

Authority: Item 4, Planning Committee
Report: 15- 015 (PED13167(d))
CM: October 14, 2015

Bill No. 236

CITY OF HAMILTON

BY-LAW NO. 15-236

To Amend By-law No. 05-200, as amended by By-law No. 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;

To Amend By-law No. 05-200, as amended by By-law No. 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

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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:

To Amend By-law No. 05-200, as amended by By-law No. 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

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- 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

To Amend By-law No. 05-200, as amended by By-law No. 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

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			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

To Amend By-law No. 05-200, as amended by By-law No. 15-173, to Apply Rural Zones to the lands generally bounded by Garner Road East, Highway 6 South, Glanaster Road, White Church Road, Carluke Road and Fiddlers Green Road and the lands directly to the South of the Binbrook Urban Boundary

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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

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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.
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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

To Amend By-law No. 05-200, as amended by By-law No. 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

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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

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			be located within 1.5 metres of any lot line.
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278. Notwithstanding Sections 12.2.1, 12.2.3.1 i) and 12.2.3.2 g) ii), on those lands zoned Rural (A2) 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) The following uses shall also be permitted:

Farm Market
outdoor seasonal retail

b) For the purposes of Special Exception 278, the following definition shall apply:

Farm Market	Shall mean a building or structure where fresh fruit and vegetables, flowers and plants grown and other products derived from the Agricultural operation on the same property as well as other farms are offered for sale.
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c) The following regulations shall also apply:

i)	Maximum Gross Floor Area for Farm Market	1,050.0 square metres
ii)	Maximum Gross Floor Area for Agricultural Brewery/Cidery/Winery	925.0 square metres
iii)	Maximum Gross Floor Area for outdoor seasonal retail	435.0 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,

To Amend By-law No. 05-200, as amended by By-law No. 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

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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

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	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.
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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.

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		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 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:

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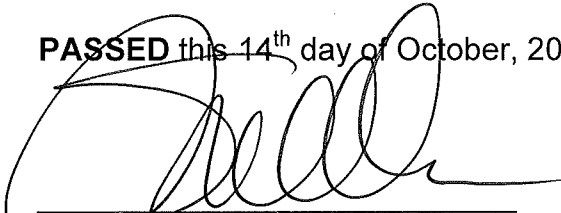
(Page 13 of 30)

- 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. 15-236 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 this 14th day of October, 2015.



Sam Merulla
Deputy Mayor

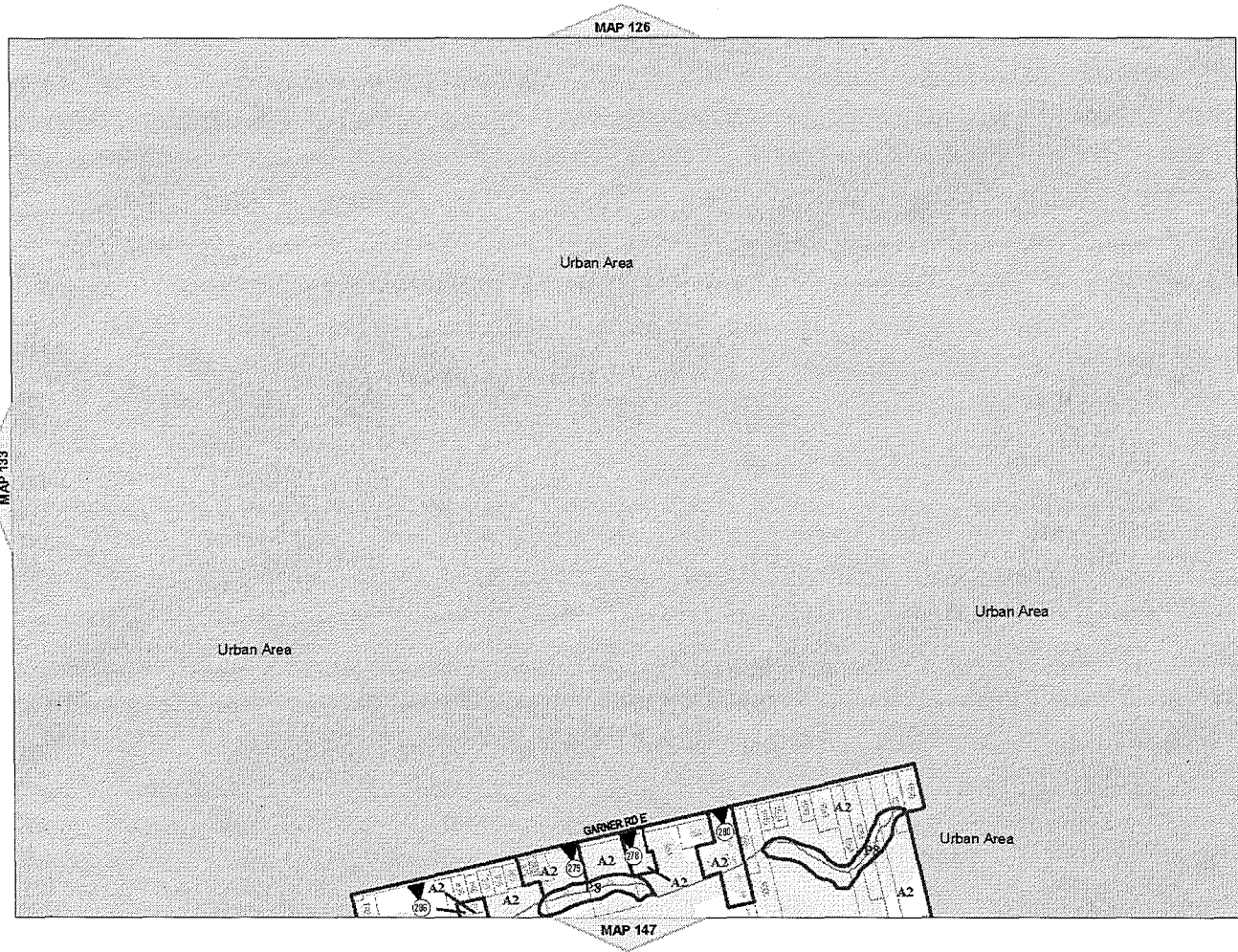


R. Caterini
City Clerk

To Amend By-law No. 05-200, as amended by By-law No. 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

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Schedule 1 – Zoning Maps



Hamilton
City of Hamilton
Zoning By-Law 05-200

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

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















MAP 134 of Schedule 'A'



Hamilton
City of Hamilton
Zoning By-Law 05-200

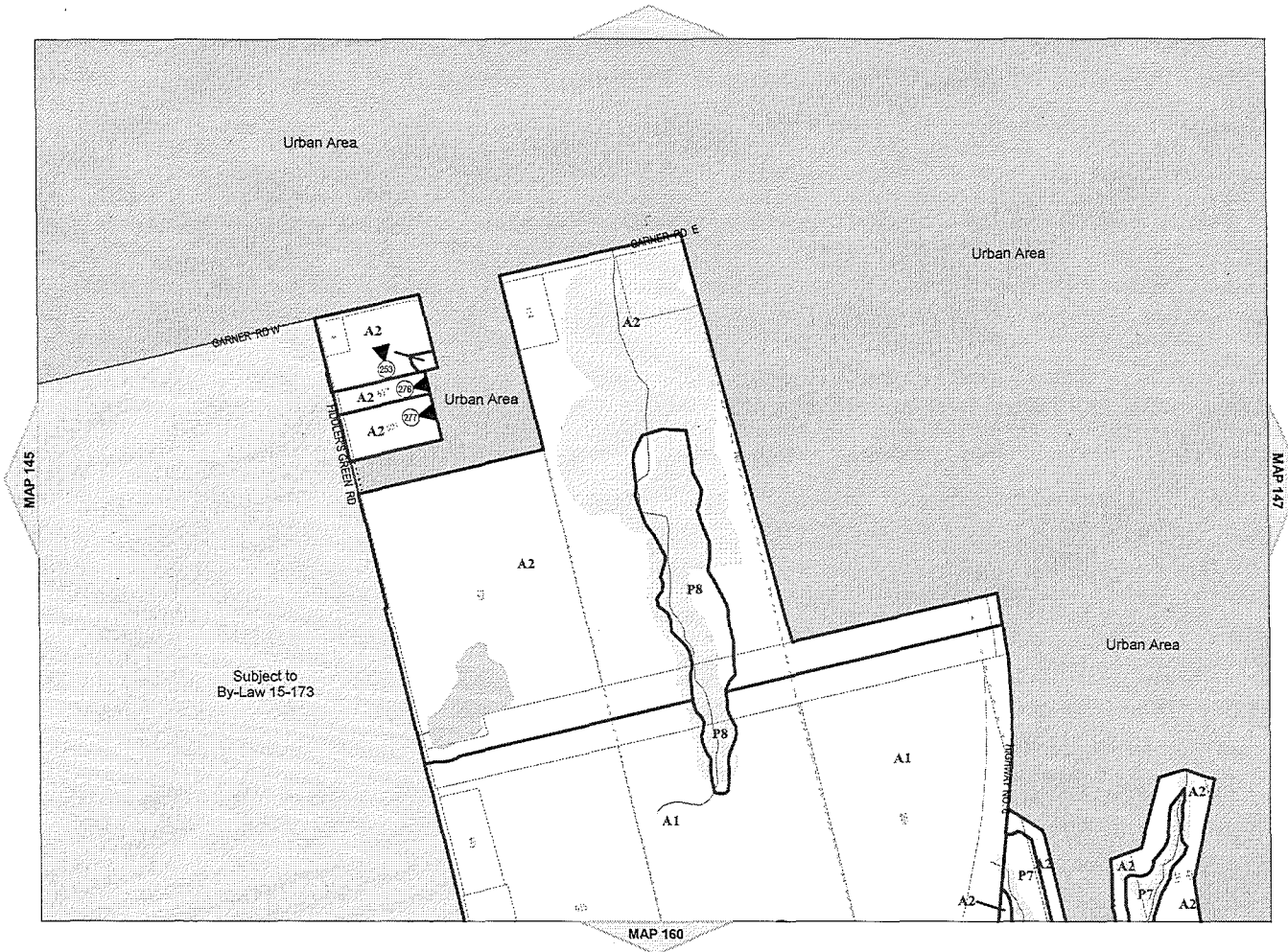
Map Reference Number	By-Law Number	Effective Date of By-Law

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



MAP 146 of Schedule 'A'

















Hamilton
City of Hamilton
Zoning By-Law 05-200

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

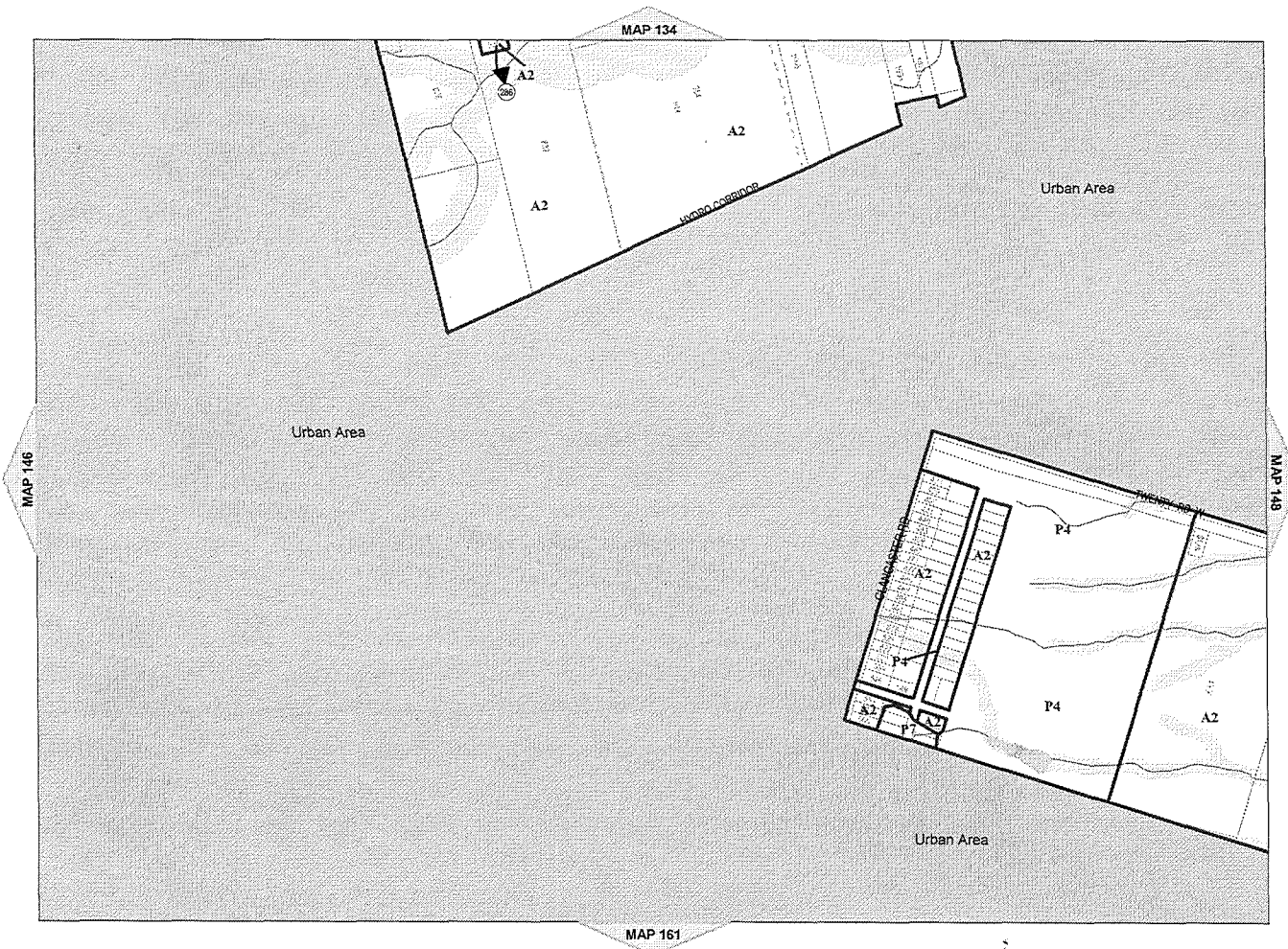
Legend

-  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



SCALE 1 : 10,000

MAP 147 of Schedule 'A'

















Hamilton

City of Hamilton
Zoning By-Law 05-200

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

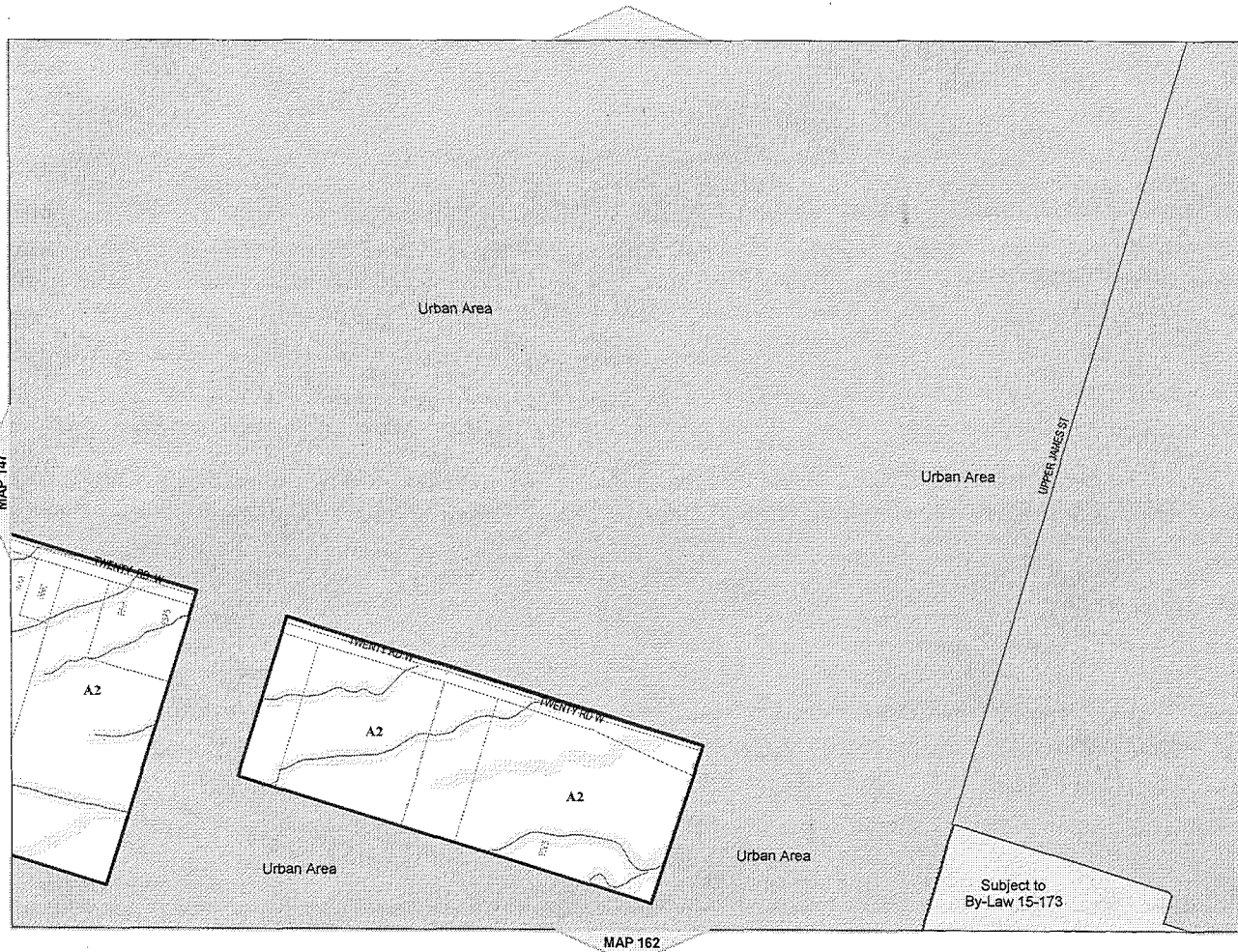
Legend

-  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 148 of Schedule 'A'

















Hamilton
City of Hamilton
Zoning By-Law 05-200

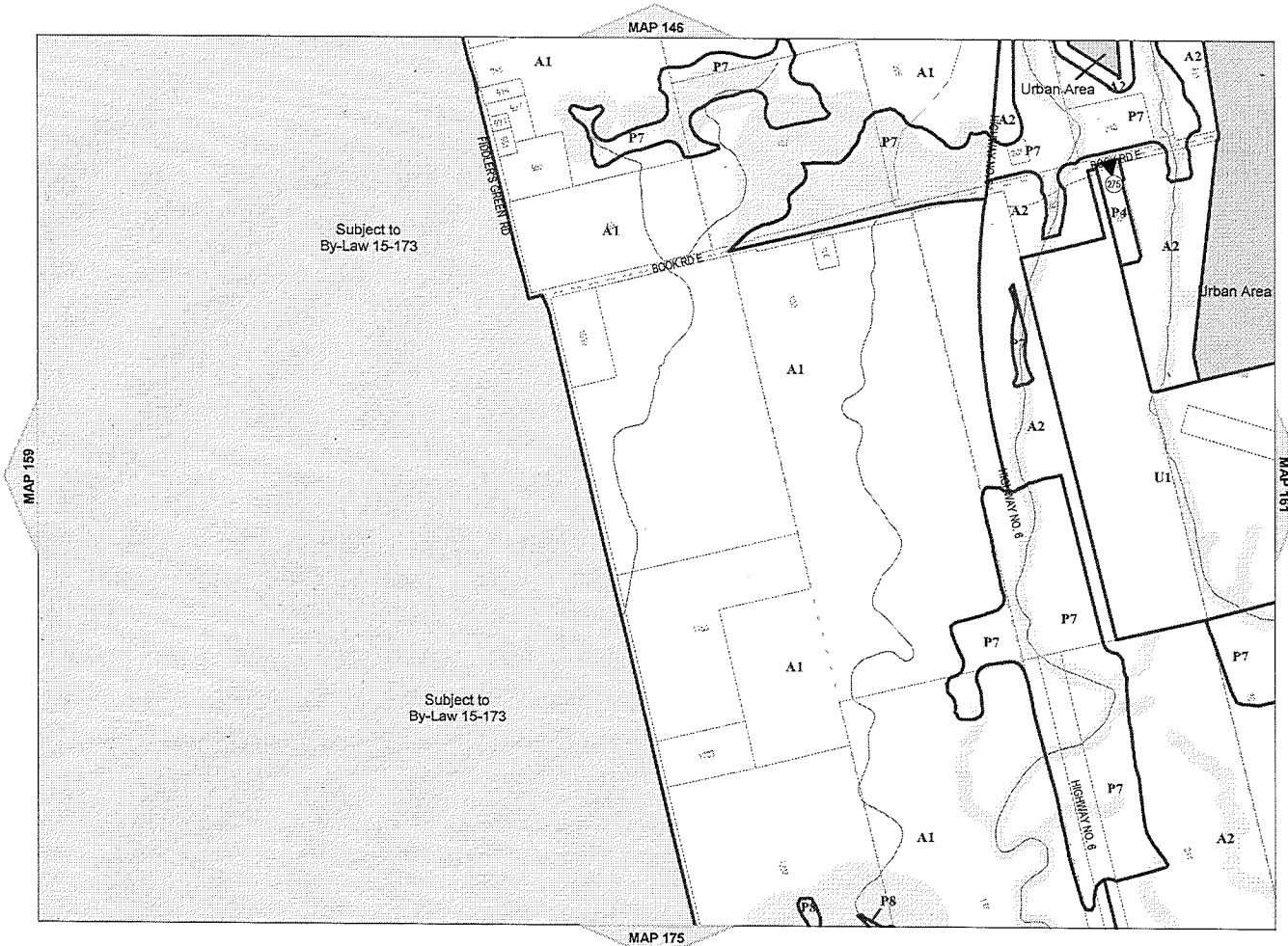
Map Reference Number	By-Law Number	Effective Date of By-Law

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



MAP 160 of Schedule 'A'















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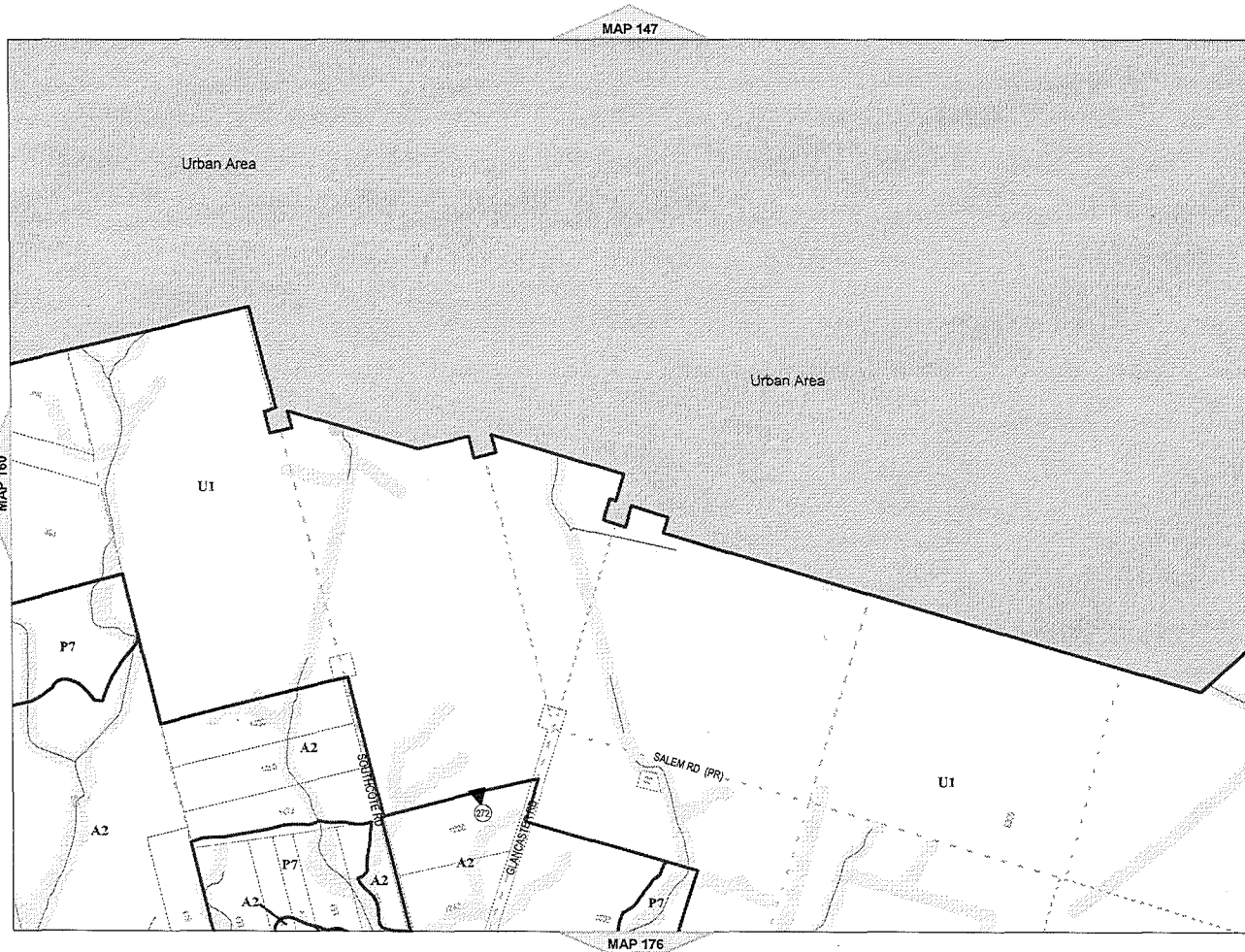
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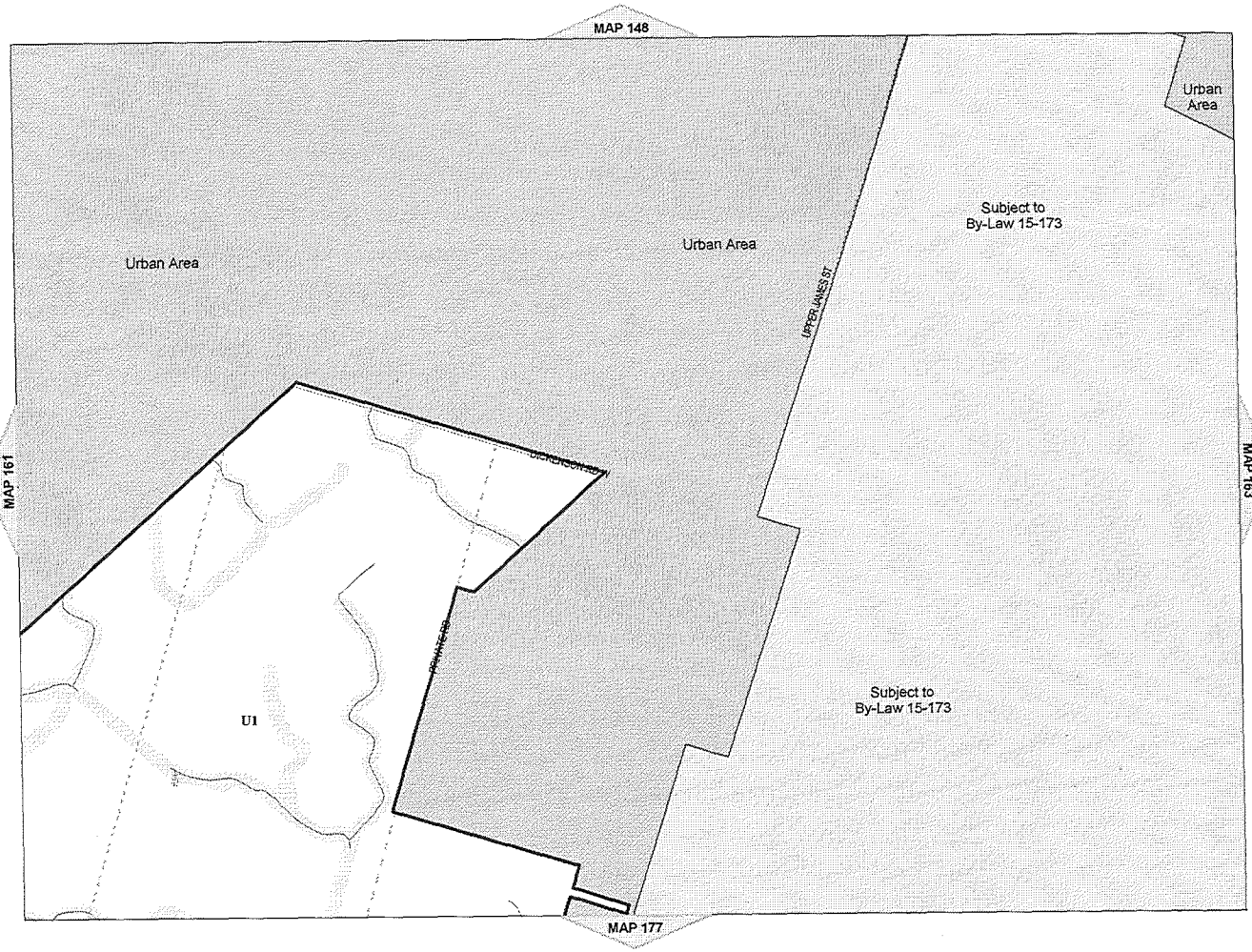
Legend

-  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



MAP 161 of Schedule 'A'





Hamilton
City of Hamilton
Zoning By-Law 05-200

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

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















MAP 162 of Schedule 'A'



Hamilton
City of Hamilton
Zoning By-Law 05-200

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

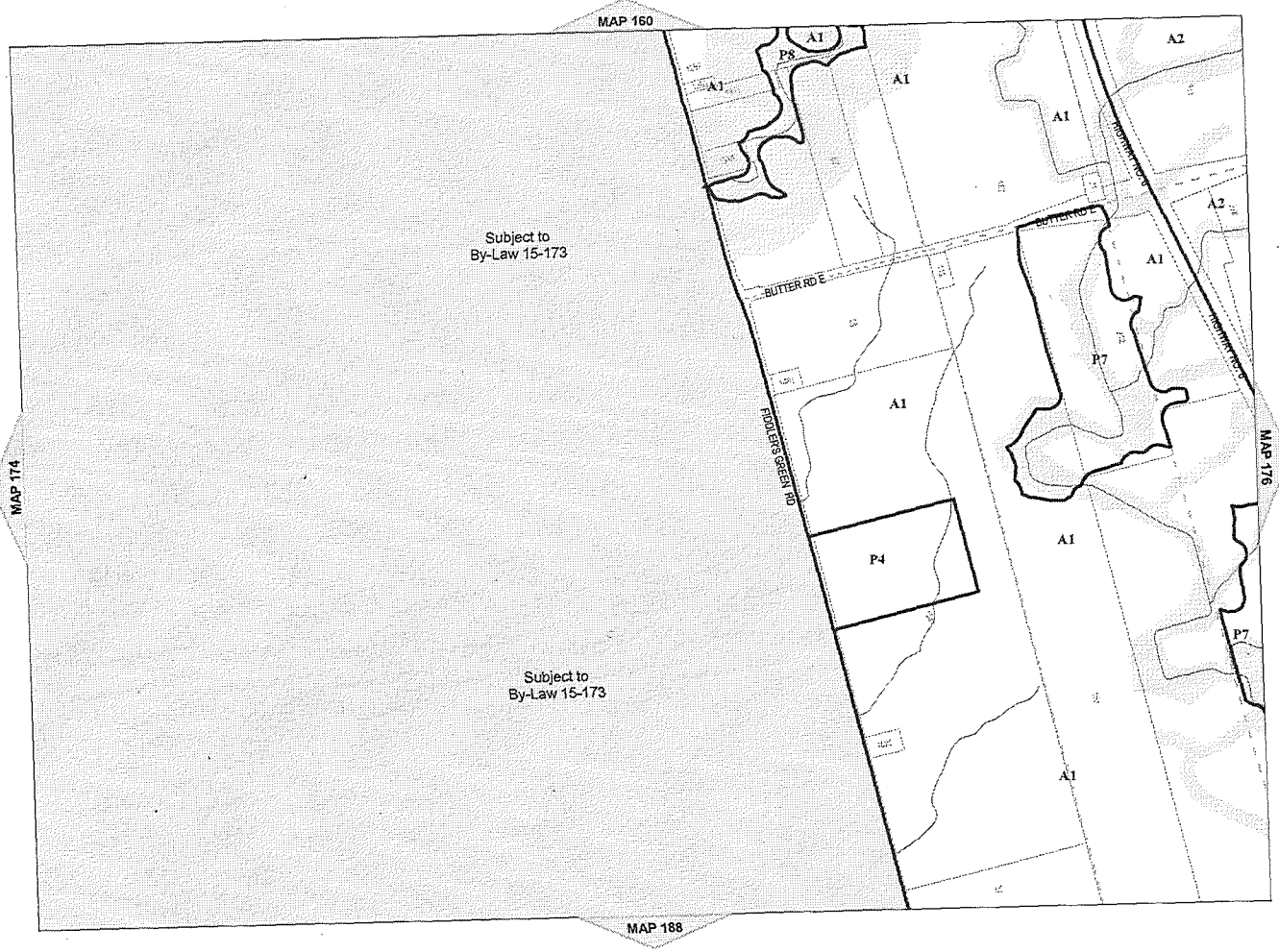
Legend

-  Urban Boundary
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-  City Boundary
-  RSA Boundary
-  Special Exception
-  Holding Provision
-  Temporary Use
-  NEC Development Control
-  C.A. Regulated Area
-  Area Subject to Different Zoning By-Law
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MAP 175 of Schedule 'A'

Date: October 14th, 2015















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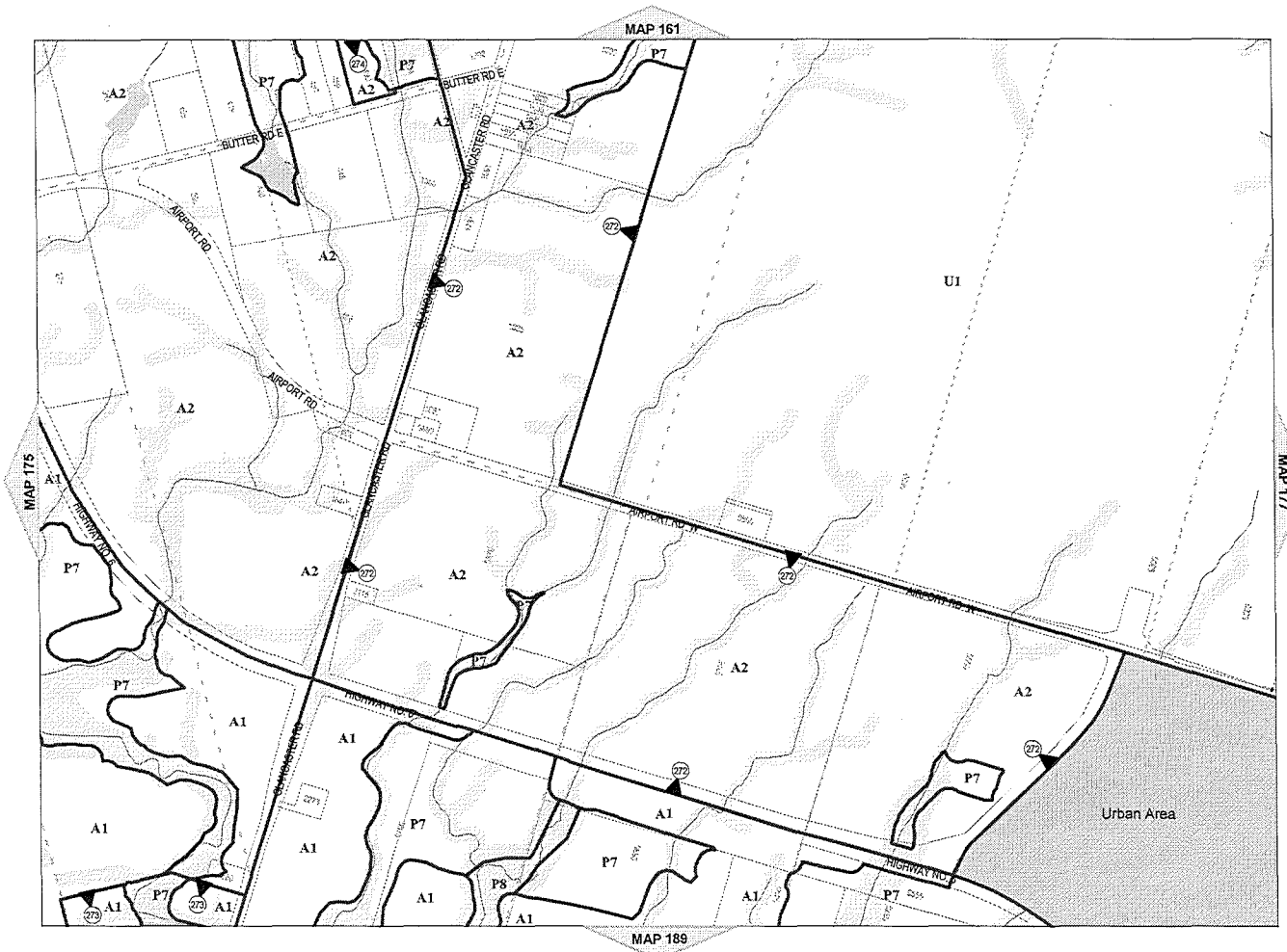
Map Reference Number	By-Law Number	Effective Date of By-Law

Legend

-  Urban Boundary
-  Lots and Concessions
-  Zoning Boundary
-  City Boundary
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-  Special Exception
-  Holding Provision
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-  Stream



MAP 176 of Schedule 'A'















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Hamilton
City of Hamilton
Zoning By-Law 05-200

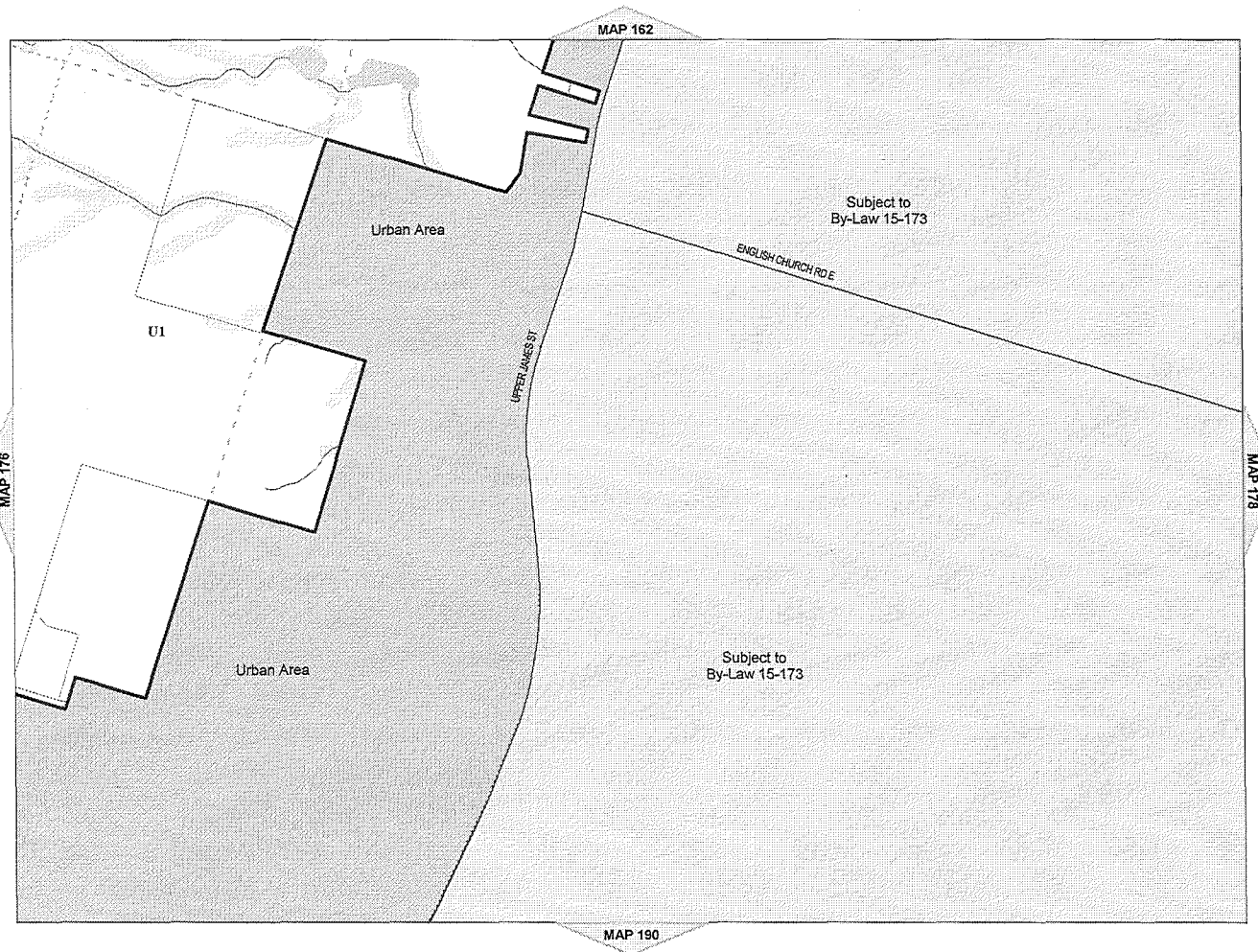
Map Reference Number	By-Law Number	Effective Date of By-Law

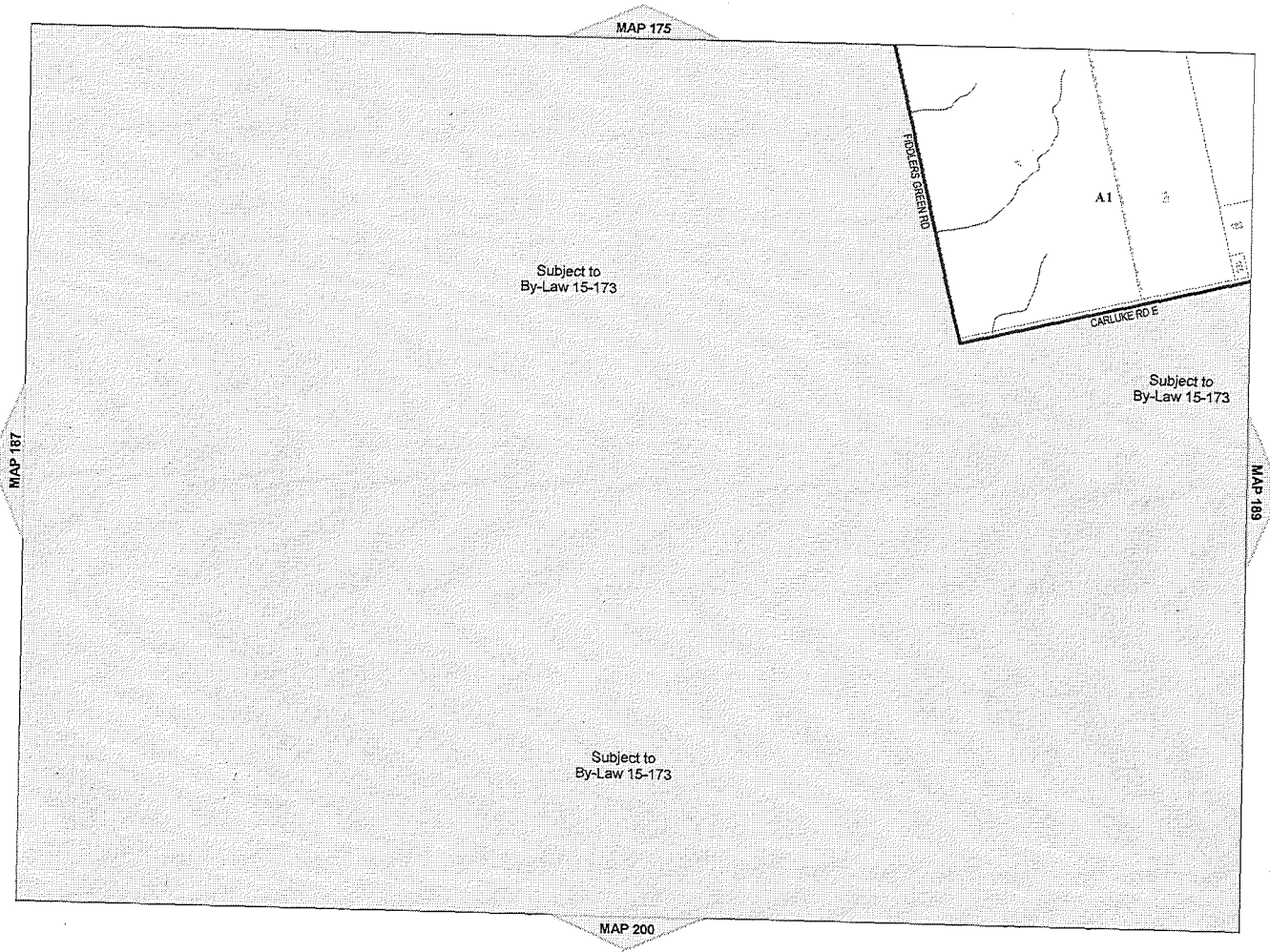
Legend

-  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



MAP 177 of Schedule 'A'





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City of Hamilton
Zoning By-Law 05-200

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

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

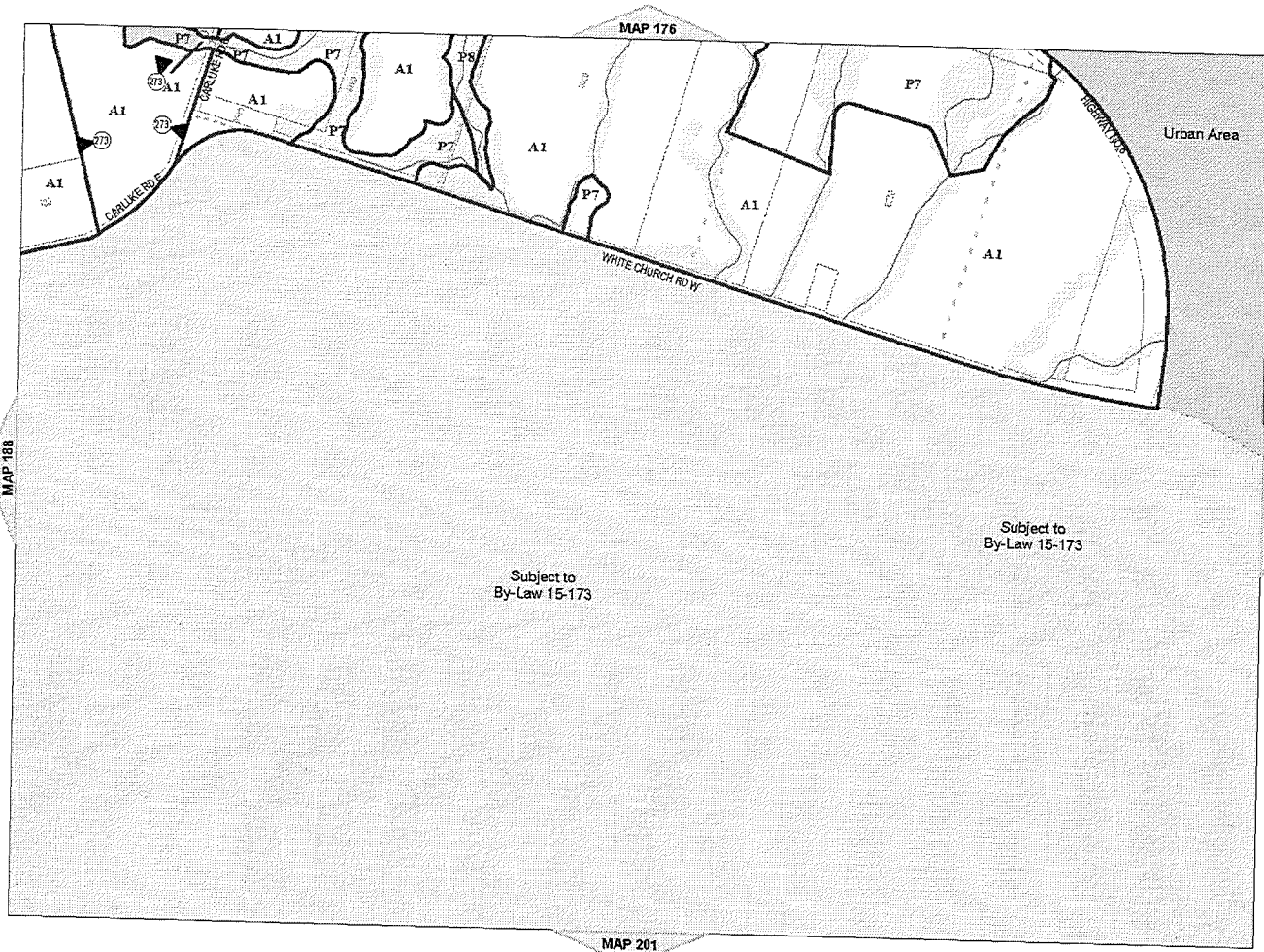


SCALE 1 : 10,000

MAP 188 of Schedule 'A'

Date: October 14th, 2015













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

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



SCALE 1:10,000

MAP 189 of Schedule 'A'













Date: October 14th, 2015



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City of Hamilton
Zoning By-Law 05-200

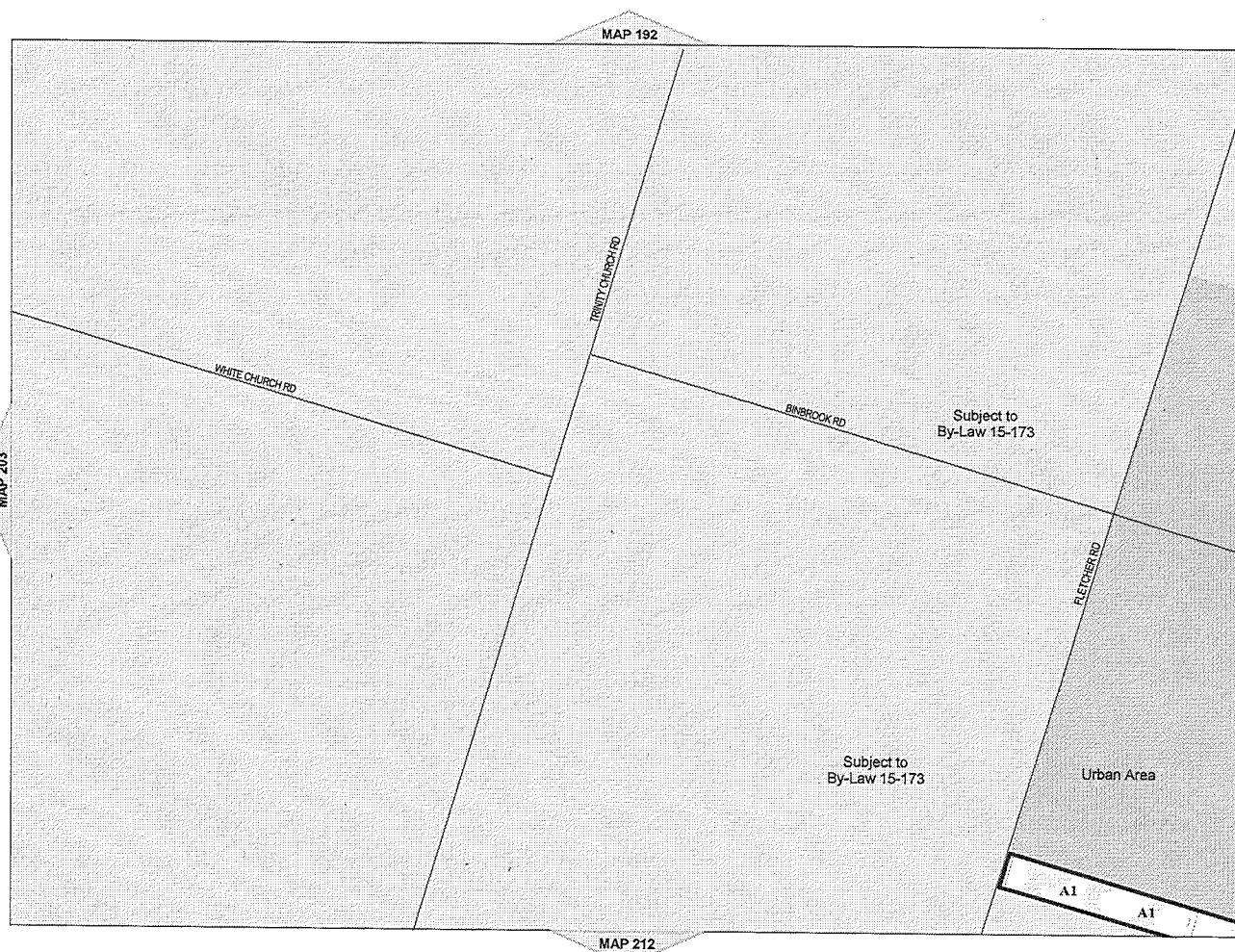
Map Reference Number	By-Law Number	Effective Date of By-Law

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



MAP 204 of Schedule 'A'

















Hamilton

City of Hamilton
Zoning By-Law 05-200

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

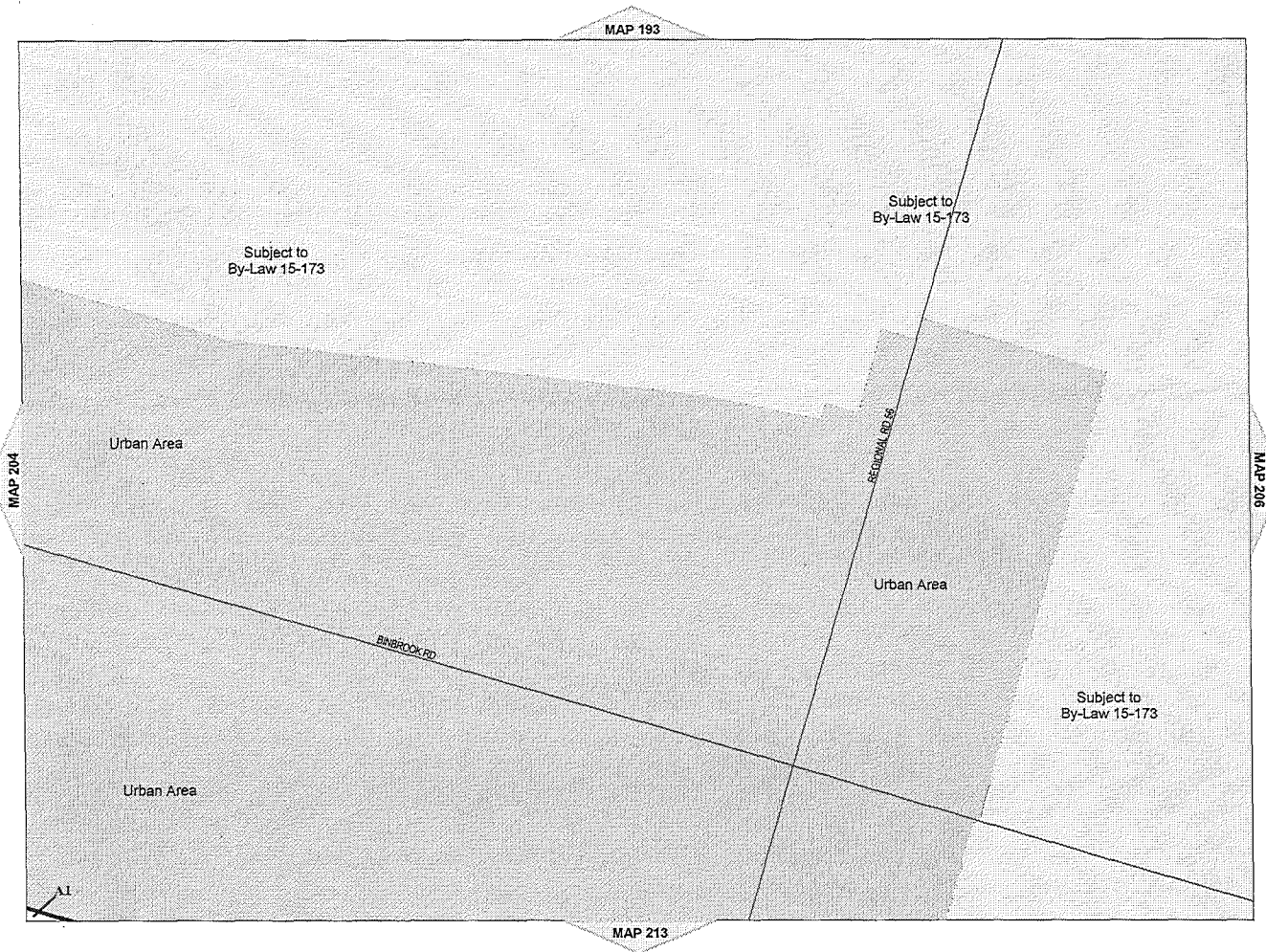
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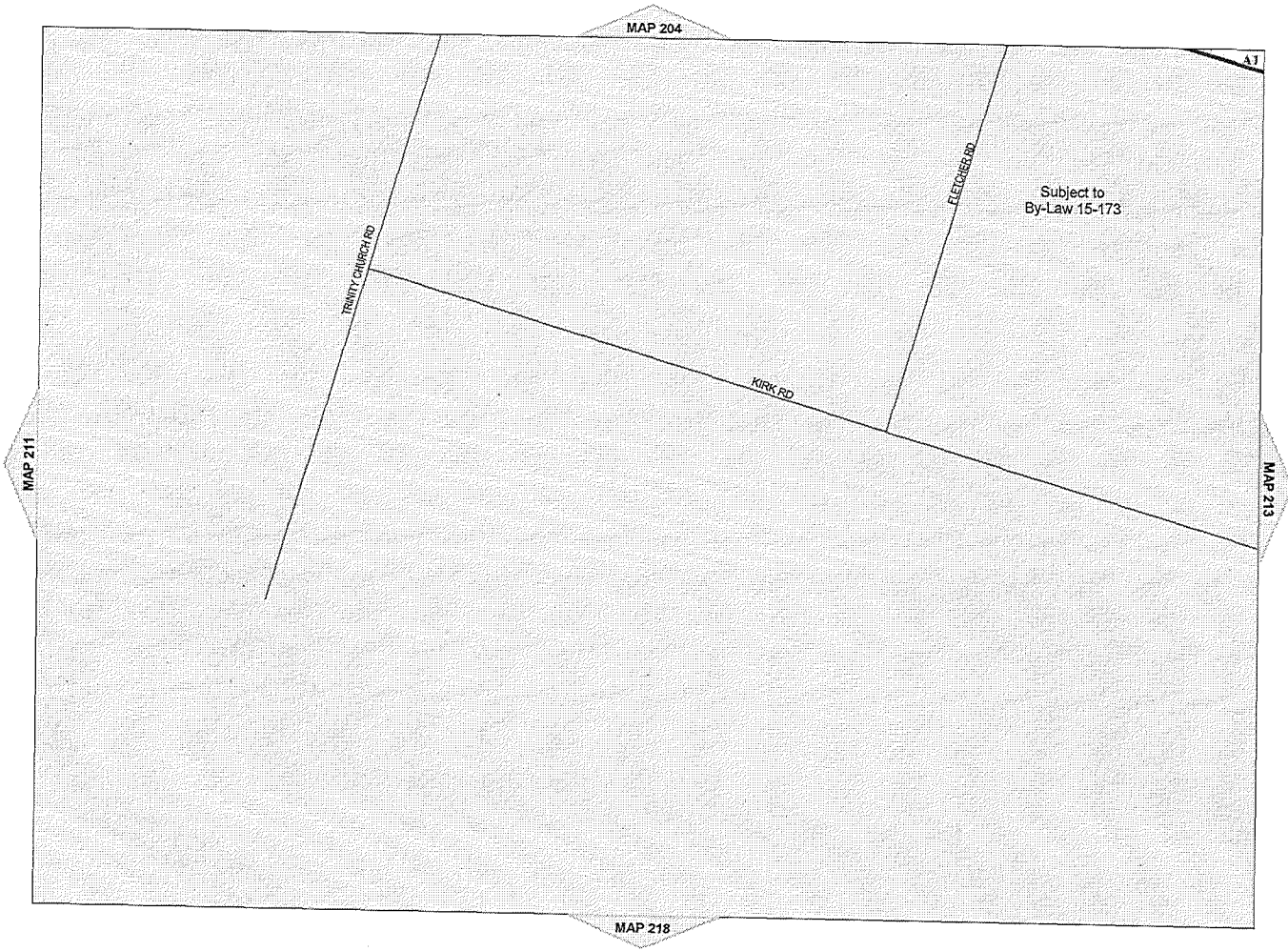
-  Urban Boundary
-  Lots and Concessions
-  Zoning Boundary
-  City Boundary
-  RSA Boundary
-  Special Exception
-  Holding Provision
-  Temporary Use
-  NEC Development Control
-  C.A. Regulated Area
-  Area Subject to Different Zoning By-Law
-  Stream



SCALE 1 : 10,000

MAP 205 of Schedule 'A'





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Zoning By-Law 05-200

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

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



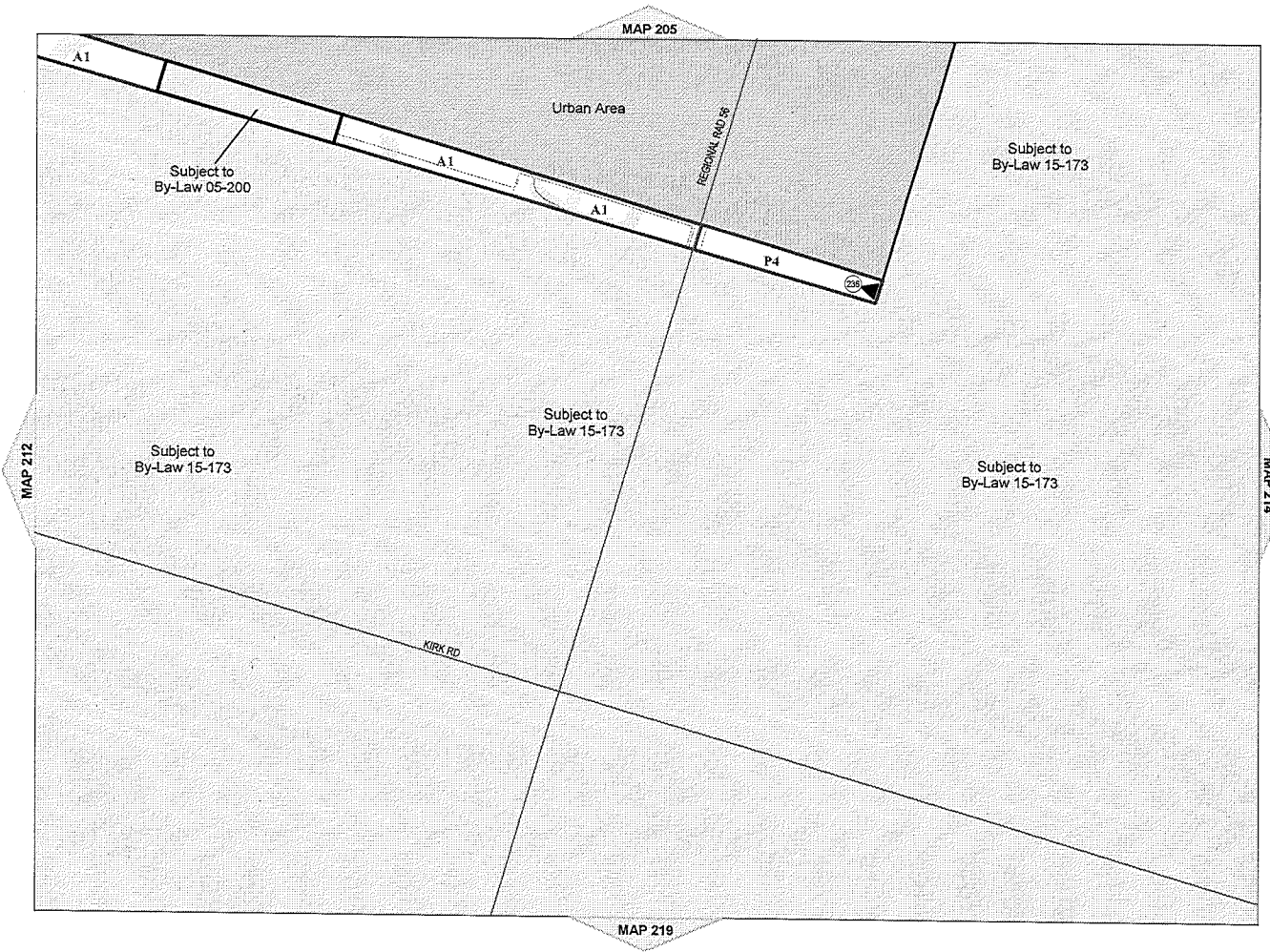
MAP 212 of Schedule 'A'

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To Amend By-law 05-200, as amended by By-law 15-173, to Apply Rural Zones to Airport and Surrounding Lands



Hamilton
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Zoning By-Law 05-200



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

- 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



MAP 213 of Schedule 'A'

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