

Authority: Item 9, Planning Committee
Report: 15-019 (PED15028(a))
CM: December 9, 2015

Bill No. 286

CITY OF HAMILTON

BY-LAW NO. 15-

**To Amend Zoning By-law No. 87-57 (Ancaster),
as amended by By-law Nos. 03-163 and 15-067
Respecting Definition of Grade and Corrections to Model Home Definition
and Model Home Regulations**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 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 Town of Ancaster" 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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. 87-57 (Ancaster) was enacted on the 22nd day of June 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 9 of Report 15-019 of the Planning Committee, at its meeting held on the 9th day of December, 2015, which recommended that Zoning By-law No. 87-57 (Ancaster) be amended as hereinafter provided;

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

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

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

1. That **SECTION 3: DEFINITIONS** is amended by:

(a) adding a definition of grade as follows:

3.59.1 “Grade”

Shall mean the average level of the proposed or finished ground adjoining a building calculated along the perimeter of all exterior walls.

(b) deleting and replacing the definition of model home as follows:

3.90.1 “Model Home”

Shall mean a single detached dwelling, semi-detached dwelling, street townhouse dwelling or a block of townhouse dwelling units used in the interim for the sole purpose of an office and/or show room and/or sales centre each of which shall promote the sale of residential units within a draft approved plan of subdivision or a registered plan of subdivision.

2. That **SECTION 7: GENERAL PROVISIONS** is amended by deleting and replacing Subsection 7.27 Model Homes in Draft Plans of Subdivision as follows:

7.27 MODEL HOMES IN PLANS OF SUBDIVISION

Notwithstanding any other provisions of this By-law, where a subdivision agreement has been executed (signed) by the owner, more than one model home may be constructed on a lot prior to registration of the plan of subdivision or on a lot or block within a registered plan of subdivision subject to the following restrictions:

- i) The use shall be permitted in the zone in which the dwelling is to be located;
- ii) Each dwelling unit shall be used for the purpose of a model home only and shall not be occupied as a dwelling unit prior to the date of the registration of the subdivision plan;
- iii) The maximum number of model homes shall not exceed 10% of the total number of lots intended for single detached dwellings, semi-detached dwellings or townhouse dwelling unit purposes within the draft approved plan of subdivision or registered plan of subdivision, to a maximum of 20 dwelling units;
- iv) The model home shall comply with all other provisions of this By-law, as though the dwellings and/or units were constructed on the lot within the registered plan of subdivision; and,

- v) The model home shall comply with all applicable terms and conditions of the said subdivision agreement.
3. 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 9th day of December, 2015.

F. Eisenberger
Mayor
CI-15-H

J. Pilon
Acting City Clerk