

**Authority:** Item  
Economic Development and  
Planning Committee  
Report 15- (PED14146(a))  
CM:

**Bill No.**

**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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 16<sup>th</sup> day of March, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1993;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item \_\_\_\_\_ of Report 15- \_\_\_\_\_ of the Economic Development and Planning Committee, at its meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

**AND WHEREAS** Section 39 of the Planning Act authorizes the City of Hamilton to pass By-laws to permit the temporary use of buildings or structures;

**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 the regulations of **SECTION 7: GENERAL PROVISIONS FOR ALL ZONES**, Subsection 7.13 – **ACCESSORY BUILDINGS**, for the purpose of this By-law, the detached garage with basement, temporarily occupied as a second dwelling unit, is deemed to comply to Subsection 7.13.

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 *second dwelling unit*, shall also be permitted on these lands, as a temporary use, for a period of three (3) years from the date of the passing of this By-law, being                      day of                      , 2015

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

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, no accessory buildings or structures associated with the second dwelling unit shall be permitted on the lands zoned "H-ER-282".

In addition to the regulations of **SECTION 7: GENERAL PROVISIONS OR ALL ZONES**, Subsection 7.35(a) (vii) and (x) – **MINIMUM PARKING REQUIREMENTS – GENERAL PROVISIONS**, for the purpose of this By-law, the following regulations shall apply to a second dwelling unit:

(a) Minimum Parking Space Size.....2.6 metres x 5.5 metres

(b) The parking area adjacent to Spalding Drive shall be gravel.

Notwithstanding **SECTION 11: GENERAL PROVISIONS FOR ALL RESIDENTIAL ZONES**, Subsection 11.6(b) – **PARKING SPACES IN RESIDENTIAL ZONES**, for the purpose of this By-law, the temporary parking or storage of motor vehicles associated with the second dwelling unit may be provided within the exterior side yard.

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 and registered on title a Development Agreement with the City of Hamilton, to the satisfaction of the Manager of Development Planning, Heritage and Design;
  - (b) That a servicing plan for the temporary second dwelling unit 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                      , 2015

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F.Eisenberger  
Mayor

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Rose Caterini  
Clerk

ZAR-13-015



This is Schedule "A" to By-law No. 15-

Passed the ..... day of ....., 2015

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Mayor

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Clerk

## Schedule "A"

Map Forming Part of  
By-law No. 15-\_\_\_\_\_

to Amend By-law No. 464

### Subject Property

228 Seneca Drive



Change in Zoning from the Existing Residential "ER" Zone to the Existing Residential - Holding "H-ER-282" Zone.

Scale:  
N.T.S.

File Name/Number:  
ZAR-13-015

Date:  
Dec. 1, 2014

Planner/Technician:  
DM/DB



**Hamilton**

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT