

Authority: Item 10, Economic
Development and Planning
Committee
Report 10-007 (PED10081)
CM: April 14, 2010

Bill No. 076

CITY OF HAMILTON

BY-LAW NO. 10-076

Housekeeping Amendments to Zoning By-law 87-57 (Ancaster), Zoning By-law 90-145-Z (Flamborough), Zoning By-law 6593 (Hamilton), and Zoning By-law 3692-92 (Stoney Creek), City of Hamilton Comprehensive Zoning By-law 05-200

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Town of Ancaster", "The Corporation of the Town of Flamborough", "The Corporation of the City of Hamilton", and "The Corporation of the City of Stoney Creek", and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 87-57 (Ancaster) was enacted on the 22nd day of June, 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

AND WHEREAS the Council of the Corporation of the Town of Flamborough passed Zoning By-law No. 90-145-Z (Flamborough) on the 5th day of November, 1990, which by-law was approved by the Ontario Municipal Board by Order dated the 21st day of December, 1992;

AND WHEREAS Zoning By-law No. 6593 (Hamilton) was enacted on the 25th day of July, 1950;

AND WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS the first stage of the Zoning By-law, being 05-200, came into force on May 25, 2005;

AND WHEREAS this By-law provides housekeeping amendments to Zoning By-law Nos. 87-57, 90-145-Z, 6593, 3692-92 and 05-200;

AND WHEREAS the Council of the City of Hamilton, in adopting Section 10 of Report 10-007 of the Economic Development and Planning Committee at its meeting held on the 14th day of April, 2009, recommended that Zoning By-law 87-57 (Ancaster), Zoning By-law 90-145-Z (Flamborough), Zoning By-law 6593 (Hamilton), and Zoning By-law 3692-92 (Stoney Creek), City of Hamilton Comprehensive Zoning By-law 05-200, be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the former Town of Ancaster, the Official Plan of the former Town of Flamborough, the Official Plan of the former City of Hamilton, and the Official Plan of the former City of Stoney Creek.

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

Town of Ancaster Zoning By-law No. 87-57

1. That Map 2 of Schedule "B" of By-law 87-57, be amended to include additional zone boundaries, for a portion of the property known as 241-245 Wilson Street East, the extent and boundaries of the lands attached to this By-law as Schedule "M" and be zoned Village Area "VA-503" Zone.

Town of Flamborough Zoning By-law No. 90-145-Z

2. That SECTION 3 – DEFINITIONS, of Zoning By-law 90-145-Z, is amended by deleting the following definitions:

"Waste Disposal Site means any land or land covered by water upon, into, in or through which, or building or structure in which, waste is deposited or processed and any machinery or equipment operation required for the treatment or disposal of waste.

Waste includes ashes, foundry wastes and/or flue dust, garbage, refuse, domestic waste, industrial waste, and municipal refuse of any kind."

3. That SECTION 5.24.2(b) – Prohibited Uses of Zoning By-law 90-145-Z, is hereby amended by deleting the words “Waste Disposal Site” and replacing with the words “Waste Disposal Facility”.

City of Hamilton Zoning By-law No. 6593

4. That Section 16A(1) – COMMERCIAL OR INDUSTRIAL USES, of Zoning By-law No. 6593, is hereby amended by renumbering subsection “(ef) Waste Transfer Facility, Waste Processing Facility” to “(el) Waste Transfer Facility, Waster Processing Facility”.
5. That Section 17(9) – PRIOR EXISTING USES, of Zoning By-law No. 6593, is hereby amended by adding the following property address after 52 Imperial Street:

“1640 Brampton Street”.
6. That Sheet No. E-43 of By-law 6593, be amended to include additional zone boundaries, for a portion of the property known as 706-710 Stone Church Road East, the extent and boundaries of the lands attached to this By-law as Schedule “Q” and be zoned Urban Protected Residential “C-(H)” District.
7. That Sheet No. E-20 of By-law 6593, be amended to include additional zone boundaries, for a portion of the property known as 751 Rymal Road West, the extent and boundaries of the lands attached to this By-law as Schedule “o” and be zoned Townhouse – Maisonette “RT-20/S-1442a” District.
8. That Sheet No. E-85 of By-law 6593, be amended to include additional zone boundaries, for a portion of the property known as 356 and 362 Pottruff Road North, the extent and boundaries of the lands attached to this By-law as Schedule “I” and be zoned Suburban Agriculture and Residential “B-1” District.
9. That Sheet No. E-85 of By-law 6593, be amended to include additional zone boundaries, for a portion of the property known as 209 Nash Road North, the extent and boundaries of the lands attached to this By-law as Schedule “K” and be zoned Urban Protected Residential “C” District.
10. That Sheet No. E-35 of By-law 6593, be amended to include additional zone boundaries, for a portion of the property known as 185 Ottawa Street North, the extent and boundaries of the lands attached to this By-law as Schedule “S” and be zoned Community Shopping and Commercial “H” District.

City of Stoney Creek Zoning By-law 3692-92

11. That PART 2 – DEFINITIONS, of Zoning By-law 3692-92, is hereby amended by deleting the following definitions:

“Waste

Includes ashes, garbage, refuse, domestic waste, industrial waste, or municipal refuse.

Waste Disposal Site

Means any land or land covered by water upon, into, in or through which, or building or structure in which, waste is deposited or processed and any machinery or equipment or operation required for the treatment or disposal of waste.”

City of Hamilton Comprehensive Zoning By-law No. 05-200

12. That Section 1.4, of By-law 05-200, is amended by adding the words “or permit to be erected, altered, enlarged or used” between the words “enlarge or use” and “any building”.
13. That Section 1.9 b), of By-law 05-200, is amended by deleting the words “causes or” between the words “or who” and “permits such” and between the words “By-law or” and “permits a violation”.
14. That Section 1.11, of By-law 05-200, is amended by removing the word “cause” between the words “shall use” and “or permit” and by removing the words “or cause” between the words “or alter” and “or permit”.
15. That Section 3: Definitions, of By-law 05-200, is amended by deleting the following definition:

“Body Rub Parlour

Shall mean a use which includes kneading, manipulating, rubbing, massaging, touching or stimulating, by any means, of a person’s body or part thereof, performed, offered or solicited in pursuance of a trade, calling, business, but shall not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered.”

And replacing it with:

“Body Rub Establishment

including but not limited to such services advertised by any means as “sensual”, “sexy” or by any other word or any depiction having like meaning or implication.”

“Alternative Massage Establishment

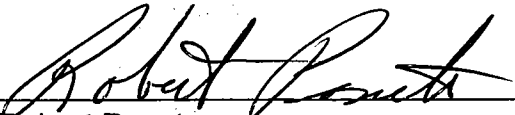
Shall mean any premises or part there of where an alternative massage is performed, offered or solicited in pursuance of a business.”

18. That Section 4: General Provisions, Subsection 18, of By-law 05-200, is amended by adding the following regulation:
 - “d) Temporary tent(s), for the purpose of festivals or retail sales events, for a maximum of 5 consecutive days, and shall not be subject to any minimum or maximum yard setbacks or parking requirements of the zone, except as it relates to setbacks from residential zoned property lines or zones.”
19. That Section 4.19 of By-law 05-200, be amended by adding the words “only that portion of a visual barrier consisting of a fence or wall shall have a maximum height of 2.5 metres” between “1.8 metres” and “and shall consist of the following”.
20. That Section 5: Parking, Subsection 5.6 b), of By-law 05-200, is amended by adding the words “but shall not be required to provide additional parking beyond that required by Section 5 of this By-law” after the words “provided and maintained”.
21. That Section 5: Parking, Subsection 5.6 a) iv., of By-law 05-200, is amended by changing the parking requirement for Hotels from “1 for each guest room” to “0.6 per guest room”.
22. That Section 5: Parking, Subsection 5.6 c) ii., of By-law 05-200, is amended by adding the words “or Place of Worship” after the words “Education Establishment” related to the parking requirement for a day nursery.
23. That Section 5: Parking, Subsection 5.6 d), of By-law 05-200, is amended by adding the words “except a Place of Worship shall not be required to provide additional parking beyond that required by Section 5 of this By-law” after the words “provided and maintained”.

24. That Section 6: Downtown Zones. Subsection 6.2.3 e) i), of By-law 05-200, is amended by deleting the words “Craftsperson Shop”, “Restaurant”, “Retail” and “Studio” from the list of restricted uses.
25. That Section 8: Institutional Zones, Subsection 8.2.3.2 a), of By-law 05-200 is amended by deleting the word “Front” between the words “Minimum” and “Yard”.
26. That Map 1455, 1504 of Schedule “A”, of By-law 05-200, be amended to remove a portion of the property located at 353 Isaac Brock Drive, the extent and boundaries of the lands attached to this By-law as Schedule “A”.
27. That Map 827 of Schedule “A”, of By-law 05-200, be amended to include additional zone boundaries, for the property known as 111 Burlington Street East, the extent and boundaries of the lands attached to this By-law as Schedule “B” and be zoned as “Community Park (P2) Zone”.
28. That Map 870 of Schedule “A”, of By-law 05-200, be amended to include additional zone boundaries, the extent and boundaries of the lands attached to this By-law as Schedule “C” and be zoned as “Neighbourhood Park (P1) Zone”.
29. That Map 903, 945 of Schedule “A”, of By-law 05-200, be amended to include additional zone boundaries, for the property known as 41 South Street West, the extent and boundaries of the lands attached to this By-law as Schedule “D” and be zoned as “Major Institutional (I3) Zone”.
30. That Map 990 of Schedule “A”, of By-law 05-200, be amended to include additional zone boundaries, the extent and boundaries of the lands attached to this By-law as Schedule “E” and be zoned “Neighbourhood Park (P1) Zone”.
31. That Map 1127 of Schedule “A”, of By-law 05-200, be amended to include additional zone boundaries, for the property known as 1114 Old Mohawk Road, the extent and boundaries of the lands attached to this By-law as Schedule “F” and be zoned “Neighbourhood Institutional (I1) Zone”.
32. That Map 1502 of Schedule “A”, of By-law 05-200, be amended to include additional zone boundaries, for the property known as 291 Winterberry Drive, the extent and boundaries of the lands attached to this By-law as Schedule “G” and be zoned “Neighbourhood Institutional (I1) Zone”.
33. That Map 1093 of Schedule “A”, of By-law 05-200, be amended to remove the properties known as 356 and 362 Pottruff Road North, the extent and boundaries of the lands attached to this By-law as Schedule “H”.

34. That Map 1093 of Schedule "A", of By-law 05-200, be amended to remove the property known as 209 Nash Road North, the extent and boundaries of the lands attached to this By-law as Schedule "J".
35. That Map 1228 of Schedule "A", of By-law 05-200, be amended to remove a portion of the property known as 241-245 Wilson Street East, zoned "Neighbourhood Institutional (I1) Zone, the extent and boundaries of the lands attached to this By-law as Schedule "L".
36. That Map 1339 of Schedule "A", of By-law 05-200, be amended to remove the southerly portion of the property known as 751 Rymal Road West, the extent and boundaries of the lands attached to this By-law as Schedule "N".
37. That Map 1397 of Schedule "A", of By-law 05-200, be amended to remove a portion of the property known as 706-710 Stone Church Road East, the extent and boundaries of the lands attached to this By-law as Schedule "P".
38. That Map 999 of Schedule "A", of By-law 05-200, be amended to remove the property known as 185 Ottawa Street North, the extent and boundaries of the lands attached to this By-law as Schedule "R".
39. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

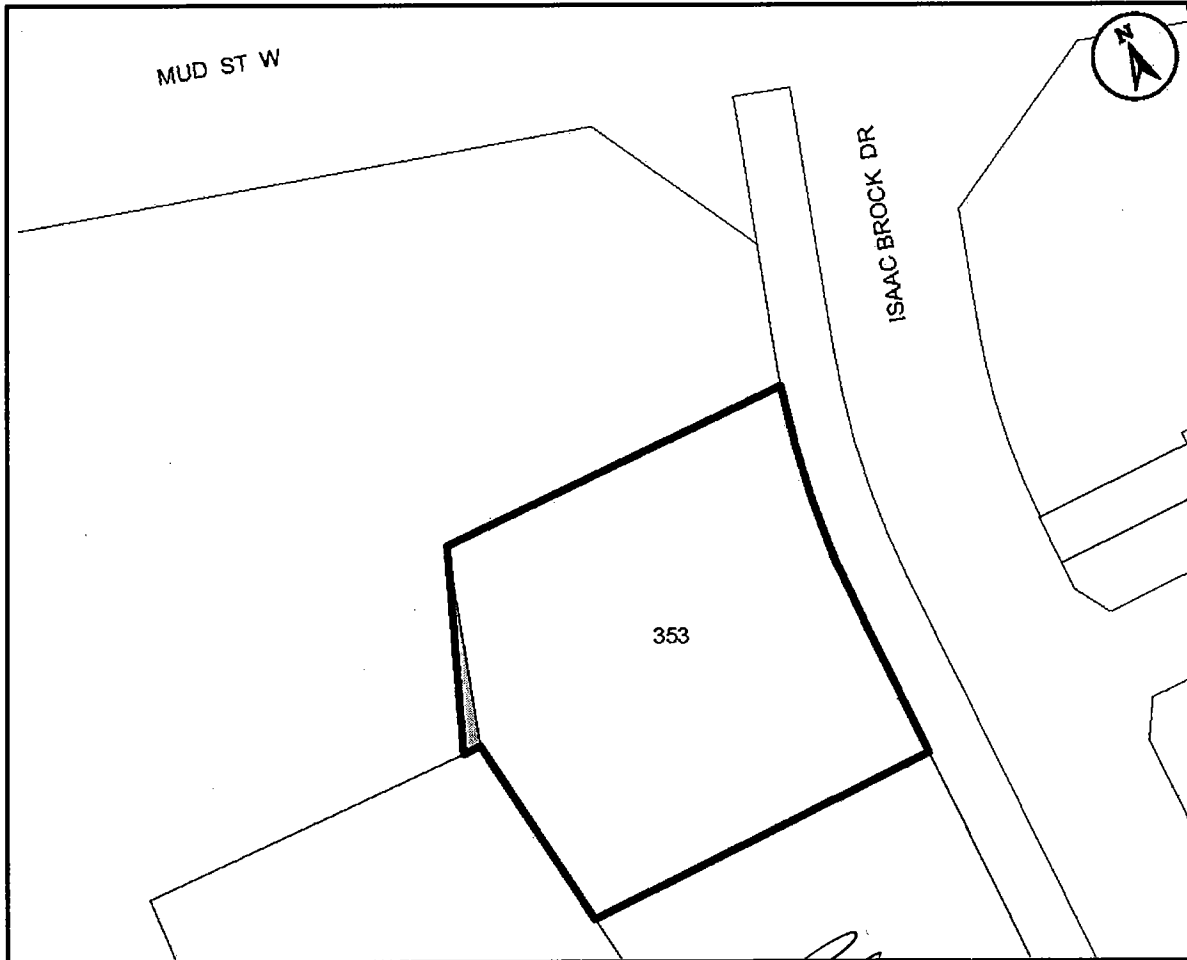
PASSED this 14th day of April, 2010.



Robert Pasuta
Acting Mayor



Rose Caterini
City Clerk





This is Schedule "A" to By-Law No. 10-076
 Passed the ..14th.. day of ...April....., 2010

[Signature]
 Clerk
[Signature]
 Mayor

Schedule "A"

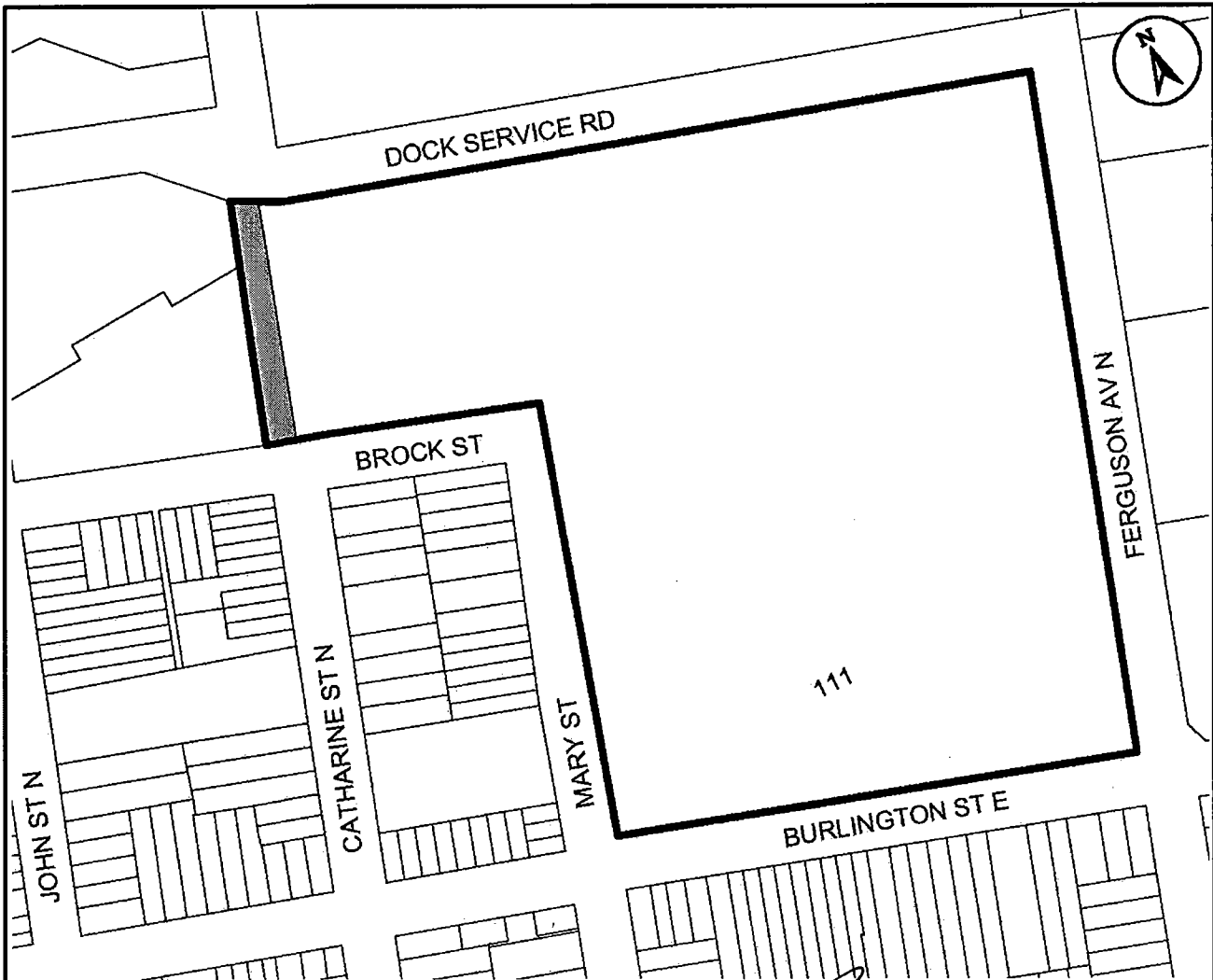
 Map Forming Part of
 By-Law No. 10-076

 to Amend By-law No.05-200

Subject Property
 353 Isaac Brock Drive, Stoney Creek
 Lands to be change from City Wide Park (P3) Zone to Major Institutional (I3) Zone in By-law 05-200

Scale: N.T.S.	File Name/Number: 353 Isaac Brock Dr	
Date: January 14, 2010	Planner/Technician: SH/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Hamilton



This is Schedule "B" to By-Law No. 10-076

Passed the 14th..... day of ...April....., 2010

[Signature]
Clerk
[Signature]
Mayor

Schedule "B"

Map Forming Part of
By-Law No. 10- 076
to Amend By-law No.6593

Subject Property



111 Burlington Street East



Lands to be added to By-law No. 05-200 as
Community Park (P2) Zone

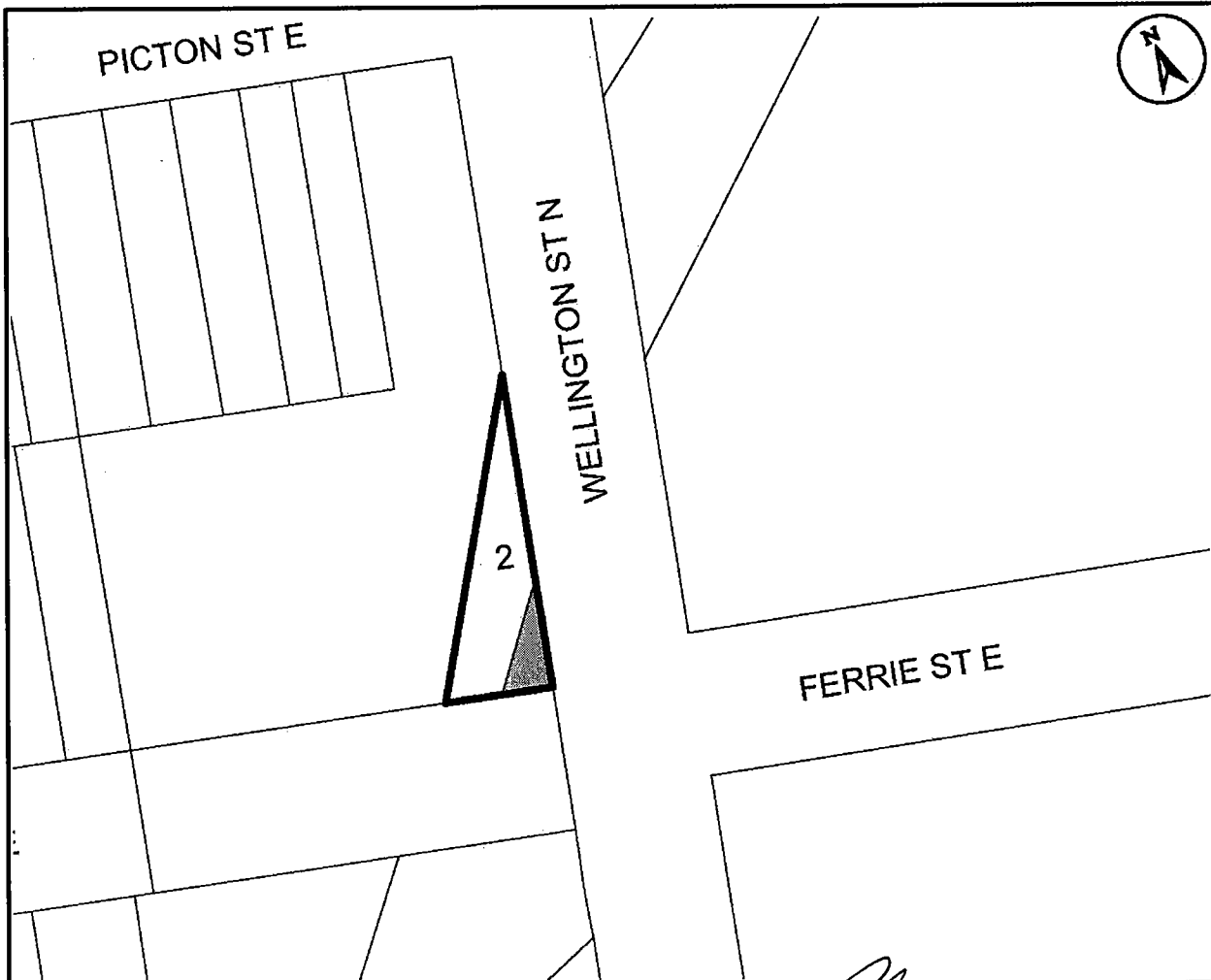
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File Name/Number:
111_Burlington_St_E

Date:
January 13, 2010

Planner/Technician:
SH/NB





This is Schedule "C" to By-Law No. 10-076
 Passed the .14th... day of .April....., 2010

[Signature]
 Clerk
[Signature]
 Mayor

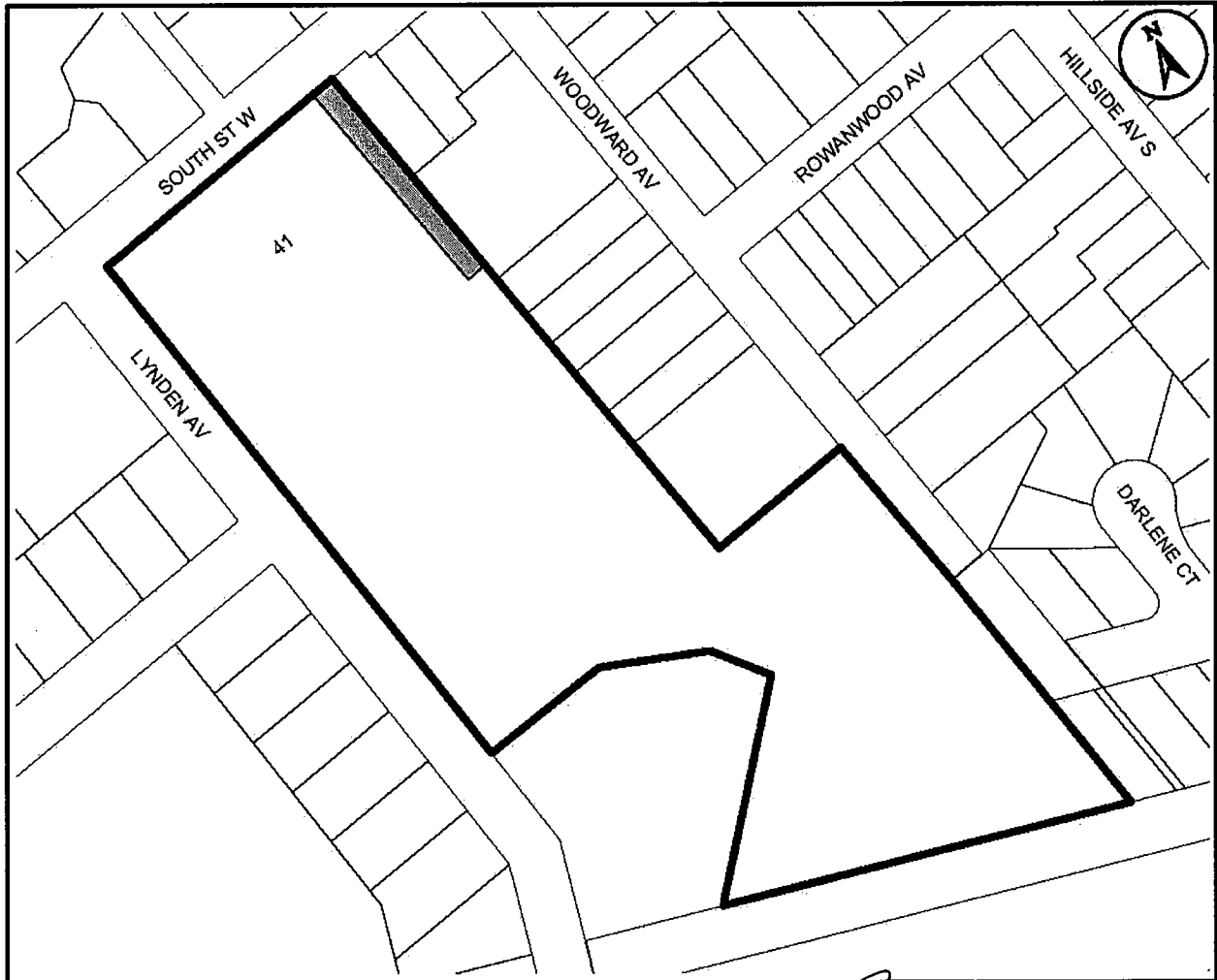
Schedule "C"

Map Forming Part of
 By-Law No. 10-076
 to Amend By-law No.6593

- Subject Property**
- 2 Roadway National Canadian Railway
 - Lands to be added to By-law No. 05-200 as Neighbourhood Park (P1) Zone

Scale: N.T.S.	File Name/Number: 2 Roadway_Nlcnr
Date: January 13, 2010	Planner/Technician: SH/NB
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	







This is Schedule "D" to By-Law No. 10-076
 Passed the 14th..... day of April....., 2010

 Clerk
Robert South
 Mayor

Schedule "D"
 Map Forming Part of
 By-Law No. 10-076
 to Amend By-law No.82-57

Subject Property
 41 South Street West
 Lands to be added to By-law No. 05-200 as Major Institutional (I3) Zone

Scale:
N.T.S.

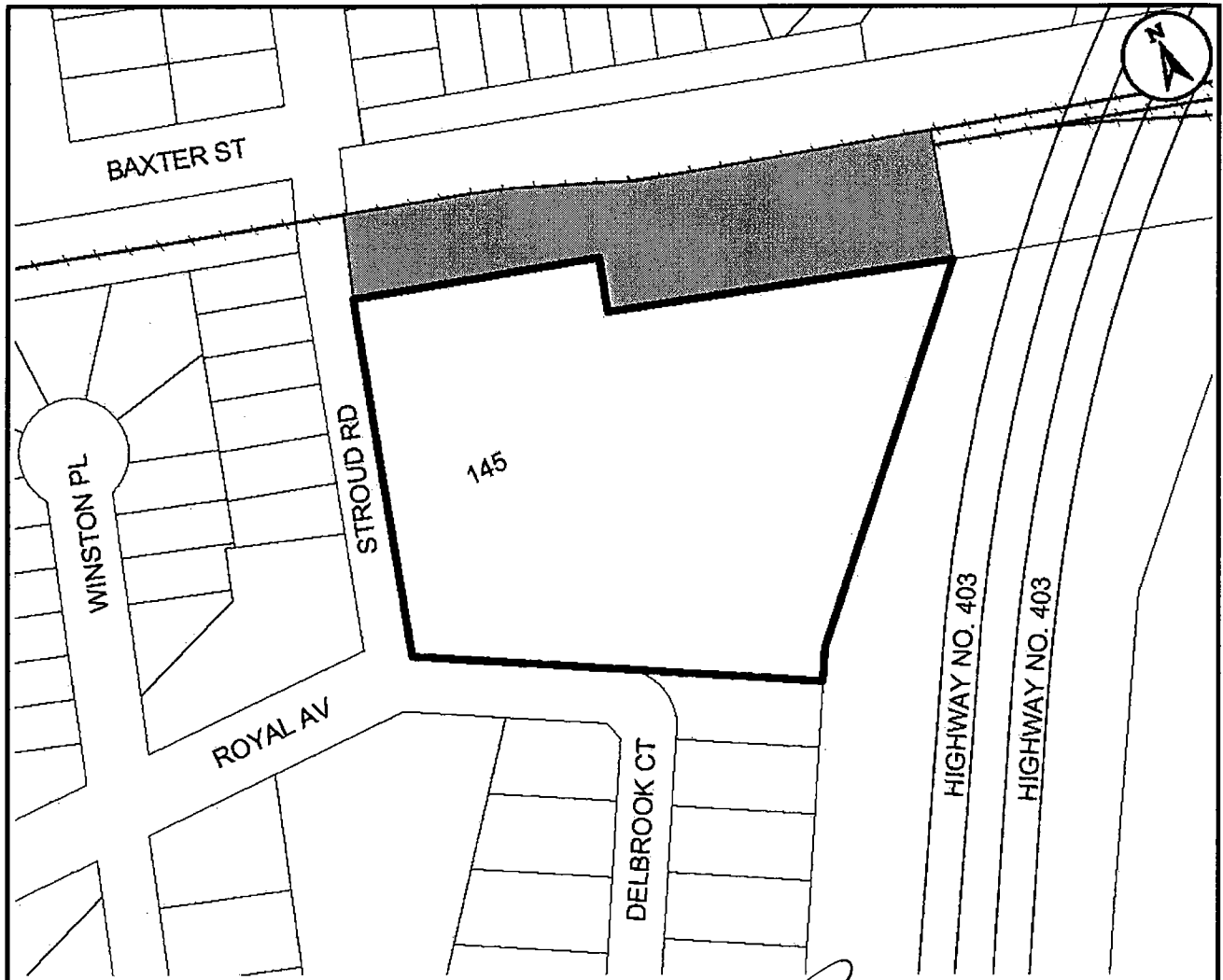
File Name/Number:
41 South St W

Date:
January 13, 2010

Planner/Technician:
SH/NB



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT





This is Schedule "E" to By-Law No. 10-076
 Passed the 14th day of April, 2010

[Signature]
 Clerk
[Signature]
 Mayor

Schedule "E"
 Map Forming Part of
 By-Law No. 10-076
 to Amend By-law No. 6593

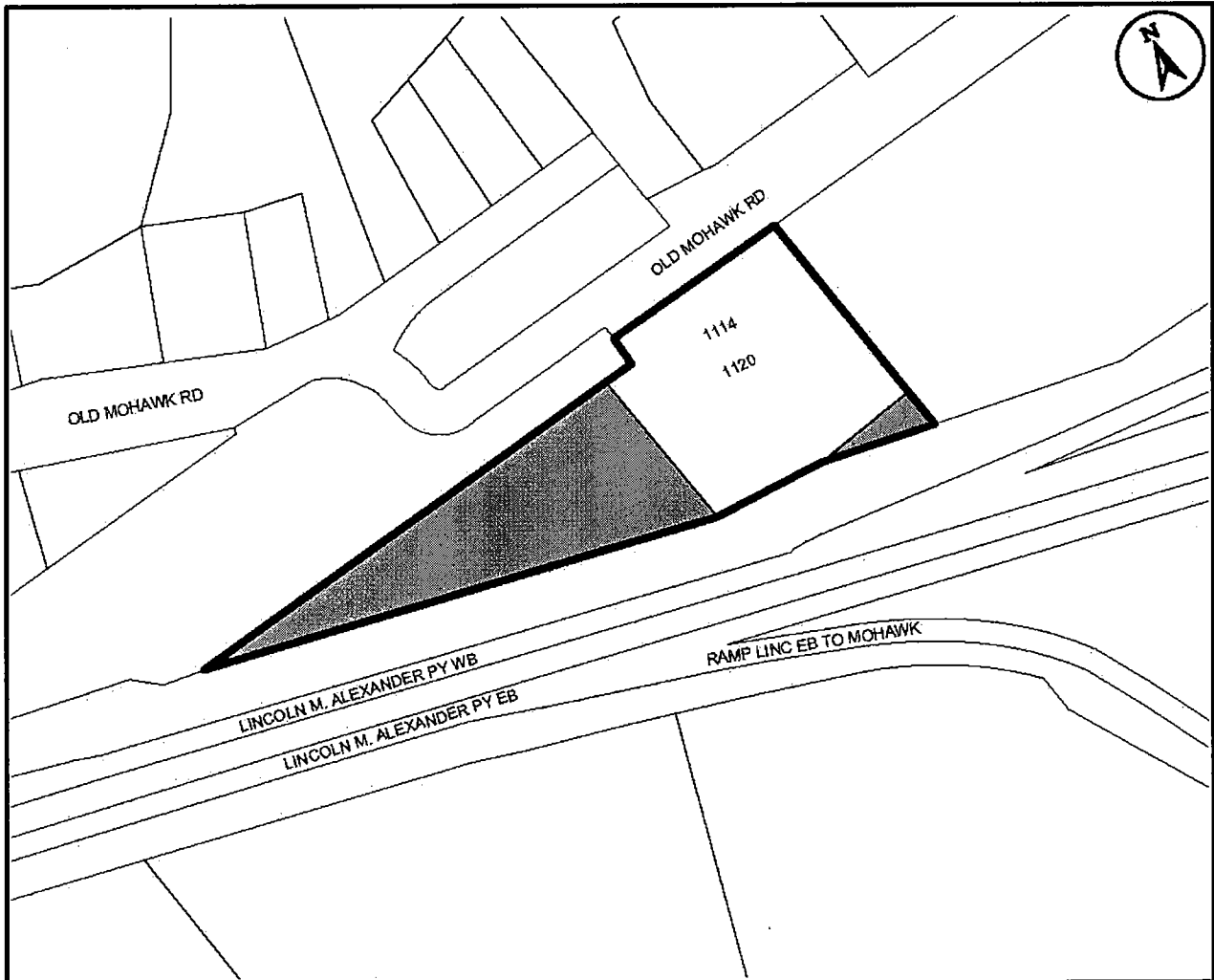
Subject Property

-  145 Stroud Road
-  Lands to be added to By-law No. 05-200 as Neighbourhood Park (P1) Zone

Scale:
 N.T.S.
 Date:
 January 13, 2010

File Name/Number:
 Stroud Rd Park
 Planner/Technician:
 SH/NB





This is Schedule "H" to By-Law No. 10-076

Passed the 14th.... day of ..April]....., 2010



[Signature]
Clerk
[Signature]
Mayor

Schedule "F"

Map Forming Part of
By-Law No. 10-076

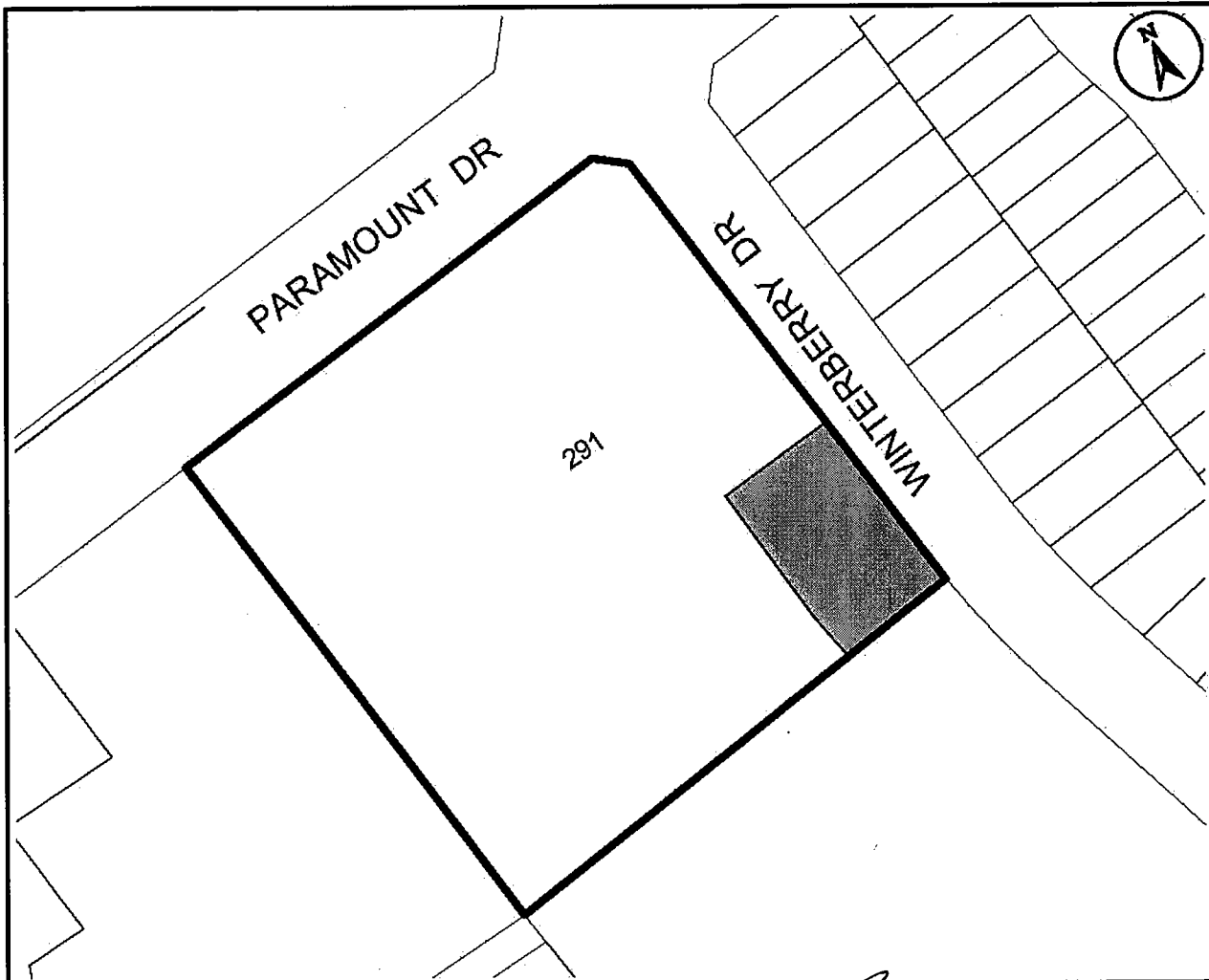
to Amend By-law No.6593

Subject Property

-  1114 and 1120 Old Mohawk Road
-  Lands to be added to By-law 05-200 Neighbourhood Institutional (I1) Zone

Scale: N.T.S.	File Name/Number: 1114-1120 Old Mohawk_Rd
Date: January 13, 2010	Planner/Technician: SH/NB
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	





This is Schedule "G" to By-Law No. 10-076

Passed the 14th.... day of April....., 2010

[Signature]
 Clerk
[Signature]
 Mayor


Schedule "G"

Map Forming Part of
 By-Law No. 10-076

to Amend By-law No.05-200

Subject Property

 291 WinterBerry Drive, Stoney Creek.

 Lands to be zoned Neighbourhood Institutional I1
 Zone by-law 05-200

Scale:
 N.T.S.

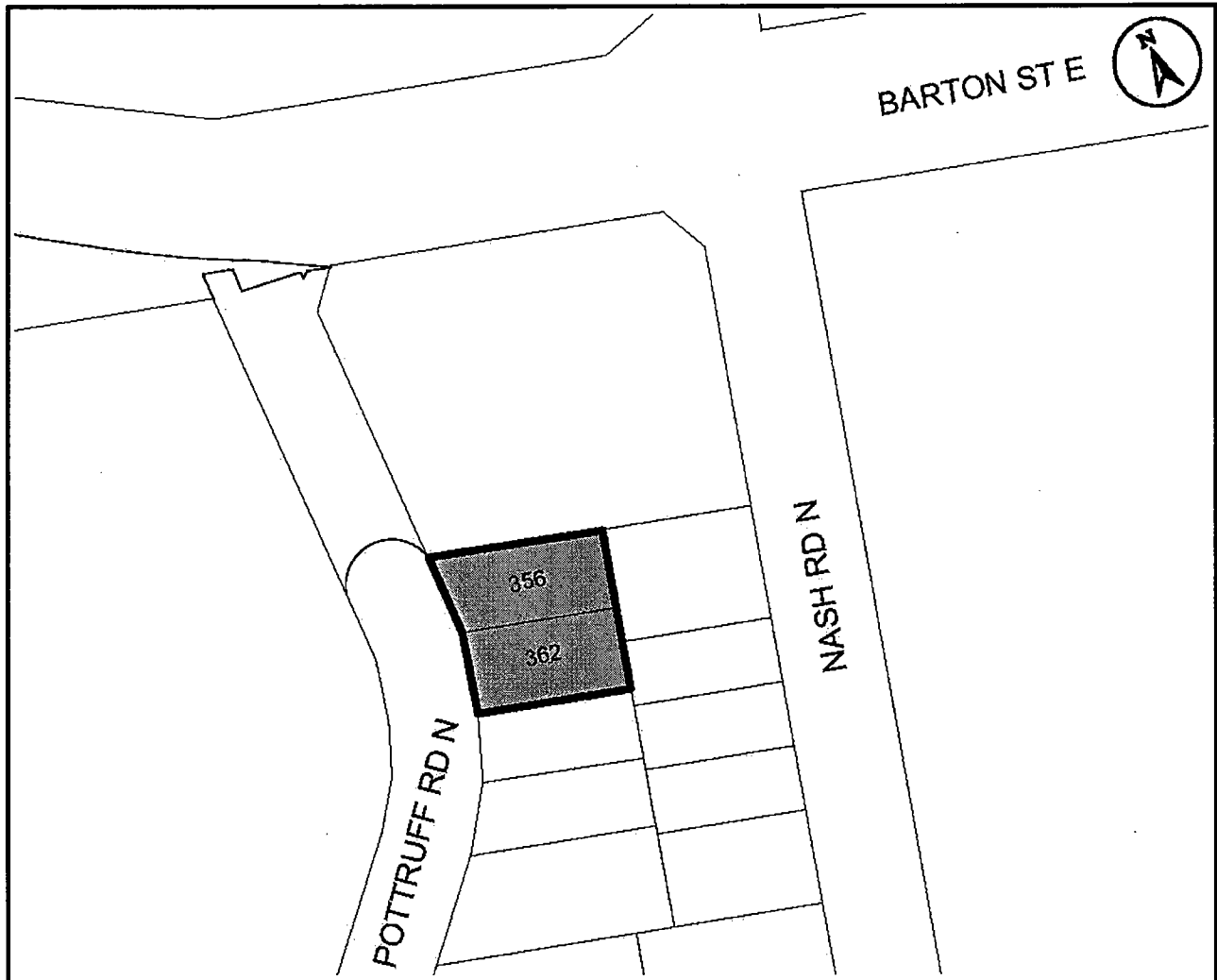
File Name/Number:
 291 Winterberry Dr

Date:
 Jan. 14, 2010

Planner/Technician:
 SH/NB



Hamilton



This is Schedule "H" to By-Law No. 10-076

Passed the 14th..... day of April....., 2010


[Signature]
Clerk
[Signature]
Mayor

Schedule "H"

Map Forming Part of
By-Law No. 10-076

to Amend By-law No.05-200

Subject Property

-  356 and 362 Pottruff Road North, Hamilton
-  Lands to be removed from By-law No. 05-200

Scale:
N.T.S.

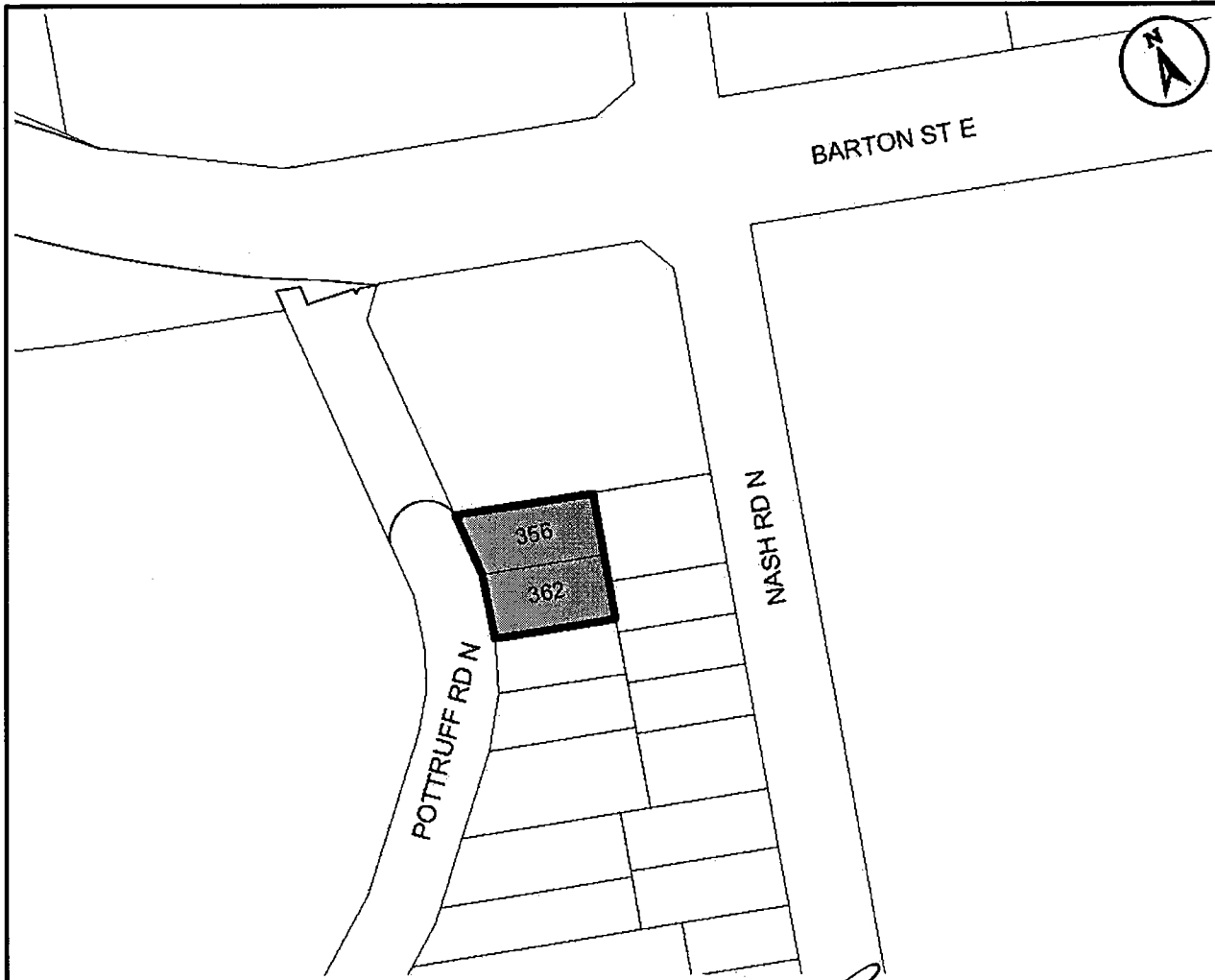
File Name/Number:
356_362 Pottruff_Rd_N

Date:
January 12, 2010

Planner/Technician:
SH/NB



Hamilton





This is Schedule "I" to By-Law No. 10-0.76
 Passed the ...14th. day of ...April....., 2010

[Signature]
 Clerk
[Signature]
 Mayor

Schedule "I"

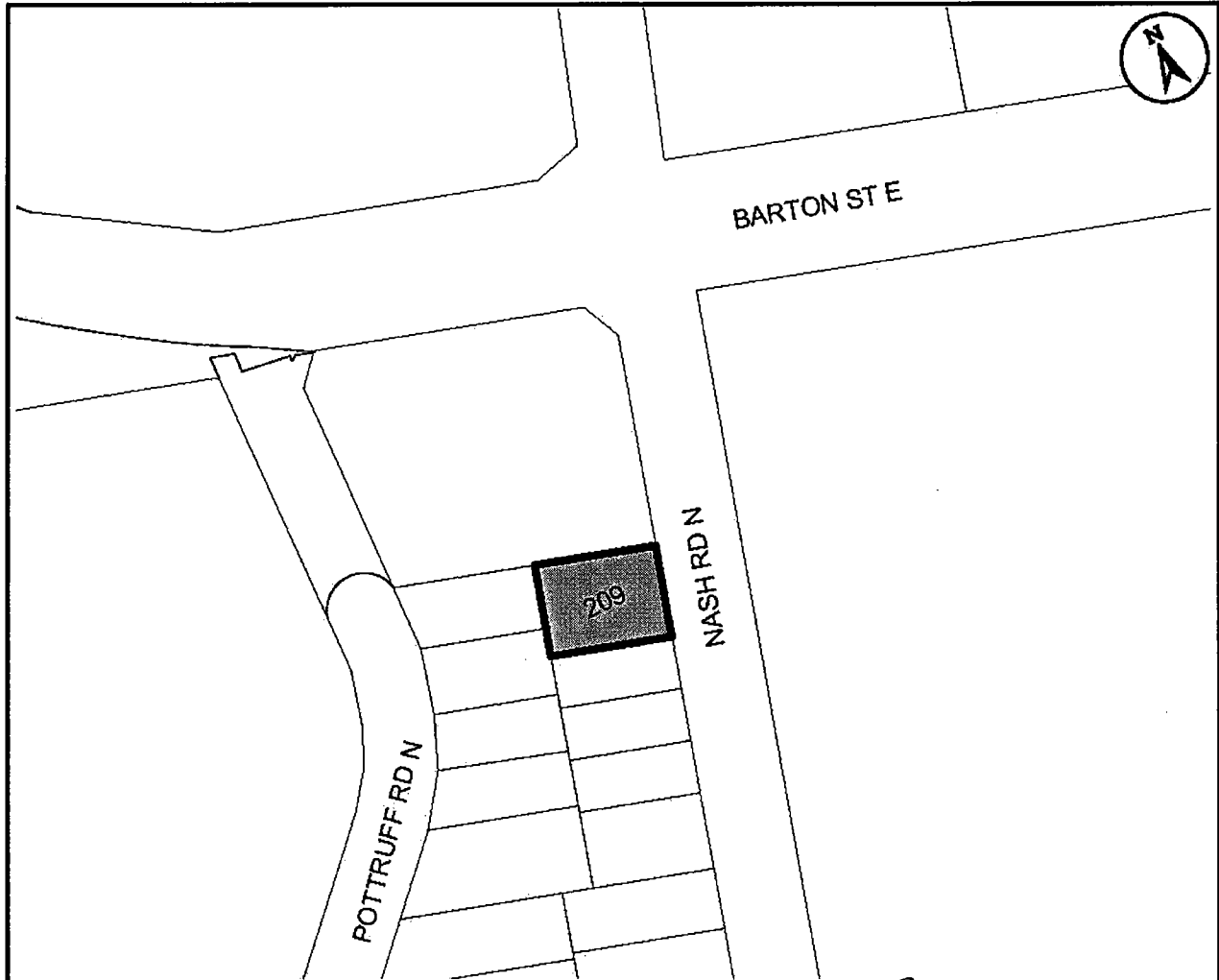
Map Forming Part of
 By-Law No. 10-0.76
 to Amend By-law No.6593

Subject Property

-  356 and 362 Pottruff Road North, Hamilton
-  Lands to be added into By-law No. 6593 as B-1 District

Scale: N.T.S.	File Name/Number: 356_362 Pottruff Rd N
Date: January 13, 2010	Planner/Technician: SH/NB






This is Schedule "J" to By-Law No. 10-076
 Passed the ...14th.. day of April....., 2010


[Signature]
 Clerk
[Signature]
 Mayor

Schedule "J"

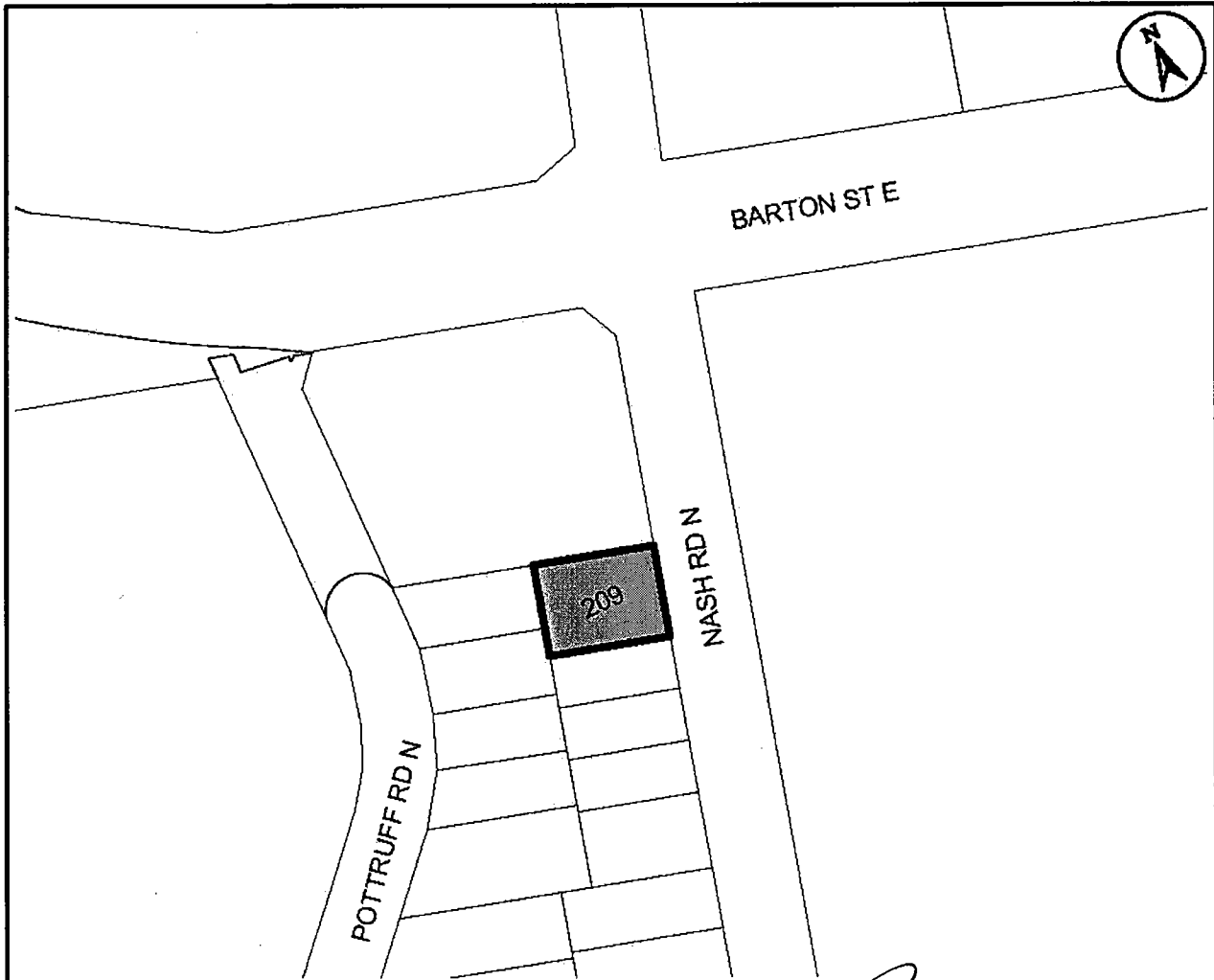
Map Forming Part of
 By-Law No. 10-076
 to Amend By-law No.05-200

Subject Property

 209 Nash Road North, Hamilton

 Lands to be removed from By-law No. 05-200

Scale: N.T.S.	File Name/Number: 209 Nash_Rd_N	
Date: January 13, 2010	Planner/Technician: SH/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		





This is Schedule "K" to By-Law No. 10-0-76
 Passed the 14th.... day of April....., 2010

[Signature]
 Clerk
[Signature]
 Mayor

Schedule "K"

Map Forming Part of
 By-Law No. 10-0-76
 to Amend By-law No.6593

Subject Property

-  209 Nash Road North, Hamilton
-  Lands to be added into By-law No. 6593 as C District

Scale: N.T.S.	File Name/Number: 209 Nash_Rd_N
Date: January 13, 2010	Planner/Technician: SH/NB
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	







This is Schedule "L" to By-Law No. 10-076
 Passed the 14th day of April, 2010

[Signature]
 Clerk
[Signature]
 Mayor

Schedule "L"

 Map Forming Part of
 By-Law No. 10-076

 to Amend By-law No.05-200

Subject Property
 241 - 245 Wilson Street East
 Lands to be removed from By-law No. 05-200

Scale:
 N.T.S.
 Date:
 January 13, 2010

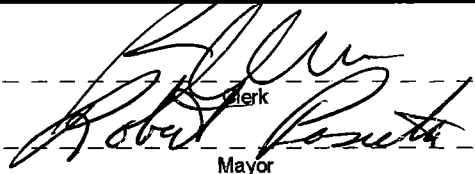
File Name/Number:
 241-245 Wilson_St_E
 Planner/Technician:
 SH/NB





This is Schedule "M" to By-Law No. 10- 0676



Passed the 14th..... day of ...April....., 2010


 Clerk
 Mayor

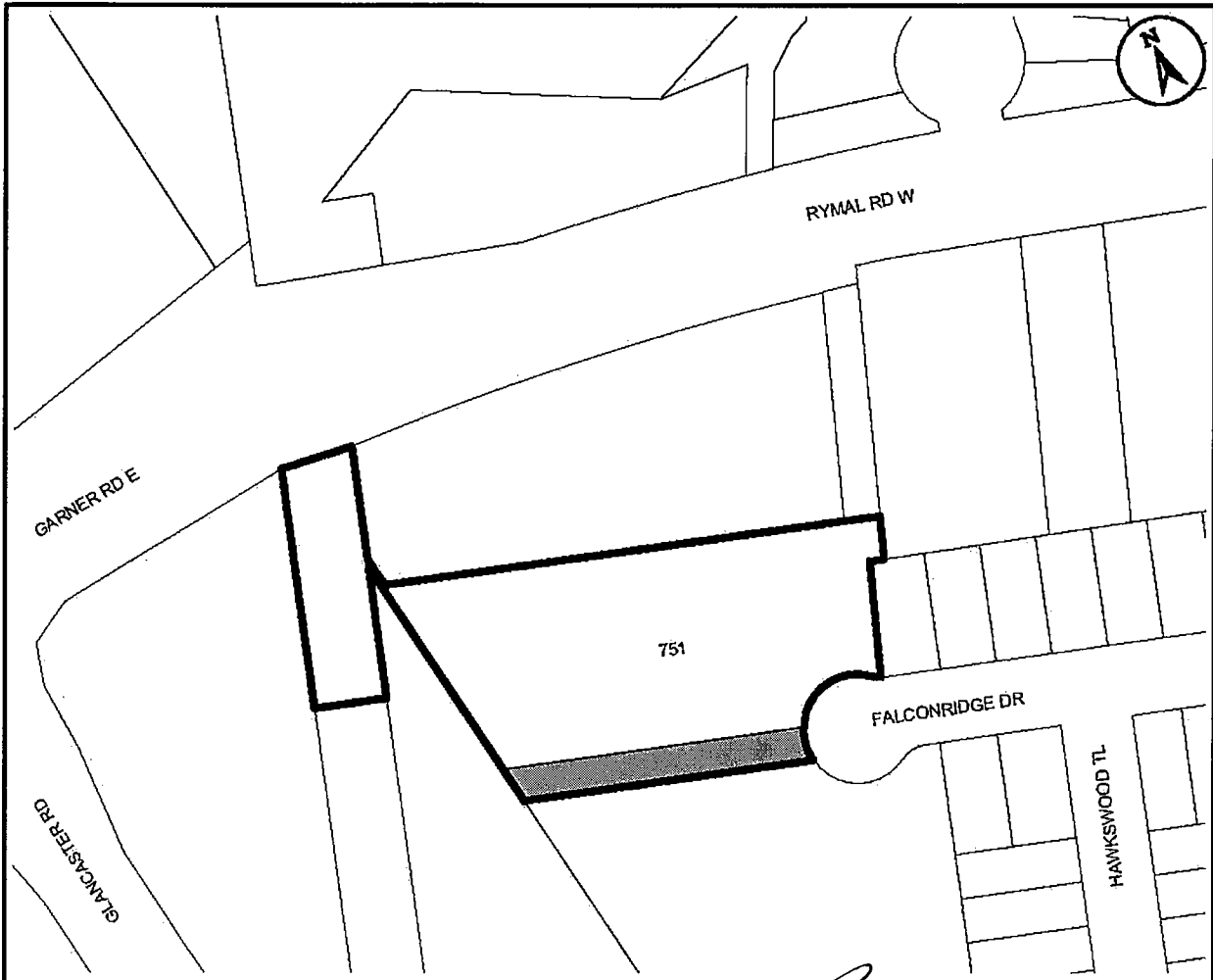
Schedule "M"

Map Forming Part of
By-Law No. 10- 076
to Amend By-law No.87-57

Subject Property

-  241 - 245 Wilson Street East
-  Lands to be added into By-law No. 87-57 as VA-503 Zone

Scale: N.T.S.	File Name/Number: 241-245 Wilson_St_E	 Hamilton
Date: January 13, 2010	Planner/Technician: SH/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		



This is Schedule "N" to By-Law No. 10- C-76

Passed the 14th.... day of ..April....., 2010


[Signature]
Clerk
[Signature]
Mayor

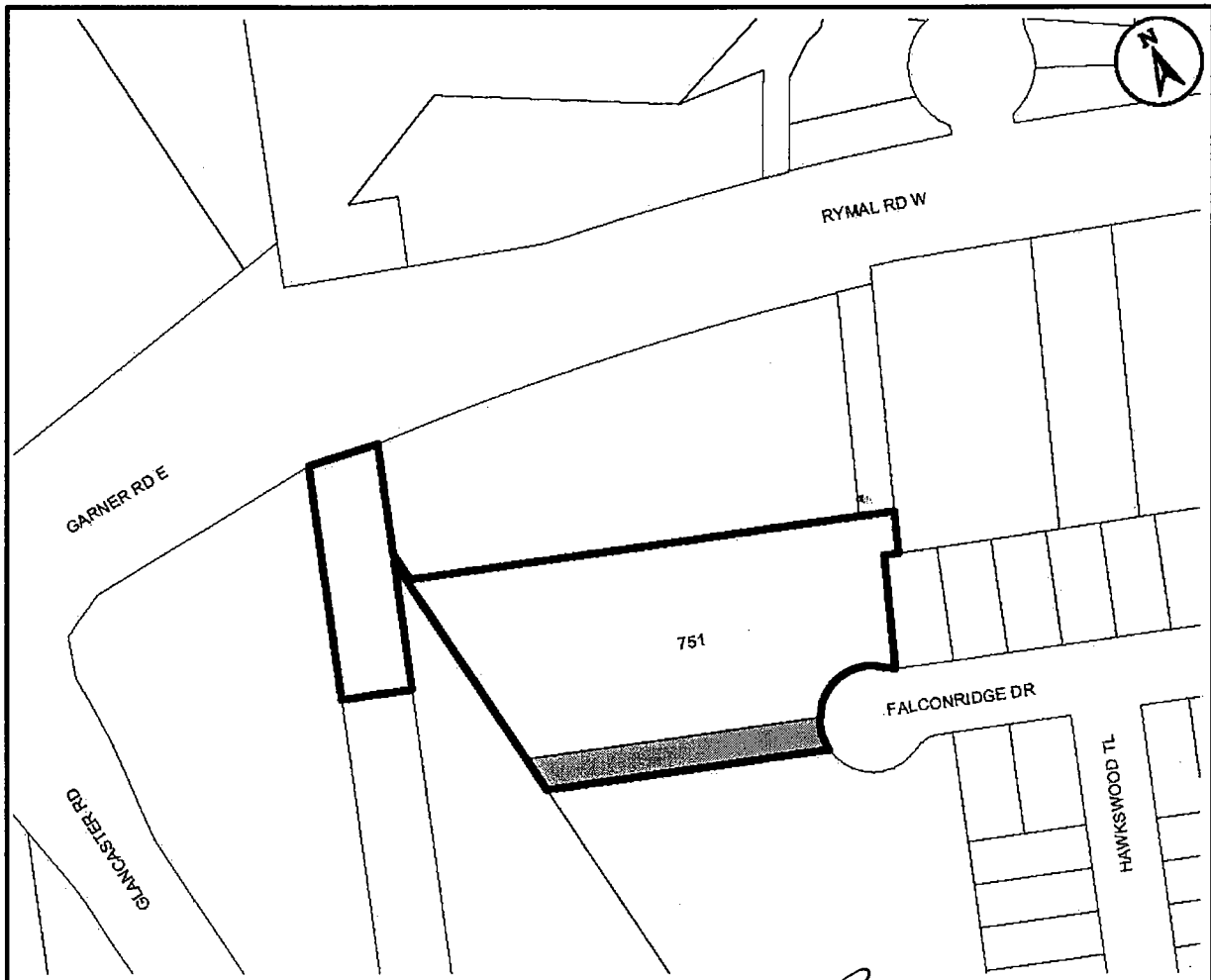
Schedule "N"

Map Forming Part of
By-Law No. 10- 076
to Amend By-law No.05-200

Subject Property

- 751 Rymal Road West, Hamilton
- Lands to be removed from By-law 05-200

Scale: N.T.S.	File Name/Number: 751 Rymal Rd W	 Hamilton
Date: Jan. 13, 2010	Planner/Technician: SH/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		





This is Schedule "O" to By-Law No. 10-C. 76
 Passed the 14th... day of ...April....., 2010


 Clerk
Robert Rosetta
 Mayor

Schedule "O"

 Map Forming Part of
 By-Law No. 10-O. 76

 to Amend By-law No.6593

Subject Property
 751 Rymal Road West, Hamilton
 Lands to be added to By-law as RT-20/S-1442a

Scale: N.T.S.	File Name/Number: 751 Rymal Rd W	
Date: Jan. 13, 2010	Planner/Technician: SH/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

