

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

Bill No. 287

CITY OF HAMILTON

BY-LAW NO. 15-

**To Amend Zoning By-law No. 3581-86 (Dundas),
as amended by By-law Nos. 03-163 and 15-068
Respecting Corrections to Model Home Definition, Model Home Regulations
and Sections 7 and 18**

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 Dundas" 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 Zoning By-law No. 3581-86 (Dundas) was enacted on the 22nd day of May, 1986, and approved by the Ontario Municipal Board on the 10th day of May, 1988;

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. 3581-86 (Dundas), 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 deleting and replacing the definition of model home:

3.2.60.1 **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 6: GENERAL REGULATIONS** is amended by deleting and replacing Subsection 6.19.3a **MODEL HOMES IN DRAFT PLANS OF SUBDIVISION**:

6.19.3a **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 **SECTION 7: OFF-STREET PARKING AND LOADING** is amended by deleting clause 7.15.2 of Subsection **7.15 EXCEPTIONS**.
4. That **SECTION 18: CENTRAL AREA COMMERCIAL ZONE (C.A.C)** is amended by adding clause d) to Subsection 18.2.4.1 **OFF-STREET PARKING**, as follows:
- d) Notwithstanding a), b) and c) above, for any permitted commercial use(s) within the Central Area Commercial (C.A.C.) Zone, except “Offices of Physicians, Surgeons and Dentists, Private Practice” and “Offices of Other Health Practitioners,” located in all or part of a building existing on the effective date of this By-law, no parking spaces are required provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained. Where an addition or expansion of an existing building is proposed, the parking requirements of clauses a), b) and c) above, shall only apply to the commercial use or uses contained within the increased gross floor area.
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 9th day of December, 2015.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

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