

Authority: Item 5, Economic Development
and Planning Committee
Report 07 -006(PED07088)
CM: April 11, 2007

Bill No. 109

CITY OF HAMILTON

BY-LAW NO. 07-109

To Amend Zoning By-law No. 90-145-Z (Flamborough) Respecting Land Located at 477 Dundas Street East (former Town of Flamborough)

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 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 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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. 90-145-Z (Flamborough) was enacted on the 5th day of November 1990, and approved by the Ontario Municipal Board on the 21st day of December 1992;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 5 of Report 07-006 of the Economic Development and Planning Committee at its meeting held on the 11th day of April, 2007, recommended that Zoning By-law No. 90-145-Z (Flamborough), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (formerly the Town of Flamborough) in accordance with the provisions of the Planning Act.

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

1. That Schedule "A-32" of Zoning By-law No. 90-145-Z (Flamborough), is hereby amended by:
 - (a) by changing from Agricultural "A" Zone to the Urban Commercial - Holding "UC(H)" Zone for Block "1"; and,

- (b) by changing from the Urban Development – Holding “UC(H)” Zone to the Urban Commercial - Holding “UC(H)” Zone for Block “2”;

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

2. That the Holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, as amended, apply to the lands zoned “UC” by introducing the Holding symbol ‘H’ as a suffix to the proposed Urban Commercial Zone.

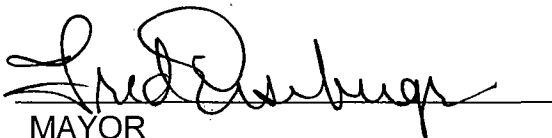
The Holding Provision ‘H’ will prohibit all permitted uses until such time that:

- (i) The owner submits an Archaeological Assessment to the satisfaction of the City of Hamilton’s Manager of Development Planning and the Ministry of Culture; and,
- (ii) The subject lands are adequately serviced to the satisfaction of the City of Hamilton’s Manager of Development Engineering.

City Council may remove the ‘H’ symbol, and thereby give effect to the site-specific “UC” Urban Commercial Zone provisions by enactment of an amending by-law once the conditions are fulfilled.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used nor shall any land be used, except in accordance with the “UC” (Urban Commercial) Zone provisions.
4. 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 11th day of April, 2007.

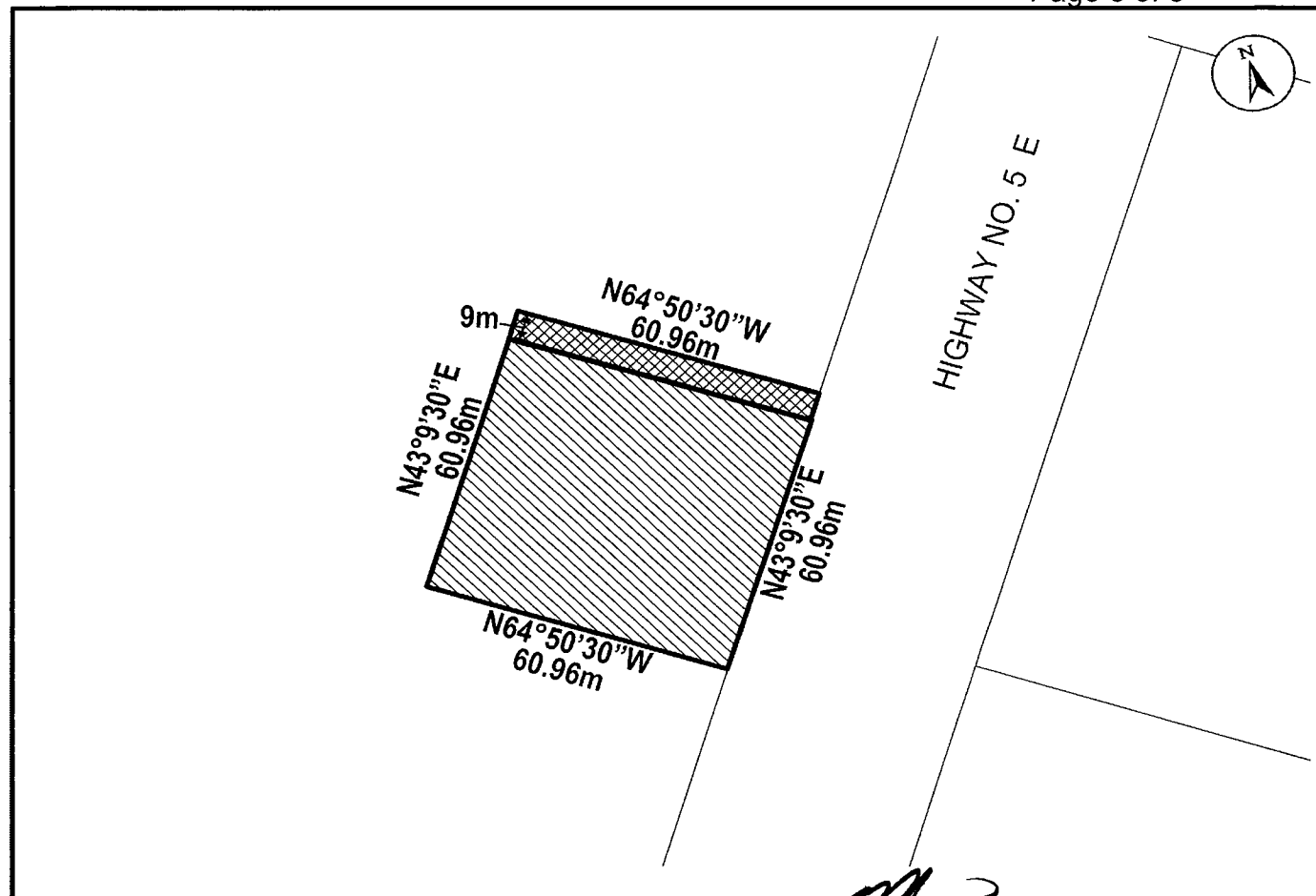


MAYOR
Fred Eisenberger



CLERK
Kevin Christenson

ZAC-06-73



This is Schedule "A" to By-Law No. 07- 109

Passed the ..11th.. day of ..April....., 2007

[Signature]
Clerk
[Signature]
Mayor


Schedule "A"

Map Forming Part of By-Law No. 07- 109

to Amend By-law No. 90-145-Z

Subject Property

477 Dundas Street East

 **Block 1** - Change in zoning from the "A" Agricultural Zone to the "UC"-H' Urban Commercial-Holding Zone.

 **Block 2** - Change in zoning from the "UD-H" Urban Development-Holding Zone to the "UC"-H' Urban Commercial-Holding Zone.

Scale:
N.T.S.

File Name/Number:
ZAC-06-73

Date:
March 6, 2007

Planner/Technician:
DS/LM



Hamilton