

Authority: Item 17, Economic Development
and Planning Committee
Report: 10-006 (PED10045)
CM: March 31, 2010

Bill No. 075

CITY OF HAMILTON

BY-LAW NO. 10-075

**To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended
Respecting lands located at 497 Millgrove Side Road and Part of 533 Millgrove
Side Road**

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 the Council of the City of Hamilton, in adopting Item 17 of Report 10-006 of the Economic Development and Planning Committee, at its meeting held on the 23rd day of March, 2010, recommended that Zoning By-law No. 90-145-Z (Flamborough) be amended as hereinafter provided;

AND WHEREAS the 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. 119 proposed by the City of Hamilton but not yet approved in accordance with the provisions of the Planning Act.

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

1. That Schedule "A-11" of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended as follows:

(a) by changing from the Site-Specific Institutional "I-1" Zone to the Site-Specific Institutional "I-11" Zone, the lands comprised of Block "1";

(b) by changing from the Site-Specific Institutional "I-1" Zone to the Site-Specific Institutional "I-11(H)" Holding Zone, the lands comprised of Blocks "2" and "3"); and,

(c) by changing from the Agricultural "A" Zone to the Site-Specific Conservation Management "CM-5" Zone, the lands comprised of Block "4";

the extent and boundaries of which are shown on Schedule "A" annexed hereto and forming part of this By-law.

2. That the amending By-law apply a Holding provision for those lands zoned Site-Specific Institutional "I-11(H)" Holding Zone (Blocks "2" and "3"), in Section 1 of this By-law, by introducing the Holding 'H' symbol as a suffix to the proposed zone. The Holding provision shall not be removed until such time as the following condition has been completed:

(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.

City Council may remove the 'H' symbol, and thereby give effect to the Institutional "I-11" Zone, by enactment of an amending By-law once the above condition has been satisfied.

3. That Section 22 - Institutional Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding a new Subsection "22.3.11", as follows:

22.3.11 "I-11" (See Schedule A-11)

Permitted Uses

(a) A private school.

Zone Provisions

(a) Notwithstanding Subsection 22.3.1(a), the maximum Lot

Area for a school shall be 2.85 hectares.

(b) All other zone provisions of Subsection 22.2 shall apply.

The 'H' Holding Provision shall remain in effect until 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.

4. That Section 28 - Conservation Management Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding a new Subsection "28.3.5", as follows:

28.3.5 "CM-5" (See Schedule A-11)

Permitted Uses

Notwithstanding Section 28.1, only the following uses shall be permitted:

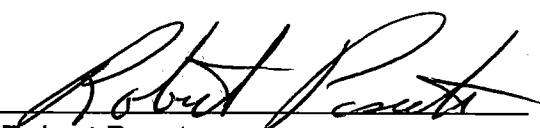
- (a) Agriculture, subject to the provisions of Subsection 33.2.
- (b) Conservation uses.
- (c) Passive Recreation uses, excluding sports fields.

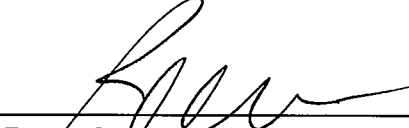
Zone Provisions

In accordance with Subsection 28.2.

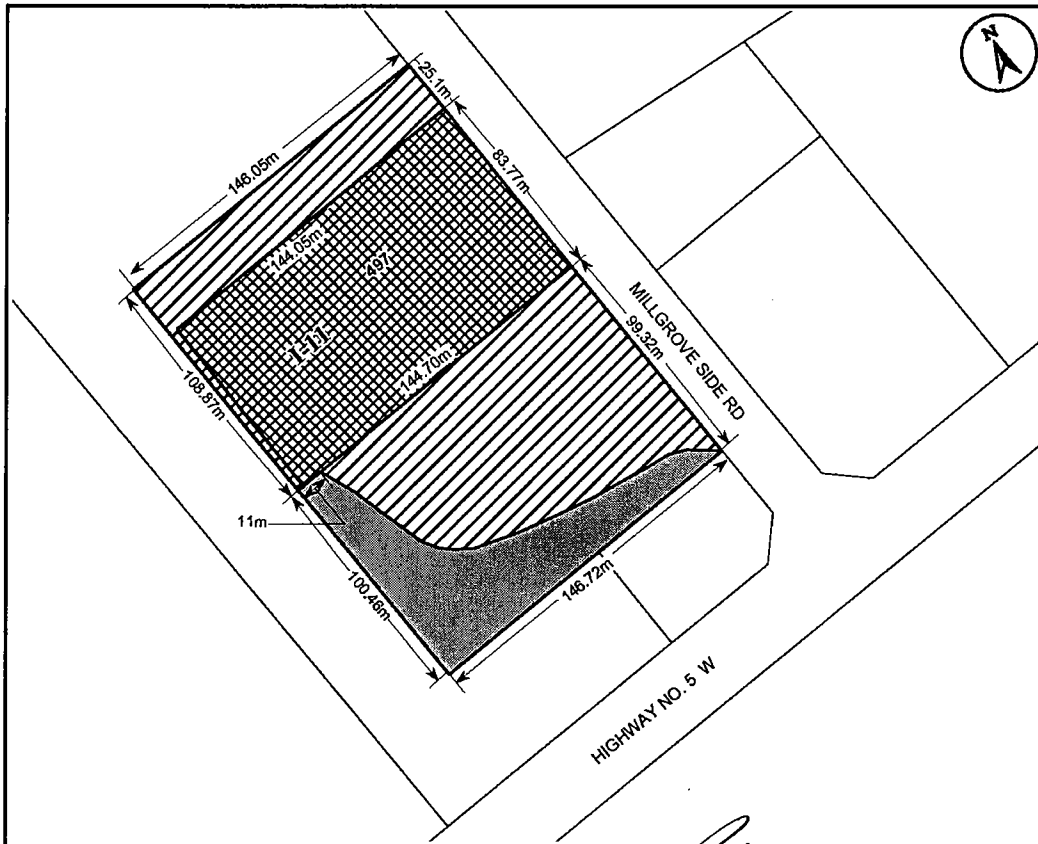
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED this 14th day of April, 2010.

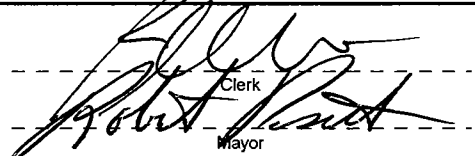
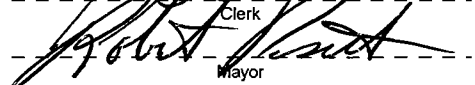

Robert Pasuta
Acting Mayor


Rose Caterini
City Clerk

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This is Schedule "A" to By-Law No. 10-075
 Passed the 14th day of April, 2010





 Clerk

 Mayor


Schedule "A"

Map Forming Part of
 By-Law No. 10-075

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

Subject Property
 497 and Part of 533 Millgrove Side Road

-  Block 1 - Change from Institutional "I-1" Zone to Institutional "I-11" Zone
-  Block 2 & 3 - Change from Agricultural "A" Zone to Institutional "I-11(H)" Holding Zone
-  Block 4 - Change from Agricultural "A" Zone to Conservation Management "CM-5" Zone

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| Scale: N.T.S. | File Name/Number: ZAC-09-023, OPA-09-005 |  Hamilton |
| Date: February 11, 2010 | Planner/Technician: CT/AL | |
| PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT | | |