

**Authority:** Item 14, Economic Development  
and Planning Committee  
Report: 08-003 (PED08035)  
CM: February 13, 2008

**Bill No. 030**

**CITY OF HAMILTON**

**BY-LAW NO. 08-030**

**To Amend Zoning By-law No. 90-145-Z (Flamborough),  
Respecting Lands Located at 40 and 46 Flamboro Street and 62 Barton Street**

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 14 of Report 08-003 of the Economic Development and Planning Committee at its meeting held on the 13<sup>th</sup> day of February, 2008, 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 (the Official Plan of the former Town of Flamborough), approved by the Minister under the Planning Act on September 27th, 1988.

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

1. Schedule No. "A-31" attached to and forming part of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by zoning the lands Medium Density Residential – Holding "R6-17(H)" Zone, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

**By-law Respecting 40 and 46 Flamboro Street and 62 Barton Street**  
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2. Section 11 – Medium Density Residential “R6” Zone of Zoning By-law No. 90-145-Z, is hereby amended by adding the following subsection:

“11.3.17 “R6-17(H)” (See Schedule A-31)

Permitted Uses:

- (a) In addition to the Permitted Uses identified in Subsection 11.1 of Zoning By-law No. 90-145-Z, the single detached dwelling existing on the day of the passing of this By-law, being the 13<sup>h</sup> day of February, 2008 and accessory structures thereto shall be permitted.

Zone Provisions:

- (a) As existing, for the single detached dwelling and church building existing on the day of the passing of this By-law, being the 13<sup>th</sup> day of February, 2008.
- (b) A minimum of 1.25 parking spaces per dwelling unit shall be provided and maintained for a reuse of the existing church building for a permitted residential use.
- (c) All other zone provisions of subsection 11.2 shall apply.
3. That the Holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, as amended, apply to the lands zoned “R6-17” by introducing the Holding symbol ‘H’ as a suffix to the proposed Medium Density Residential “R6-17” Zone.

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

- (i) Demonstrated that sufficient servicing capacity is available to the satisfaction of the Manager of Engineering Design and Construction. The demonstration of sufficient servicing capacity is not required prior to removal of the ‘H’ Holding provision for the reuse of the existing church building for a maximum of 7 dwelling units;
- (ii) Carried out an archaeological assessment and mitigated, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found to the satisfaction of the Manager of Development Planning and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements. The archaeological assessment is not required prior to removal of the ‘H’ Holding provision for the reuse of the existing church building; and,

**By-law Respecting 40 and 46 Flamboro Street and 62 Barton Street**  
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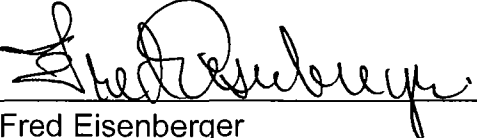
- (iii) Submitted a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE). This RSC must be to the satisfaction of the City of Hamilton, including an acknowledgement of receipt of the RSC by the MOE, and submission of the City of Hamilton's current RSC administration fee. Submission of the Record of Site Condition is only required prior to removal of the 'H' Holding Provision for a residential reuse of the existing church building.

The use of these lands while zoned "R6-17(H)" shall be restricted to the single detached dwelling existing on the day of the passing of this By-law, being the 13<sup>th</sup> day of February, 2008, and accessory structures thereto.

City Council may remove the 'H' symbol, and thereby give effect to the Medium Density Residential "R6-17" Zone provisions by enactment of an amending by-law once the conditions are fulfilled.

4. 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 Medium Density Residential "R6-17" Zone provisions, subject to the special requirements referred to in Sections 2 and 3.
5. 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 13<sup>th</sup> day of February, 2008



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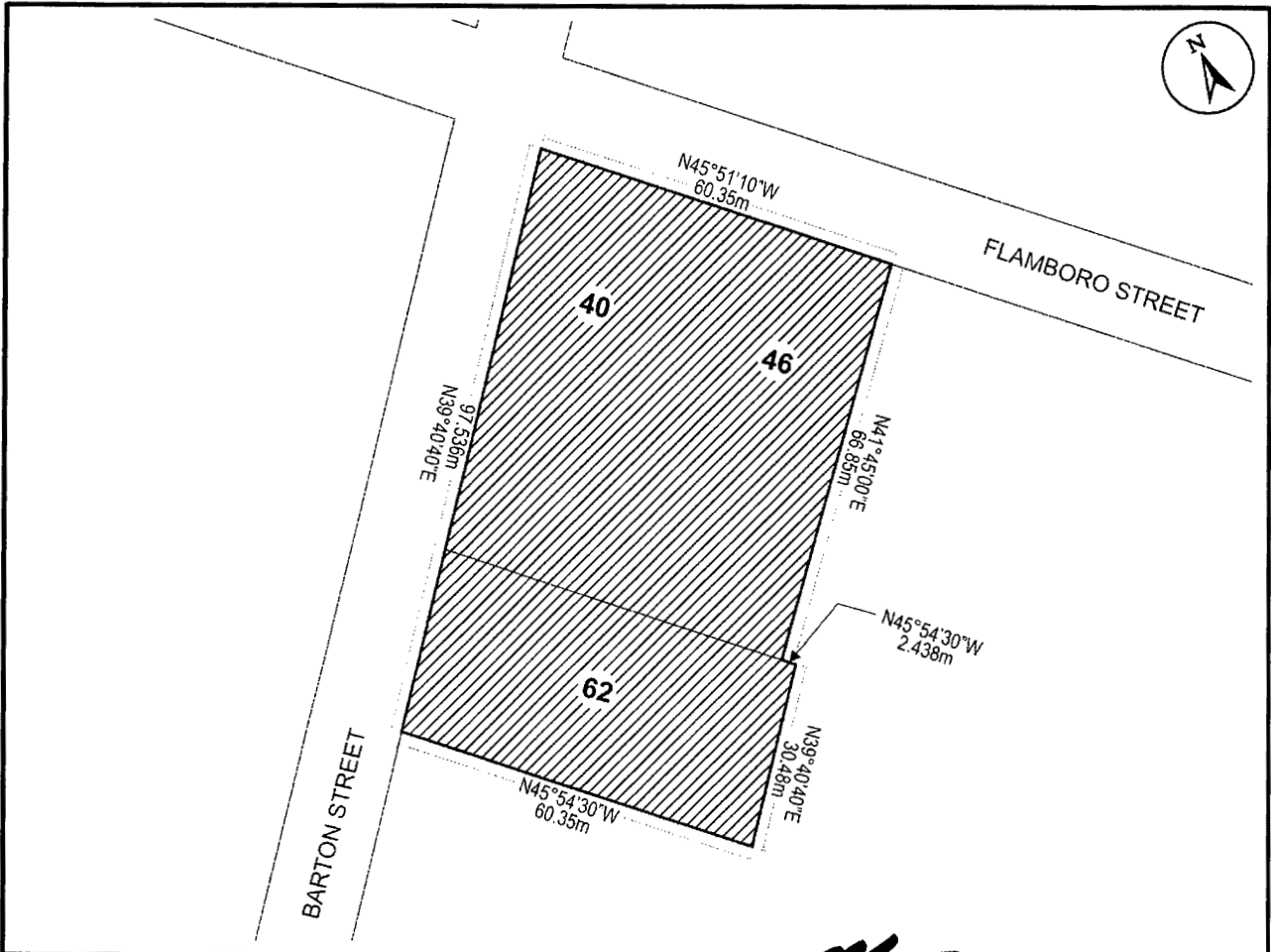
Fred Eisenberger  
Mayor



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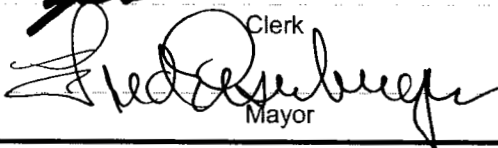
Kevin C. Christenson  
City Clerk

ZAC-06-094



This is Schedule "A" to By-Law No. 08- 030

Passed the 13th... day of February..., 2008

  
 Clerk  
  
 Mayor

# Schedule "A"

## Map Forming Part of By-Law No. 08- 030

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

### Subject Property

40 and 46 Flamboro Street and 62 Barton Street



To be Zoned Medium Density Residential - Holding "R6-17 (H)" Zone.

Scale:  
 N.T.S.

File Name/Number:  
 ZAC-06-94

Date:  
 Sept. 27th, 2007

Planner/Technician:  
 GM/MF



Hamilton