

Authority: Item 7.8
CM: April 23, 2014

Bill No. 097

CITY OF HAMILTON

BY-LAW NO. 14-097

To Amend Zoning By-law No. 90-145-Z Respecting Lands Located at 57 and 58 12th Concession Road East, in the former Town of Flamborough, now in the City of Hamilton

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 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 “The Corporation of the Town of Flamborough” 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 and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

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 Zoning By-law No. 90-145-Z (Flamborough) was enacted on the 5th day of November 1990, and approved by the Ontario Municipal Board on the 21st day of December, 1992;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 7.8 at its meeting held on the 23rd day of April, 2014, recommended that Zoning By-law No. 90-145-Z, be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Rural Hamilton Official Plan, in upon approval of Official Plan Amendment No. 7, proposed by the City of Hamilton, but not yet approved in accordance with the provisions of the Planning Act;

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

1. That Schedule “A-2” of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by changing the zoning from the Recreational Open Space ‘O3-3’ Zone Modified, Conservation Management ‘CM’ Zone, and the Agriculture ‘A’ Zone to the following:
 - (a) the Residential Mobile Home “R9-6-1(H)” Zone, Modified, Holding and Residential Mobile Home “R9-6-2(H)” Zone, Modified, Holding for lands comprised in Block “1”;
 - (b) the Recreational Open Space “O3-10(H)” Zone, Modified, Holding for lands comprised in Block “2”;
 - (c) the Recreational Open Space “O3-10(H)” Zone, Modified, for lands comprised in Block “3”; and
 - (d) the Conservation Management “CM-4” Zone, Modified for lands comprised in Block “4”.

The extent and boundaries of which are more particularly shown on Schedule “A” annexed hereto and forming part of this By-law.

2. That Section 14 – Residential Mobile Home ‘R9’ Zone of Zoning By-law No. 90-145-Z (Flamborough), is hereby amended by adding the following subsections:

“14.3.6 “R9-6-1(H)” and “R9-6-2(H)” (see Schedule A-2)

- (1) That notwithstanding the provisions of Section 14 of Zoning By-law No. 90-145-Z (Flamborough), the following special provisions shall apply to the lands zoned “R9-6-1(H)” and “R9-6-2(H)” :

PERMITTED USES

- (a) Mobile Home Park
- (b) Clubhouse, accessory to the Manufactured and Mobile Home Park, which may include as ancillary uses to the park, administrative offices, a convenience store, a hotel consisting of 20 suites, a restaurant and tavern, a dining area, games room, fitness and leisure facilities including a pool, hot tub, sauna, showers, and fitness room.
- (c) One Manager’s suite and two staff apartments, adjacent to the existing clubhouse.

- (d) Maintenance, utility and storage buildings; and,
- (e) Facilities for outdoor sports and leisure, including an outdoor pool, hot tub, children's play area, volleyball and tennis courts, and picnic areas.

Permitted uses noted above in Section 2(1)(a) shall be subject to the completion of Holding Removal Condition, "1(H)" and "2(H)" provided in Section 2(2) of this By-law.

Permitted uses noted above in Section 2(1) (b),(c),(d) and (e) shall be subject to the completion of Holding Removal Conditions, "1(H)" only provided in Section 2(2) of this By-law.

ZONE PROVISIONS

(i) MOBILE HOME PARK

- (a) Total number of mobile home sites shall not exceed 150.
- (b) Lot Area (minimum):..... 3.0 ha.
(maximum):.....19.4 ha.
 - Park and Place of Recreation Area (minimum) to include existing park and recreation facilities (pond, children's play area, outdoor pool and hot tub, courts for tennis, volleyball and basketball, picnic areas) 12.4% of Lot Area.
- (c) Lot Coverage (Maximum)
 - Clubhouse, including all ancillary uses within clubhouse building and attached Manager's residences 1.5% of the Lot.
- (d) Lot Frontage (minimum):.....106 m.
- (e) Height (maximum):
 - Existing buildings shall be recognized, however, no new building or addition shall exceed 11 m.
- (f) Front Yard (minimum):
 - 15 m. for new mobile home units, however the existing clubhouse and attached residential suites shall not be located closer than 25m to the front property line.

(g) Rear Yard (minimum):

- All buildings shall be a minimum of 15m from the rear property line with the exception of existing lots along the northeasterly property boundary which shall be permitted to be 8.5 m.

(h) Side Yard (minimum):

- All buildings shall be a minimum of 15 m. from the side property line with the exception of existing lots along the westerly property boundary which shall be permitted to be 6.5 m.

(i) Parking Spaces for a Mobile Home Park:

- One parking space per mobile home site, and 0.25 spaces per mobile home site for visitor's parking.
- Visitor parking shall be located only within a designated parking area on the property.

(j) Minimum Parking Space Stall Size:

- 2.6 m. by 5.5 m.

(k) Minimum Width of Internal Roads:

- 3.0 m. for one way travel only.

(m) General Provisions – in accordance with the provisions of Section 5.

(ii) MOBILE HOME SITE

(a) Area (minimum):.....234 sq.m.

(b) Frontage (minimum):.....4.1 m.

(c) Coverage (maximum):

- Existing mobile home units, garages carports, and accessory structures at the date of passing of the Amending By-law shall be recognized, however replacement mobile home units and all other buildings or structures shall not

exceed the lesser of 144 square m. or 50% of the total site area.

(d) Front Yard (minimum):

- The front yard setbacks for existing mobile home unit, garages or carports, existing at the date of passing of the Amending By-law shall be recognize, however, replacement mobile home units shall require a minimum 1.5m front setback.

(e) Rear Yard (minimum):

- The rear yard setbacks for existing mobile home unit, garages or structures existing at the date of passing of the Amending By-law, shall be recognized, however, replacement mobile home units, and all other buildings or structures shall require minimum 1.5m setbacks, except where noted in the preceding Zoning Provisions for Mobile Home Parks.

(f) Interior Side Yard (minimum):

- The interior side yard setbacks for mobile home unit, garages or structures existing at the date of passing of the Amending By-law shall be recognized, however, replacement mobile home units and all other buildings or structures shall require minimum 1.5m setbacks, except where noted in the preceding Zoning Provisions for Mobile Home Parks.

(g) Exterior Side Yard (minimum):

- The exterior side yard setbacks for mobile home unit, garages or structures existing at the date of passing of the Amending By-law shall be recognized, however, replacement mobile home units, and all other buildings or structures shall require minimum 1.5m setbacks, except where noted in the preceding Zoning Provisions for Mobile Home Parks.

(h) Landscaped Open Space (minimum):.....10%.

(i) Open Storage shall not be permitted.

- (j) General Provisions - in accordance with the provisions of Section 5.
- (2) That the amending By-law apply a Holding provision for those lands zoned Residential Mobile Home “R9-6-1(H)” Holding Zone, Modified and Residential Mobile Home “R9-6-2(H)” Holding Zone, Modified (Block “1”) in Section 2 of this By-law by introducing the ‘H’ Holding symbol as a suffix to the Residential Mobile Home “R9-6” Zone, Modified.

Holding Provision “R9-6-1(H)” Holding Zone’

The removal of the Holding provision “1(H)” will allow for the development of up to 50 permanent mobile home sites (units) on Block “1” as well as the following uses provided in Section 2(1):

- (b) Clubhouse, accessory to the Manufactured and Mobile Home Park, which may include as ancillary uses to the park, administrative offices, a convenience store, a hotel consisting of 20 suites, a restaurant and tavern, a dining area, games room, fitness and leisure facilities including a pool, hot tub, sauna, showers, and fitness room.
- (c) One Manager’s suite and two staff apartments, adjacent to the existing clubhouse.
- (d) Maintenance, utility and storage buildings; and,
- (e) Facilities for outdoor sports and leisure, including an outdoor pool, hot tub, children’s play area, volleyball and tennis courts, and picnic areas.

The Holding provision “1(H)” shall remain in effect until such time as the completion of the following conditions:

(1) Site Plan Agreement

The Owner shall enter into a Site Plan Agreement with the City and register it on title, for Block “1”- North Lands to address required improvements and upgrades to the servicing, infrastructure, and layout of the mobile home park in a multi-phase plan to be developed through the Site Plan approval process, through which the required financial securities for the construction of works identified through Site Plan approval process will be specified by the City and posted by the Owner prior to Site Plan approval of each phase.

(2) Municipal Responsibility Agreement

The Owner shall register the signed Municipal Responsibility Agreement and associate Trust Agreement on title. Prior to registration, the Owner shall post the financial securities required thereunder to the satisfaction of Senior Director of Growth Management, the Director of Hamilton Water, Public Works, and the Director of Planning.

(3) Conservation Halton

- (a) A Flood Emergency Plan to the satisfaction of Conservation Halton is required to ensure a safe evacuation of residents during a flood emergency.
- (b) The completion of fill placement/grading and pedestrian bridge upgrades as recommended in the March 6, 2008, Stantec letter report, is required to ensure safe ingress/egress during Regulatory Storm Events to the satisfaction of Conservation Halton.

City Council shall remove the 'H' symbol "1(H)" and, thereby, give effect to the Residential Mobile Home "R9-6-2(H)", Zone, Modified, Holding provisions, to allow for up to 50 permanent mobile home sites by enactment of an amending By-law, once the above-noted conditions 1, 2, and 3, are satisfied.

Holding Provision "R9-6-2(H)" Holding Zone'

The removal of the Holding provision "2(H)" will allow for the development of an additional 100 permanent mobile home sites on Block "1" for a total of 150 permanent mobile home sites. The Holding provision "2(H)" shall remain in effect until such time as the completion of the following conditions:

(1) Functional Servicing Report

An addendum to the Functional Servicing Report and Operations and Maintenance Manual is required which demonstrates the following to the satisfaction of the Senior Director of Growth Management and the Director of Hamilton Water, Public Works:

- a) Undertake a Hydrogeological Study for at least one (1) year, with the assistance of a Qualified Person, to characterize the following:
 - i) The direction of groundwater flow;

- ii) The existence of both an upstream and downstream monitoring well whose location reflects the groundwater flow regime;
 - iii) Confirm that the downstream well is located within the effluent plume and at least 40 metres from the septic system and tile field;
 - iv) Confirm that the monitoring well number and the monitoring well information provided to date was sampled from the upstream and downstream monitoring wells identified in (ii) and (iii), above;
 - v) Determine appropriate effluent trigger limits at the monitoring wells;
 - vi) If recommended by the Hydrogeologist, install additional monitoring wells in order to address items (i) to (v).
- b) Following the collection of at least three consecutive years of monitoring data, the Owner shall reassess the Hydrogeological Study to confirm effluent trigger limits and provide recommendations on any required infrastructure upgrades, referencing the monitoring data in conjunction with the water and waste water flow rate and occupancy records;
- c) Submission of theoretical design flows for both the water and wastewater systems, based on full occupancy of the Fern Brook Development (150 permanent and 100 season sites), following MOE Design Guidelines (2008), City of Hamilton Engineering Guidelines (2006), and the Ontario Building Code;
- d) Submission of historical water and wastewater flow rates which are based on Ministry of Environment Design Criteria and accompanied by occupancy records for the related time period;
- e) Demonstration that the rated capacity of the Water Treatment System is capable of servicing the full Fern Brook Development (150 permanent and 100 seasonal sites), with the rated capacity being based on the largest unit for each process component out of service, and that the system is adequately designed to meet the MOE/Hamilton Fire Department fire storage and fire flow requirements;

- f) Demonstration that the Sewage Treatment System will: i) function adequately for the design flows of the full Fern Brook Development (150 permanent sites and 100 seasonal sites), identifying the need for additional equipment in order to meet the rated firm capacity with the largest unit out of service; ii) operate in accordance with the associated Certificate of Approval; iii) produce an effluent, at the discharge point of the treatment system, with a nitrate concentration less than, or equal to 10 mg/L; and iv) maintain a nitrate concentration, at the property boundary downstream of the sewage treatment system, that does not exceed 2.5 mg/L.; and,
- g) Revisions to the Operations and Maintenance Manuals for the water and wastewater treatment facilities which follow MOE's prescribed format and which include a comprehensive set of operating instructions and a process narrative to explain how the facility is intended to operate in accordance with the required treatment system as determined through the ongoing engineering analysis and in consultation with the City.

City Council shall remove the 'H' symbol "2(H)" and, thereby, give effect to the Residential Mobile Home Zone "R9-6", Modified provisions, to allow for 100 permanent mobile home sites to a maximum of 150 mobile home sites by enactment of an amending By-law, once the above-noted conditions are satisfied.

NOTES FOR HOLDING REMOVAL:

- 1. In order to allow for the development of the first 50 permanent mobile home sites and services, it will be necessary to first remove the Holding provision from the South Lands. This will accommodate the relocation of the seasonal camping sites from the North Lands to the South Lands.
- 3. That Section 26 – Recreational Open Space "O3" Zone of Zoning By-law No. 90-145-Z (Flamborough), is hereby amended by adding the following subsections:

"26.3.10 "O3-10-(H)" (see Schedule A-2)

- (1) That notwithstanding the provisions of Section 26 of Zoning By-law No. 90-145-Z (Flamborough), the following special provisions shall apply to the lands zoned "O3-10(H)":

PERMITTED USES

- (a) A Seasonal Recreational Camping Establishment which may include as ancillary uses a residential dwelling for a manager of the park, a recreational building or pavilion, excluding outdoor entertainment facilities and amphitheatre, with a convenience store, an administrative office, utility buildings for maintenance equipment and accessory sport fields without lighting; and,
- (b) Private Sewage Treatment Plant with Dispersal fields existing at the time of passing of this By-law and Water Distribution System.
- (c) “Seasonal” shall mean that the occupancy of individual camping sites shall be permitted only during the period between April 15th to October 31st.

ZONE PROVISIONS

- (a) Total number of recreational camping sites shall not exceed 100.
- (b) Lot Area (minimum):.....4.0 ha.
(maximum):.....13.1 ha.
- (c) Lot Coverage (maximum):.....0.5%.
- (d) Lot Frontage (minimum):.....30 m.
- (e) Height (maximum):.....11 m.
- (f) Front Yard (minimum):
 - A seasonal trailer site shall not be permitted within 94 m. of the front property line.
- (g) Rear Yard (minimum):
 - A seasonal trailer site shall not be permitted within 45 m. of the rear property line and shall include a 15 m wide naturalized planting strip.
 - A building for recreation or entertainment purposes or park offices, garbage enclosures and visitors parking shall not be permitted within 90 m of the rear property line.
- (h) Side Yard (minimum):

- A seasonal trailer site shall not be permitted within 7.6 m. of the side property line.

(i) Parking:

- One parking space per seasonal trailer site and 0.25 spaces per seasonal trailer site for visitor parking.
- Visitor parking shall be provided in one or more designated parking areas on the property.
- Parking spaces for camping sites or visitors shall have minimum dimensions of 2.6 X 5.5. m

(j) Open Storage:

- No open storage shall be permitted.

(k) Planting Strip:

- A planting strip shall not be required along the front property line.
- A minimum 15m wide naturalized planting strip shall be provided along the rear property line.

(l) Minimum Width of Internal Roads:

- 6.0 m. for two way travel.

(m) General Provisions - in accordance with the provisions of Section 5.

- (2) That the amending By-law apply a Holding provision for those lands zoned Recreational Open Space "O3-10(H)" Zone, Modified, Holding (Blocks "2" and "3") in Section 3 of this By-law by introducing the 'H' Holding symbol as a suffix to the Recreational Open Space "O3-10" Zone, Modified.

Holding Provision "O3-10(H)" Zone, Modified

The removal of the Holding provision 'H' will allow for up to 100 seasonal trailer sites on Block "2" and the Private Sewage Treatment Plant with Dispersal fields on Block "3". The Holding provision 'H' shall remain in effect until such time as the completion of the following conditions:

(1) Site Plan Agreement

The Owner has entered into a Site Plan Agreement with the City and registered said Agreement on title, for Blocks “2” and “3” (“South Lands”). The Site Plan Agreement will address but shall not be limited to: required improvements and upgrades to the servicing, infrastructure, and layout of the seasonal trailer park, through which the required financial securities for the construction of works identified through the Site Plan Approval process will be specified by the City and posted by the Owner prior to Site Plan Approval.

(2) Municipal Responsibility Agreement

The Owner has executed and registered on title the signed Municipal Responsibility Agreement and associate Trust Agreement to the satisfaction of the Senior Director of Growth Management and the Director of Hamilton Water, Public Works, and the Director of Planning. Prior to registration of said Agreements, the Owner shall post the financial securities required thereunder to the satisfaction of Senior Director of Growth Management and the Director of Hamilton Water, Public Works, and the Director of Planning.

City Council may remove the Holding provision ‘H’ and thereby give effect to the Recreational Open Space Zone “O3-10”, Zone, Modified Zone provisions, for Block “2” to allow for a maximum of 100 seasonal trailer sites and Block “3” to permit the Private Sewage Treatment Plant with Dispersal fields by enactment of an amending By-law, once the above-noted conditions are satisfied.

4. That Section 28 – Conservation Management “CM” Zone of Zoning By-law No. 90-145-Z (Flamborough), is hereby amended by adding the following subsections:

“28.3.4 “CM-4” (see Schedule A-2)

- (3) That notwithstanding the provisions of Section 28 of Zoning By-law No. 90-145-Z (Flamborough), the following special provisions shall apply to the lands zoned “CM-4”:

PERMITTED USES

- (a) Conservation.

- (b) Any buildings or structures associated with flood or erosion control, drainage or watercourse protection.

ZONE PROVISIONS

- (n) All provisions of Section 28.2 shall apply.

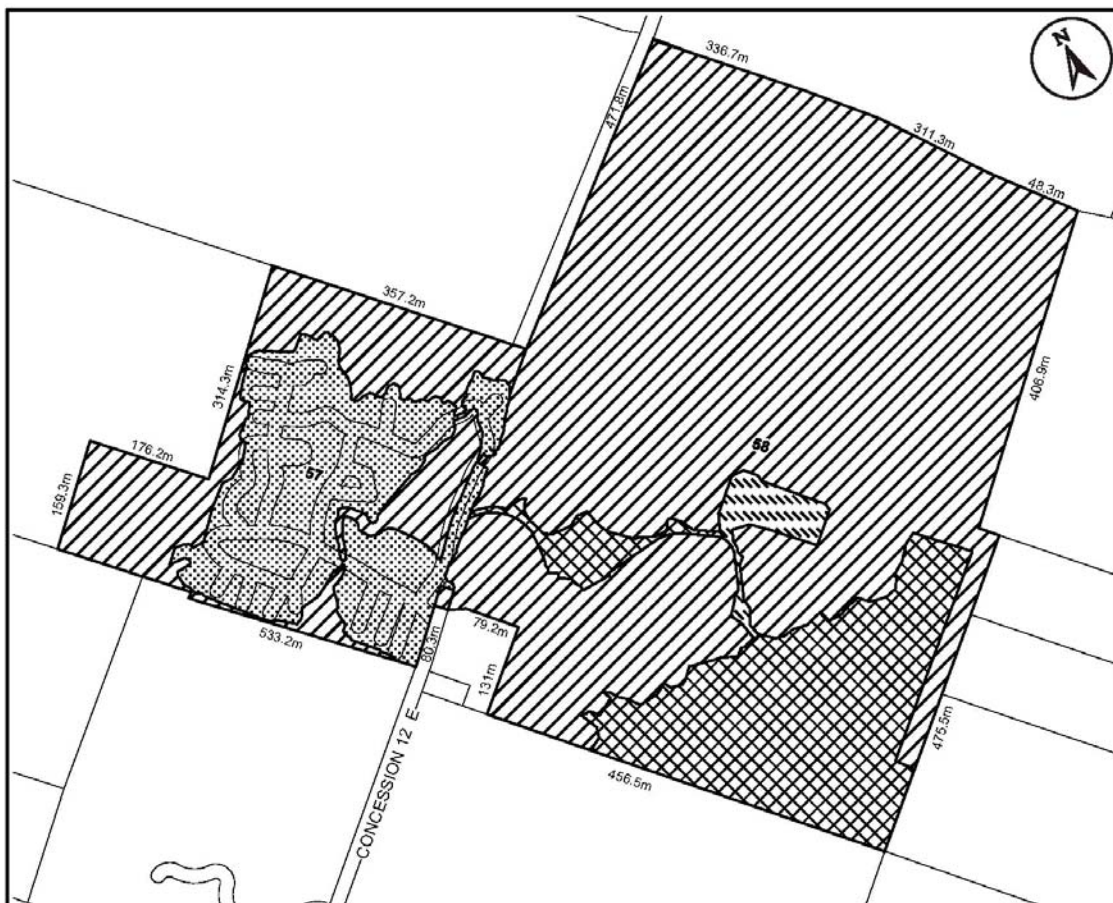
- 5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 23rd day of April, 2014.

R. Bratina
Mayor

R. Caterini
City Clerk

D-ST-08
D-ST-14
ZAC-02-093
OPA-02-034
OPA-13-017



This is Schedule "A" to By-law No. 14-

Passed the day of, 2014

Mayor

Clerk


Schedule "A"

Map Forming Part of
By-law No. 14-_____

to Amend By-law No. 90-145-Z


Subject Property


57 & 58 Concession 12 East

 Block "1" be changed from the Recreational Open Space "O3-3" Zone, Modified and the Conservation Management "CM" Zone to the Residential Mobile Home "R9-6-1(H)" Zone, Modified, Holding and the Residential Mobile Home "R9-6-2(H)" Zone, Modified, Holding

NOTES: Block "1" - Lands are situated within a floodplain hazard and are subject to Conservation Halton Regulations.

 Block "2" be changed from the Agricultural "A" Zone and the Conservation Management "CM" Zone to the Recreational Open Space "O3-10(H)" Zone, Modified, Holding

 Block "3" be changed from the Agricultural "A" Zone to the Recreational Open Space "O3-10(H)", Zone, Modified, Holding

 Block "4" be changed from the Conservation Management "CM" Zone and the Agricultural "A" Zone to the Conservation Management "CM-4", Zone, Modified

Scale:
N.T.S.

File Name/Number:
D08-ST-OPA-02-034, OPA-13-017
D14-ST-ZAC-02-023

Date:
Feb. 11, 2014

Planner/Technician:
CT/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT