

**Authority:** Item 19, Economic Development  
and Planning Committee  
Report: 09-007 (PED09088)  
CM: April 1, 2009

**Bill No. 066**

**CITY OF HAMILTON**

**BY-LAW NO. 09-066**

**To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 392 Dundas Street East (Flamborough)**

**WHEREAS** the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

**AND WHEREAS** the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law 05-200;

**AND WHEREAS** it is desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

**AND WHEREAS** the first stage of the new Zoning By-law, being By-law 05-200, came into force on May 25, 2005;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 19 of Report 09-007 of the Economic Development and Planning Committee at its meeting held on the 1st day of April, 2009, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

**AND WHEREAS** this By-law will be in conformity with the Official Plan of the City of Hamilton (the Official Plan of the Former Town of Flamborough), upon approval of Official Plan Amendment No 115, proposed by the City of Hamilton, but not yet approved in accordance with the provisions of the Planning Act;

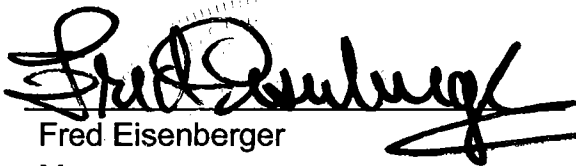
**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Schedule "A" of By-law 05-200 be amended to include additional zone boundaries to Map No. 447, as shown on Schedule "A" to this By-law.
2. That Schedule "C" of By-law 05-200 is amended by adding an additional exception as follows:

- “19. Within the lands zoned Neighbourhood Institutional (I1) Zone, identified on Map 447 of Schedule “A” to By-law 05-200 and described as part of 392 Dundas Street East, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” to this By-law, the following special provisions shall apply:
- a) That notwithstanding Section 8.1.1 of By-law 05-200, only the following uses shall be permitted:  
  
Day Nursery;  
Educational Establishment consisting only of an Elementary School;  
Museum;  
Place of Worship;  
Residential Care Facility; and,  
Retirement Home.
  - b) That notwithstanding Section 8.1.3.3 (b) i) of By-law 05-200, the maximum Building Height for an Elementary School shall be 13.5 metres.
  - c) That notwithstanding Section 4.3 (a) of By-law 05-200, frontage on a street shall not be required for an Elementary School.
  - d) That for the purposes of this By-law, the north-westerly lot line abutting the future road allowance shall be deemed to be the front lot line.
3. That Schedule “D” of By-law 05-200 is amended by adding an additional Holding Provision as follows:
- “1. That notwithstanding Section 8.1 of this By-law, on those lands zoned Neighbourhood Institutional (I1-19) Zone, on Schedule 447 of Schedule “A”, known as 392 Dundas Street East (Flamborough), no development shall be permitted until such time as:
- (i) An Archaeological Assessment for the subject property is completed and approved by the Director of Planning and the Minister of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements;
  - (ii) A Permit by the Authority under Ontario Regulation 162/06 has been applied for and issued, by Conservation Halton; and,

- (iii) The applicant has satisfied the Director of Water and Wastewater that there is available water storage to supply appropriate volume/flows and provide system security to accommodate the proposed facility on the subject lands."
- 4. That 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.
- 5. That this By-law No. 09-066 shall come into force and be deemed to come into force in accordance with Subsection 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Subsection.

**PASSED and ENACTED** this 1<sup>st</sup> day of April, 2009.

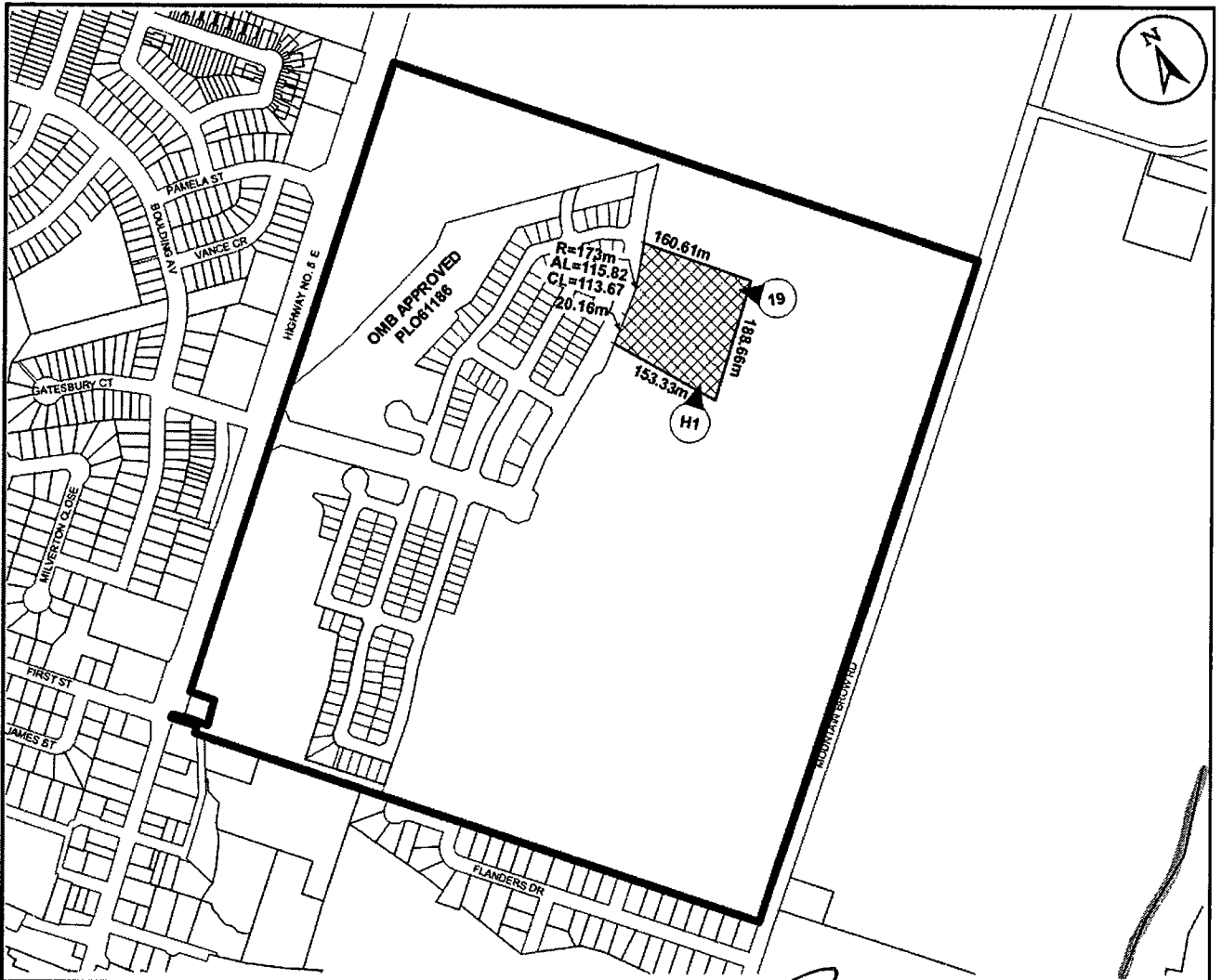


Fred Eisenberger  
Mayor



Rose Caterini  
Acting City Clerk

OPA-07-017 and ZAR-07-067





This is Schedule "A" to By-Law No. 09-066  
 Passed the ...1..... day of April....., 2009

*[Signature]*  
 Clerk  
*[Signature]*  
 Mayor

**Schedule "A"**  
 Map Forming Part of  
 By-Law No. 09-066  
 to Amend By-law No. 05-200

**Subject Property**

-  392 Dundas Street East
-  Lands to be zoned Neighbourhood Institutional -Holding- (H-I1-19) Zone.

Scale: N.T.S.	File Name/Number: ZAR-07-067 / OPA-07-017	
Date: Feb 18, 2009	Planner/Technician: JT / NH	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		