

**Authority:** Item 6, Planning and Economic  
Development Committee  
Report; 04-017 (PD04262)  
CM: October 13, 2004

**Bill No. 276**

## **CITY OF HAMILTON**

### **BY-LAW NO. 04-276**

**To Amend Zoning By-law No. 90-145-Z (Flamborough),  
Respecting lands located at 448 Carlisle Road (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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 21st 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), approved by the Minister under the Planning Act on September 27th, 1988, in accordance with the provisions of the Planning Act.

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 6 of Report 04-017 of the Planning and Economic Development Committee at its meeting held on the 13th day of October, 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-26" of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by changing the zoning of the lands that are located at 448 Carlisle Road shown as Block "1" on Schedule "A" hereto forming part of this by-law, from the Settlement Residential "R2-6" Zone to the Settlement Residential "R2" Zone;
2. Schedule "A-26" of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby amended by changing the zoning of the lands that are located at 448 Carlisle Road, shown as Block "2" on Schedule "A" hereto forming part of this by-law, from the Settlement Residential "R2-6" Zone to the Settlement Commercial "SC-16" Zone.
3. Section 19.3 - Settlement Commercial "SC" Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby amended by adding the following subsection:

"19.3.16 'SC-16' (see Schedule A-26)

Permitted Uses

(i) Permitted Uses

Notwithstanding Section 19.1, only a Tree Care Service Establishment, shall be permitted.

For the purpose of this By-law, a Tree Care Service Establishment shall mean a business which includes the maintenance, fertilizing and removal of trees, shrubs and evergreens, and includes arboricultural training.

Zone Provisions

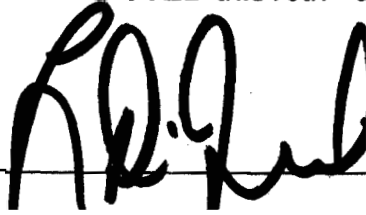
The following special zoning provisions shall apply to the permitted use of Tree Care Service Establishment :

- (i) Interior Side Yard - Notwithstanding Section 19.2(g), the minimum interior side yard shall be 2.31 metres."

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

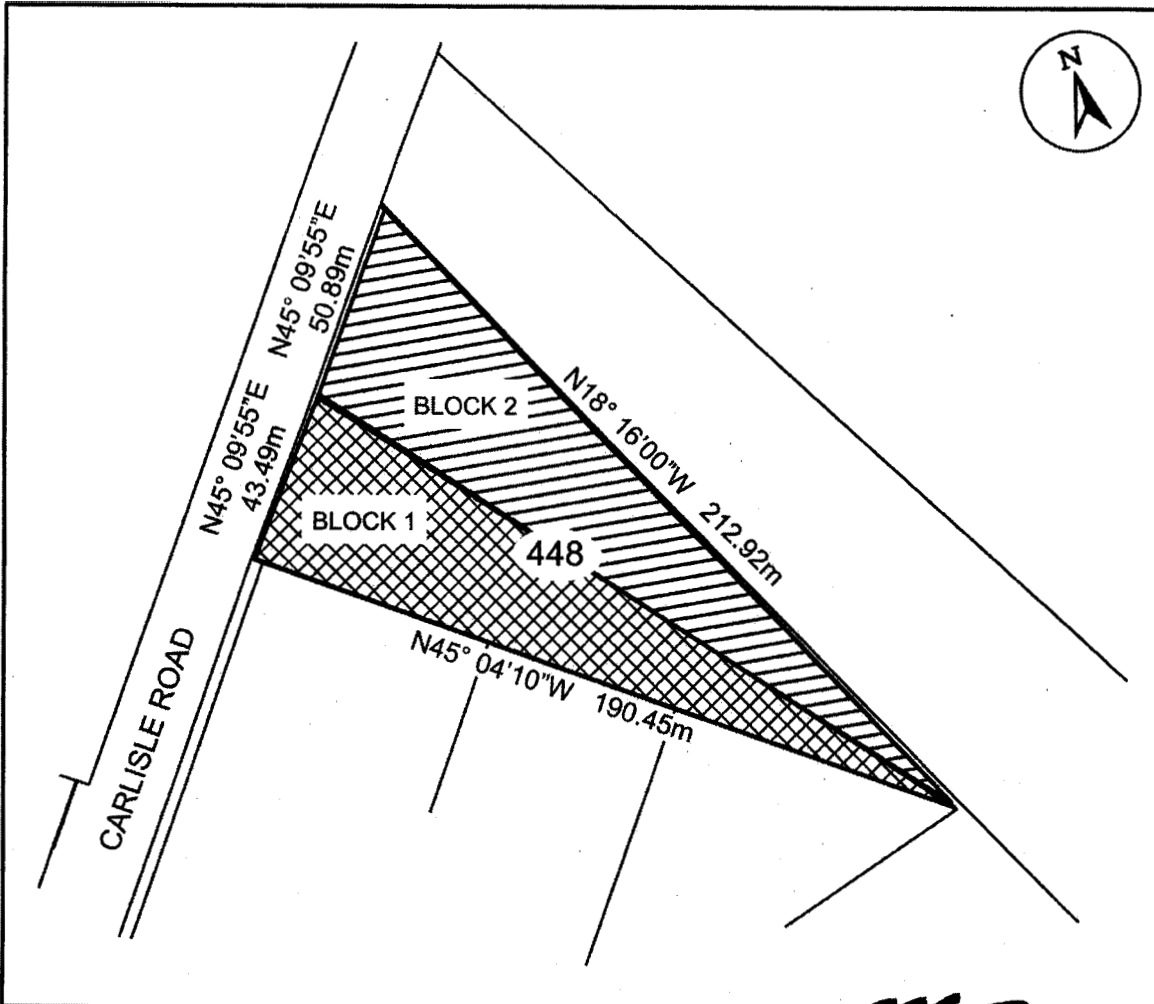
**PASSED and ENACTED** this 10th day of November, 2004.

MAYOR

A handwritten signature in black ink, appearing to be 'R. D. G. W.', written over a horizontal line.

CLERK

A handwritten signature in black ink, consisting of several thick, overlapping strokes, written over a horizontal line.



This is Schedule "A" to By-Law No. 04— 276

Passed the 10th day of November, 2004



*[Handwritten Signature]*  
 Clerk  
 Mayor

## Schedule "A"

Map Forming Part of  
 By-Law No. 04-276  
 to Amend By-Law No 90-145z



### Subject Property 448 Carlisle Road (Flamborough)

-  Block 1 - Lands to be Rezoned Settlement Residential "R2" Zone
-  Block 2 - Lands to be Rezoned Sefflement Commercial "SC-16" Zone



Scale:  
**Not to Scale**

Date:  
 November 2004

File Name/Number:  
**ZAC-04-46**

Planner/Technician:  
 CT/CL