

Authority: Item,
Report (PED21206)
CM:
Ward: 13

Bill No.

**CITY OF HAMILTON
DRAFT BY-LAW NO. 21-XXX**

To amend Zoning By-law 05-200 to add and apply zoning to lands in the former Town of Dundas consisting of Part of Lots 23, 24, 25, 26, 27 and 28, Concession 2 and Part of Lots 22, 23, 24, 25, 26, 27, 28 and 29, Concession 2 as generally bounded by Patterson Road to the north, Old Guelph Road and the Canadian National Rail Line to the south, Highway 6 to the east, and Valley Road/York Road to the west

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at its meeting held on November 16, 2021;

AND WHEREAS this By-law conforms with the Rural Hamilton Official Plan upon adoption of Rural Official Plan Amendment No. XX;

AND WHEREAS this By-law brings the lands within the limits of the zone boundaries indicated on Schedule “A” of this By-law into the City of Hamilton Comprehensive Zoning By-law 05-200;

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

1. That Maps 85, 86, 96, and 97 of Schedule “A” – Zoning Maps, appended to and forming part of By-law No. 05-200, as amended, is hereby further amended in accordance with the zones and zone boundaries as shown on Schedule “A” attached to and forming part of this By-law and more particularly described as Part of Lots 23, 24, 25, 26, 27 and 28, Concession 2 and Part of Lots 22, 23, 24, 25, 26, 27, 28 and 29, Concession 2 in the former Town of Dundas.
2. That Schedule “C”: Special Exceptions is amended by adding Special Exceptions 800 to 809 as follows:

“800. Within the lands zoned Rural (A2, 800) Zone, Modified on Maps 85, 86, 96 and 97 of Schedule A – Zoning Maps, the following special provisions shall apply:

- a) In addition to Section 4.12 d), any lot and the location thereon of any use, building or structure, that was legally approved and established through a Development Permit issuance from the Niagara Escarpment Commission, shall be deemed to comply with the regulations for any required setbacks, lot coverage, front yard, flankage yard, rear yard,

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lot width, lot area, and building height and are permitted by this By-law;

- b) Section 4.33 ‘Secondary Dwelling Unit and Secondary Dwelling Unit – Detached’ shall not apply;
- c) Section 4.7 ‘*Reduction of Yards for Non-Conforming Lots*’ shall not apply;
- d) Notwithstanding Section 4.8 of Zoning By-law 05-200, accessory structures shall be permitted in conjunction with any of the uses permitted in Section e), below in accordance with the following:
 - i) Location Side or Rear Yard
 - ii) Minimum Setback from Side Lot Line Interior Side Lot Line: 1.0 metre
Exterior Side Lot Line: 6.0 metres
 - iii) Minimum Setback from Rear Lot Line 1.0 metre
 - iv) Maximum Building Height 4.0 metres
 - v) Maximum Lot Coverage Cumulative maximum for all buildings on a lot: 250 square metres
- e) Notwithstanding Section 12.2.1 of Zoning By-law 05-200, only the following uses shall be permitted:
 - i) Existing uses, except for single detached dwellings, that existed on or before February 16, 1993;
 - ii) Single detached dwellings that existed on or before August 14th, 1998;
 - iii) New single detached dwellings on lots having a minimum lot size of 10 hectares;
 - iv) Community Garden;
 - v) Conservation; and,
 - vi) Recreation, Passive;

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- f) Notwithstanding Section 12.2.3.7 (a)(b)(c)(d)(e) and (f) of Zoning By-law 05-200, the following regulations shall apply to the uses permitted in Section e), above:

- | | | |
|------|--------------------|--|
| i) | Minimum Lot Area | <p>A) 0.8 hectares</p> <p>B) Notwithstanding A) above, a minimum of 10 hectares shall be required for any new single detached dwelling.</p> |
| ii) | Minimum Lot Width | 18 metres |
| iii) | Minimum Front Yard | 6 metres |
| iv) | Minimum Side Yard | <p>1.5 metres except:</p> <ul style="list-style-type: none"> • 3.5 metres where the side yard abuts the flankage street of a corner lot; • 3.0 metres where the side yard provides access to a parking area or rear yard garage; • 6.0 metres to any portion of the dwelling comprising an attached garage or carport fronting onto the flankage street of a corner lot; and, • 5.0 metres on one side of an interior lot upon which there is no garage or carport |

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- v) Minimum Rear Yard 7.5 metres
- vi) Maximum Building Height 7.5 metres
- vii) Maximum Lot Coverage 250 square metres
inclusive of any accessory
building.

801. Within the lands zoned Rural (A2, 801) Zone, Modified on Maps 85, 86, 96 and 97 of Schedule A – Zoning Maps, the following special provisions shall apply:

- a) In addition to Section 4.12 d), any lot and the location thereon of any use, building or structure, that was legally approved and established through a Development Permit issuance from the Niagara Escarpment Commission, shall be deemed to comply with the regulations for any required setbacks, lot coverage, front yard, flankage yard, rear yard, lot width, lot area, and building height and are permitted by this By-law;
- b) Section 4.33 ‘*Secondary Dwelling Unit and Secondary Dwelling Unit – Detached*’ shall not apply;
- c) Section 4.7 ‘*Reduction of Yards for Non-Conforming Lots*’ shall not apply; and,
- d) Notwithstanding Section 4.8 of Zoning By-law 05-200, accessory structures shall be permitted in conjunction with any of the uses permitted in Section e), below in accordance with the following:

- i) Location Side or Rear Yard
- ii) Minimum Setback from Side Lot Line 10 metres
- iii) Minimum Setback from Rear Lot Line 20 metres
- iv) Maximum Building Height 7.5 metres

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- v) Maximum Lot Coverage Cumulative maximum for all buildings on a lot: 300 square metres

- e) Notwithstanding Section 12.2.1 of Zoning By-law 05-200, only the following uses shall be permitted:
 - i) Existing uses, except for single detached dwellings, that existed on or before February 16, 1993;
 - ii) Single detached dwellings that existed on or before August 14, 1998;
 - iii) New single detached dwellings on lots having a minimum lot size of 10 hectares;
 - iv) Conservation; and,
 - v) Recreational, Passive;

- f) Notwithstanding Section 12.2.3.1 (a)(b)(c)(d) and (e) and Section 12.2.3.7 (a)(b)(c)(d)(e) and (f) of Zoning By-law 05-200, the following regulations shall apply:
 - i) Minimum Lot Area 10 hectares
 - ii) Minimum Lot Width 135 metres
 - iii) Minimum Front Yard 15 metres
 - iv) Minimum Side Yard 15 metres
 - v) Minimum Rear Yard 20 metres
 - vi) Maximum Building Height 7.5 metres
 - vii) Maximum Lot Coverage 300 square metres

802. Within the lands zoned Conservation/Hazard Land (P6, 802) Zone, Modified on Maps 85, 86, 96 and 97 of Schedule A – Zoning Maps, the following special provisions shall apply:

- a) In addition to Section 4.12 d), any lot and the location thereon of any use, building or structure, that was legally approved and established

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through a Development Permit issuance from the Niagara Escarpment Commission, shall be deemed to comply with the regulations for any required setbacks, lot coverage, front yard, flankage yard, rear yard, lot width, lot area, and building height and are permitted by this By-law;

- b) Section 4.33 ‘*Secondary Dwelling Unit and Secondary Dwelling Unit – Detached*’ shall not apply;
- c) Section 4.7 ‘*Reduction of Yards for Non-Conforming Lots*’ shall not apply;
- d) Notwithstanding Section 7.6.1 of Zoning By-law 05-200, only the following uses shall be permitted:
 - i) Existing uses, except for single detached dwellings, that existed on or before February 16, 1993;
 - ii) Single Detached Dwellings Existing on or Before August 14, 1998;
 - iii) Conservation;
 - iv) Flood and Erosion Control Facilities; and,
 - v) Recreation, Passive;
- e) Notwithstanding Section 7.6.2 of Zoning By-law 05-200, the following provisions shall apply:
 - i) No new buildings or structures shall be permitted on a vacant lot;
 - ii) Where a new building or structure and/or an expansion to an *existing* building or structure may be permitted in accordance with an *existing* agricultural use, such new building or structure shall be in accordance with the requirements of the Rural 801 (A2,801) Zone;
 - iii) Where a new building or structure and/or an expansion to an *existing* building or structure may be permitted in accordance with an *existing* residential use, such new building or structure shall be in accordance with the requirements of the Rural 800 (A2, 800) Zone; and,
 - iv) Notwithstanding Sections ii) above, no building or structure in accordance with an agricultural use shall be erected, altered or used within 15.0 metres of the boundary of any Rural 800 (A2, 800) Zone.

803. Within the lands zoned Conservation/Hazard Land (P7, 803) Zone, Modified on Maps 85, 86, 96 and 97 of Schedule A – Zoning Maps, the following special provisions shall apply:

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- a) In addition to Section 4.12 d), any lot and the location thereon of any use, building or structure, that was legally approved and established through a Development Permit issuance from the Niagara Escarpment Commission, shall be deemed to comply with the regulations for any required setbacks, lot coverage, front yard, flankage yard, rear yard, lot width, lot area, and building height and are permitted by this By-law;
- b) Section 4.33 ‘*Secondary Dwelling Unit and Secondary Dwelling Unit – Detached*’ shall not apply;
- c) Section 4.7 ‘*Reduction of Yards for Non-Conforming Lots*’ shall not apply;
- d) Notwithstanding Section 7.7.1 of Zoning By-law 05-200, only the following uses shall be permitted:
 - i) Existing uses, except for single detached dwellings, that existed on or before February 16, 1993;
 - ii) Single Detached Dwellings Existing on or Before August 14, 1998;
 - iii) Conservation;
 - iv) Flood and Erosion Control Facilities; and,
 - v) Recreation, Passive;
- e) Notwithstanding Section 7.7.2 of Zoning By-law 05-200, the following provisions apply:
 - i) No new buildings or structures shall be permitted on a vacant lot;
 - ii) Where an *existing* building or structure which is demolished in whole or in part, such *existing* building or structure may be rebuilt and/or expanded in accordance with the requirements of Sections iii) iv) v) and vi) and below;
 - iii) Where an expansion to an *existing* building or structure may be permitted on a lot having an *existing* agricultural use, such expansion shall be in accordance with the requirements of the Rural (A2, 801) Zone. Notwithstanding f) iii), iv), v) and vii) of the A2, 801 Zone, the maximum gross floor area for an expansion to an *existing* building or structure shall not exceed 10% of the gross floor area of the *existing* building or structure;
 - iv) Where an expansion to an *existing* building or structure may be permitted on a lot having an *existing* residential use, such expansion shall be in accordance with the requirements of the Rural (A2, 800) Zone. Notwithstanding f) iii, iv, v and vii of the A2, 800 Zone, the maximum gross floor area for an expansion to an *existing* building or structure shall not exceed 10% of the gross floor area of the *existing* building or structure;

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- v) A new building or structure may be permitted in accordance with an *existing* residential or agricultural use, provided the setbacks to the building or structure which had existed on the date of passing of the By-law are maintained. Notwithstanding the foregoing, a maximum increased encroachment of up to 10% of the *existing* setbacks, as determined above, may be permitted. Maximum building height shall be in accordance with f) vi) of the Rural 801 (A2, 801);
- vi) In addition to iii), iv), and v) above, an *existing* legally established accessory building or structure which is demolished in whole or in part may be rebuilt provided the setbacks, building height, and gross floor area to the building or structure which had existed as of date of passing of the By-law are maintained; and,
- vii) Notwithstanding iii) and v) above, no building or structure in accordance with an agricultural use shall be erected, altered or used within 15.0 metres of the boundary of any Rural (A2, 800) Zone.

804. Within the lands zoned Rural (A2, 804) Zone, Modified on Maps, 86 and 97 of Schedule A – Zoning Maps, and municipally identified as 154 Northcliffe Avenue the following special provisions shall apply:

- a) In addition to Section 4.12 d), any lot and the location thereon of any use, building or structure, that was legally approved and established through a Development Permit issuance from the Niagara Escarpment Commission, shall be deemed to comply with the regulations for any required setbacks, lot coverage, front yard, flankage yard, rear yard, lot width, lot area, and building height and are permitted by this By-law;
- b) Section 4.33 ‘*Secondary Dwelling Unit and Secondary Dwelling Unit – Detached*’ shall not apply;
- c) Section 4.7 ‘*Reduction of Yards for Non-Conforming Lots*’ shall not apply; and,
- d) Notwithstanding Section 12.2.1 of Zoning By-law 05-200, only a place of worship and a convent shall be permitted provided such uses are contained within the *existing* institutional building on lands municipally identified as 154 Northcliffe Avenue.

805. Within the lands zoned Rural (A2, 805) Zone, Modified on Maps 86 and 97 of Schedule A – Zoning Maps, and municipally identified as 574 Northcliffe Avenue the following special provisions shall apply:

- a) In addition to Section 4.12 d), any lot and the location thereon of any use, building or structure, that was legally approved and established

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through a Development Permit issuance from the Niagara Escarpment Commission, shall be deemed to comply with the regulations for any required setbacks, lot coverage, front yard, flankage yard, rear yard, lot width, lot area, and building height and are permitted by this By-law;

- b) Section 4.33 ‘*Secondary Dwelling Unit and Secondary Dwelling Unit – Detached*’ shall not apply;
- c) Section 4.7 ‘*Reduction of Yards for Non-Conforming Lots*’ shall not apply;
- d) Notwithstanding Section 12.2.1 of Zoning By-law 05-200, only a place of worship, convent, a residential care facility for a maximum of 35 residents, and a dormitory for a maximum of 36 students and associated accessory educational establishment shall be permitted provided such uses are contained within the *existing* institutional building on lands municipally identified as 574 Northcliffe Avenue; and,
- e) An *existing* driveway located on lands zoned A2, 804 shall be permitted to be used for access to the *existing* structure municipally described as 574 Northcliffe Avenue.

806. Within the lands zoned Rural (A2, 806) Zone, Modified on Map 86 of Schedule A – Zoning Maps, and municipally identified as 85 Rosina Avenue the following special provisions shall apply:

- a) In addition to Section 4.12 d), any lot and the location thereon of any use, building or structure, that was legally approved and established through a Development Permit issuance from the Niagara Escarpment Commission, shall be deemed to comply with the regulations for any required setbacks, lot coverage, front yard, flankage yard, rear yard, lot width, lot area, and building height and are permitted by this By-law;
- b) Section 4.33 ‘*Secondary Dwelling Unit and Secondary Dwelling Unit – Detached*’ shall not apply;
- c) Section 4.7 ‘*Reduction of Yards for Non-Conforming Lots*’ shall not apply;
- d) Notwithstanding Section 4.8 of Zoning By-law 05-200, the following regulations shall apply to accessory structures or buildings:
 - i) No accessory building or structure shall be closer to the front lot line than the single detached dwelling on the same lot;

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- ii) No accessory building or structure shall be closer than 1.8 metres to any single detached dwelling;
 - iii) No accessory building or structure shall be closer than 1.2 metres to any lot line;
 - iv) Maximum building height shall be 3.6 metres;
 - v) Maximum lot coverage shall be 10%; and,
 - vi) No accessory building or structure shall be used for human habitation;
- e) Notwithstanding Section 12.2.1 of Zoning By-law 05-200, only a single detached dwelling and associated accessory buildings or structures shall be permitted; and,
- f) Notwithstanding Section 12.2.3.7 (a)(b)(c)(d)(e) and (f) single detached dwellings shall be subject to the regulations of the Rural 800 (A2, 800) zone, as modified further by the below special provisions:
- i) Minimum Front Yard Setback 9 metres
 - ii) Minimum Side Yard Setback 3 metres
 - iii) Minimum Rear Yard Setback 10 metres
 - iv) Maximum Building Height 11 metres

807. Within the lands zoned Existing Rural Industrial (E2, 807) Zone, Modified on Map 86 of Schedule A – Zoning Maps, and municipally identified as 1810 Highway 6 (325 Old Guelph Road), the following special provisions shall apply:

- a) In addition to Section 4.12 d), any lot and the location thereon of any use, building or structure, that was legally approved and established through a Development Permit issuance from the Niagara Escarpment Commission, shall be deemed to comply with the regulations for any required setbacks, lot coverage, front yard, flankage yard, rear yard, lot width, lot area, and building height and are permitted by this By-law;
- b) Notwithstanding Section 12.7.1 Permitted Uses of Zoning By-law 05-200, only the following uses shall be permitted within wholly enclosed buildings:

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- i) Light manufacturing uses requiring small amounts of water and limited truck access together with related administration and business offices, research and development facilities, scientific laboratory, warehouse, repair and ancillary sales;
 - ii) Fixed Mini-Storage Units; and,
 - iii) Manufacturing of candles subject to Subsection e) below;
- c) Notwithstanding Section 12.7.3 Regulations of Zoning By-law 05-200, the following regulations shall apply:
- i) Minimum Lot Area 0.8 hectares
 - ii) Minimum Lot Width 30.0 metres
 - iii) Maximum Building Coverage 20% (Additional 20% if utilized for fixed mini-storage units.)
 - iv) Minimum Front Yard 30 metres
 - v) Minimum Side Yard 3.0 metres (6.0 metres along the west and north side yards abutting the *existing* residential lots which front onto Old Guelph Road.)
 - vi) Minimum Rear Yard 3.0 metres
 - vii) Maximum Building Height 11 metres
 - viii) Planting Strip Requirements 3.0 metre Planting Strip abutting a street, except for points of ingress and egress and abutting a residential or institutional use shall be required.

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- ix) Outdoor Storage: No outdoor storage is permitted.
 - d) For the purposes of interpreting subsection c) ii) above, the portion of the property fronting onto Old Guelph Road shall be deemed the front lot line;
 - e) Access to Old Guelph Road by way of *Motor Vehicle – Commercial* will not be permitted. Notwithstanding this provision, nothing will prevent access of vehicles which typically serve a residential neighbourhood on an infrequent basis such as moving vans; and,
 - f) For a candle manufacturing use, no *Motor Vehicle – Commercial* access is permitted onto Old Guelph Road.
- 808.** Within the lands zoned Rural (A2, 808) Zone, Modified on Map 86 of Schedule A – Zoning Maps, and municipally identified as 675 York Road, the following special provisions shall apply:
- a) In addition to Section 4.12 d), any lot and the location thereon of any use, building or structure, that was legally approved and established through a Development Permit issuance from the Niagara Escarpment Commission, shall be deemed to comply with the regulations for any required setbacks, lot coverage, front yard, flankage yard, rear yard, lot width, lot area, and building height and are permitted by this By-law;
 - b) Section 4.33 ‘*Secondary Dwelling Unit and Secondary Dwelling Unit – Detached*’ shall not apply;
 - c) Section 4.7 ‘*Reduction of Yards for Non-Conforming Lots*’ shall not apply;
 - d) Notwithstanding Section 4.8 of Zoning By-law 05-200, the following regulations shall apply to accessory structures or buildings:
 - i) Accessory buildings or structures shall be permitted in the non-required side or rear yard only;
 - ii) The minimum setback from an interior side lot line shall be 1.0 metre;
 - iii) The minimum setback from an exterior side lot line shall be 20.0 metres from the flankage street (Old Guelph Road);
 - iv) The minimum setback from a rear lot line shall be 1.0 metre;
 - v) The maximum height shall be 4.0 metres; and,
 - vi) The maximum lot coverage shall be as specified in subsection f) vii) below;

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- e) Notwithstanding Section 12.2.1 of Zoning By-law 05-200 only a single detached dwelling and associated accessory buildings or structures shall be permitted; and,
- f) Notwithstanding Section 12.2.3.7 (a)(b)(c)(d)(e) and (f), the following regulations shall apply for a single detached dwelling:

- i) Minimum Lot Area 0.8 hectares with municipal water supply. The required lot area may be larger than 0.8 hectares where deemed necessary by the agency having jurisdiction for the approval of on-site private sewage disposal systems pursuant to the provisions of the Environmental Protection Act, Chapter E.19, R.S.O. 1990, as amended from time to time or pursuant to any successor legislation.
- ii) Minimum Lot Width 18.0 metres
- iii) Minimum Front Yard 35 metres as measured from York Road
- iv) Minimum Side Yard 1.5 metres except:
 - 20.0 metres where the side yard abuts the flankage street (Old Guelph Road) of a corner lot;
 - 3.0 metres where the side yard provides access to a parking area or rear yard garage;
 - 5.0 metres on one side of an interior lot upon which there is no garage or carport.

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| v) | Minimum Rear Yard | 7.5 metres |
| vi) | Maximum Building Height | 9.7 metres |
| vii) | Maximum Lot Coverage | 325 square metres for all buildings on the lot |

809. Within the lands zoned Rural (A2, 809) Zone, Modified on Map 86 of Schedule A – Zoning Maps, and municipally identified as 200 Old Guelph Road and 252 Old Guelph Road the following special provisions shall apply:

- a) In addition to Section 4.12 d), any lot and the location thereon of any use, building or structure, that was legally approved and established through a Development Permit issuance from the Niagara Escarpment Commission, shall be deemed to comply with the regulations for any required setbacks, lot coverage, front yard, flankage yard, rear yard, lot width, lot area, and building height and are permitted by this By-law;
- b) Notwithstanding Section 12.2.1, only a Place of Worship shall be permitted;

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c) The following regulations shall apply to a Place of Worship:

- i) Maximum Lot Coverage 20%
- ii) Minimum Rear Yard 7.5 metres
- iii) Minimum Front Yard 7.5 metres
- iv) Minimum Side Yard 4.5 metres
- v) Maximum Building Height 10.5 metres

d) Parking shall be provided in accordance with Section 5."

3. That Schedule "D" – Holding Provisions be amended by adding the additional Holding Provision as follows:

"122.Notwithstanding the Temporary Use Provision 10 For Specific Lands as it applies to 574 Northcliffe Avenue. The permitted temporary dormitory use shall be limited to a maximum capacity of 96 occupants until such time as:

- i) The applicant / proponent shall demonstrate and have attained all the necessary approvals to provide adequate services to increase the capacity beyond 96 students to accommodate a dormitory having a maximum capacity of 138 occupants to the satisfaction of the Niagara Escarpment Commission, Director, Development Planning and Ministry of Environment, Conservation and Parks."

4. That Schedule "E" – Temporary Use Provisions is amended by adding the additional Temporary Use Provision as follows:

"10. In addition to the permitted uses of Rural (A2, 805), for a maximum three year period commencing on the day of the passing of this amending By-law, being the 12th day of July, 2019 and expiring on the 12th day of July, 2022, on the land shown as "A2,805, H122 " on Schedule "A" Zoning Maps of Zoning By-law 05-200 and as described municipally as 574 Northcliffe Avenue, the following use shall be permitted:

- i) Within the *existing* building municipally known as 574 Northcliffe Avenue, a dormitory having a maximum capacity of 138 occupants

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shall be permitted temporarily and only within the *existing* institutional building described municipally as 574 Northcliffe Avenue.”

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*;
6. That for the purposes of the Building Code, this by-law or any part of it is not made until it has come into force as provided by section 34 of the *Planning Act*; and,
7. That this By-law comes into force in accordance with section 34, 36 and 39 of the Planning Act.

PASSED this _____, 2021

F. Eisenberger
Mayor

A. Holland
City Clerk

CI-21-C





Hamilton
City of Hamilton
Zoning By-law

DRAFT

Legend

- Zoning Boundary
- Urban Boundary
- Holding Provisions
- Exceptions
- Conservation Authority
Approximate Regulation Limit
- Niagara Escarpment Plan
- City Limits

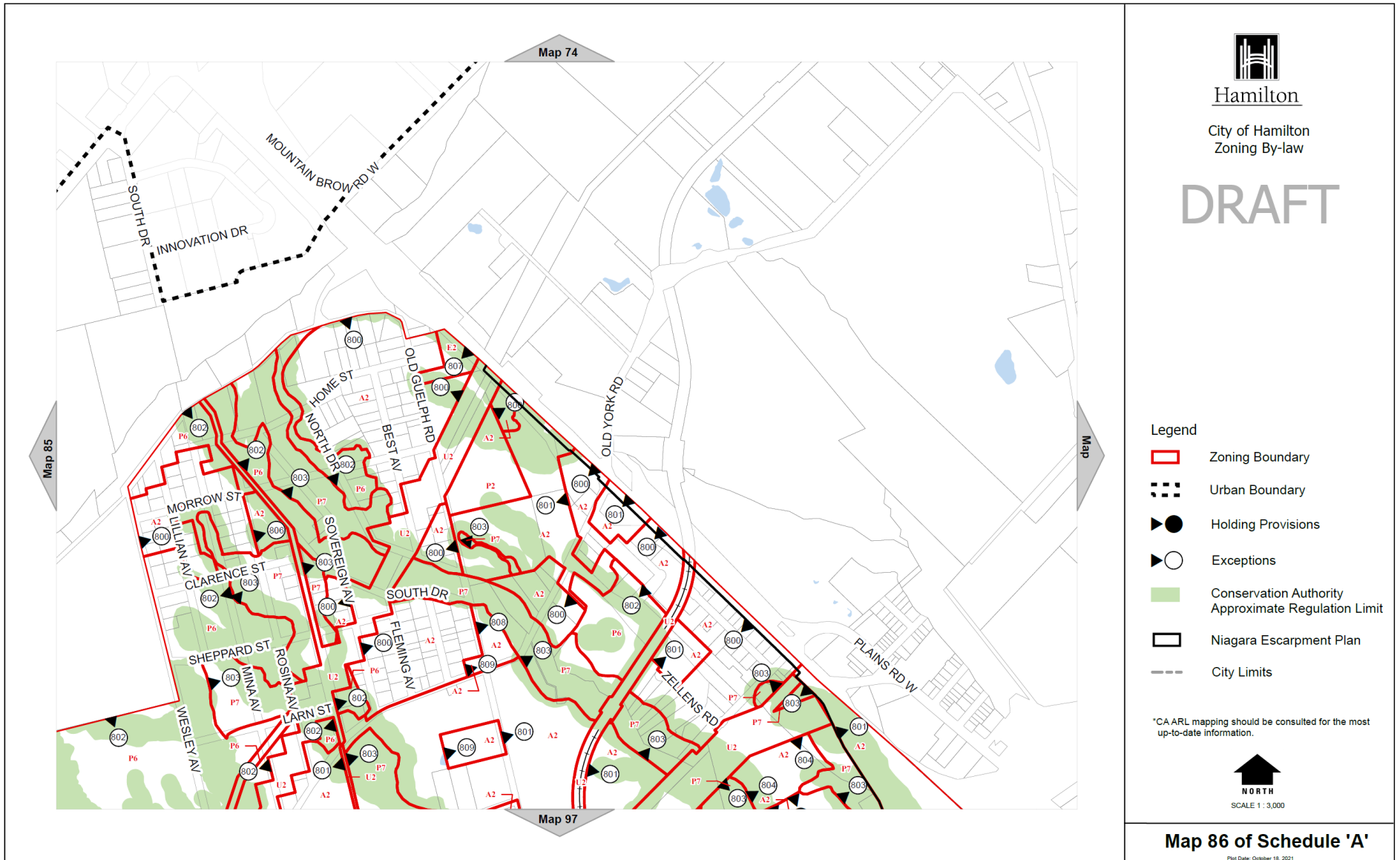
*CA ARL mapping should be consulted for the most up-to-date information.

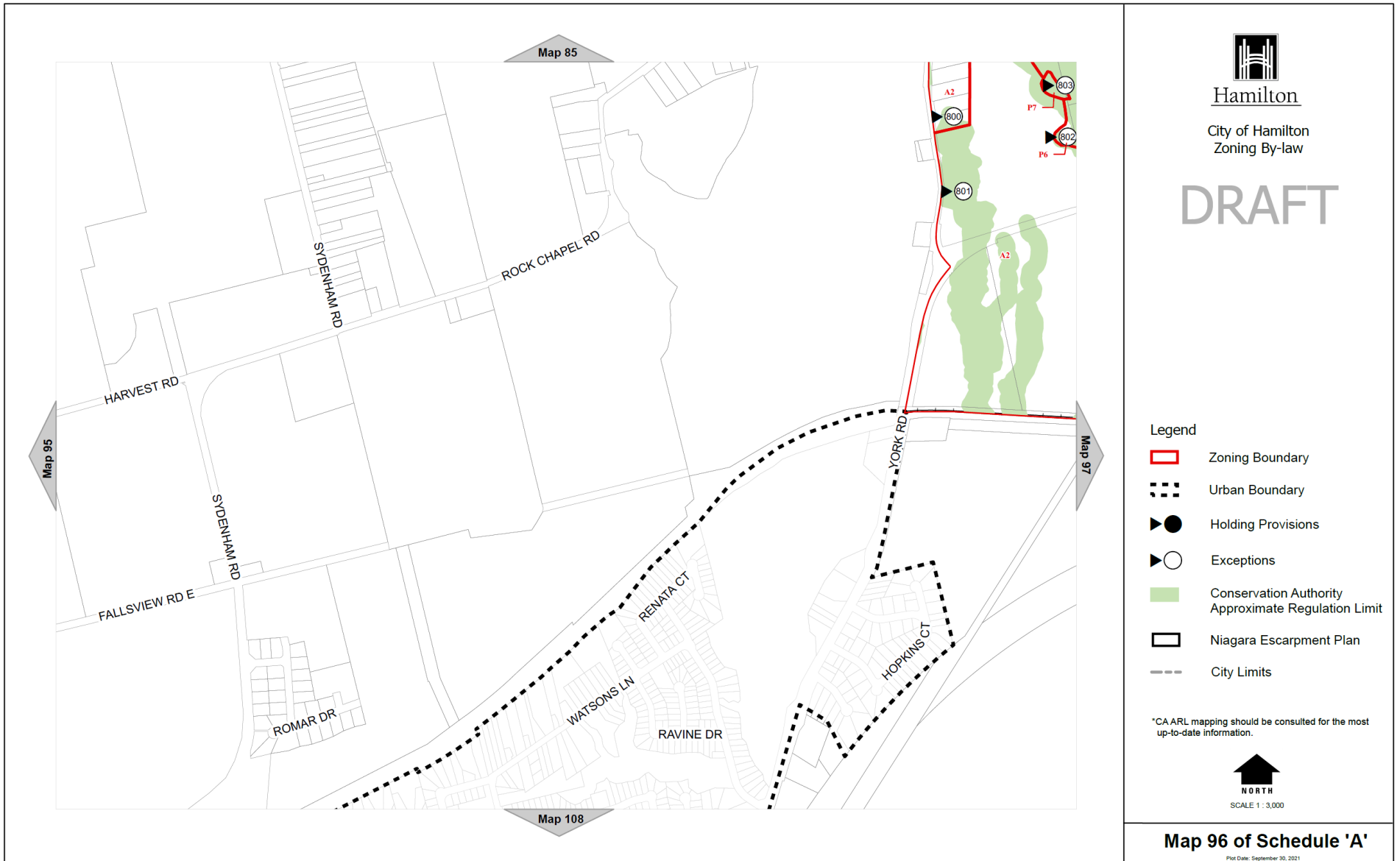


SCALE 1 : 3,000

Map 86 of Schedule 'A'

Plot Date: October 18, 2021







Hamilton

City of Hamilton
Zoning By-law

DRAFT

Legend

- Zoning Boundary
- Urban Boundary
- Holding Provisions
- Exceptions
- Conservation Authority
Approximate Regulation Limit
- Niagara Escarpment Plan
- City Limits

*CA ARL mapping should be consulted for the most up-to-date information.



SCALE 1 : 3,000

Map 97 of Schedule 'A'

Plot Date: October 18, 2021

