

Authority: Item
Report: 15- (PED13167(d))
CM:

Bill No.

CITY OF HAMILTON

BY-LAW No. _____

To Amend By-law 05-200, as amended by By-law 15-173, to Apply Rural Zones to the lands generally bounded by Garner Road East, Highway 6 South, Glancaster Road, White Church Road, Carluke Road and Fiddlers Green Road and the lands directly to the South of the Binbrook Urban Boundary

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 applies Rural Zones to the lands generally bounded by Garner Road East, Highway 6 South, Glancaster Road, White Church Road, Carluke Road and Fiddlers Green Road, and the lands directly to the South of the Binbrook Urban Boundary, as hereinafter described and depicted;

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 is in conformity with the Rural Hamilton Official Plan of the City of Hamilton.

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

1. That SECTION 2: INTERPRETATION of By-law 05-200 is hereby amended as follows:

- a) That Section 2.1 is amended by adding the following new clause:

| | |
|--|----|
| "f) Utility Classification <u>Zones</u> | |
| Airport | U1 |

2. That SECTION 3: DEFINITIONS of By-law 05-200 is hereby amended by adding the following new definition:

| | |
|----------------|---|
| Airport | Shall mean the use of an area of land or water, for the arrival, departure, movement or servicing of aircraft, for which an airport license has been issued and includes uses directly related to airport operations. |
|----------------|---|

3. That SECTION 13: UTILIYY ZONES is added to By-law 05-200 by including the following new subsection:

"13.1 AIRPORT (U1) ZONE"

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within an Airport (U1) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

13.1.1 PERMITTED USES Airport

13.1.2 REGULATIONS

- a) Minimum Yards 15.0 metres from any lot line"

4. That Schedule "A" – Zoning Maps of By-law 05-200 is hereby amended as follows:

- a) by including the Open Space and Park Zone boundaries, as shown on the Maps numbered 134, 146-147, 160-161, 175-176, 189 and 213, attached in Schedule "1" of this By-law; and,
- b) by including the Rural Zone boundaries, as shown on the Maps numbered 134, 146-148, 160-161, 175-176, 188-189, 204-205 and 212-213, attached in Schedule "1" of this By-law; and,
- c) by including the Utility Zone boundaries, as shown on the Maps numbered 160-162 and 176-177, attached in Schedule "1" of this By-law.

5. That Schedule "C" – Special Exceptions of By-law 05-200 is hereby amended by adding additional Special Exceptions as follows:

- "272. Notwithstanding Section 12.2.1, on those lands zoned Rural (A2) Zone, identified on Maps 161 and 176 of Schedule "A" – Zoning Maps and described as addresses:

| | |
|----------------------|------------------|
| 0 Airport Road | Map 176 |
| 9705 Airport Road | Map 176 |
| 9879 Airport Road | Map 176 |
| 0 White Church Road | Map 176 |
| 0 Glancaster Road | Map 176 |
| 2115 Glancaster Road | Map 176 |
| 1867 Glancaster Road | Map 176 |
| 9890 Airport Road | Map 176 |
| 1731 Glancaster Road | Map 176 |
| 1691 Glancaster Road | Map 176 |
| 1665 Glancaster Road | Map 176 |
| 1659 Glancaster Road | Map 176 |
| 1651 Glancaster Road | Map 176 |
| 1645 Glancaster Road | Map 176 |
| 1635 Glancaster Road | Map 176 |
| 1629 Glancaster Road | Map 176 |
| 1603 Glancaster Road | Maps 161 and 176 |
| 1370 Glancaster Road | Map 176 |
| 1292 Glancaster Road | Maps 161 and 176 |
| 1208 Glancaster Road | Map 161 |

- a) Only the following uses shall be permitted:

- i) Airport;

- ii) Airport Storage, Maintenance and Operation Facilities; and,
 - iii) Uses Existing at the Effective Date of this By-law.
- b) The use identified in a) i) above shall be subject to the regulations of Section 13.1.2.
- c) The following regulations shall apply to the uses identified in a) ii) and iii) above:

| | | | |
|------|--|---|---|
| i) | Minimum Yard Abutting a Street | A. | 3.0 metres; |
| | | | |
| | | B. | Notwithstanding A. above, a minimum yard of 6.0 metres shall be required where a property abuts Highway No. 6 or Glancaster Road. |
| | | | |
| ii) | Maximum Building Height | In accordance with the requirements of Section 4.17 of this By-law. | |
| | | | |
| iii) | Landscaped Area | A. | Minimum 3.0 metre wide Landscaped Area shall be provided and maintained abutting a street, except for point of ingress and egress; |
| | | | |
| | | B. | In addition to A. above, for properties adjacent to Highway No. 6, a minimum 6.0 metre wide Landscaped Area shall be provided and maintained. |
| | | | |
| iv) | Location and Screening of Outdoor Storage and Outdoor Assembly | A. | Outdoor Storage and Outdoor Assembly shall not be permitted in a required Front Yard or a Required Flankage Yard; |
| | | | |

| | | | |
|-----|---------------------|--|---|
| | | B. | Outdoor Storage and Outdoor Assembly shall not exceed 85% of the total lot area; |
| | | | |
| | | C. | Outdoor Storage and Outdoor Assembly shall be screened from view from any abutting street by a Visual Barrier in accordance with Section 4.19 of this By-law. |
| | | | |
| v) | Parking | In accordance with the requirements of Section 5 of this By-law. | |
| | | | |
| vi) | Accessory Buildings | In accordance with the requirements of b) i) and ii) above. | |

273. Notwithstanding Section 12.1.1, on those lands zoned Agriculture (A1) Zone, identified on Maps 176 and 189 of Schedule "A" – Zoning Maps and described as part of 0 Carluke Road East, the following special provisions shall also apply:

a) The following use shall also be permitted

wire basket making and moss products business, and use accessory thereto

b) The following regulations shall apply to the use identified in a) above:

| | | |
|------|----------------------------|--|
| i) | Front Lot Line | Shall be the lot line abutting the road allowances of Glancaster Road and Carluke Road East. |
| | | |
| ii) | Minimum Front Yard | 12 metres |
| | | |
| iii) | Minimum Side and Rear Yard | 7.5 metres |
| | | |
| iv) | Maximum Lot Coverage | 13 percent, but shall not exceed 5,500 square metres |

| | | | |
|------|-------------------------|--|---|
| | | | |
| v) | Maximum Building Height | 10.5 metres | |
| | | | |
| vi) | Outdoor Storage | A. | Shall only be permitted in side or rear yards; |
| | | | |
| | | B. | Shall be located a minimum of 5.0 metres from the westerly side lot line. |
| | | | |
| vii) | Minimum Landscaping | A minimum 3.0 metre wide planting strip shall be provided and maintained abutting a street, except for points of ingress and egress. | |

274. Notwithstanding Section 12.2.1, on those lands zoned Rural (A2) Zone, identified on Map 176 of Schedule "A" Zoning Maps and described as part of 493 Butter Road East, the following special provisions shall also apply:

a) The following use shall also be permitted:

Restoration and storage of Antique Motor Vehicles within the building existing at the date of adoption of By-law 15-173

b) For the purposes of Special Exception 274, the following definitions shall apply:

Antique Motor Vehicle Shall mean a motor vehicle the date of manufacture of which is more than fifteen (15) years ago.

Restoration Shall mean the returning of motor vehicles to their original production condition, including, without limiting the meaning of this paragraph, tires, external appearance and mechanical operation.

275. Notwithstanding Sections 7.4.1 and 7.4.2 d), on those lands zoned Open Space (P4) Zone, identified on Map 160 of Schedule "A" Zoning Maps and described as 330 Book Road East, the following special provisions shall also apply:

- a) Only the following use shall be permitted:

pet cemetery

- b) The following regulation shall apply to the use identified in a) above:

| | | |
|----|---------|---|
| i) | Parking | A minimum six parking spaces shall be provided. |
|----|---------|---|

276. Notwithstanding Section 12.2.1, on those lands zoned Rural (A2) Zone, identified on Map 146 of Schedule "A" Zoning Maps and described as 587 Fiddler's Green Road, the following special provisions shall also apply:

- a) The following use shall also be permitted:

sale, repair and storage of fencing materials and rental related equipment

- b) For the purposes of Special Exception 276, the following definition shall apply:

| | |
|------------------|---|
| fencing material | Shall include wood, wire, plastic, steel or such similar materials used in the construction of privacy screens and/or fences. |
|------------------|---|

- c) The following regulations shall apply to the use identified in a) above:

| | | |
|------|----------------------|---|
| i) | Maximum Lot Coverage | 20 percent |
| ii) | Minimum Front Yard | 30.0 metres |
| iii) | Minimum Side Yard | 6.0 metres |
| iv) | Minimum Rear Yard | 11.0 metres |
| v) | Parking | A minimum 25 parking spaces shall be provided. |
| vi) | Loading Areas | All loading areas, including loading ramps and docks, shall be located in the rear yard only. |

277. Notwithstanding Section 12.2.1, on those lands zoned Rural (A2) Zone, identified on Map 146 of Schedule "A" Zoning Maps and described as 591 Fiddler's Green Road, the following special provisions shall also apply:

- a) The following uses shall also be permitted:
- i) nursery; and,
 - ii) retail garden centre which shall include land, buildings and structures used for the growing or selling of nursery stock, and/or flowers, tropical plants, bedding plants, fertilizer, peat moss, soil mixtures, seeds, bulbs, planting pots, gardening literature, plant hangers, landscaping ornaments, rocks, garden implements including gardening equipment.
- b) The following regulation shall apply to the uses identified in a) above:

| | | | |
|------|----------------------|-------------|---|
| i) | Maximum Lot Coverage | 20 percent | |
| | | | |
| ii) | Minimum Front Yard | 30.5 metres | |
| | | | |
| iii) | Minimum Side Yard | 6.0 metres | |
| | | | |
| iv) | Minimum Rear Yard | 10.6 metres | |
| | | | |
| v) | Parking | A. | Minimum of one parking space for every 28.0 square metres, or fraction thereof, of floor area devoted to retailing of products; |
| | | | |
| | | B. | No parking space shall be located within 1.5 metres of any lot line. |

278. Notwithstanding Section 12.6.1, on those lands zoned Existing Rural Commercial (E1) Zone, identified on Map 134 of Schedule "A" Zoning Maps and described as part of 944 Garner Road East, the following special provisions shall also apply:

- a) Only the following use shall be permitted:
- farm market

- b) The following regulation shall apply to the use identified in a) above:

| | | |
|----|--------------------------|---------------------|
| i) | Maximum Gross Floor Area | 112.0 square metres |
|----|--------------------------|---------------------|

279. Notwithstanding Section 12.2.1, on those lands zoned Rural (A2) Zone, identified on Map 134 of Schedule "A" Zoning Maps and described as 876 and part of 880 Garner Road East, the following special provisions shall also apply:

- a) The following uses shall also be permitted:

- i) Cemetery; and,
- ii) Place of Worship.

280. Notwithstanding Section 12.2.1, on those lands zoned Rural (A2) Zone, identified on Map 134 of Schedule "A" Zoning Maps and described as 992 Garner Road East, the following special provisions shall also apply:

- a) The following use shall also be permitted:

landscape business

- b) Notwithstanding a) above, only agricultural uses, which include the plant growing operation of the landscape business, shall be permitted on the southerly most 52.4 metres of the subject lands.
- c) For the purposes of Special Exception No. 280 the following definitions shall apply:

| | |
|--------------------|--|
| Landscape Business | Shall mean a property that is used for a landscape contractor's business, which may also include a plant growing operation and an accessory snow removal business. This landscape contractor's business may include building, structures and the outdoor storage of goods and equipment such as landscaping materials and associated machinery. Wood chipping shall be prohibited. |
|--------------------|--|

| | |
|-------------------------|--|
| Plant Growing Operation | Shall mean the use of land and/or buildings (e.g., polyhouses, greenhouses and/or accessory buildings) for plant propagation and the growing of plants and nursery stock. The plant material may either be transplanted outdoors on the subject lands or be transplanted onto other properties as part of the service of the landscape business. The plants and nursery stock shall not be sold in a nursery or garden centre manner from the subject lands. |
|-------------------------|--|

- d) The following regulations shall apply to the use identified in a) above:

| | | | |
|-----|-----------------------------|-------------|---|
| i) | Minimum Front Yard | 90.0 metres | |
| | | | |
| ii) | Minimum Side and Rear Yards | A. | Greenhouses and polyhouses shall have a minimum side yard and rear yard of 4.5 metres. |
| | | | |
| | | B. | An accessory storage building for the plant growing operation, with a maximum gross floor area of 90.0 square metres, shall have a minimum side yard and rear yard of 8.0 metres. |
| | | | |
| | | C. | Buildings associated with the landscape business and the plant growing operation, other than those specifically identified in A. and B. above, shall be setback a minimum distance of 15.0 metres from any side |

| | | | |
|------|--------------------------|----|---|
| | | | and/or rear lot line. |
| iii) | Maximum Gross Floor Area | A. | The maximum gross floor area of all buildings associated with the landscape business, excluding the plant growing operation, shall be 400.0 square metres. |
| | | B. | The maximum ground floor area of all buildings on the subject lands shall be 1,100 square metres. |
| iv) | Landscaping Requirements | A. | A planting strip with a minimum width of 2.0 metres and a closed board fence with a minimum height of 1.5 metres shall be provided along the portion of any side lot line that is adjacent to a parking area(s) and/or outdoor storage area(s). |
| | | B. | The existing berm planted with evergreen trees located in the front of the existing metal clad frame building and the existing cedar hedge located along the east lot line, shall continue to be provided. |
| | | C. | A berm with a minimum width of 5.0 metres planted with evergreen trees shall be provided 65.0 metres south of the front lot line commencing at the easterly side lot line and extending generally perpendicular from this lot line for a |

| | | | |
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| | | | minimum distance of 15.0 metres. |
|--|--|--|----------------------------------|

286. Notwithstanding Section 4.3 a), on those lands zoned Rural (A2) Zone, identified on Maps 134 and 147 of Schedule "A" Zoning Maps and described as 828 and 830 Garner Road East, the following special provisions shall also apply:

- a) The properties shall be deemed to be lots.
- b) The following regulation shall also apply:

The westerly lot line shall be deemed to be the front lot line."

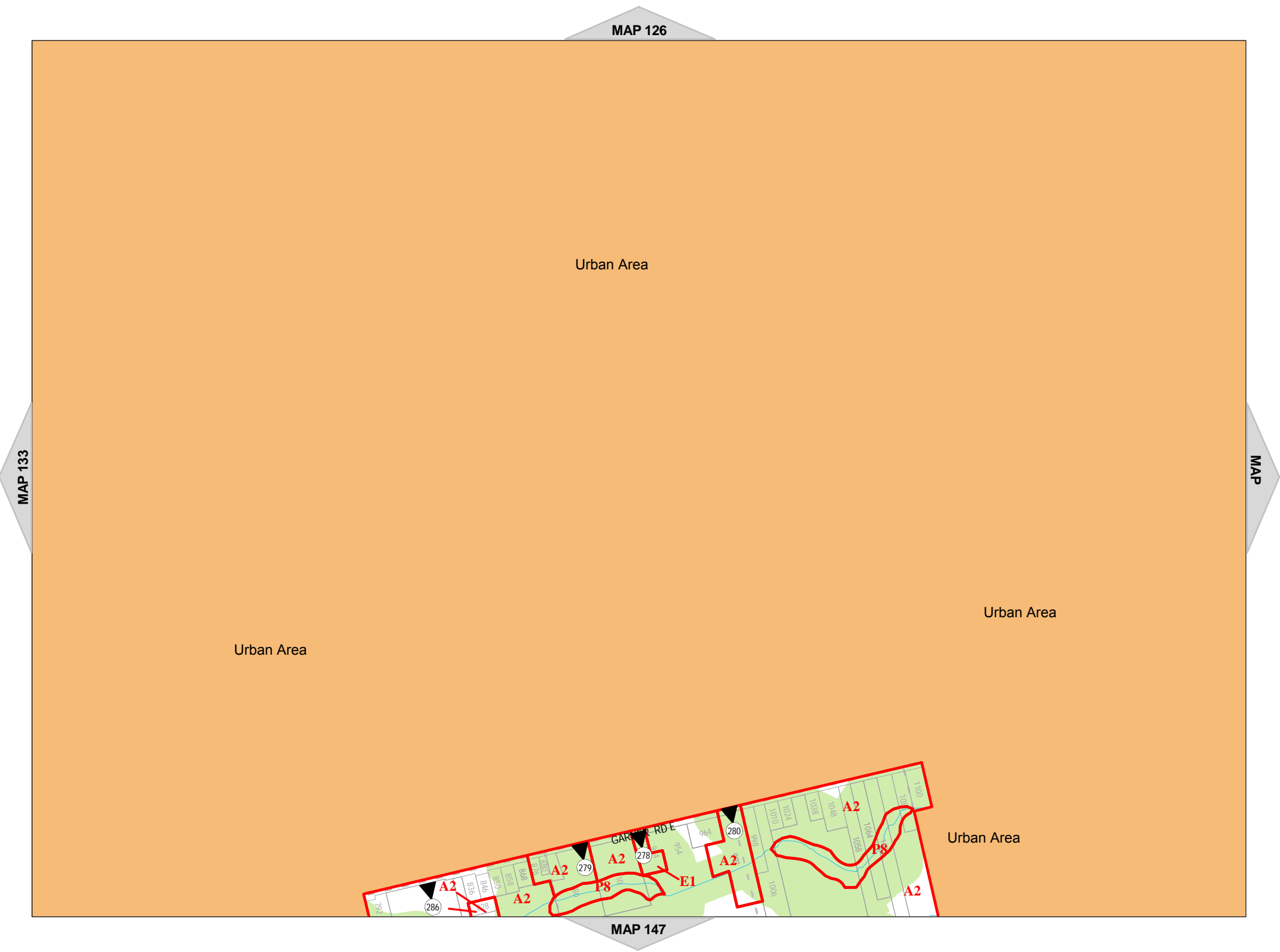
- 6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law in accordance with the Planning Act.
- 7. That this By-law No. ____ shall come into force and be deemed to have come into force in accordance with Subsection 34(21) of the Planning Act,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

PASSED and ENACTED this ____ day of _____, 2015.

Fred Eisenberger
MAYOR

Rose Caterini
CITY CLERK

Schedule 1 – Zoning Maps



Hamilton

City of Hamilton
Zoning By-Law 05-200

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| Map Reference Number | By-Law Number | Effective Date of By-Law |
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Legend

- Urban Boundary
- Lots and Concessions
- Zoning Boundary
- City Boundary
- RSA Boundary
- Special Exception
- Holding Provision
- Temporary Use
- NEC Development Control
- C.A. Regulated Area
- Area Subject to Different Zoning By-Law
- Stream



NORTH
SCALE 1 : 10,000

MAP 134 of Schedule 'A'



Hamilton

City of Hamilton
Zoning By-Law 05-200

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| Map Reference Number | By-Law Number | Effective Date of By-Law |
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Legend

- Urban Boundary
- Lots and Concessions
- Zoning Boundary
- City Boundary
- RSA Boundary
- Special Exception
- Holding Provision
- Temporary Use
- NEC Development Control
- C.A. Regulated Area
- Area Subject to Different Zoning By-Law
- Stream



NORTH
SCALE 1 : 10,000

MAP 146 of Schedule 'A'





Hamilton
City of Hamilton
Zoning By-Law 05-200

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| Map Reference Number | By-Law Number | Effective Date of By-Law |
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Legend

- Urban Boundary
- Lots and Concessions
- Zoning Boundary
- City Boundary
- RSA Boundary
- Special Exception
- Holding Provision
- Temporary Use
- NEC Development Control
- C.A. Regulated Area
- Area Subject to Different Zoning By-Law
- Stream



NORTH
SCALE 1 : 10,000

MAP 147 of Schedule 'A'





Hamilton

City of Hamilton
Zoning By-Law 05-200

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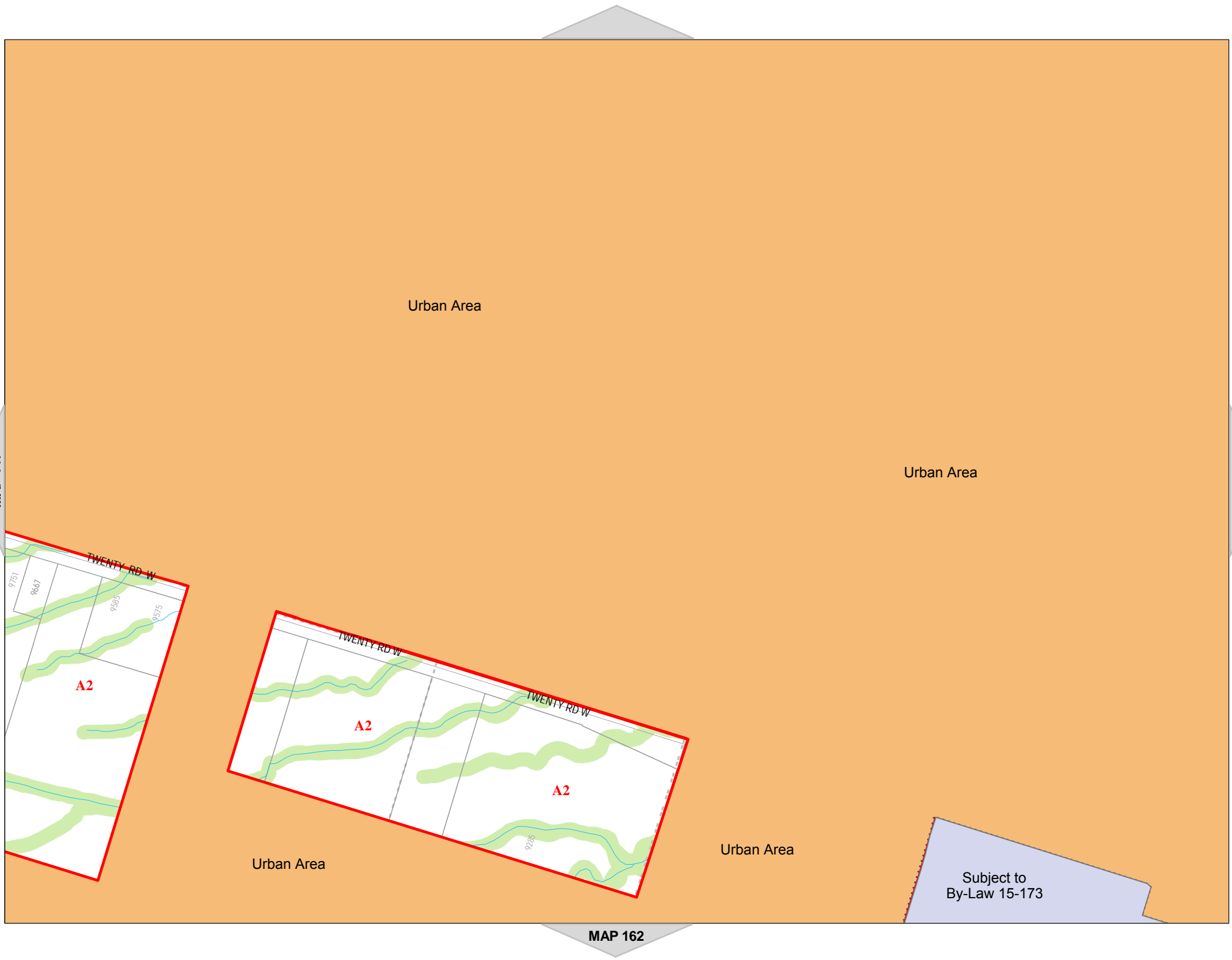
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- Urban Boundary
- Lots and Concessions
- Zoning Boundary
- City Boundary
- RSA Boundary
- Special Exception
- Holding Provision
- Temporary Use
- NEC Development Control
- C.A. Regulated Area
- Area Subject to Different Zoning By-Law
- Stream



NORTH
SCALE 1 : 10,000

MAP 148 of Schedule 'A'





City of Hamilton
Zoning By-Law 05-200

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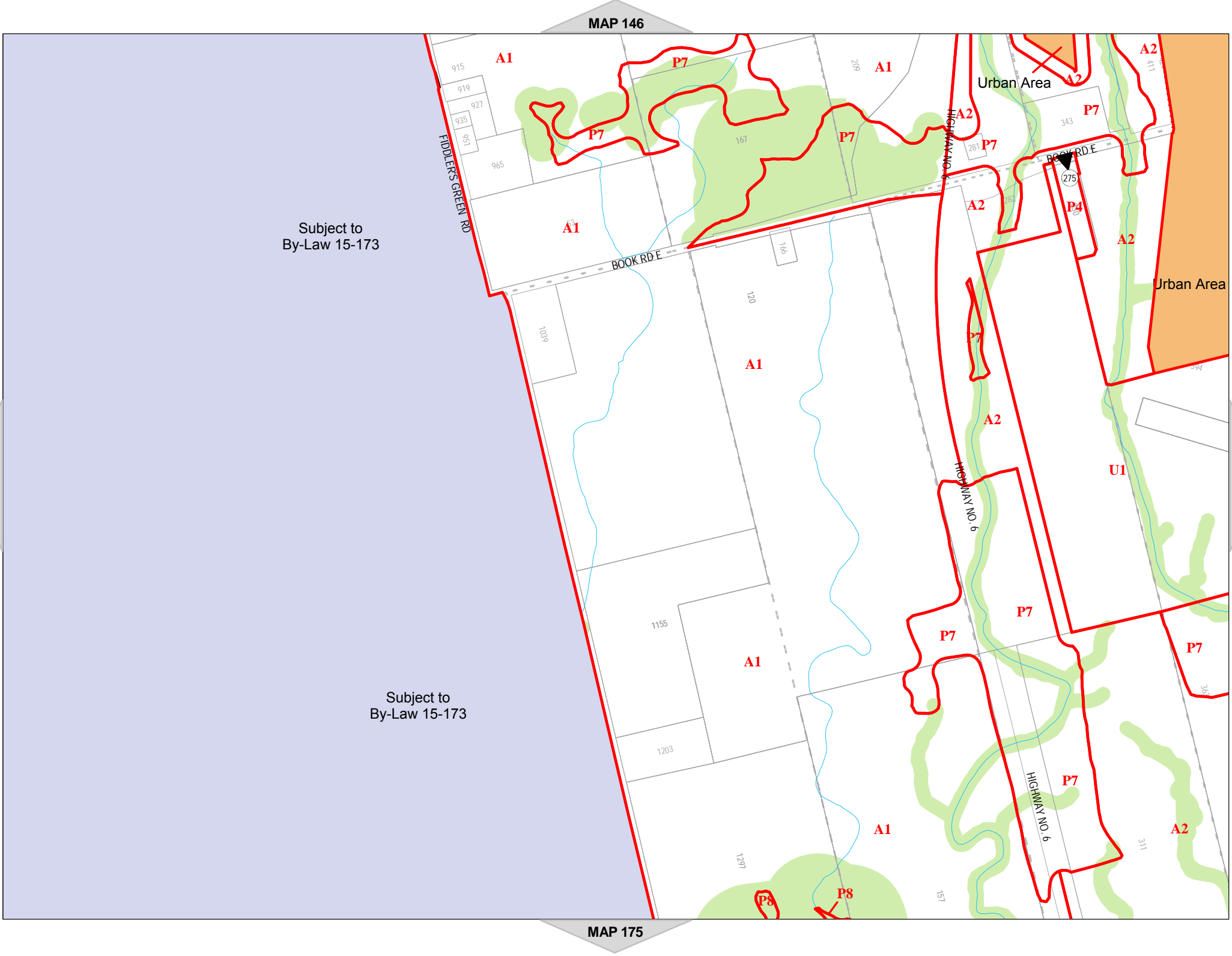
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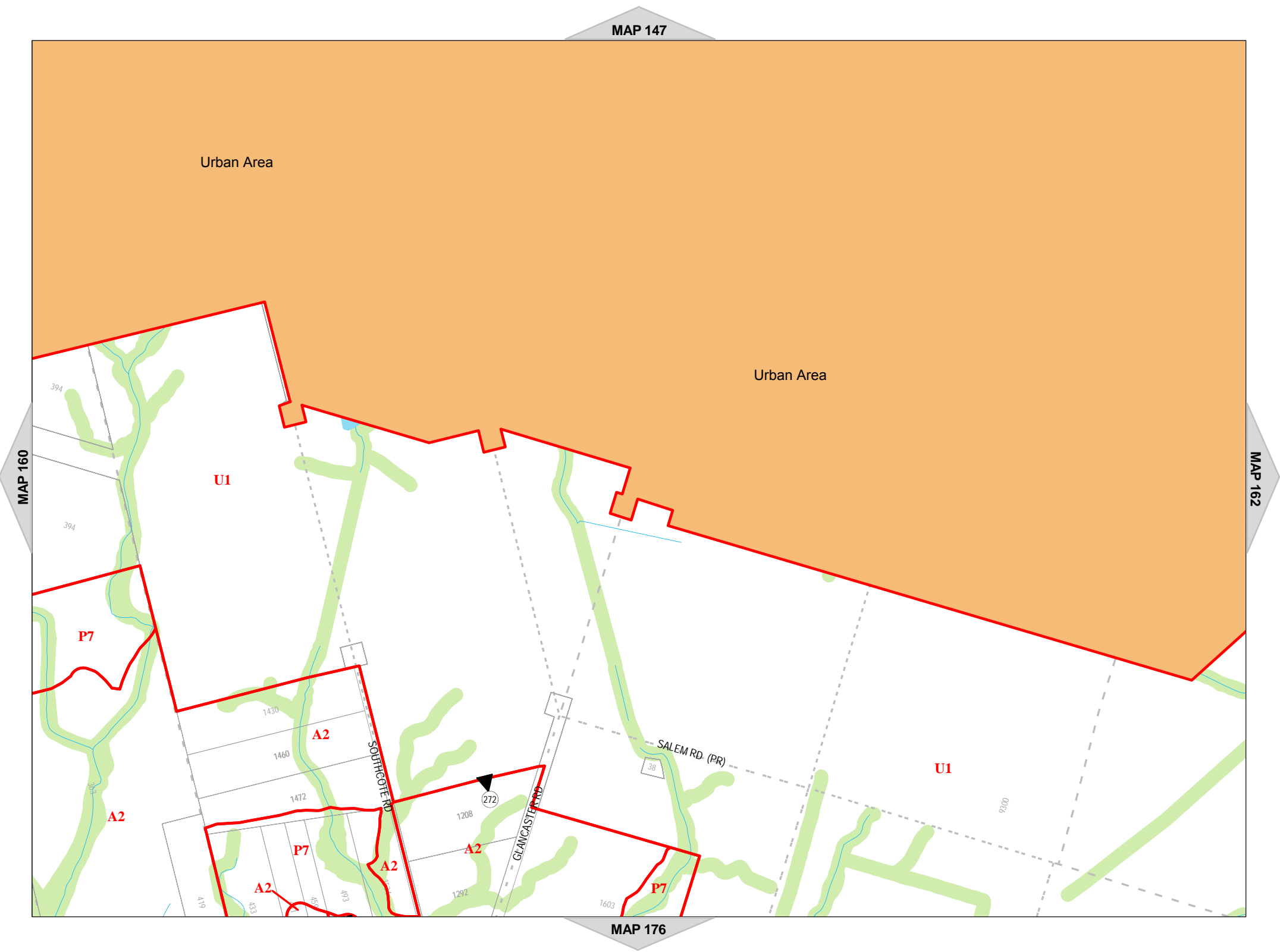
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- Lots and Concessions
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- RSA Boundary
- Special Exception
- Holding Provision
- Temporary Use
- NEC Development Control
- C.A. Regulated Area
- Area Subject to Different Zoning By-Law
- Stream



SCALE 1 : 10,000

MAP 160 of Schedule 'A'





Hamilton

City of Hamilton
Zoning By-Law 05-200

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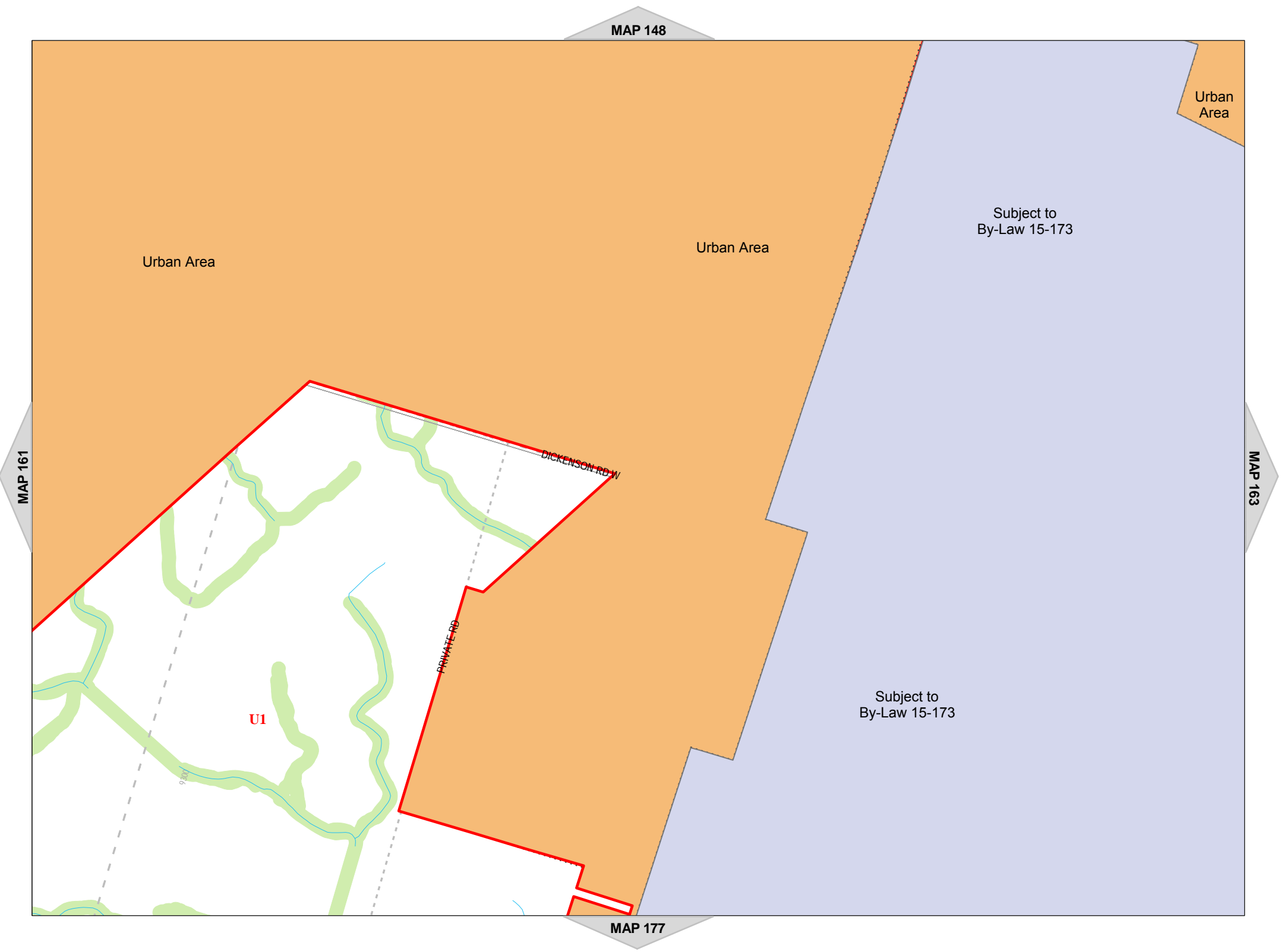
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- Urban Boundary
- Lots and Concessions
- Zoning Boundary
- City Boundary
- RSA Boundary
- Special Exception
- Holding Provision
- Temporary Use
- NEC Development Control
- C.A. Regulated Area
- Area Subject to Different Zoning By-Law
- Stream



NORTH
SCALE 1 : 10,000

MAP 161 of Schedule 'A'



Hamilton

City of Hamilton
Zoning By-Law 05-200

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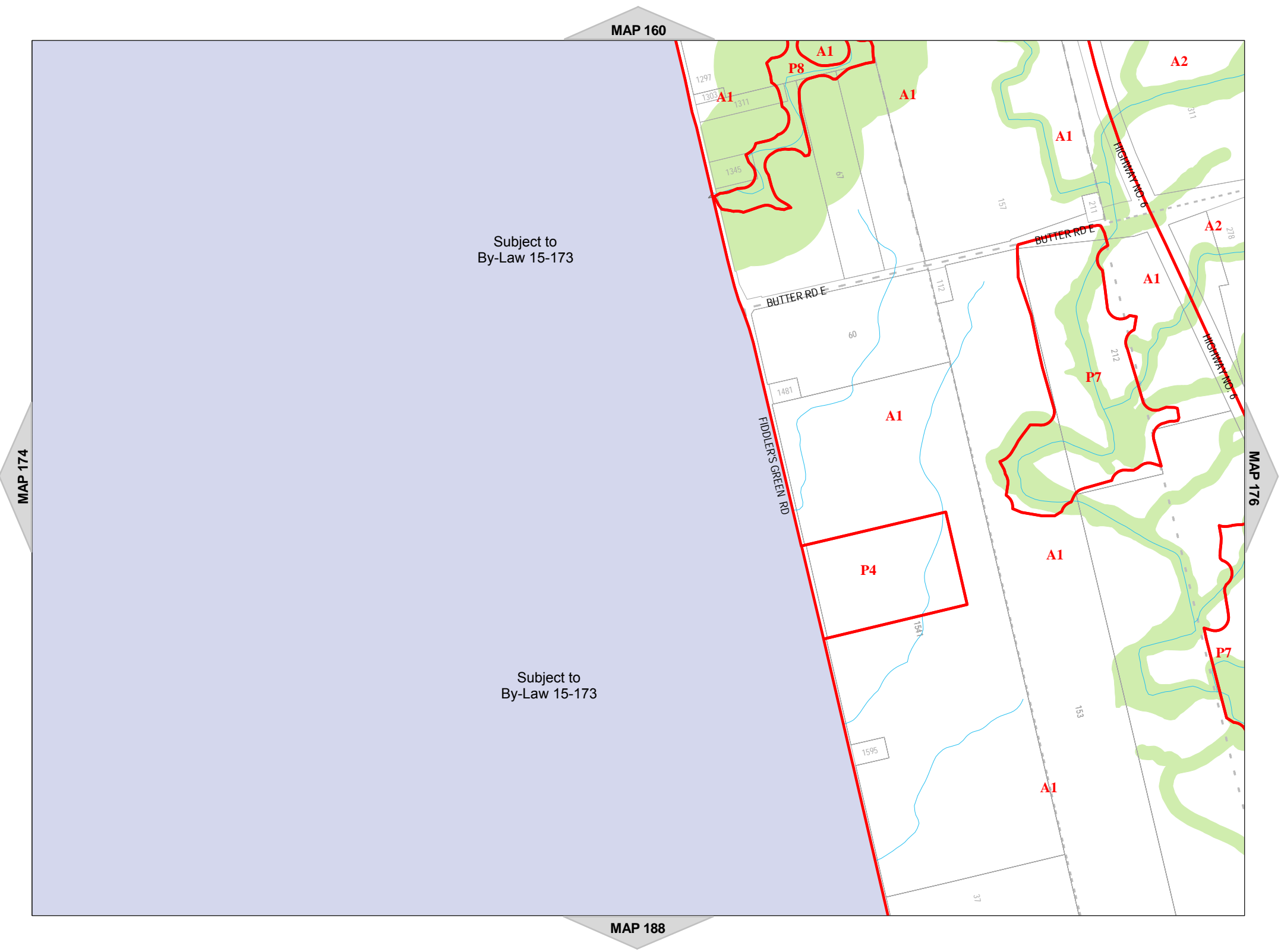
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- Urban Boundary
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- Zoning Boundary
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- Holding Provision
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- C.A. Regulated Area
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NORTH
SCALE 1 : 10,000

MAP 162 of Schedule 'A'



Hamilton

City of Hamilton
Zoning By-Law 05-200

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| Map Reference Number | By-Law Number | Effective Date of By-Law |
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NORTH
SCALE 1 : 10,000

MAP 175 of Schedule 'A'



City of Hamilton
Zoning By-Law 05-200

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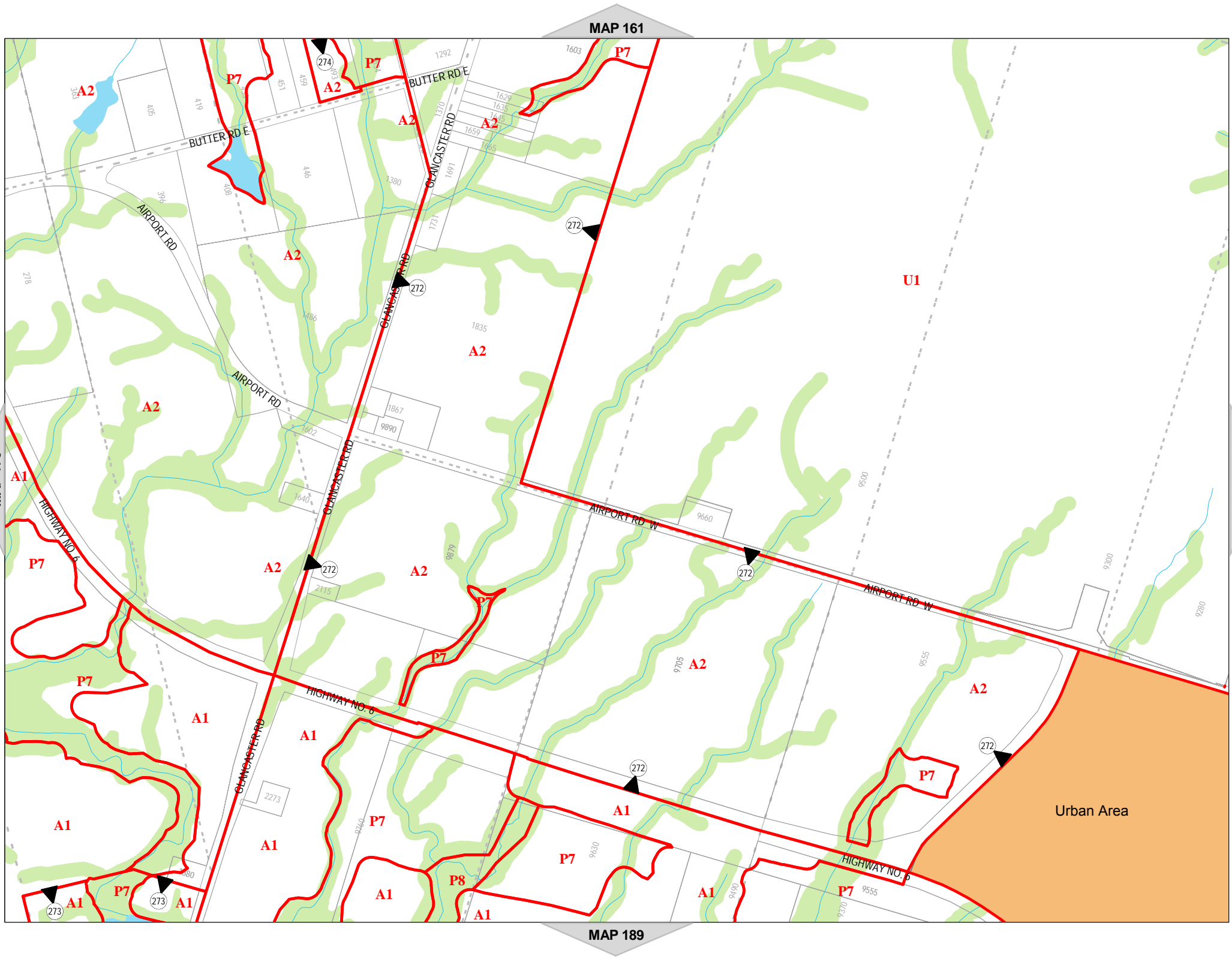
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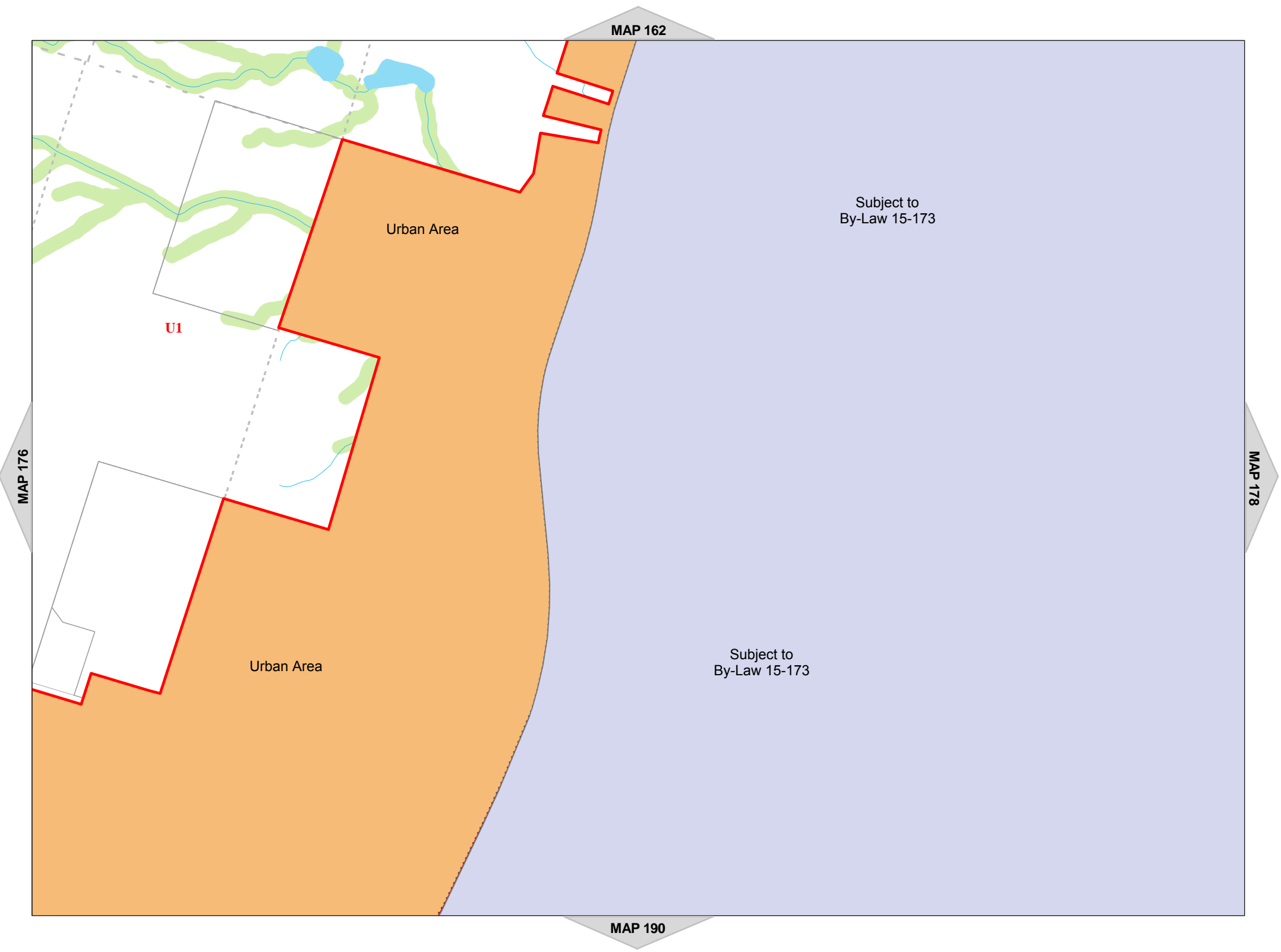
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- RSA Boundary
- Special Exception
- Holding Provision
- Temporary Use
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- C.A. Regulated Area
- Area Subject to Different Zoning By-Law
- Stream



SCALE 1 : 10,000

MAP 176 of Schedule 'A'





Hamilton

City of Hamilton
Zoning By-Law 05-200

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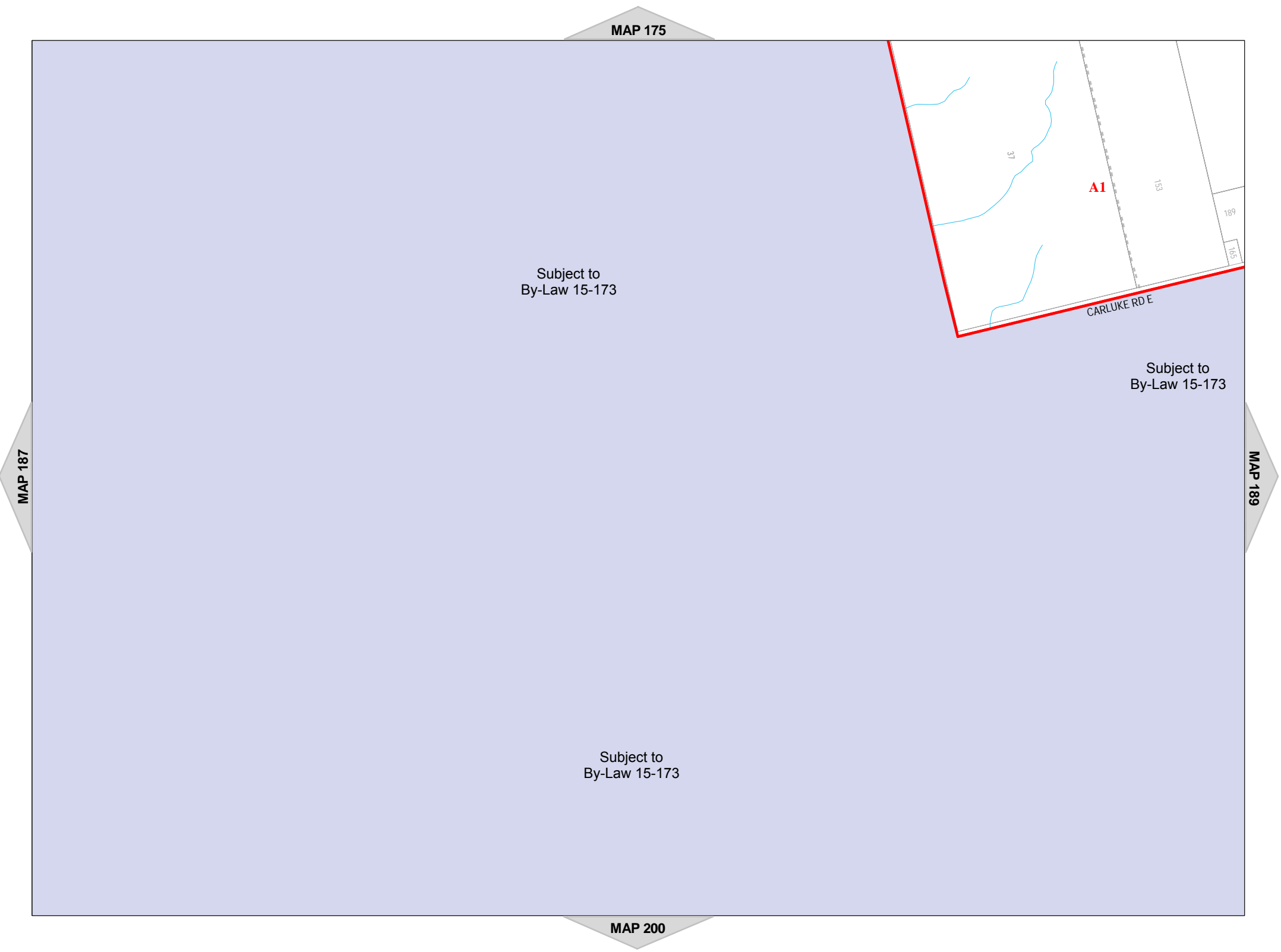
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NORTH
SCALE 1 : 10,000

MAP 177 of Schedule 'A'



Hamilton

City of Hamilton
Zoning By-Law 05-200

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| Map Reference Number | By-Law Number | Effective Date of By-Law |
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Legend

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NORTH
SCALE 1 : 10,000

MAP 188 of Schedule 'A'



Hamilton
City of Hamilton
Zoning By-Law 05-200

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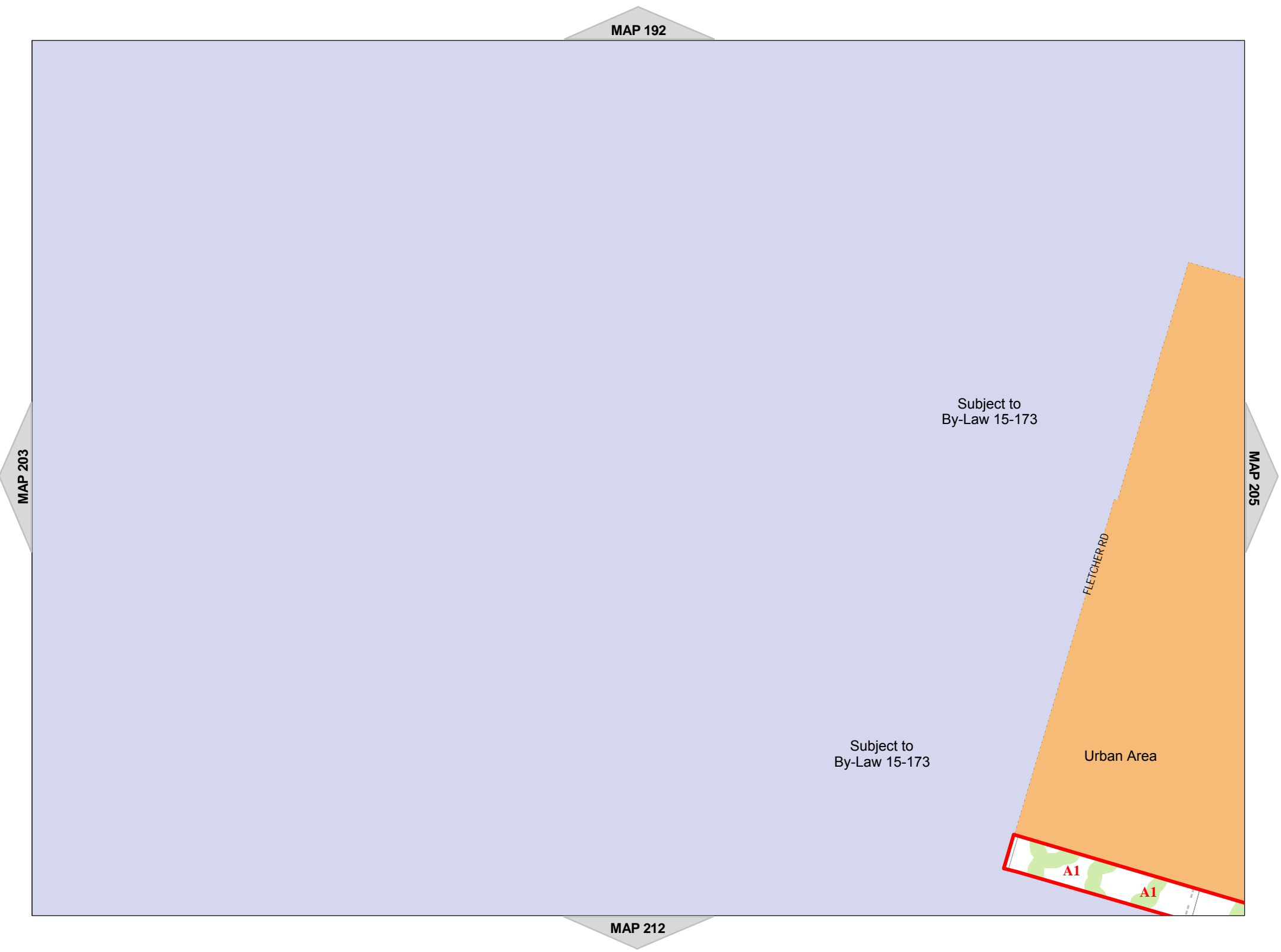
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- Urban Boundary
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NORTH
SCALE 1 : 10,000

MAP 189 of Schedule 'A'



Hamilton

City of Hamilton
Zoning By-Law 05-200

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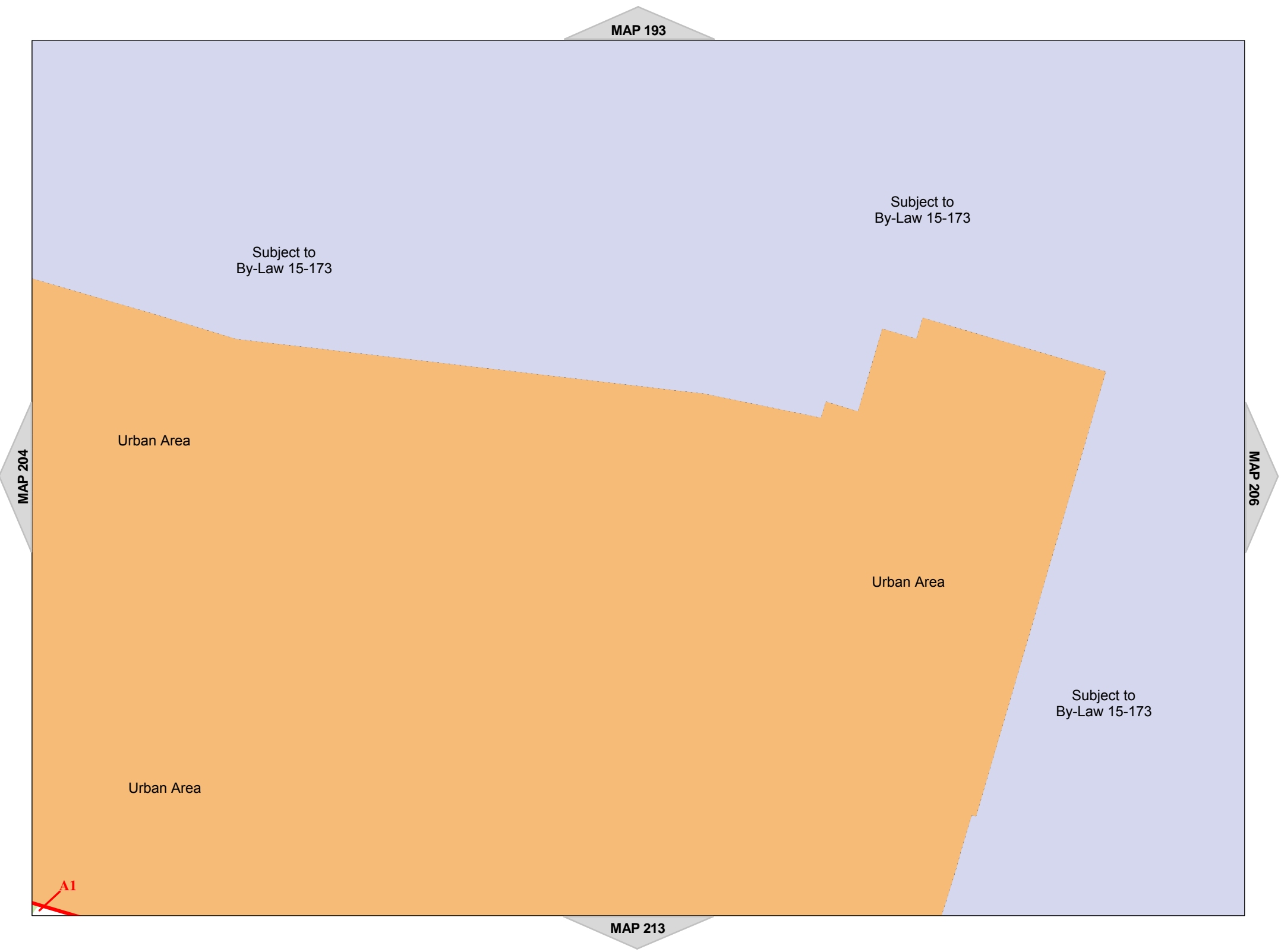
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- Urban Boundary
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NORTH
SCALE 1 : 10,000

MAP 204 of Schedule 'A'



Hamilton

City of Hamilton
Zoning By-Law 05-200

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| Map Reference Number | By-Law Number | Effective Date of By-Law |
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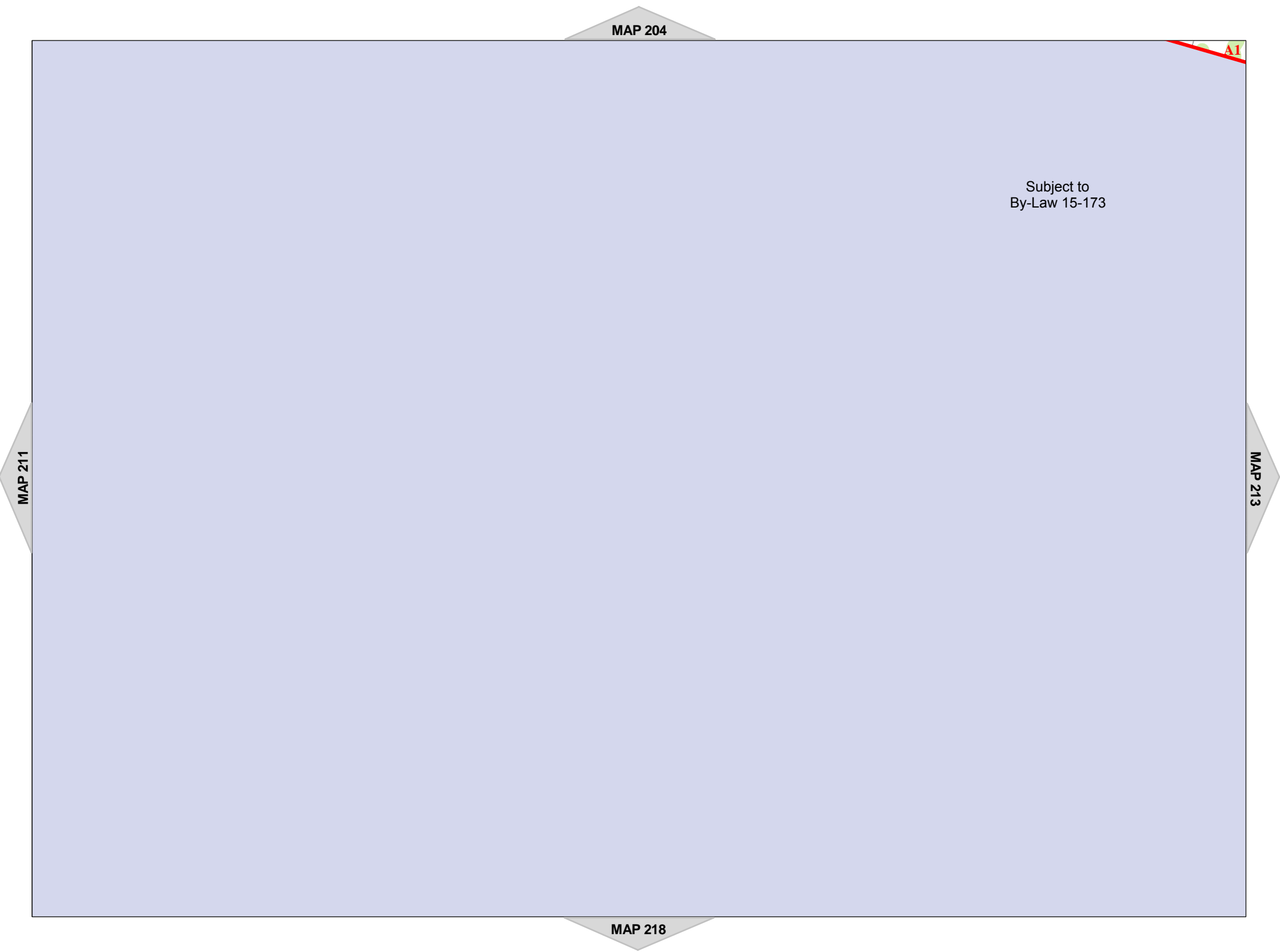
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- Urban Boundary
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NORTH
SCALE 1 : 10,000

MAP 205 of Schedule 'A'



Hamilton

City of Hamilton
Zoning By-Law 05-200

DRAFT

| Map Reference Number | By-Law Number | Effective Date of By-Law |
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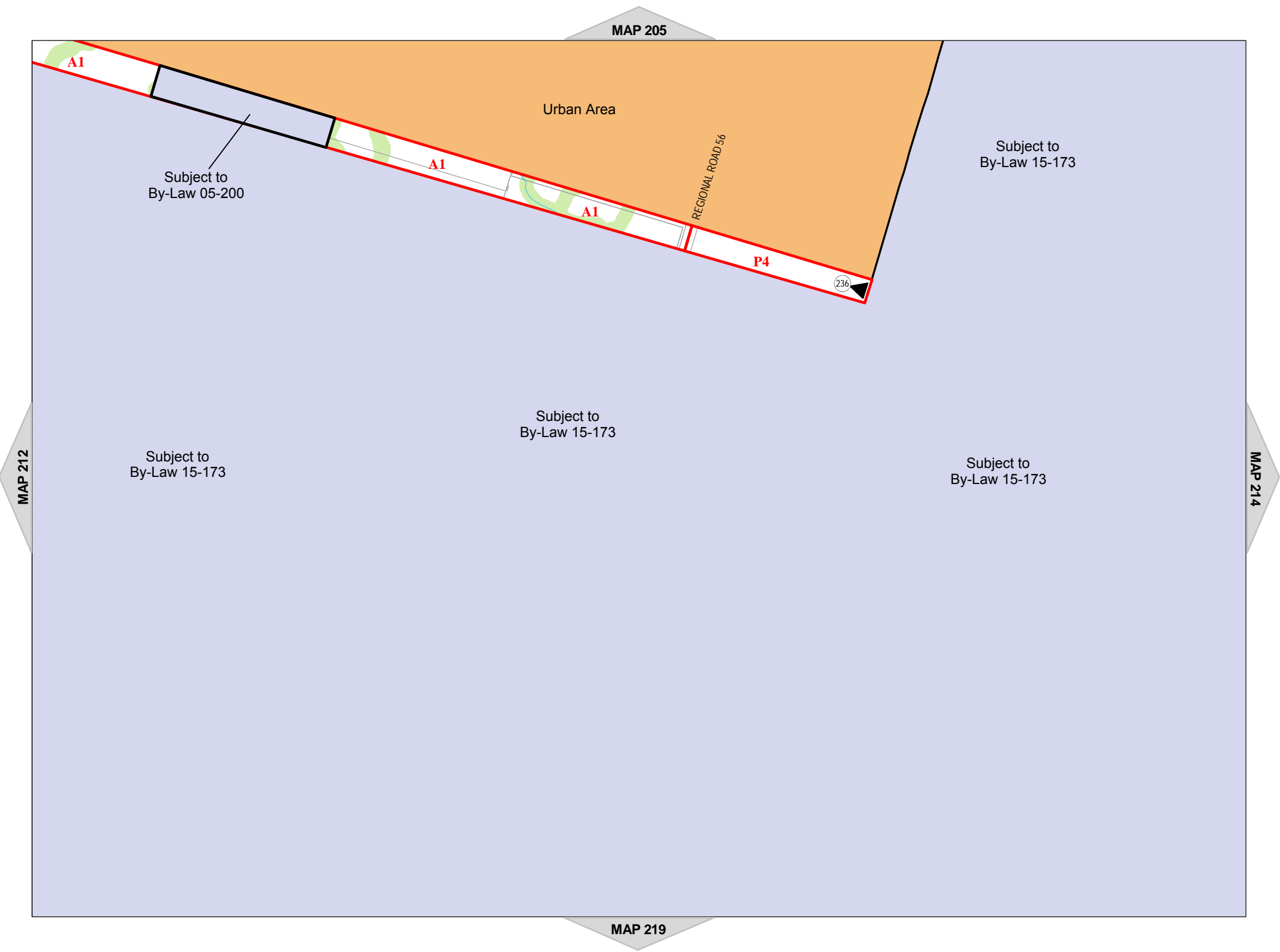
Legend

- Urban Boundary
- Lots and Concessions
- Zoning Boundary
- City Boundary
- RSA Boundary
- Special Exception
- Holding Provision
- Temporary Use
- NEC Development Control
- C.A. Regulated Area
- Area Subject to Different Zoning By-Law
- Stream



NORTH
SCALE 1 : 10,000

MAP 212 of Schedule 'A'



Hamilton

City of Hamilton
Zoning By-Law 05-200

DRAFT

| Map Reference Number | By-Law Number | Effective Date of By-Law |
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Legend

- Urban Boundary
- Lots and Concessions
- Zoning Boundary
- City Boundary
- RSA Boundary
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NORTH
SCALE 1 : 10,000

MAP 213 of Schedule 'A'