

Authority: Item 13, Economic Development
and Planning Committee
Report: 08-003 (PED08030)
CM; February 13, 2008

Bill No. 116

CITY OF HAMILTON

BY-LAW NO. 08-116

**To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended
Respecting Lands Located at 1192 4th Concession Road West (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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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, in adopting Item 13 of Report 08-003 of the Economic Development and Planning Committee at this meeting held on 13th 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 (former Town of Flamborough), approved by the minister under the Planning Act;

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

1. Schedule No. "A-22" attached to and forming part of Zoning By-law No. 90-145-Z (Flamborough), is hereby amended by changing the zoning from the Agricultural "A" Zone to the Agricultural "A-85" Zone, on 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:

33.3.85 "A-85" (See Schedule A-22)

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 14th day of May , 2008 and expiring on the 14th day of May, 2018.

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.

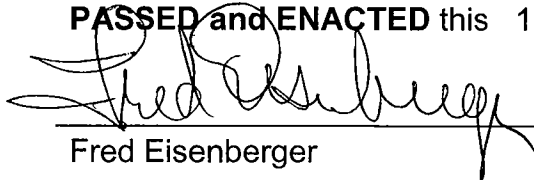
- (b) Any use permitted in an 'A' Zone.

Zone Provisions

- (a) All the zone provisions of Subsection 33.2 Agriculture 'A' Zone shall continue to 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 14th day of May, 2008.



Fred Eisenberger
Mayor



Kevin Christenson
Clerk



This is Schedule "A" to By-Law No. 08- 116

Passed the 14th day of May, 2008

[Signature]
 Clerk
 Mayor

Schedule "A"

Map Forming Part of
 By-Law No. 08- 116

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

Subject Property



1192 4th Concession Road West
 Change in Zoning from the Agricultural "A"
 Zone to the Agricultural "A-85" Zone to Permit
 a Mobile Dwelling Unit as a "Garden Suite" for
 a Maximum Period of 10 Years.

Scale:
 N.T.S.

File Name/Number:
 ZAR-07-066

Date:
 Dec. 17, 2007

Planner/Technician:
 DB / MB



Hamilton