

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

Bill No. 291

CITY OF HAMILTON

BY- LAW NO. 15-291

**To Amend Zoning By-law No. 6593 (Hamilton),
as amended by By-law Nos. 03-163 and 15-071
Respecting Corrections to Definition of Model Home
and Model Home Regulations**

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 municipality known as the “The Corporation of the City of Hamilton” 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which By-law was approved by the Ontario Municipal Board by Order, dated the 7th day of December 1951, (File No. P.F.C. 3821);

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. 6593 (Hamilton) be amended as hereinafter provided;

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 Urban Hamilton Official Plan;

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

1. That **SECTION 2: INTERPRETATION AND DEFINITIONS** is amended by deleting and replacing the definition of model home:

2. (2) A. (axii) **“Model Home”** means 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 SIX: GENERAL PROVISIONS** is amended by deleting and replacing Subsection 6.(20) **MODEL HOMES IN DRAFT PLANS OF SUBDIVISION**:

6.(20) 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

J. Pilon
Acting City Clerk

CI-15-H