

Authority: Item [REDACTED]
Economic Development and
Planning Committee
Report 14- [REDACTED] (PED14146)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. _____

**To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands Located at 228 Seneca Avenue**

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 Corporation of the Township of Glanbrook" 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 14- [REDACTED] of the Economic Development and Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2014, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS Sections 39 and 39.1 of the Planning Act authorize the City of Hamilton to pass By-laws to conditionally permit the temporary use of buildings or structures as a garden suite;

AND WHEREAS the Urban Hamilton Official Plan was declared in force and effect on August 16, 2013, and is the Official Plan in effect for the lands within the Urban Area of the City of Hamilton;

AND WHEREAS the By-law is in conformity with the Urban Hamilton Official Plan;

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

1. That Schedule "E", appended to and forming part of By-law No. 464 (Glanbrook) is amended by changing from the Existing Residential "ER" Zone to the Existing Residential – Holding "H-ER-282" Zone, the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That Section 44, "Exceptions to the Provisions of the By-law", of Zoning By-law No. 464, be amended by adding a new special provision, "H-ER-282", as follows:

"H-ER-282" 228 Seneca Avenue

Notwithstanding **SECTION 11: GENERAL PROVISIONS FOR ALL RESIDENTIAL ZONES**, Subsection 11.2(a) - **PERMITTED USES** and **SECTION 12: EXISTING RESIDENTIAL "ER" ZONE**, Subsection 12.1 - **PERMITTED USES**, for the purpose of this by-law, a *garden suite*, shall also be permitted on these lands, as a temporary use, for a period of ten (10) years from the date of the passing of this By-law, being day of , 2014

For the purposes of this By-law, a *garden suite* shall be defined as "*the existing one-unit detached structure with basement located in the rear yard, containing bedroom, bathroom and kitchen facilities, which is ancillary to an existing residential dwelling.*"

In addition to the regulations of **SECTION 11: EXISTING RESIDENTIAL "ER" ZONE**, Subsection 11.2(a) - **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 12.1 (SINGLE DETACHED DWELLING)**, for the purpose of this By-law, the following regulations shall also apply to a temporary garden suite on the lands zoned "H-ER-282":

- (a) No access shall be permitted to service the temporary garden suite from Spalding Drive. The existing access to Seneca Drive shall be shared by both residences.

Notwithstanding the regulations of **SECTION 12: EXISTING RESIDENTIAL "ER" ZONE**, Subsections 12.2(f) and 12.2(h)(i) - **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 12.1 (SINGLE DETACHED DWELLING)**, for the purpose of this By-law, the following side yard, floor area and accessory use regulations shall apply to a temporary garden suite on the lands zoned "H-ER-282":

- (a) Minimum Southerly Side Yard.....2.3 metres

- (b) Minimum Floor Area per Dwelling.....74 square metres
- (c) No accessory buildings or structures associated with the garden suite shall be permitted on the subject lands.

Notwithstanding the regulations of **SECTION 7: PARKING SPACES IN RESIDENTIAL ZONES**, Subsection 7.35(b) – **MINIMUM PARKING REQUIREMENTS**, for the purpose of this By-law, the following regulation shall apply to a temporary garden suite on the subject lands:

- (a) Minimum Number of Parking Spaces.....1

That the "H" symbol applicable to the lands zoned "H-ER-282" may be removed by further amendment to this By-law at such time as the following matters have been completed:

- (a) That the Owner has entered into an Agreement with the City which shall address the name of the person(s) who are permitted to live in the temporary garden suite and when the temporary garden suite is to be removed;
 - (b) That a servicing plan for the garden suite be submitted and approved, to the satisfaction of the Manager of Engineering Approvals; and,
 - (c) The Owner has applied for and received final Site Plan approval, to the satisfaction of the Manager of Development Planning, Heritage and Design.
3. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Residential "ER" Zone provisions, subject to the special requirements referred to in Section 2.
 4. 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 and ENACTED this day of , 2014

R. Bratina
Mayor

Rose Caterini
Clerk



<p>This is Schedule "A" to By-law No. 14-</p> <p>Passed the day of, 2014</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 14-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 464</p>	<p>Subject Property 228 Seneca Drive</p> <p> Change in Zoning from the Existing Residential "ER" Zone to the Existing Residential - Holding "H-ER-282" Zone.</p>
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<p>Scale: N.T.S.</p>	<p>File Name/Number: ZAR-13-015</p>	
<p>Date: Jan. 31, 2014</p>	<p>Planner/Technician: DM/AL</p>	
<p style="font-size: small;">PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		