

Authority: Item 15, Planning and Economic
Development Committee
Report 06-002 (PED06031)
CM: February 15, 2006

Bill No. 005

CITY OF HAMILTON

BY-LAW NO. 07-005

**To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended
Respecting Lands Located at 783 Brock Road (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 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;`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 in accordance with the Planning Act, R.S.O., 1990, section 39, Council may pass by-laws authorizing the temporary use of land, buildings or structures for a purpose that is otherwise prohibited by the zoning by-law;

AND WHEREAS the Council of the City of Hamilton deems it advisable, pursuant to the provisions of this By-law and the occupancy agreement required by this by-law, to permit the temporary use of the land shown on Schedule "A" to this By-law, as a garden suite, on several conditions, including the condition that the owner of the said land have entered into an agreement with and satisfactory to the municipality, as authorized by the Municipal Act, section 207.2.

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).

By-law Respecting 783 Brock Road (Flamborough)

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

1. Schedule No. "A-10" attached to and forming part of Zoning By-law No. 90-145-Z (Flamborough), is hereby amended by changing the zoning from Agricultural "A" Zone to Agricultural "A-79" Zone, the lands the extent and boundaries of which are shown on Schedule 'A' annexed hereto and forming part of this By-law.
2. Section 33.3 – Agricultural "A" Zone is hereby amended by adding the following subsection:

33.3.79 "A-79" (See Schedule A-10)

Permitted Uses

- (a) A Garden Suite shall be permitted for a maximum ten (10) year period commencing on the day of the passing of this by-law, being the 10th day of January, 2007 and expiring on the 10th day of January, 2017.

A 'Garden Suite' shall mean a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

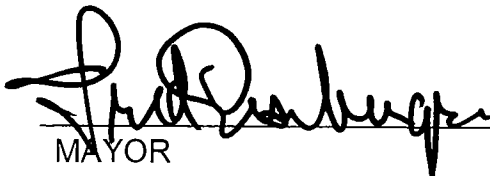
- (b) Any use permitted in an 'A' Zone.

Zone Provisions

- (a) All the zone provisions of Subsection 33.2 Agriculture 'A' Zone shall apply

3. 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 10th day of January, 2007.

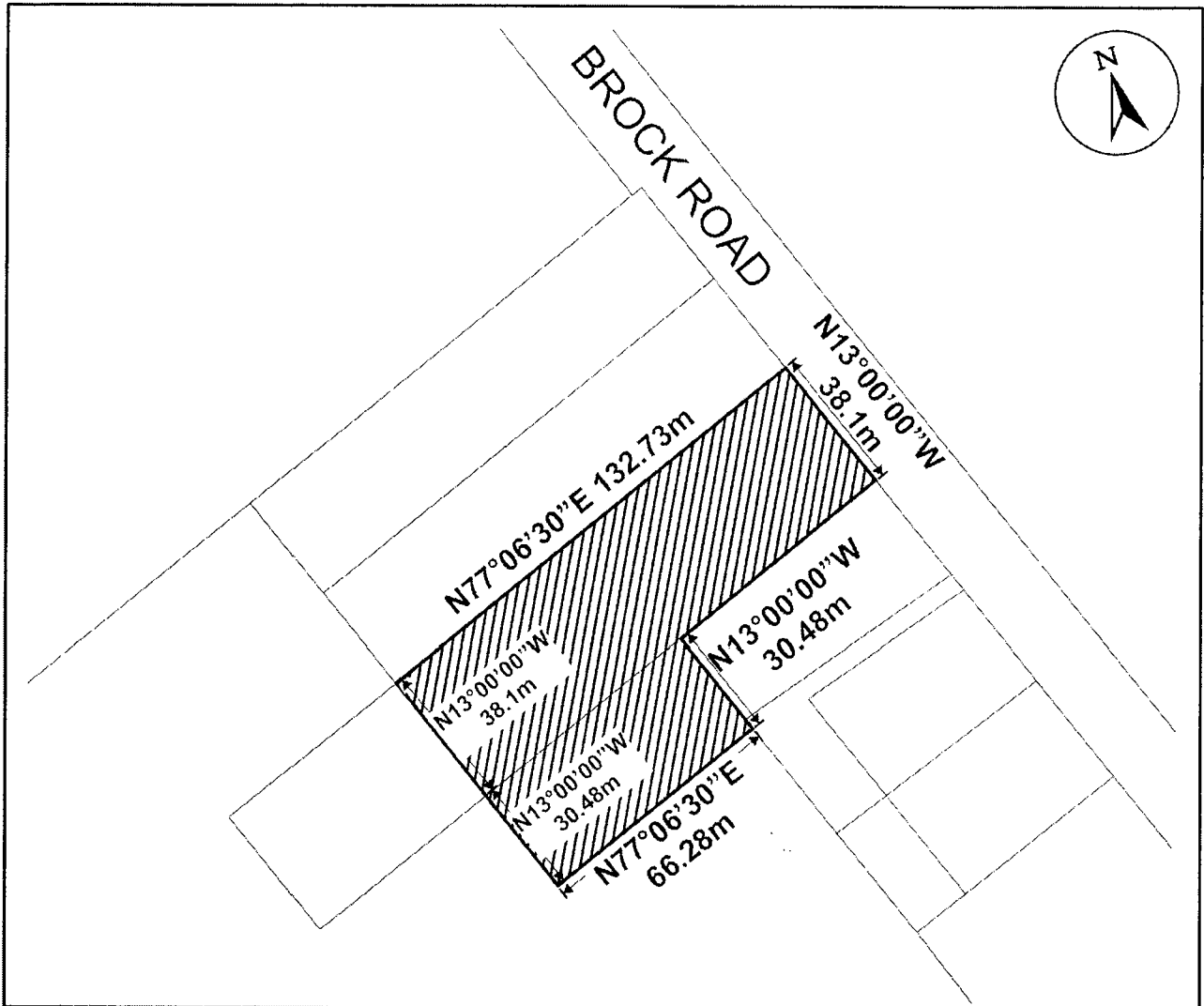


MAYOR

ZAR-05-84



CLERK



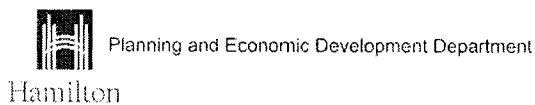
This is Schedule "A" to By-Law No. 07- 005

Passed the 10th day of January, 2007

[Signature]
 Clerk
 Mayor

Schedule "A"

Map Forming Part of
 By-Law No. 07- 005
 to Amend By-Law No. 90-145-Z



Subject Property

783 Brock Road, Flamborough



Change in Zoning from the Agricultural "A" Zone to the Agricultural "A-79" Zone



Scale:
 Not to Scale

Date:
 January 5, 2007

File Name/Number:
 ZAR-05-84

Planner/Technician:
 DF/LMM

T&C File Name: