Shall be located a minimum of 10 metres from any lot line, and screened by a visual barrier in accordance with Section 4.19 of this By-law;

iii) Sections i) and ii) above do 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, exclusive of a Farm Produce/Product Stand, shall be 200.0 square metres:

ii) Shall not be permitted within a Dwelling or a Farm Labour Residence;
iii) In addition to Section 12.1.3.1 g) i), the maximum gross floor area of a Farm Produce/Product Stand shall be 18.5 square metres;

iv) Notwithstanding Sections 12.1.3.1 b), c) and d) and Section 4.8.2 a), a Farm Produce/Product Stand shall be permitted in any yard.

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 30 metres of the farm Dwelling.

2. Shall have a maximum building height of 10.5 metres.

3. Shall utilize 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 temporary bunk house shall have a minimum gross floor area of 65.06 square metres or 8.36 square metres per resident, whichever is greater.

iii) Where a Farm Labour Residence is in the form of an
SECTION #: RURAL ZONES

Accessory apartment attached to and forming part of the principal farm Dwelling, the Accessory apartment shall not exceed 25% of the gross floor area of the principal farm Dwelling.

i) Mushroom Operations

Notwithstanding Sections 12.1.3.1 b), c) and d) above, any buildings or structures used for a Mushroom Operation shall be setback a minimum of 30.0 metres from any lot line;

ii) No stockpiles of waste, manure, fertilizers or compost shall be permitted within 30.0 metres of any lot line.

j) Nursery

Retailing of horticultural products and bulk material shall be in accordance with Section 12.1.3.1 g);

ii) The outdoor storage of unenclosed piles of bulk product shall not exceed an aggregate area of 100.0 square metres.

k) Medical Marihuana Growing and Harvesting Facility

The maximum gross floor area for all buildings and structures devoted to a Medical Marihuana Growing and Harvesting Facility shall not exceed 500.0 square metres;

ii) Notwithstanding Sections 12.1.3.1 b), c) and d) above, all buildings or structures associated with the use shall be setback a minimum of 20.0 metres from any lot line;

iii) Notwithstanding Sections 12.1.3.1 f) i), ii) and iii) above, outdoor storage shall not be permitted;
iv) Notwithstanding Sections 12.1.3.1 g) i), ii), iii) and iv) above, retail sales shall not be permitted.

12.1.3.2 SECONDARY USES TO AGRICULTURE – ADDITIONAL REGULATIONS

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
- Agricultural Cidery/Winery
- Landscape Contracting Establishment – Secondary

b) Minimum Lot Area

- Notwithstanding Sections 12.1.3.1 a) and 4.12 d), Secondary Uses to Agriculture shall only be permitted on a lot with a minimum lot area of 5.0 hectares.

- Notwithstanding Section 12.1.3.2 a), only one Home Industry or one Landscape Contracting Establishment – Secondary shall be permitted per lot.

c) Limitation on Uses

- The maximum gross floor area for all buildings and structures devoted to an Agricultural Processing Establishment - Secondary shall not exceed 500.0 square metres;

- Notwithstanding Sections 12.1.3.1 b), c) and d), all buildings or structures associated with an Agricultural Processing
Establishment - Secondary shall be setback a minimum of 30.0 metres from any lot line;

iii) Outdoor storage of goods, materials or equipment shall be permitted in accordance with Section 12.1.3.1 f), and shall not exceed an aggregate area of 100.0 square metres;

e) Agritourism
The maximum gross floor area of all buildings or structures devoted to the Agritourism use shall not exceed 500.0 square metres.

f) Home Industry

i) Shall be located only within an existing building or structure which shall be setback a minimum of 30 metres from any lot line, and shall occupy no more than 250.0 square metres of gross floor area;

ii) Shall be operated by a resident of the property, with no more than 3 non-resident employees;

iii) Outdoor storage of goods, materials or equipment shall be permitted in accordance with Section 12.1.3.1 f), and shall not exceed an aggregate area of 100.0 square metres;

iv) In addition to Section 5.3 b) a maximum of three Motor Vehicles associated with the Home Industry may be parked unenclosed. Additional Motor Vehicles associated with the use, including all Motor Vehicles – Commercial, must be parked in an enclosed building. This regulation does not apply to the storage or parking of Agricultural vehicles and equipment;
g) Kennel

i) The maximum gross floor area for all buildings and structures devoted to a Kennel use shall be 500.0 square metres;

ii) Notwithstanding Sections 12.1.3.1 b), c) and d), all buildings or structures associated with a Kennel shall be setback a minimum of 60.0 metres from any lot line.;

iii) No domestic animals shall be permitted to be kept in any open area within 60.0 metres of any lot line..

h) Agricultural Cidery/Winery

i) Notwithstanding Sections 12.1.3.1 a), 12.1.3.2 b), and 4.12 d), an Agricultural Cidery/Winery shall only be permitted on a lot with a minimum area of 4.0 hectares, of which a minimum of 2.0 hectares shall be used for the growing of grapes, fruits or other produce directly associated with on-site cider or wine production;

ii) The maximum building area devoted to an Agricultural Cidery/Winery use shall be 500.0 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.

i) Landscape Contracting Establishment – Secondary

Notwithstanding Section 12.1.3.2 a), a Landscape Contracting Establishment – Secondary shall only be permitted as a use Secondary to a Nursery

ii) In addition to Section 12.1.3.2 b), the minimum amount of the lot area
that must be used for the growing of plants, shrubs, trees or similar vegetation as part of the Nursery operation shall be 65 percent;

iii) Shall be located within an existing building or structure which shall be setback a minimum of 30 metres from any lot line, and shall occupy no more than 250.0 square metres of gross floor area;

iv) Shall be operated by a resident of the property, with no more than 3 non-resident employees;

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 of 100.0 square metres;

vi) In addition to Section 5.3 b) a maximum of three Motor Vehicles associated with the Landscape Contracting Establishment - Secondary may be parked unenclosed. Additional Motor Vehicles associated with the use, including all Motor Vehicles - Commercial, must be parked in an enclosed building. This regulation does not apply to the storage or parking of Agricultural vehicles or equipment;

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

May 2014
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.

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.
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 Dealer
- Home Business
- 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:

a) For lands located within Vulnerable Area 1 as delineated in Figures 5.0, 5.1, 5.2 and 5.3 of Schedule “F”-Special Figures:

i) Waste Disposal sites under Part V of Environmental Protection Act that include the following activities:

1) storage, treatment and discharge of mine tailings;
2) land farming of petroleum refining waste;
3) storage of polychlorinated biphenyl (PCB) waste;
4) application of untreated septage to land
5) injection of liquid waste into a well
6) storage of hazardous waste

ii) hazardous waste management facility

iii) waste management facility

iv) Salt Storage Facility that can accommodate 5,000 tonnes and greater

v) snow storage facility greater than 1 ha in size

vi) Motor Vehicle Service Station

vii) motor vehicle collision repair establishment

b) For lands located within Vulnerable Area 2, as delineated in Figures 5.0, 5.1, 5.2 and 5.3 of Schedule “F”-Special Figures:

i) Waste Disposal sites under Part V of Environmental Protection Act that include the injection of liquid waste into a well;

ii) waste disposal facility

c) For lands located within Vulnerable Area 3 as delineated on Figure 5.0 of Schedule “F”-Special Figures:

i) Waste Disposal sites under
CITY OF HAMILTON

Part V of Environmental Protection Act that include the application of untreated septage to land.

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 70%.

f) Outdoor Storage
   i) Shall not be permitted in any minimum Front Yard or minimum Flankage Yard;
   ii) Shall be located a minimum of 10.0 metres from any lot line, and screened by a visual barrier in accordance with Section 4.19 of this By-law;
   iii) Sections i) and ii) above do 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, exclusive of a Farm
CITY OF HAMILTON

SECTION #: RURAL ZONES

Produce/Product Stand, shall be 200.0 square metres;

i) Shall not be permitted within a Dwelling or a Farm Labour Residence;

iii) In addition to Section 12.2.3.1 g) i), the maximum gross floor area of a Farm Produce/Product Stand shall be 18.5 square metres;

iv) Notwithstanding Sections 12.2.3.1 b), c) and d) and Section 4.8.2 a), a Farm Produce/Product Stand shall be permitted in any yard.

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 30.0 metres of the farm Dwelling.

2. Shall have a maximum building height of 10.5 metres.

3. Shall utilize 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 temporary bunk house shall have a minimum gross
floor area of 65.06 square metres or 8.36 square metres per resident, whichever is greater.

iii) Where a Farm Labour Residence is in the form of an Accessory apartment attached to and forming part of the principal farm Dwelling, the Accessory apartment shall not exceed 25% of the gross floor area of the principal farm Dwelling.

i) Mushroom Operations

ii) Notwithstanding Sections 12.2.3.1 b), c), and d) above, any buildings or structures used for a Mushroom Operation shall be setback a minimum of 30.0 metres from any lot line.

j) Nursery

ii) No stockpiles of waste, manure, fertilizers or compost shall be permitted within 30.0 metres of any lot line.

k) Medical Marihuana Growing and Harvesting Facility

i) Retailing of horticultural products and bulk material shall be in accordance with Section 12.2.3.1 g);

ii) The outdoor storage of unenclosed piles of bulk product shall not exceed an aggregate area of 100.0 square metres.

i) The maximum gross floor area for all buildings and structures devoted to a Medical Marihuana Growing and Harvesting Facility shall not exceed 500.0 square metres;

ii) Notwithstanding Sections 12.2.3.1 b), c) and d) above, all buildings or structures associated with the use shall be setback a minimum of 20.0
iii) Notwithstanding Sections 12.2.3.1 f), i), ii) and iii) above, outdoor storage shall not be permitted;

iv) Notwithstanding Sections 12.2.3.1 g), i), ii), iii) and iv) above, retail sales shall not be permitted.

12.2.3.2 SECONDARY USES TO AGRICULTURE – ADDITIONAL REGULATIONS

In addition to Section 12.2.3.1 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
- Agricultural Cidery/Winery
- Landscape Contracting Establishment – Secondary

b) Minimum Lot Area

Notwithstanding Sections 12.2.3.1 a) and 4.12 d), Secondary Uses to Agriculture shall have a minimum lot area of 5.0 hectares.

c) Limitation on Uses

Notwithstanding Section 12.2.3.2 a), only one Home Industry or one Landscape Contracting Establishment – Secondary shall be permitted per lot.

d) 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) Notwithstanding Sections 12.2.3.1...
b), c), and d), all buildings or structures associated with an Agricultural Processing Establishment – Secondary shall be setback a minimum of 30.0 metres from any lot line;

iii) Outdoor storage of goods, materials or equipment shall be permitted in accordance with Section 12.2.3.1 f), and shall not exceed an aggregate area of 100.0 square metres;

e) Agritourism

The maximum gross floor area of all buildings or structures devoted to the Agritourism use shall not exceed 500.0 square metres.

f) Home Industry

i) Shall be located only within an existing building or structure which shall be setback a minimum of 30 metres from any lot line, and shall occupy no more than 250.0 square metres of gross floor area;

ii) Shall be operated by a resident of the property, with no more than 3 non-resident employees;

iii) Outdoor storage of goods, materials or equipment shall be permitted in accordance with Section 12.2.3.1 f), and shall not exceed an aggregate area of 100.0 square metres;

iv) In addition to Section 5.3 b) a maximum of three Motor Vehicles associated with the Home Industry may be parked unenclosed. Additional Motor Vehicles associated with the use, including all Motor Vehicles – Commercial, must be parked in an enclosed building. This regulation does not apply to the
g) Agricultural Cidery/Winery

i) Notwithstanding Sections 12.2.3.1 a), 12.2.3.2 b), and 4.12 d) an Agricultural Cidery/Winery shall only be permitted on a lot with a minimum area of 4.0 hectares, of which a minimum of 2.0 hectares shall be used for the growing production of grapes, fruits or other produce directly associated with on-site cider or wine production;

ii) The maximum building area devoted to an Agricultural Cidery/Winery use shall be 500.0 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.

h) Landscape Contracting Establishment Secondary

i) Notwithstanding Section 12.2.3.2 a), a Landscape Contracting Establishment – Secondary shall only be permitted as a use Secondary to a Nursery

ii) In addition to Section 12.2.3.2 b), the minimum amount of the lot area that must be used for the growing of plants, shrubs, trees or similar vegetation as part of the Nursery operation shall be 65 percent;

iii) Shall be located within an existing building or structure which shall be setback a minimum of 30 metres from any lot line, and shall occupy no more than 250.0 square metres of gross floor area;

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

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 100.0 square metres;

vi) In addition to Section 5.3 b) a maximum of three Motor Vehicles associated with the Landscape Contracting Establishment - Secondary may be parked unenclosed. Additional Motor Vehicles associated with the use, including all Motor Vehicles – Commercial, must be parked in an enclosed building. This regulation does not apply to the storage or parking of Agricultural vehicles or equipment;

12.2.3.3 AGRICULTURAL STORAGE ESTABLISHMENT, FARM PRODUCT SUPPLY DEALER, LIVESTOCK ASSEMBLY POINT, AND VETERINARY SERVICE – FARM ANIMAL REGULATIONS

a) Minimum Lot Area 0.4 hectares
b) Minimum Front Yard 15.0 metres
c) Minimum Side Yard 15.0 metres
d) Minimum Rear Yard 15.0 metres
e) Maximum Gross Floor 500.0 square metres
CITY OF HAMILTON

SECTION #: RURAL ZONES

Area
f) Retail

The maximum area permitted for accessory retail sales, except a Farm Product Supply Establishment, shall not exceed 20% of the total gross floor area.

g) Outdoor Storage
i) Shall not be permitted in any Front Yard or Flankage Yard;

ii) Shall be located a minimum of 20.0 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.

12.2.3.4 ABATTOIR REGULATIONS

a) Minimum Lot Area

i) Notwithstanding Section 4.12 d), the Minimum Lot Area for an Abattoir shall be 5.0 hectares.

b) Minimum Setbacks

i) All buildings or structures associated with the use shall be setback a minimum of 100.0 metres from any lot line.

ii) No livestock shall be permitted to be kept in any open area within 60 metres of any lot line.

c) Maximum Gross Floor Area

500.0 square metres

d) Retail

The maximum area permitted for accessory retail sales shall not exceed 20% of the total gross floor area.

May 2014
Appendix “B2” to Report PED13167a (Page 11 of 13)

CITY OF HAMILTON

SECTION #: RURAL ZONES

ZONING BY-LAW

e) Outdoor Storage
   i) Shall not be permitted in any Front Yard or Flankage Yard;
   
   ii) Shall be located a minimum of 20.0 metres from any lot line, and screened by a visual barrier in accordance with Section 4.19 of this By-law;

12.2.3.5 AGRICULTURAL PROCESSING ESTABLISHMENT – STAND ALONE REGULATIONS

a) Minimum Lot Area
   i) Notwithstanding Section 4.12 d) the Minimum Lot Area for an Agricultural Processing Establishment – Stand Alone shall be 0.6 hectares.

b) Minimum Setbacks
   i) Any buildings or structures associated with the Agricultural Processing Establishment shall be setback a minimum of 30.0 metres from any lot line.

   c) Maximum Gross Floor Area
   500.0 square metres

   d) Retail
   The maximum area permitted for accessory retail sales shall not exceed 20% of the total gross floor area.

   e) Outdoor Storage
   i) Shall not be permitted in any Front Yard or Flankage Yard;
   
   ii) Shall be located a minimum of 20.0 metres from any lot line, and screened by a visual barrier in accordance with Section 4.19 of this By-law;

12.2.3.6 KENNEL REGULATIONS

a) Minimum Lot Area
   i) Notwithstanding Section 4.12 d), the
CITY OF HAMILTON

SECTION #2: RURAL ZONES

Minimum Lot Area for a Kennel shall be 2.0 hectares.

b) Minimum Setbacks
   i) Any buildings or structures associated with a Kennel shall be setback a minimum of 60.0 metres from any lot line;
   ii) No domestic animals shall be permitted to be kept in any open area within 60 metres of any lot line.

c) Maximum Gross Floor Area
   500.0 square metres

d) Retail
   The maximum area permitted for accessory retail sales shall not exceed 20% of the total gross floor area.

e) Outdoor Storage
   i) Shall not be permitted in any Front Yard or Flankage Yard;
   ii) Shall be located a minimum of 20.0 metres from any lot line, and screened by a visual barrier in accordance with Section 4.19 of this By-law;

12.2.3.7 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

May 2014
f) Minimum Rear Yard 10.0 metres

g) Maximum Capacity for Residential Care Facility Shall not exceed 10 residents.

12.2.2.5 ACCESSORY BUILDINGS In accordance with the requirements of 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.
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: |

a) For lands located within Vulnerable Area 1 as delineated in Figures 5.0, 5.1, 5.2 and 5.3 of Schedule "F"-Special Figures:

i) Waste Disposal sites under Part V of Environmental Protection Act that include the following activities:

1) storage, treatment and discharge of mine tailings;

2) land farming of petroleum refining waste;
3) storage of polychlorinated biphenyl (PCB) waste; 
4) application of untreated septage to land; 
5) injection of liquid waste into a well; 
6) storage of hazardous waste. 

   ii) hazardous waste management facility 
   iii) waste management facility 
   iv) Salt Storage Facility that can accommodate 5,000 tonnes and greater 
   v) snow storage facility greater than 1 ha in size 
   vi) Motor Vehicle Service Station 
   vii) motor vehicle collision repair establishment
b) For lands located within Vulnerable Area 2, as delineated in Figures 5.0, 5.1, 5.2 and 5.3 of Schedule “F”-Special Figures:
  i) Waste Disposal sites under Part V of Environmental Protection Act that include the injection of liquid waste into a well;
  ii) waste disposal facility

c) For lands located within Vulnerable Area 3 as delineated on Figure 5.0 of Schedule “F”-Special Figures:
  i) Waste Disposal sites under Part V of Environmental Protection Act that include the application of untreated septage to land.

12.3.3 REGULATIONS

a) Minimum Lot Area 0.4 hectares;

b) Minimum Lot Width 30.0 metres;

c) Minimum Front Yard 7.5 metres;

d) Minimum Side Yard 3.0 metres;
e) Minimum Rear Yard 7.5 metres

f) Maximum Building Height 10.5 metres;

g) Maximum Capacity for Residential Care Facility Shall not exceed 6 residents.

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 Dealer
- 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:

May 2014
a) For lands located within Vulnerable Area 1 as delineated in Figures 5.0, 5.1, 5.2 and 5.3 of Schedule “F”-Special Figures:

   i) Waste Disposal sites under Part V of Environmental Protection Act that include the following activities:

      1. storage, treatment and discharge of mine tailings;
      2. land farming of petroleum refining waste;
      3. storage of polychlorinated biphenyl (PCB) waste;
      4. application of untreated septage to land;
      5. injection of liquid waste into a well;
      6. storage of hazardous waste.

   ii) hazardous waste management facility

   iii) waste management facility

   iv) Salt Storage Facility that can accommodate 5,000 tonnes and greater

May 2014
v) snow storage facility greater than 1 ha in size

vi) Motor Vehicle Service Station

vii) motor vehicle collision repair establishment

b) For lands located within Vulnerable Area 2, as delineated in Figures 5.0, 5.1, 5.2 and 5.3 of Schedule "F"-Special Figures:

i) Waste Disposal sites under Part V of Environmental Protection Act that include the injection of liquid waste into a well;

ii) waste disposal facility

c) For lands located within Vulnerable Area 3 as delineated on Figure 5.0 of Schedule "F"-Special Figures:

i) Waste Disposal sites under Part V of Environmental Protection Act that include the application of untreated septage to land.

12.4.3 REGULATIONS

a) Minimum Lot Area 0.4 hectares

May 2014
<table>
<thead>
<tr>
<th>Requirement</th>
<th>Measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>b) Minimum Yard Abutting a Street</td>
<td>3.0 metres</td>
</tr>
<tr>
<td>c) Minimum Side Yard</td>
<td>i) 3.0 metres;</td>
</tr>
<tr>
<td></td>
<td>ii) 6.0 metres abutting a Residential Zone;</td>
</tr>
<tr>
<td></td>
<td>iii) 6.0 metres abutting an Institutional Zone.</td>
</tr>
<tr>
<td>d) Minimum Rear Yard</td>
<td>7.0 metres</td>
</tr>
<tr>
<td>e) Maximum Building Height</td>
<td>10.5 metres;</td>
</tr>
<tr>
<td>f) Additional Regulations for Motor Vehicle</td>
<td>Notwithstanding b), c, and d) above, fuel pump</td>
</tr>
<tr>
<td>Service Station</td>
<td>islands, fuel pumps and canopies shall be</td>
</tr>
<tr>
<td></td>
<td>setback a minimum 4.5 metres from any lot line.</td>
</tr>
<tr>
<td>g) Outdoor Storage</td>
<td>i) No outdoor storage of goods, materials or</td>
</tr>
<tr>
<td></td>
<td>equipment shall be permitted.</td>
</tr>
<tr>
<td></td>
<td>ii) Notwithstanding i) above, the display of</td>
</tr>
<tr>
<td></td>
<td>goods or materials for retail purposes shall be</td>
</tr>
<tr>
<td></td>
<td>permitted.</td>
</tr>
<tr>
<td>h) Planting Strip Requirements</td>
<td>A minimum 3.0 metre Planting Strip shall be</td>
</tr>
<tr>
<td></td>
<td>provided and maintained abutting a street, except</td>
</tr>
<tr>
<td></td>
<td>for points of ingress and egress and abutting a</td>
</tr>
<tr>
<td></td>
<td>Settlement Residential Zone or a Settlement</td>
</tr>
<tr>
<td></td>
<td>Institutional Zone.</td>
</tr>
<tr>
<td>i) Visual Barrier</td>
<td>A visual barrier shall be provided and maintained</td>
</tr>
<tr>
<td></td>
<td>along any lot line abutting a Settlement</td>
</tr>
<tr>
<td></td>
<td>Residential Zone or a Settlement Institutional</td>
</tr>
<tr>
<td></td>
<td>Zone property line, in accordance with the</td>
</tr>
<tr>
<td></td>
<td>requirements of Section 4.19 of this By-law.</td>
</tr>
</tbody>
</table>

May 2014
<table>
<thead>
<tr>
<th>12.4.4 ACCESSORY BUILDINGS</th>
<th>In accordance with the requirements of Section 4.8 of this By-law.</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.4.5 PARKING</td>
<td>In accordance with the requirements of Section 5 of this By-law.</td>
</tr>
</tbody>
</table>
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:

a) For lands located within Vulnerable Area 1 as delineated in Figures 5.0, 5.1, 5.2 and 5.3 of Schedule “F”-Special Figures:

i) Waste Disposal sites under Part V of Environmental Protection Act that include the following activities:

1. storage, treatment and discharge of mine tailings;
2. land farming of petroleum refining waste;
3. storage of polychlorinated biphenyl (PCB) waste;
4. application of untreated septage to land;
5. injection of liquid waste into a well;
6. storage of hazardous waste.

ii) hazardous waste management facility

iii) waste management facility

iv) Salt Storage Facility that can accommodate 5,000 tonnes and greater

v) snow storage facility greater than 1 ha in size

vi) Motor Vehicle Service Station

vii) motor vehicle collision repair establishment

b) For lands located within Vulnerable Area 2, as delineated in Figures 5.0, 5.1, 5.2 and 5.3 of Schedule “F”-Special Figures:

i) Waste Disposal sites under Part V of Environmental Protection Act that include the injection of liquid waste into a well;

ii) waste disposal facility
c) For lands located within Vulnerable Area 3 as delineated on Figure 5.0 of Schedule “F”-Special Figures:

i) Waste Disposal sites under Part V of Environmental Protection Act that include the application of untreated septage to land.

12.5.3 REGULATIONS

a) Minimum Lot Area 0.4 hectares;

b) Maximum Lot Area for a Place of Worship 2.0 hectares;

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.

May 2014
Explanatory Note: The P6 Zone applies to all lands identified as an Environmentally Significant Area or Earth Science ANSI in the Rural Hamilton Official Plan. In addition, the P6 Zone is also applied to all lands identified as a Key Natural Heritage Feature outside of the Greenbelt Natural Heritage System, identified in the Rural Hamilton Official Plan.

New development within the P6 Zone may require the approval of a Site Plan Control application, including the submission of an Environmental Impact Statement, to demonstrate that there will be no negative impact on Core Area features, as identified in the Rural Hamilton Official Plan, as a result of the proposed development, prior to the development proceeding.

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 AGRICULTURE REGULATIONS

a) New Buildings and Structures

i) Shall not be permitted on a vacant lot.

ii) Shall be in accordance with the requirements of Sections 12.1.3.1 and 4.8.2

b) Expansions to Existing Buildings and Structures

Shall be in accordance with the requirements of Section 12.1.3.1 and 4.8.2.

May 2014
SECTION 7: OPEN SPACE AND PARK ZONES

7.6.2.2 EXISTING SINGLE DETACHED DWELLING REGULATIONS

a) New Accessory Buildings or Structures Shall be in accordance with Section 4.8.2

b) Expansions to Existing Buildings and Structures Shall be in accordance with Sections 12.1.3.3 (c), (d), (e), and (f) and 4.8.2.

May 2014
SECTION 7: OPEN SPACE AND PARK ZONES

7.7 CONSERVATION/HAZARD LAND RURAL (P7) ZONE

Explanatory Note: The P7 Zone applies to all lands identified as a Key Hydrologic Feature, with the exception of Provincially Significant Wetlands, in the Rural Hamilton Official Plan. In addition, the P7 Zone is also applied to all lands identified as a Key Natural Heritage Feature within the Greenbelt Natural Heritage System, identified in the Rural Hamilton Official Plan.

New development within the P7 Zone may require the approval of a Site Plan Control application, including the submission of an Environmental Impact Statement, to demonstrate that there will be no negative impact on Core Area features, as identified in the Rural Hamilton Official Plan, as a result of the proposed development, prior to the development proceeding.

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 (P7) 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:

7.7.1 PERMITTED USES

- Agriculture
- Conservation
- Existing Single Detached Dwelling
- Flood and Erosion Control Facilities
- Recreation, Passive

7.7.2 REGULATIONS

7.7.2.1 AGRICULTURE REGULATIONS

a) New Buildings and Structures

- Shall not be permitted.

b) Expansions to Existing Buildings and Structures

i) The maximum gross floor area for an expansion to an Existing building or structure shall not exceed 10% of the gross floor area of the Existing building or structure.

ii) Shall be in accordance with the requirements of Section 12.1.3.1

May 2014
7.7.2.2 EXISTING SINGLE DETACHED DWELLING REGULATIONS

a) New Buildings or Structures

b) Expansions to Existing Buildings and Structures

i) The maximum gross floor area for an expansion to an Existing building or structure shall not exceed 10% of the gross floor area of the Existing building or structure.

ii) Shall be in accordance with Section 12.1.3.3 c), d), e), and f) and Section 4.8.2

7.7.2.3 REGULATIONS FOR REPLACEMENT OF AN EXISTING BUILDING OR STRUCTURE, INCLUDING EXISTING SINGLE DETACHED DWELLING

i) Notwithstanding Sections 7.7.2.1 a) i) and 7.7.2.2 a) i) above, an existing building or structure which is demolished in whole or in part may be rebuilt provided the setbacks to the building or structure which had existed on the date of passing of the By-law are maintained.

ii) Notwithstanding (i) above, a maximum encroachment of up to 10% of the existing setbacks, as determined through (i) above, may be permitted.

May 2014
7.8 CONSERVATION/HAZARD LAND RURAL (P8) ZONE

Explanatory Note: The P8 Zone applies to all lands identified as a Provincially Significant Wetland in the Rural Hamilton Official Plan.

New development within the P8 Zone may require the approval of a Site Plan Control application, including the submission of an Environmental Impact Statement, to demonstrate that there will be no negative impact on Core Area features, as identified in the Rural Hamilton Official Plan, as a result of the proposed development, prior to the development proceeding.

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 (P8) 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:

7.8.1 PERMITTED USES

Agriculture
Conservation
Existing Single Detached Dwelling
Flood and Erosion Control Facilities
Recreation, Passive

7.8.2 REGULATIONS

7.8.2.1 REGULATIONS FOR AGRICULTURE AND EXISTING SINGLE DETACHED DWELLING

i) Notwithstanding Section 7.8.2.1 above, an existing building or structure which is demolished in whole or in part may be rebuilt provided the setbacks to the building or structure which had existed on the date of passing of the By-law are maintained.

ii) Notwithstanding (i) above, a maximum encroachment of up to 10% of the existing setbacks, as
SECTION 8: OPEN SPACE AND PARK ZONES

determined through (i) above, may be permitted.
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
Home Business
Mineral Aggregate Operation
Recreation, Passive
Secondary Uses to Agriculture

9.12.2 PROHIBITED USES

A snow storage facility below the water table that is greater than 0.01 ha in size.

9.12.3 REGULATIONS

9.12.3.1 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 70%.

f) Outdoor Storage: i) Shall not be permitted in any Front Yard or Flankage Yard; ii) Shall be located a minimum of 20.0 metres from any lot line, and screened by a visual barrier in

May 2014
accordance with Section 4.19 of this By-law;

iii) Sections i) and ii) above do 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, exclusive of a Farm Produce/Product Stand, shall be 200.0 square metres;

ii) Shall not be permitted within a Dwelling or a Farm Labour Residence;

iii) In addition to Section 9.12.3.1 g) i), the maximum gross floor area of a Farm Produce/Product Stand shall be 18.5 square metres;

iv) Notwithstanding Sections 9.12.3.1 b), c) and d) and Section 4.8.2 a), a Farm Produce/Product Stand shall be permitted in any yard.

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 30.0 metres of the farm Dwelling.

2. Shall have a maximum building height of 10.5 metres.
3. Shall utilize 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 temporary bunk house shall have a minimum gross floor area of 65.06 square metres or 8.36 square metres per resident, whichever is greater.

   iii) Where a Farm Labour Residence is in the form of an Accessory apartment attached to and forming part of the principal farm Dwelling, the Accessory apartment shall not exceed 25% of the gross floor area of the principal farm Dwelling.

   i) Mushroom Operations

   Notwithstanding Sections 9.12.3.1 b), c), and d) above, any buildings or structures used for a Mushroom Operation shall be setback a minimum of 30.0 metres from any lot line;

   i) No stockpiles of waste, manure, fertilizers or compost shall be permitted within 30.0 metres of any lot line.

   j) Nursery

   i) Retailing of horticultural products and bulk product shall be in accordance with Section 9.12.3.1 g);

   ii) The outdoor storage of unenclosed piles of bulk material shall not
appendix “B9” to report PED13167a (page 4 of 9)

City of Hamilton

Section #: Rural Zones

Exceed an aggregate area of 100.0 square metres.

k) Medical Marihuana Growing and Harvesting Facility

The maximum gross floor area for all buildings and structures devoted to a Medical Marihuana Growing and Harvesting Facility shall not exceed 500.0 square metres;

ii) Notwithstanding Sections 9.12.3.1 b), c) and d) above, all buildings or structures associated with the use shall be setback a minimum of 20.0 metres from any lot line;

iii) Notwithstanding Sections 9.12.3.1 f) i), ii) and iii) above, outdoor storage shall not be permitted;

iv) Notwithstanding Sections 9.12.3.1 g) i), ii), iii) and iv) above, retail sales shall not be permitted.

9.12.3.2 Secondary Uses to Agriculture – Additional Regulations

In addition to Section 9.12.3 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
Agricultural Cidery/Winery
Landscape Contracting Establishment – Secondary

b) Minimum Lot Area

Notwithstanding Sections 9.12.3.1 a) and 4.12 d), Secondary Uses to Agriculture shall have a minimum lot area of 5.0 hectares.

May 2014
c) Limitations on Use

Notwithstanding Section 9.12.3.2 a), only one Home Industry or one Landscape Contracting Establishment – Secondary shall be permitted per lot.

d) 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 500.0 square metres;

ii) Notwithstanding Sections 9.12.3.1 b), c), and d), all buildings or structures associated with the Agricultural Processing Establishment – Secondary shall be setback a minimum of 30.0 metres from any lot line;

iii) Outdoor storage of goods, materials or equipment shall be permitted in accordance with Section 9.12.3.1 f), and shall not exceed an aggregate area of 100.0 square metres;

e) Agritourism

The maximum gross floor area of all buildings or structures devoted to the Agritourism use shall not exceed 500.0 square metres.

f) Home Industry

i) Shall be located only within an existing building or structure which shall be setback a minimum of 30 metres from any lot line, and shall occupy no more than 250.0 square metres of gross floor area.

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

iii) Outdoor storage of goods, materials or equipment shall be permitted in
accordance with Section 9.12.3.1 f), and shall not exceed an aggregate area of 100.0 square metres.

iv) Notwithstanding Section 5.3 b), a maximum of three Motor Vehicles associated with the Home Industry or Landscape Contracting Establishment may be parked unenclosed. Additional Motor Vehicles associated with the use, including all Motor Vehicles – Commercial, must be parked in an enclosed building. This regulation does not apply to the storage or parking of Agricultural vehicles and equipment.

g) Kennel

i) The maximum gross floor area for all buildings and structures devoted to a Kennel use shall be 500.0 square metres.

ii) Notwithstanding Sections 9.12.3.1 b), c), and d), all buildings or structures associated with a Kennel shall be setback a minimum of 60.0 metres from any lot line;

iii) No domestic animals shall be permitted to be kept in any open area within 60.0 metres of any lot line.

h) Agricultural Cidery/Winery

i) Notwithstanding Sections 9.12.3.1 a), 9.12.3.2 b), and 4.12 d), an Agricultural Cidery/Winery shall only be permitted on a lot with a minimum area of 4.0 hectares, of which a minimum of 2.0 hectares shall be used for the growing production of grapes, fruits or other produce directly associated with on-site cider or wine production;
SECTION #: RURAL ZONES

i) Landscape Contracting Establishment – Secondary

ii) The maximum building area devoted to an Agricultural Cidery/Winery use shall be 500.0 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.

i) Notwithstanding Section 9.12.3.2 a), a Landscape Contracting Establishment – Secondary shall only be permitted as a use Secondary to a Nursery

ii) In addition to Section 9.12.3.2 b), the minimum amount of the lot area that must be used for the growing of plants, shrubs, trees or similar vegetation as part of the Nursery operation shall be 65 percent;

iii) Shall be located within an existing building or structure which shall be setback a minimum of 30 metres from any lot line, and shall occupy no more than 250.0 square metres of gross floor area;

iv) Shall be operated by a resident of the property, with no more than 3 non-resident employees;

v) Outdoor storage of goods, materials or equipment shall be permitted in accordance with Section 9.12.3.1 f), and shall not exceed an aggregate area of 100.0 square metres;

vi) Notwithstanding Section 5.3 b), a maximum of three Motor Vehicles associated with the Landscape Contracting Establishment -

May 2014
Secondary may be parked unenclosed. Additional Motor Vehicles associated with the use, including all Motor Vehicles – Commercial, must be parked in an enclosed building. This regulation does not apply to the storage or parking of Agricultural vehicles or equipment;

9.12.3.4 MINERAL AGGREGATE OPERATION REGULATIONS

a) Minimum Setback for Excavation
   i) 30.0 metres from any portion of a property lot line abutting a Residential Zone;
   ii) 30.0 metres from any portion of a property lot line abutting a property which contains a residential use;
   iii) 30.0 metres from a street line;
   iv) 15.0 metres from all other property lot lines.

b) Minimum Setback for buildings or structures, including processing plants
   i) 90.0 metres from any portion of a property lot line abutting a Residential Zone;
   ii) 90.0 metres from any portion of a property lot line abutting a property which contains a residential use;
   iii) 90.0 metres from a street line;
   iv) 30.0 metres from all other property lot lines.

c) Restriction on Location of Stockpiles of Aggregate, Topsoil, or Overburden
   Shall not be located within 90.0 metres of a lot line abutting a Residential Zone or containing a residential use, or 30.0 metres of all other lot lines.

May 2014
d) Landscape and Fencing Requirements

i) A minimum 1.2 metre high fence shall be provided and maintained 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.
PROPOSED DEFINITIONS TO BE ADDED TO SECTION 3:

**Abattoir**

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; Medical Marihuana Growing and Harvesting Facilities; 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.

May 2014
Agricultural Brewery

Shall mean an Agricultural Processing Establishment – Secondary use, for the making of beer from crops grown as part of the Agricultural operation on the same lot, but shall not include a Restaurant, a Conference or Convention Centre, or overnight accommodation.

Agricultural Cidery/Winery

Shall mean a Secondary Use to an Agricultural operation on the same lot, for the processing of grapes, fruit, honey or other produce in the production of ciders or wines. Agricultural Cidery/Winery uses may include the crushing, fermentation, production, bottling, aging, storage, and Accessory sale of ciders, wines and related products to both, a laboratory, an administrative office, and a tasting, hospitality and retail area, but shall not include a Restaurant, a Conference or Convention Centre, or overnight accommodation.

Agricultural Processing Establishment – Secondary

Shall mean a Secondary use to an Agricultural operation on the same lot, for a facility dedicated to the transformation of raw agricultural commodities, but shall not include an Abattoir or Agricultural Cidery/Winery. Agricultural Processing - Secondary shall be limited to the processing of agricultural commodities grown primarily as part of the farm operation, including an Agricultural Brewery, 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 the transformation of raw agricultural

May 2014
commodities and may include Accessory Retail, but shall not include an Abattoir, Agricultural Brewery or Agricultural Cidery/Winery.

**Agricultural Research Operation**

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

**Agricultural Storage Establishment**

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**

Shall mean a Secondary Use to an Agricultural operation on the same lot 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/products, farm theme playground for children, and educational facilities that focus on farming instruction, and which may include accessory retail, but shall not include a Restaurant or Conference or Convention Centre.

**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.

May 2014.
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.

Farm Produce/Product Stand

Shall mean a building or structure where fresh fruit and vegetables, flowers and plants grown and other products derived from the Agricultural operation on the same property are offered for sale on a seasonal basis.

Home Industry

Shall mean a Secondary use to an Agricultural operation on the same lot, 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 – Secondary**

Shall mean a Secondary use to an Nursery operation on the same lot, which is limited to storage 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**

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.
Medical Marihuana Growing and Harvesting Facility

Shall mean a wholly enclosed building or structure used for growing, harvesting, testing, destroying, packaging, and shipping of marihuana for medical purposes as permitted under the Marihuana for Medical Purposes Regulations (MMPR) SOR/2013-119 made under the Controlled Substances Act as the MMPR read on March 31, 2014.

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 land 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**

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.

**Salt Storage Facility**

Shall mean the use of land, building or structure for the storage of road salt or salt/sand mixture which is transported to the site in bulk.

**Seasonal Campground**

Shall mean the use of land, building or structure for seasonal recreational tenting and camping facilities for recreational or vacation purposes. Accessory uses such as washrooms and laundry facilities are permitted.

**Secondary**

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.

**Veterinary Service – Farm Animal**

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.
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 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."

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 INSITITUTIONAL 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 AND RURAL A2 ZONES

a) No accessory building or structure 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.”

May 2014
g) That the following new Subsection be added to SECTION 4: GENERAL PROVISIONS of By-law 05-200:

"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 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:

"4.27 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.

Amendment to Section P4 (Open Space) Zone

That Section 7.4.1 be amended by adding "Seasonal Campground" to the Permitted Uses in the P4 Zone.

May 2014
Amendments to Section 5: Parking

That clause a) of Subsection 5.2 DESIGN STANDARDS of SECTION 5: PARKING of By-law 05-200, is hereby deleted in its entirety and replaced with the following:

"5.2 DESIGN STANDARDS

a) Where a parking lot is situated on a lot which abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown D5 or Downtown D6 Zone, a visual barrier shall be provided and maintained along that portion of the lot line that abuts a Residential Zone, Settlement Residential (S1) Zone, Downtown D5 Zone or Downtown D6 Zone in accordance with Section 4.19 of this By-law;"

That Subsection 5.3 COMMERCIAL MOTOR VEHICLES of SECTION 5: PARKING of By-law 05-200, is hereby deleted in its entirety and replaced with the following:

"5.3 COMMERCIAL MOTOR VEHICLES

a) In any Residential Zone, Downtown D6 Zone, Downtown D6 Zone, or Settlement Residential S1 Zone, Commercial Motor Vehicles:

i) Shall not be stored or parked except within a fully enclosed building; and,

ii) Notwithstanding Subsection i) above, any commercial motor vehicle may attend residential properties for the purpose of delivery or service only.

b) In any Agricultural A1 Zone or Rural A2 Zone,

i) A maximum of 1 Commercial Motor Vehicle may be parked unenclosed, provided it is setback a minimum of 20 metres from any lot line and 50 metres from a dwelling on an adjacent lot.

ii) Section i) above does not apply to the storage or parking of agricultural vehicles and equipment."

That Subsection 5.4 MAJOR RECREATIONAL EQUIPMENT of SECTION 5: PARKING of By-law 05-200, be amended by relabeling the existing clause as a), and adding the

May 2014
words “or Settlement Residential S1 Zone” after the words “Downtown D6 Zone” in the first line, and by adding the following new sub-section:

"b) In any Rural Zone, Major Recreational Equipment:

i) May be stored enclosed;

ii) Shall not be stored in the minimum required front yard or flankage yard;

iii) May be stored in a rear yard or side yard provided that the Major Recreational Equipment is screened with a visual barrier in accordance with Section 4.19 of this By-law, and has a minimum setback of 1.2 metres from the side or rear lot line;

iv) Notwithstanding Subsections i), ii) and iii) herein, Major Recreational Equipment may be parked on a driveway wholly inside the lot line between May 1st and October 31st in each year.

v) Storage of Major Recreational Equipment shall only be permitted for Major Recreational Equipment owned by a resident of the lot.