

**Authority:** Item 17, Planning and Economic  
Development Committee  
Report 04-012 (PD040158)  
CM: August 12, 2004

**Bill No. 203**

## **CITY OF HAMILTON**

### **BY-LAW NO. 04-203**

#### **To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at Concession 3, Part Lot 3, Registered Plan 62R782 Part 1 (Flamborough)**

**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 Flamborough" 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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. 90-145-Z (Flamborough) was enacted on the 5th day of November 1990, and approved by the Ontario Municipal Board on the 21<sup>st</sup> day of December, 1992;

**AND WHEREAS** this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Flamborough) in accordance with the provisions of the Planning Act;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Section 17 of Report 04-012 of the Planning and Economic Development Committee at its meeting held on the 12<sup>th</sup> day of August, 2004, recommended that Zoning By-law No. 90-145-Z (Flamborough), be amended as hereinafter provided;

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

1. Schedule "A-32" of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby amended;

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- (a) by changing from Agricultural "A" Zone to Public "P(H)" Holding Zone, for lands comprised in **Block "1"**;
- (b) by changing from Agriculture "A" Zone to Site Specific Medium Density Residential "R6-13(H)" Holding Zone, for lands comprised in **Blocks "2" and "4"**;
- (c) by changing from Agriculture "A" Zone to Site Specific Medium Density Residential "R6-12(H)" Holding Zone, for lands comprised in **Block "3"**;
- (d) by changing from Agricultural "A" Zone to Site Specific Urban Residential "R1-27(H)" Holding Zone, for lands comprised in **Block "5"**;
- (e) by changing from Agricultural "A" Zone to Site Specific Urban Residential "R1-30(H)" Holding Zone, for lands comprised in **Block "6"**;
- (f) by changing from Agricultural "A" Zone to Urban Commercial "UC(H)" Holding Zone, for lands comprised in **Block "7"**; and,
- (g) by changing from Agricultural "A" Zone to Urban Development "UD(H)" Holding Zone, for lands comprised in **Block "8"**;

the extent and boundaries of which are more particularly shown on Schedule "A" annexed hereto and forming part of this by-law.

2. That the amending By-law apply to the Holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to those lands zoned Public "P" (Block 1), Medium Density Residential "R6-13" (Blocks 2 and 4), Medium Density Residential "R6-12" (Blocks 3), Urban Residential "R1-27" (Block 5), Urban Residential "R1-30" (Block 6), Urban Commercial "UC" (Block 7), and Urban Development "UD" (Block 8) by introducing the holding symbol "H" as a suffix to the proposed zone. The Holding provision shall not be removed until such time as the following condition has been satisfied:

- (i) that the EA process for the Transportation Master Plan is proceeding expeditiously and has advanced to the stage where the alternatives have been identified and the potential routes have been identified for evaluation and the subject lands have been confirmed to not be included as alternatives or potential routes;

City Council may remove the "H" symbol and, thereby give effect to the Public "P", Medium Density Residential "R6-13", Medium Density Residential "R6-12", Urban Residential "R1-27", Urban Residential "R1-30", Urban Commercial "UC", and Urban Development "UD" Zones, by enactment of an amending By-law once the conditions are fulfilled;

3. Section 11 – Medium Density Residential Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding the following

subsection:

11.3 EXCEPTION NUMBERS

11.3.12 "R6-12(H)" (See Schedule A-32)

Permitted Uses

- (a) Street Townhouse

Zone Provisions

- (a) Lot Area (minimum) 156.0 square metres
- (b) Lot Frontage (minimum) 6.0 metres
- (c) Lot Coverage (maximum) N/A
- (d) Front Yard (minimum) 3.5 metres, except 6.0 metres to an attached garage or attached carport
- (e) Rear Yard (minimum) 6.5 metres
- (f) Interior Side Yard (minimum) 1.2 metres, except in the common interior side
- (g) Exterior Side Yard (minimum) 3.5 metres, except 6.0 metres to an attached garage or attached carport
- (h) Landscaped Open Space N/A
- (j) Yard Encroachments in accordance with the following:

<b>Structure or Item</b>	<b>Yard Into Which Encroachment is Permitted</b>	<b>Maximum Encroachment Permitted into Required Yard</b>
Sills, beltcourses, cornices, chimney breasts, pilasters, eaves or gutters	All	0.65 metres
Bay windows with	Required front and	1.00 metres

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or without a foundation	required exterior side yard	
Steps and unenclosed porches	Required front, required rear and required exterior side yard	Porches – 2.0 metres Steps – 0.60 metres from the streetline
Setback of all structures from site triangles	Required front and required exterior side yard	0.30 metre minimum setback from a site triangle

(k) General Provisions – Other than contained herein, the provisions of Section 5 shall apply.

(l) All other zone provisions of Subsection 11.2 shall apply.

4. Section 11 – Medium Density Residential Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding the following subsection:

11.3 EXCEPTION NUMBERS

11.3.13 “R6-13(H)” (See Schedule A-32)

Permitted Uses

(a) Street Townhouse

Zone Provisions

(a) Lot Area (minimum) 195 square metres

(b) Lot Frontage (minimum) 7.5 metres

(c) All other zone provisions of Section 11.3.12 shall apply.

5. Section 6 – Urban Residential Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding the following subsection:

6.3 EXCEPTION NUMBERS

6.3.27 “R1-27(H)” (See Schedule A-32)

Permitted Uses

Subsection 6.1 shall apply.

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Zone Provisions

- (a) Lot Area (minimum) 247.0 square metres
- (b) Lot Frontage (minimum) 9.5 metres
- (c) Lot Coverage (maximum) N/A
- (d) Front Yard (minimum) 3.5 metres, except 6.0 metres to an attached garage or attached carport
- (e) Rear Yard (minimum) 6.5 metres
- (f) Interior Side Yard (minimum) 1.2 metres one side, and 0.60 metres other side
- (g) Exterior Side Yard (minimum) 3.5 metres, except 6.0 metres to an attached garage or attached carport
- (h) Landscaped open Space N/A
- (j) Yard Encroachments in accordance with the following:

<b>Structure or Item</b>	<b>Yard Into Which Encroachment is Permitted</b>	<b>Maximum Encroachment Permitted into Required Yard</b>
Sills, beltcourses, cornices, chimney breasts, pilasters, eaves or gutters	All	0.65 metres, except 0.60 metres into a required 0.60 metre side yard
Bay windows with or without a foundation	Required front and required exterior side yard	1.00 metres
Steps and unenclosed porches	Required front, required rear and required exterior side yard	Porches – 2.0 metres Steps – 0.60 metres from the streetline
Setback of all structures from site triangles	Required front and required exterior side yard	0.30 metre minimum setback from a site triangle

- (k) General Provisions – Other than contained herein, the provisions of Section 5 shall apply.

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(l) All other zone provisions of Subsection 6.2 shall apply.

6. Section 6 – Urban Residential Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding the following subsection:

6.3 EXCEPTION NUMBERS

6.3.30. "R1-30(H)" (See Schedule A-32)

Permitted Uses

- (a) Single Detached Dwelling
- (b) Street Townhouse

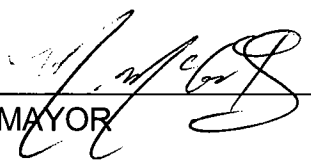
Zone Provisions

- (a) Number of Dwelling Units                      34 units total  
(maximum)
- (b) Single Detached Dwelling shall comply with all other zone provisions of Subsection 6.3.27.
- (c) Street Townhouses shall comply with all other zone provisions of subsection 11.3.12.

7. That the amending By-law be added to Schedule "A-32" of Flamborough Zoning By-law No. 90-145-Z.

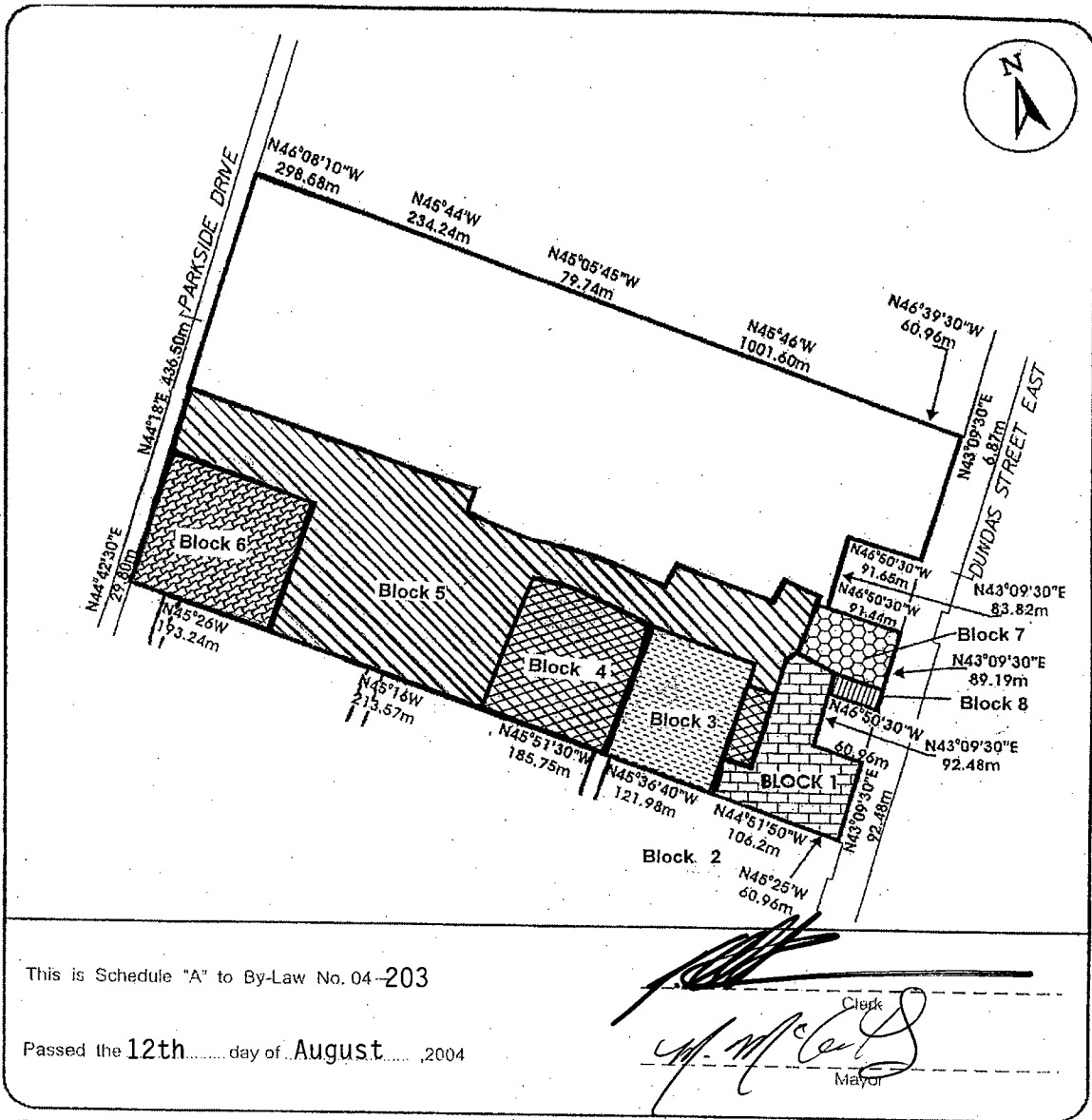
8. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

**PASSED and ENACTED** this 12<sup>th</sup> day of August, 2004.

  
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MAYOR

  
\_\_\_\_\_  
CLERK









By-law respecting UpCountry Estates





# Schedule "A"

Map Forming Part of  
By-Law No. 04-203  
to Amend By-Law No. 90-145-Z

Subject Property - Upcountry Estates - Part of Lot 3,  
Concession 3 - Change in Zoning from Agriculture "A" Zone to

-  Block 1 - Public "P(H)" Holding Zone
-  Blocks 2 & 4 - Medium Density Residential "R6-13(H)" Holding Zone
-  Block 3 - Medium Density Residential "R6-12(H)" Holding Zone
-  Block 5 - Urban Residential "R1-27(H)" Holding Zone
-  Block 6 - Urban Residential "R1-30(H)" Holding Zone
-  Block 7 - Urban Commercial "UC(H)" Holding Zone
-  Block 8 - Urban Development "UD(H)" Holding Zone
-  Other Lands Owned by the Applicant

 Planning and Development Department		
North 	Scale <b>NOT TO SCALE</b> Date January 29, 2004	Reference File No. 25T-200307/ZAC-03-25 Drawn By NB