

Authority: Item 4, Planning Committee
Report: 15- 015 (PED13167(d))
CM: October 14, 2015

Bill No. 237

CITY OF HAMILTON

BY-LAW No. 15-237

**To Amend By-law No. 15-173 for Corrections and Additions to Rural Zones
in Zoning By-law No. 05-200, as amended by By-law No. 15-173**

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law 05-200;

AND WHEREAS it is desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

AND WHEREAS the said new comprehensive Zoning By-law is being enacted and is coming into force and effect in several stages;

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

AND WHEREAS By-law 15-173 represented the fifth stage of the Zoning By-law to create new Rural Zones, amending certain provisions of By-law 05-200 and, applying to the Rural Area of the City,

AND WHEREAS this By-law makes corrections to Rural Zones by amending regulations and special exceptions and applying additional special exceptions;

AND WHEREAS the Rural Hamilton Official Plan was declared in force and effect on March 7, 2012 and is the Official Plan in effect for lands within the Rural Area of the City of Hamilton;

AND WHEREAS this By-law will be in conformity with the Rural Hamilton Official Plan of the City of Hamilton upon approval of Official Plan Amendment No. 9.

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

1. That Map No. 27 of Schedule "A" – Zoning Maps of By-law No. 05-200, as amended by By-law 15-173, is amended by changing from the Settlement Residential (S1, 195) Zone, Modified, to the Settlement Residential (S1, 281) Zone, Modified, the extent and boundaries which are shown on Schedule "A1" to this By-law.
2. That Map No. 144 of Schedule "A" – Zoning Maps of By-law No. 05-200, as amended by By-law 15-173, is amended by changing from the Conservation/Hazard Land – Rural (P7) Zone to the Conservation/Hazard Land – Rural (P7, 282) Zone, Modified, the extent and boundaries which are shown on Schedule "A2" to this By-law.
3. That Map No. 85 of Schedule "A" – Zoning Maps of By-law No. 05-200, as amended by By-law 15-173, is amended by changing from the Existing Rural Commercial (E1, 109) Zone, Modified, to the Existing Rural Commercial (E1, 283) Zone, Modified, the extent and boundaries which are shown on Schedule "A3" to this By-law.
4. That Map No. 73 of Schedule "A" – Zoning Maps of By-law No. 05-200, as amended by By-law 15-173, is amended by:
 - a) Changing from the Rural (A2) Zone to the Rural (A2, 284, H13) Zone, Modified;
 - b) Changing from the Rural (A2, 253) Zone to the Rural (A2, 253, 284, H13) Zone, Modified;the extent and boundaries which are shown on Schedule "A4" to this By-law.
5. That Map Nos. 80 and 91 of Schedule "A" – Zoning Maps of By-law No. 05-200, as amended by By-law 15-173, is amended by changing from the City Wide Park (P3) Zone to the Settlement Institutional (S3, H14) Zone, Modified, the extent and boundaries which are shown on Schedule "A5" to this By-law.
6. That Map Nos. 144 and 145 of Schedule "A" – Zoning Maps of By-law No. 05-200, as amended by By-law 15-173, is amended by deleting lands, the extent and boundaries which are shown on Schedule "A6" to this By-law.
7. That Map No. 46 of Schedule "A" – Zoning Maps of By-law No. 05-200, as amended by By-law 15-173, is amended by changing from the Open Space (P4) Zone to the Open Space (P4, 285) Zone, Modified, the extent and boundaries which are shown on Schedule "A7" to this By-law.

8. That Map No. 143 of Schedule "A" – Zoning Maps of By-law No. 05-200, as amended by By-law 15-173, is amended by changing from the Open Space (P4) Zone to the Open Space (P4, 285) Zone, Modified, the extent and boundaries which are shown on Schedule "A8" to this By-law.
9. That Map No. 94 of Schedule "A" – Zoning Maps of By-law No. 05-200, as amended by By-law 15-173, is amended by changing from the Settlement Residential (S1) Zone to the Settlement Residential (S1, 287) Zone, Modified, the extent and boundaries which are shown on Schedule "A9" to this By-law.
10. That SECTION 7: OPEN SPACE AND PARK ZONES is hereby amended as follows:
 - a) That Subsection 7.7.2.3 ii) – Regulations for Replacement of an Existing Building or Structure, Including Existing Single Detached Dwelling of Section 7.7 – Conservation/Hazard Land - Rural (P7) Zone be amended by:
 - i) Adding the word "increased" following the word "maximum".
 - ii) Adding the following regulation following Subsection 7.7.2.3 ii):
 - "iii) In addition to i) and ii) above, the maximum building height shall be in accordance with 12.1.3.3 c)."
11. That Schedule "C" – Special Exceptions of By-law 05-200 is hereby amended as follows:
 - a) That the following Special Exceptions are amended as follows:
 - "109. That the row containing the words and numbers "261 Highway 5 West" and "Map 85" be deleted in its entirety.
 117. That the number "2.85" within regulation b) i) be deleted and replaced by "3.25".
 143. That the following regulation be added following regulation a) i):
 - "ii) Notwithstanding a) i) above, for the property located at 812 and 814 Old Highway 8, the following accessory uses to the Fairgrounds use shall also be permitted:

paint-ball

racquet courts
skating or curling surfaces”

That regulation b) be amended by adding the words “and ii)” following the words “in a) i)”.

147. That the following regulation be added following regulation c) viii):

| | | |
|------|-----------------|------------------------------------------------------------------|
| “ix) | Outdoor Storage | Shall be subject to regulations c) iii), iv), v) and vi) above.” |
|------|-----------------|------------------------------------------------------------------|

195. That the row containing the words and numbers “Part of 358 Carlisle Road”, “Map 27” and “5.8 metres” be deleted in its entirety.”

That the following regulation be added following regulation a):

“b) In addition to the above and notwithstanding Section 4.8.1 b), for the property located at 757 Old Highway 8, a maximum gross floor area of 332.0 square metres for an accessory building shall be permitted.”

b) That the following Special Exceptions are added as follows:

“281. Notwithstanding Sections 4.8.1 a), 4.8.1 d) and 5.1 b) iii), on those lands zoned Settlement Residential (S1) Zone, identified on Map 27 of Schedule “A” – Zoning Maps and described as part of 348 Carlisle Road, following the following special provisions shall apply:

- a) The accessory building connected to the principle dwelling by a breezeway may be permitted in the front yard;
- b) That the maximum height of an accessory building shall be 5.8 metres; and,
- c) Section 5.1 b) iii) shall not apply.

282. Notwithstanding Sections 7.7.2.2 a) and 5.1 b) iii), on those lands zoned Conservation/Hazard Land – Rural (P7) Zone, identified on Map 144 of Schedule “A” – Zoning Maps and described as part of 186 Highway 52 South, the following special provisions shall apply:

- a) A swimming pool shall be permitted; and,
- b) Section 5.1 b) iii) shall not apply.

283. In addition to Section 12.6.1 and notwithstanding Section 5.6 c), on those lands zoned Existing Rural Commercial (E1) Zone, identified on Map 85 of Schedule "A" – Zoning Maps, described as 261 Highway 5 West, the following special provisions shall also apply:

- a) The following uses shall also be permitted:
 - i) Motor Vehicle Service Station; and,
 - ii) take-out restaurant with Drive Through Facility.

284. In addition to Section 12.2.1, on those lands zoned Rural (A2) Zone, identified on Map 73 of Schedule "A" – Zoning Maps, described as 11 Parkside Drive, the following special provisions shall also apply:

- a) The following uses shall also be permitted:

Place of Worship
- b) The following regulations shall apply to the uses identified in a) above:

| | | |
|------|------------------------------|---------------------------------------------------------------------------------------------------|
| i) | Maximum Gross Floor Area | 1,500 square metres |
| ii) | Minimum Landscape Open Space | 10 percent |
| iii) | Minimum Planting Strip | 3.0 metre width across all lot lines adjacent to a street except for point of ingress and egress. |

285. Notwithstanding Section 7.4, on those lands zoned Open Space (P4) Zone, identified on Maps 46 and 143 of Schedule "A" – Zoning Maps and described as part of 1288 Brock Road and part of 1911 Jerseyville Road West, a Single Detached Dwelling shall also be permitted and shall be limited to one per lot.

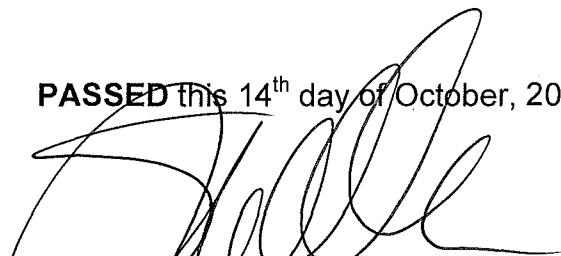
287. Notwithstanding Sections 4.8.1 a), 5.1 b) i), 5.1 b) iii), 5.1 b) ix), 5.2 b) and 12.3.3 a), on those lands zoned Settlement Residential (S1) Zone, identified on Map 94 of Schedule "A" – Zoning Maps and described as 374 Moxley Road, the following special provisions shall apply:

- a) The minimum lot area shall be 0.27 ha;
 - b) The minimum parking space size for a parking space in the garage shall be 2.5 m in width by 5.5 in length; and,
 - c) Sections 4.8.1 a), 5.1 b) i), 5.1 b) iii), and 5.1 b) ix) shall not apply.”
12. That Schedule “D” – Holding Provisions of By-law 05-200 is hereby amended by adding additional Holding Provisions as follows:
- “13. Notwithstanding Section 12.2 of this By-law, on those lands zoned Rural (A2, 284) Zone, Modified and Rural (A2, 253, 284) Zone, Modified, identified on Map 73 of Schedule “A” – Zoning Maps and described as 11 Parkside Drive, the development of a Place of Worship shall not be permitted until such time as:
- (i) The owner/applicant submits a Hydrogeological Assessment of the subject lands based on the proposed development in order to assess the capacity of the subject lands for sustainable private servicing to the satisfaction of the Manager of Source Protection Planning, Public Works Department; and,
 - (ii) The owner/applicant submits a Traffic Impact Assessment in order to assess the existing and planned traffic infrastructure including the impact of the proposed development on existing and planned traffic infrastructure to determine if any traffic infrastructure improvements would be required to support the proposed development to the satisfaction of the Manager of Geomatics and Corridor Management, Public Works Department (in consultation with the Ministry of Transportation.
14. Notwithstanding Section 12.5 of this By-law, on those lands zoned Settlement Institutional (S3) Zone, identified on Maps 80 and 91 of Schedule “A” – Zoning Maps and described as part of 680 Highway 8, the development of an Educational Establishment shall not be permitted until such time as:
- i) The owner/applicant submits a Hydrogeological Assessment of the subject lands based on the proposed development in order to assess the capacity of the subject lands for sustainable private servicing to the satisfaction of the

Manager of Source Protection Planning, Public Works
Department.”

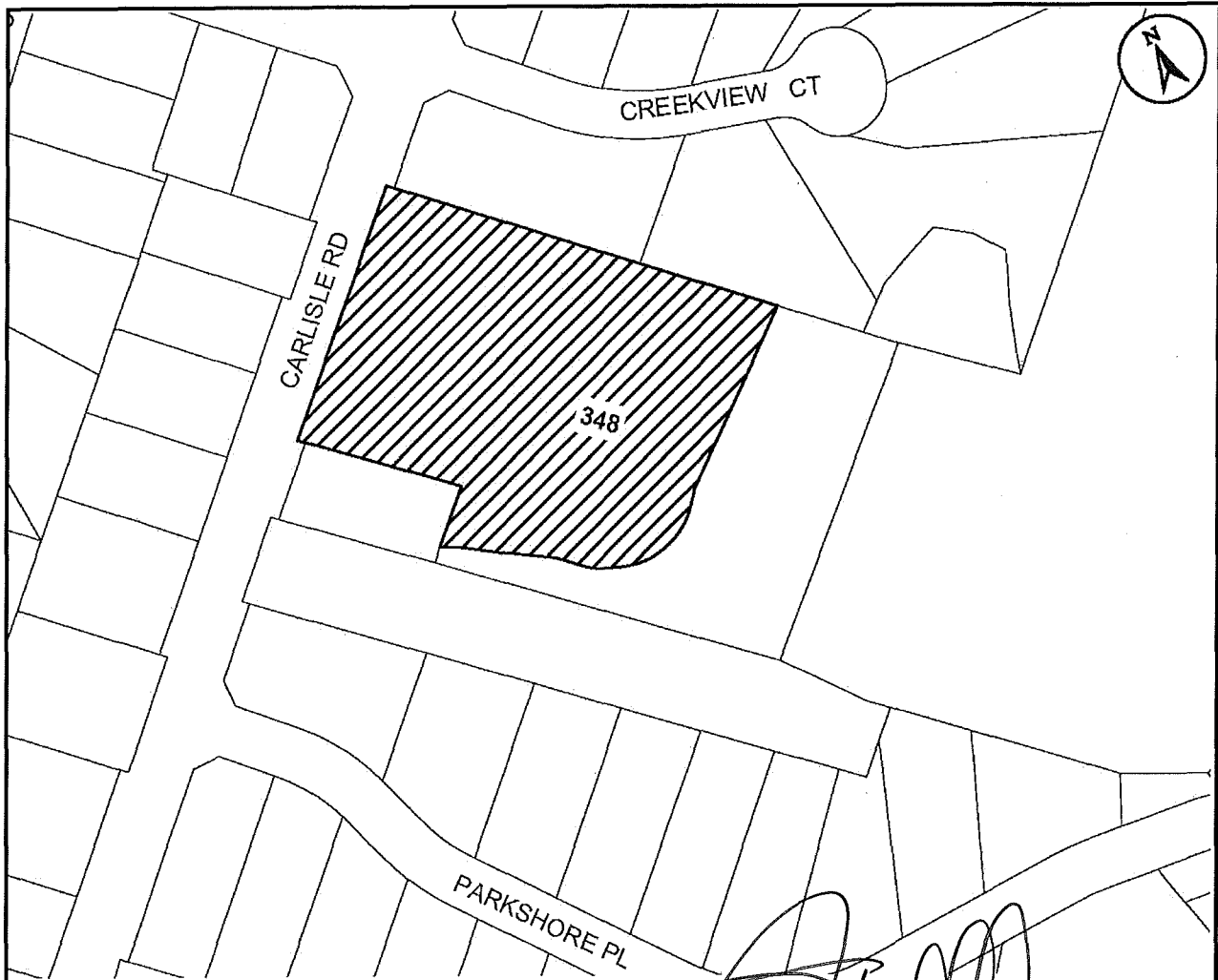
13. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law in accordance with the Planning Act.
14. That this By-law No. ____ shall come into force and be deemed to have come into force in accordance with Subsection 34(21) of the Planning Act, either upon the date of passage of this By-law or as provided by the said Subsection.

PASSED this 14th day of October, 2015.



Sam Merulla
Deputy Mayor

R. Caterini
City Clerk



This is Schedule "A1" to By-law No. 15-237
 Passed the 14th day of October, 2015

[Signature]
 Mayor
[Signature]
 Clerk

Schedule "A1"

Map Forming Part of
 By-law No. 15-237

to Amend By-law No. 05-200
 Map 27

Subject Property

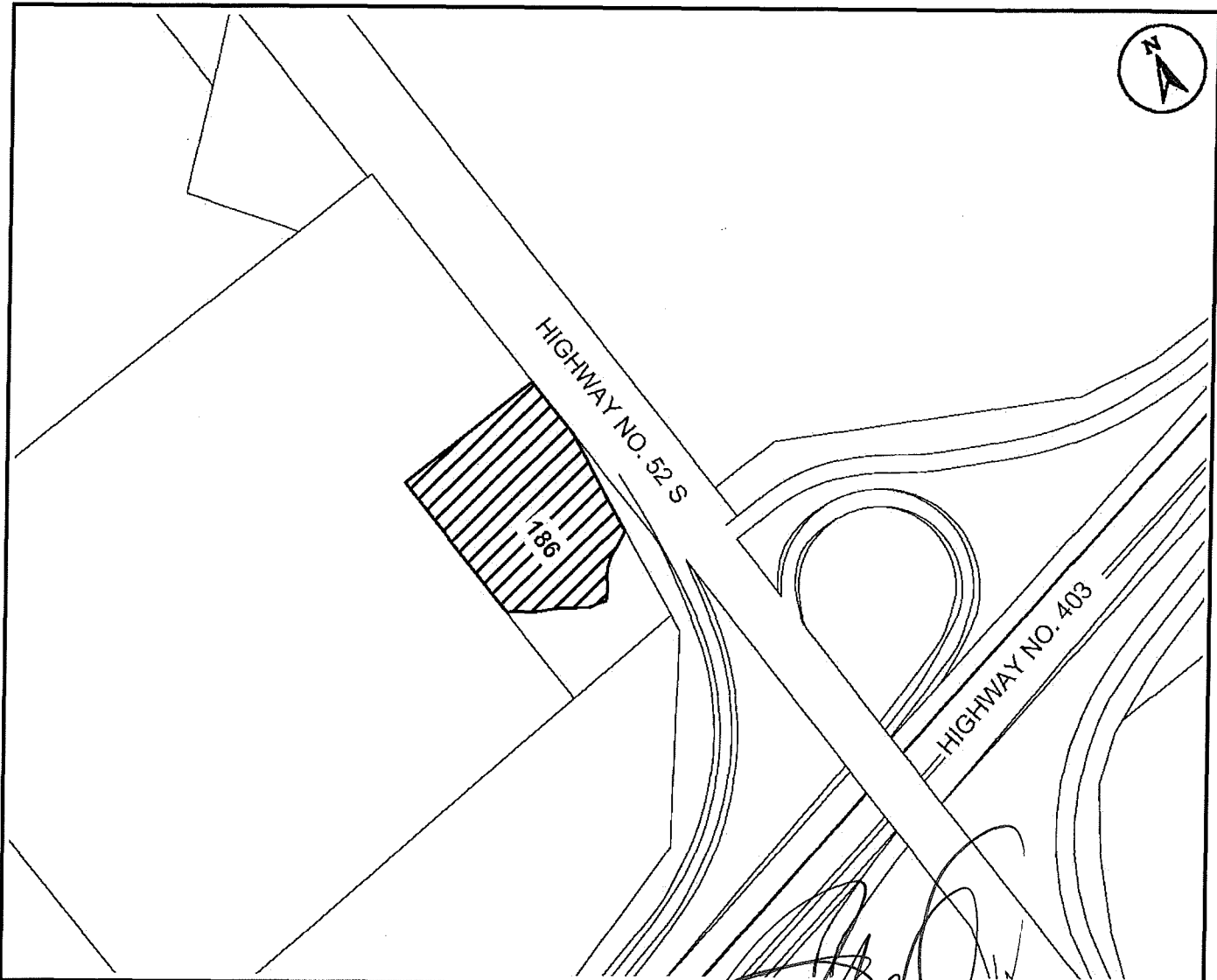
Part of 348 Carlisle Road



Change in Zoning from Settlement Residential (S1, 195) Zone, Modified to Settlement Residential (S1, 281) Zone, Modified

| | |
|----------------------------|------------------------------|
| Scale: N.T.S. | File Name/Number: CI-15-B |
| Date: September 2, 2015 | Planner/Technician: DY/NB |





This is Schedule "A2" to By-law No. 15- 237

Passed the 14th day of October, 2015

[Signature]
Mayor
[Signature]
Clerk


Schedule "A2"

Map Forming Part of
By-law No. 15-237

to Amend By-law No. 05-200
Map 144

Subject Property

Part of 186 Highway No. 52 South

 Change in Zoning from Conservation/Hazard Land-Rural (P7) Zone to Conservation/Hazard Land-Rural (P7, 282) Zone, Modified

Scale:
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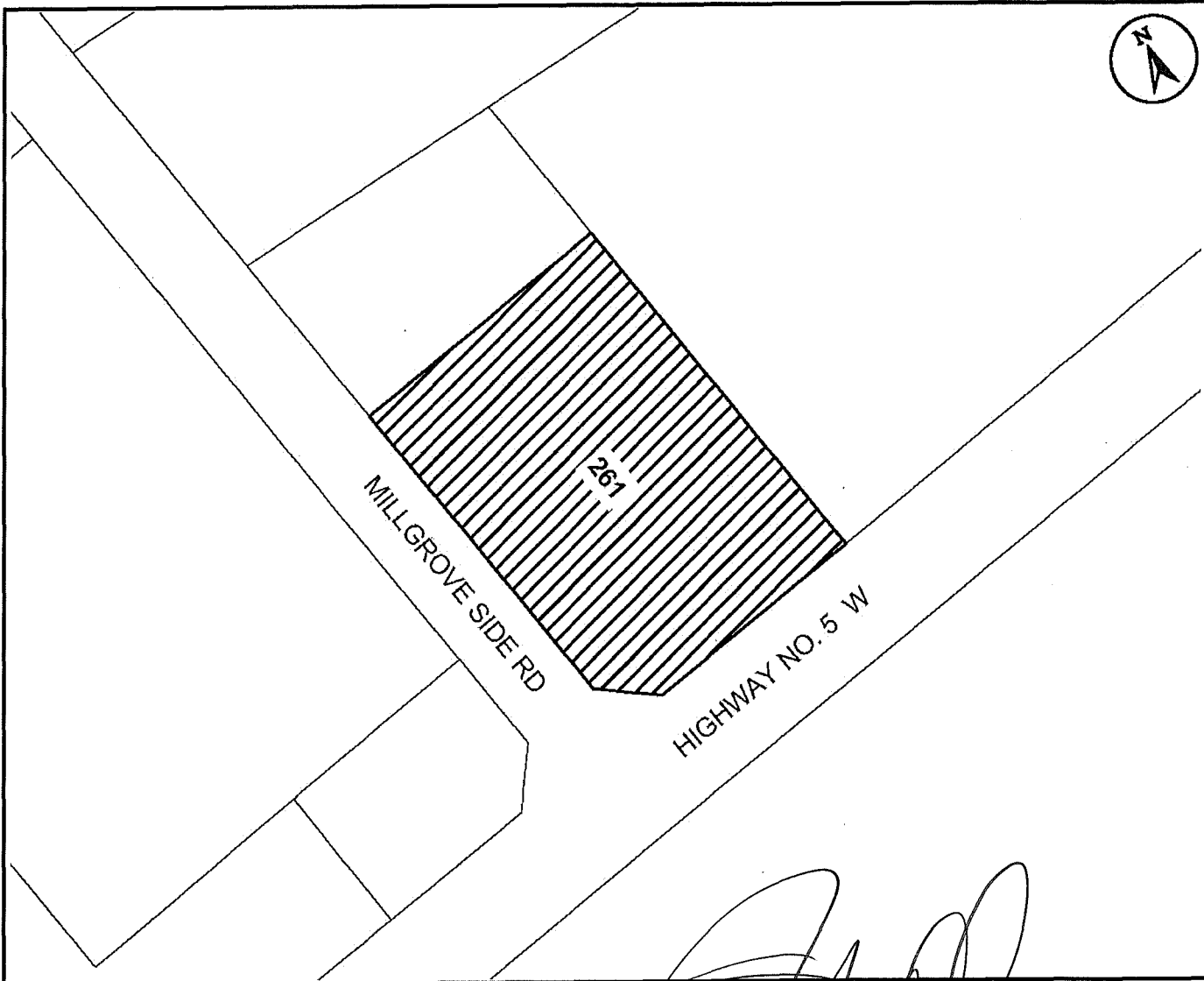
File Name/Number:
CI-15-B

Date:
September 2, 2015

Planner/Technician:
DY/NB



Hamilton



This is Schedule "A3" to By-law No. 15-237

Passed the 14th day of October, 2015

[Handwritten Signature]
 Mayor
[Handwritten Signature]
 Clerk

Schedule "A3"

Map Forming Part of
 By-law No. 15-237

to Amend By-law No. 05-200
 Map 85

Subject Property

261 Highway 5 West



Change in Zoning from Existing Rural Commercial (E1,109) Zone, Modified to Existing Rural Commercial (E1, 283) Zone, Modified

Scale:
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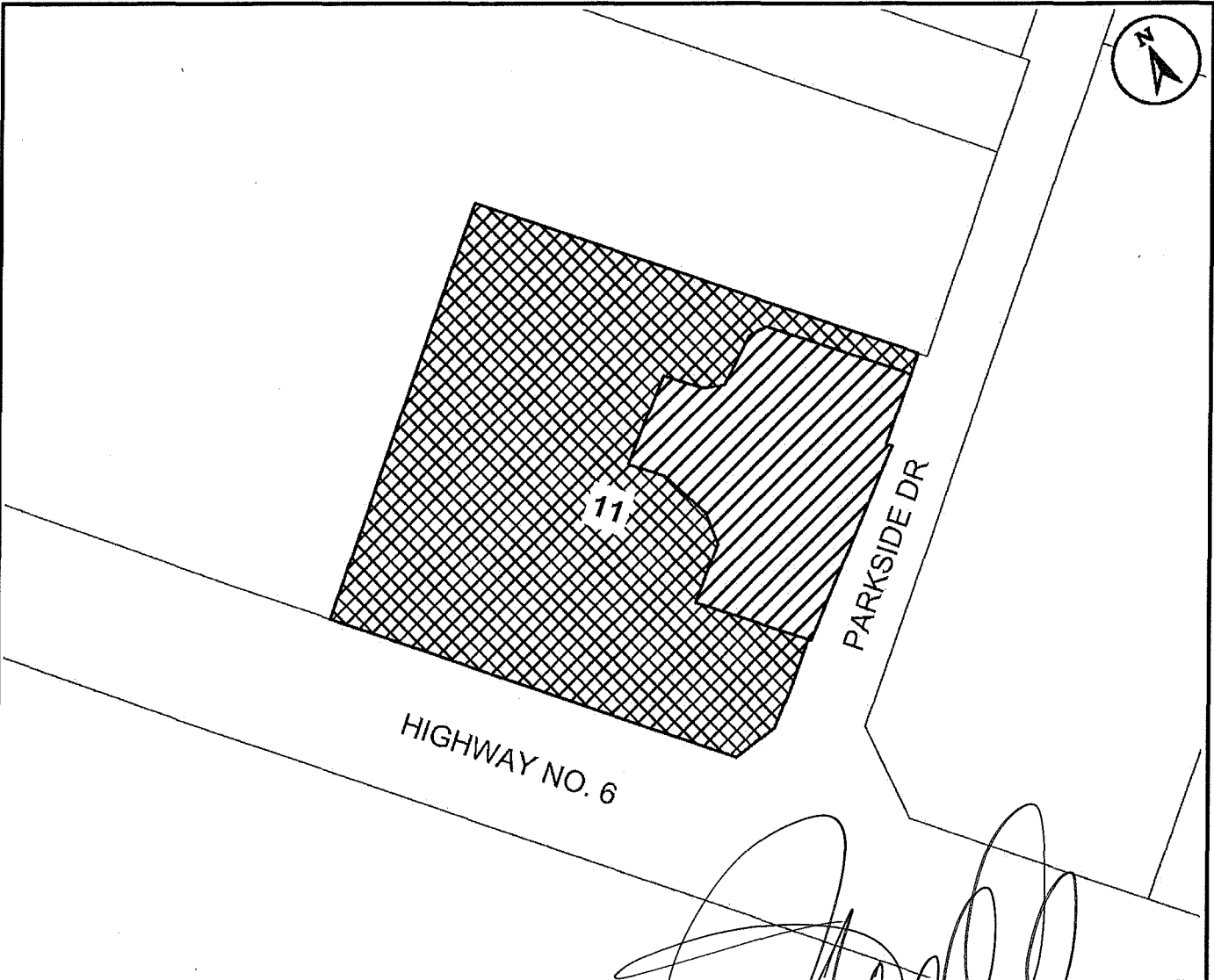
File Name/Number:
 CI-15-B

Date:
 September 2, 2015

Planner/Technician:
 DY/NB



Hamilton



This is Schedule "A4" to By-law No. 15- 237

Passed the 14th day of October, 2015

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 Mayor
 Clerk

Schedule "A4"

Map Forming Part of
 By-law No. 15-237

to Amend By-law No. 05-200
 Map 73

Subject Property

11 Parkside Drive



Change in Zoning from Rural (A2) Zone to Rural (A2, 284, H13) Zone, Modified



Change in Zoning from Rural (A2, 253) Zone, Modified to Rural (A2, 253, 284, H13) Zone, Modified

Scale:
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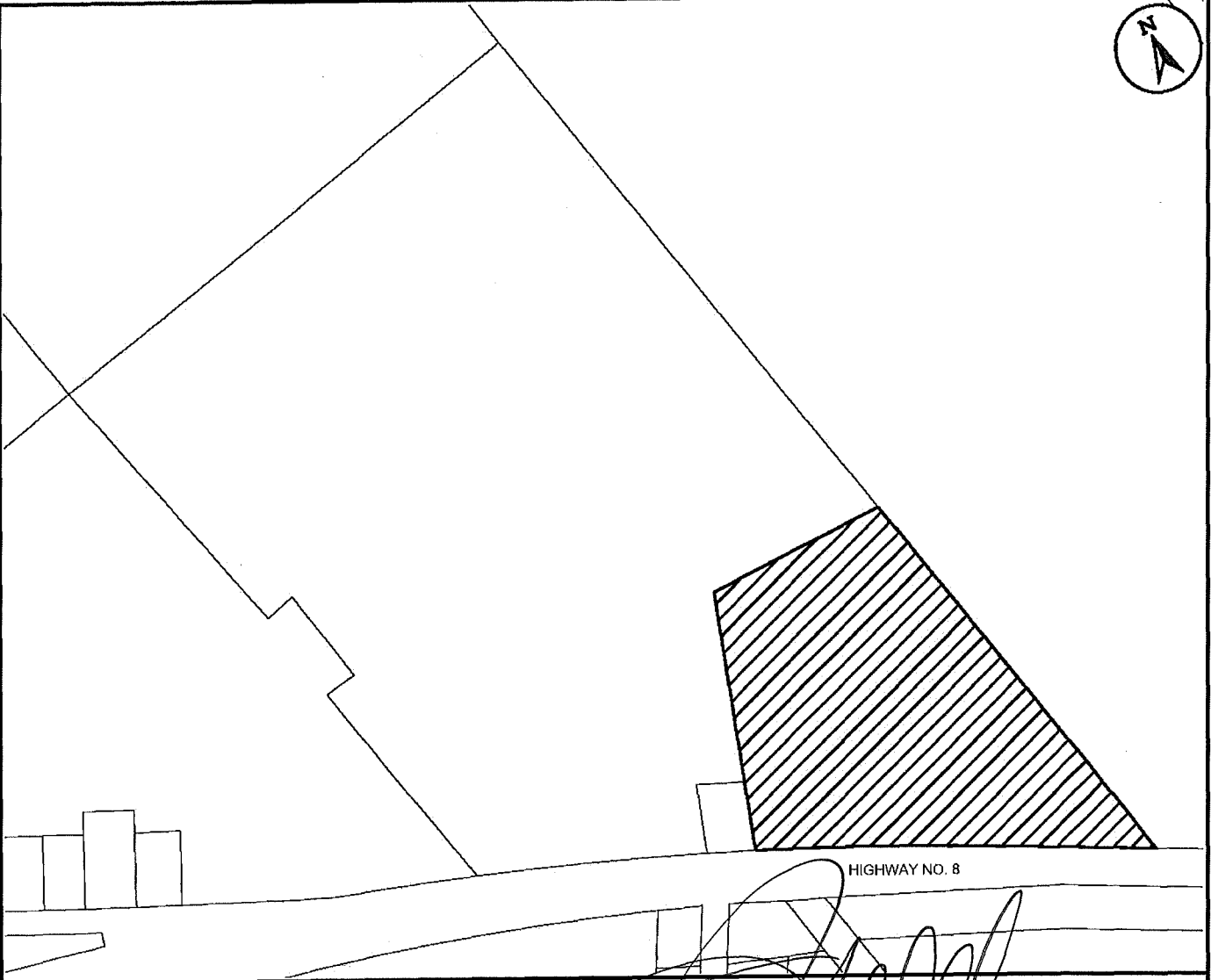
File Name/Number:
 CI-15-B

Date:
 September 2, 2015

Planner/Technician:
 DY/NB



Hamilton



HIGHWAY NO. 8

This is Schedule "A5" to By-law No. 15-237
Passed the 14th day of October, 2015

[Signature]
Mayor
[Signature]
Clerk

Schedule "A5"

Map Forming Part of
By-law No. 15-237
to Amend By-law No. 05-200
as Amended by By-law 15-173
Maps 80 & 91

Subject Property

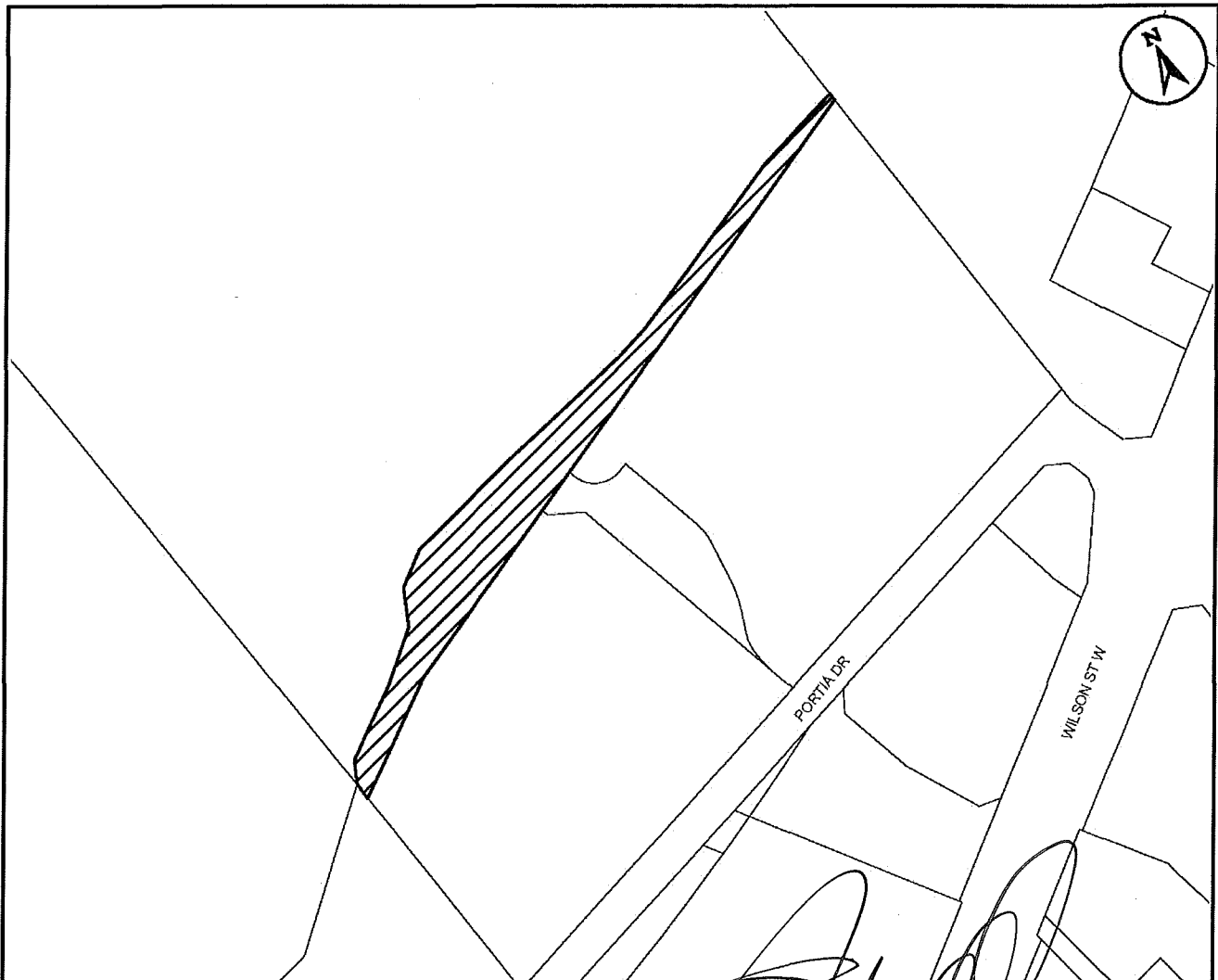
Part of 680 Highway 8



Change in Zoning from City Wide Park (P3) Zone to
Settlement Institutional (S3, H14) Zone, Modified

| | |
|----------------------------|------------------------------|
| Scale: N.T.S. | File Name/Number: CI-15-B |
| Date: September 8, 2015 | Planner/Technician: DY/AL |





This is Schedule "A6" to By-law No. 15-237

Passed the 14th day of October, 2015

[Signature]
 Mayor
[Signature]
 Clerk


Schedule "A6"

Map Forming Part of
 By-law No. 15-237

to Amend By-law No. 05-200
 as Amended by By-law 15-173
 Maps 144 & 145

Subject Property

Part of 1125-1143 Wilson Street West

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

Scale:
 N.T.S.

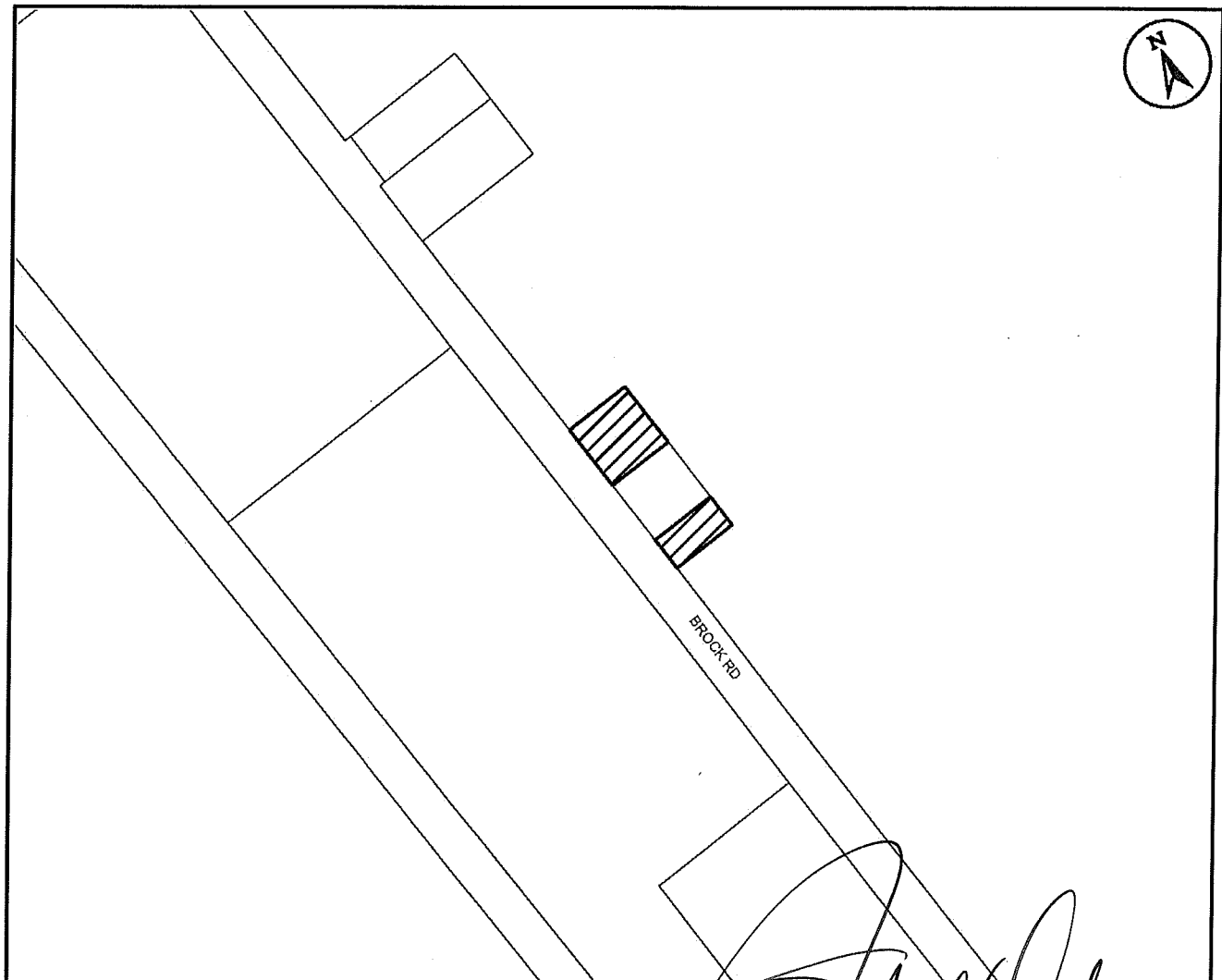
File Name/Number:
 CI-15-B

Date:
 September 8, 2015

Planner/Technician:
 DY/NB



Hamilton



This is Schedule "A7" to By-law No. 15-237
Passed the 14th day of October, 2015

[Signature]
Mayor
[Signature]
Clerk


Schedule "A7"

Map Forming Part of
By-law No. 15-237

to Amend By-law No. 05-200
as Amended by By-law 15-173
Map 46

Subject Property

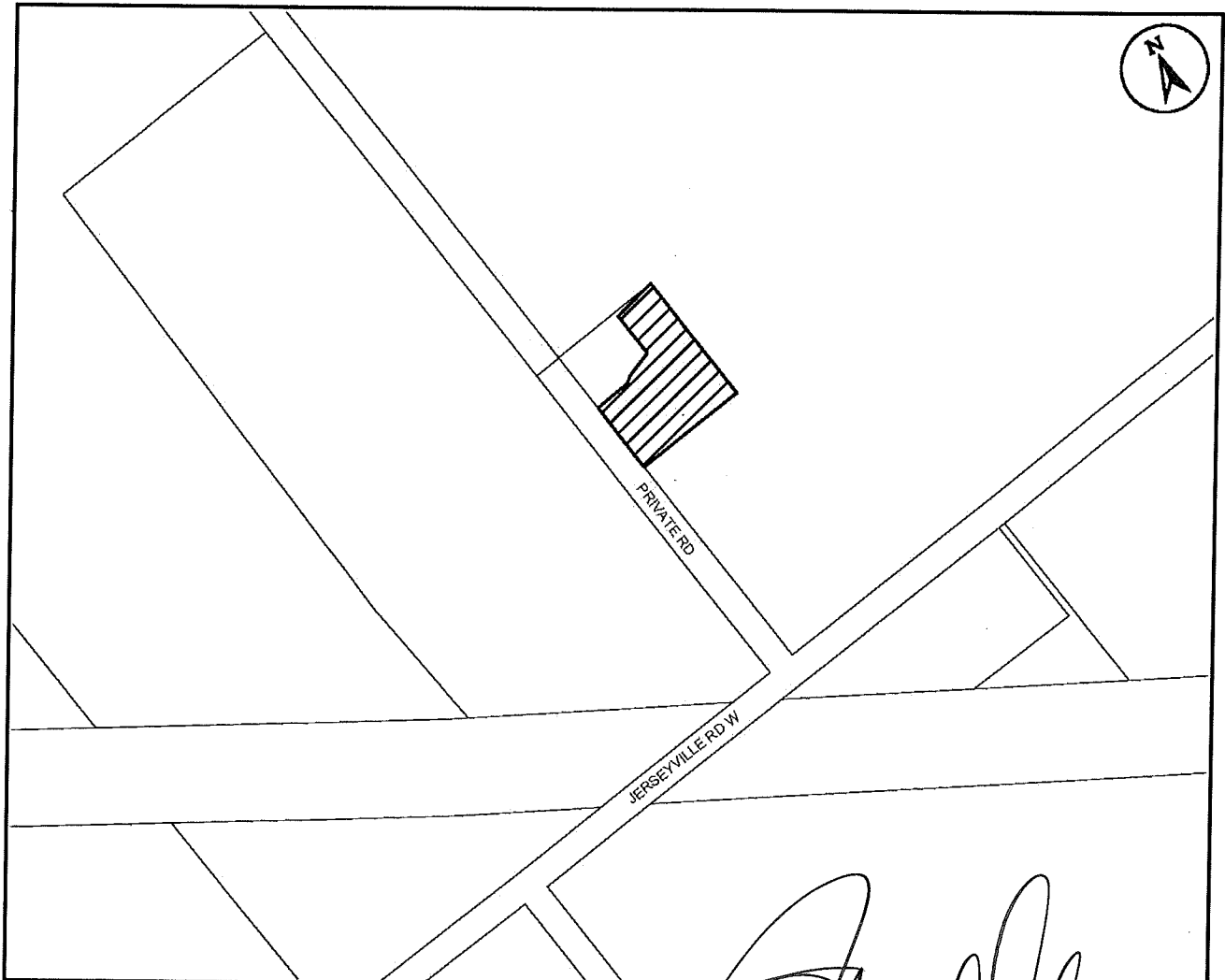
Part of 1288 Brock Road

 Change in Zoning from Open Space (P4) Zone to
Open Space (P4, 285) Zone, Modified

| | |
|----------------------------------------------|------------------------------|
| Scale: N.T.S. | File Name/Number: CI-15-B |
| Date: September 8, 2015 | Planner/Technician: DY/AL |
| PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT | |



To Amend By-law 15-173 for Corrections and Additions to Rural Zones in Zoning By-law 05-200, as amended by By-law 15-173



This is Schedule "A8" to By-law No. 15- 237
 Passed the 14th day of October, 2015

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 Mayor


 Clerk

Schedule "A8"

Map Forming Part of
 By-law No. 15-237
 to Amend By-law No. 05-200
 as Amended by By-law 15-173
 Map 143

Subject Property

Part of 1911 Jerseyville Road West

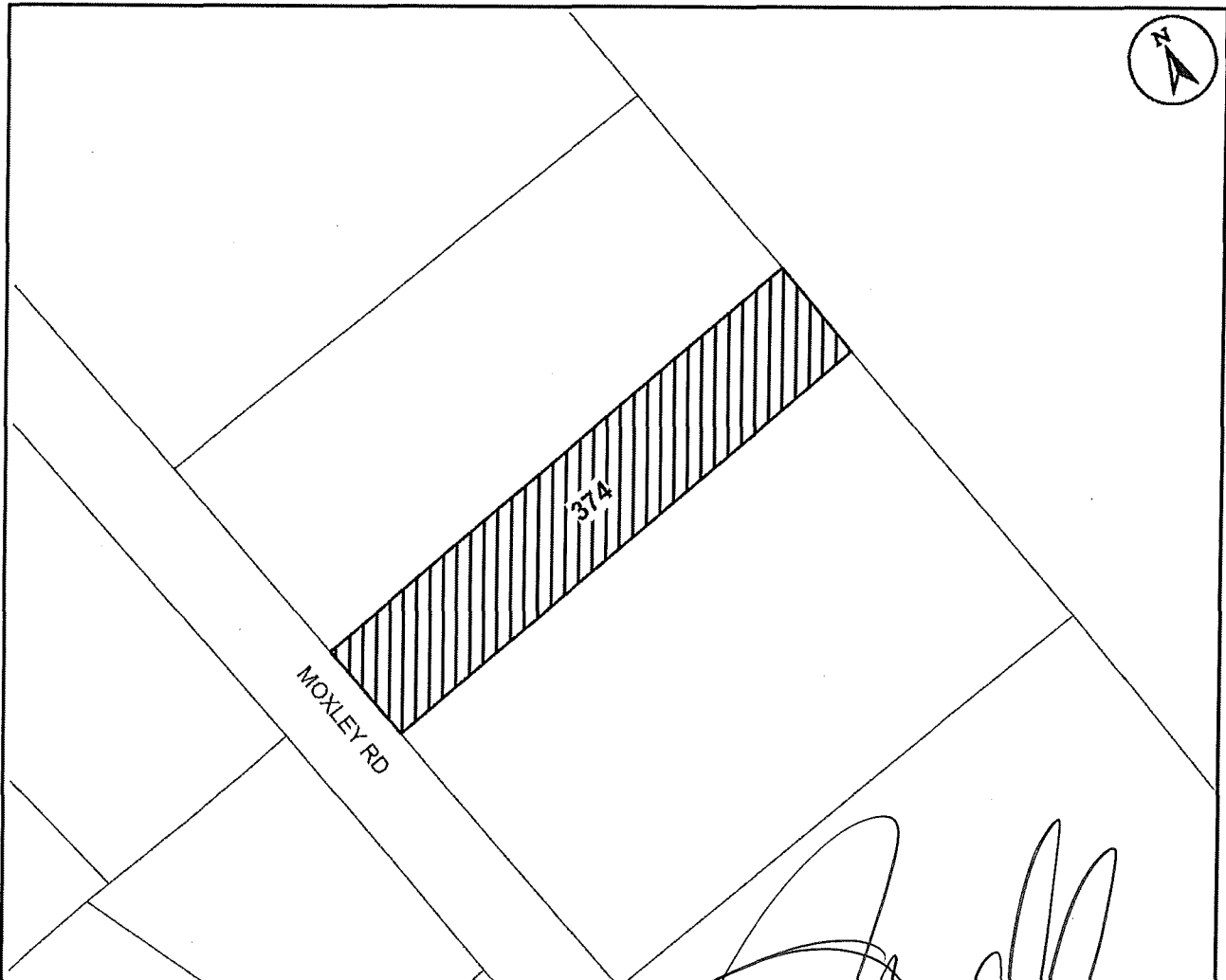
 Change in Zoning from Open Space (P4) Zone to Open Space (P4, 285) Zone, Modified

| | |
|----------------------------|------------------------------|
| Scale: N.T.S. | File Name/Number: CI-15-B |
| Date: September 8, 2015 | Planner/Technician: DY/NB |



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



This is Schedule "A9" to By-law No. 15-237

Passed the 14th day of October, 2015

[Signature]
Mayor
[Signature]
Clerk

Schedule "A9"

Map Forming Part of
By-law No. 15-237

to Amend By-law No. 05-200,
as Amended by By-law 15-173

Map 94

Subject Property

374 Moxley Road



Change in Zoning from the Settlement
Residential (S1) Zone to the Settlement
Residential (S1, 287) Zone, Modified

Scale:
N.T.S.

File Name/Number:
CI-15-B

Date:
October 2, 2015

Planner/Technician:
DY/VS



Hamilton