

Authority: Item 24, Economic Development
and Planning Committee
Report: 10-16 (PED10170)
CM; August 12, 2010

Bill No. 243

CITY OF HAMILTON

BY-LAW NO. 10-243

To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended Respecting lands located at 403 Old Brock 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 24 of Report 10-016 of the Economic Development and Planning Committee, at its meeting held on the 12th day of August, 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. 123 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-37" of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended as follows:
 - (a) by changing from the "R2-14(H)" - Settlement Residential - Holding Zone to the Residential "R2-32" - Settlement Residential Zone for Block 1; and,
 - (b) "R2-14(H)" - Settlement Residential - Holding Zone to the "R2-32(H)" - Settlement Residential - Holding Zone for Block 2;

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 "R2-32(H)" - Settlement Residential - Holding Zone (Block "2") in Section 1 of this By-law by introducing the 'H' Holding 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) The Holding provision shall preclude development of the thirteenth lot until such time that a sufficient monitoring assessment of 10 of the 13 approved lots has been completed, and that it has been demonstrated that the remaining lots can be sustained without unacceptable degradation of the ground and surface waters, to the satisfaction of the Director of Planning and Ministry of Health.

City Council may remove the 'H' symbol, and thereby give effect to the "R2-32" - Settlement Residential Zone, by enactment of an amending By-law once the above condition has been satisfied.

3. That Section 7 - Settlement Residential Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding a new Subsection "7.3.32", as follows:

7.3.32 "R2-32" (See Schedule A-37)

Permitted Uses

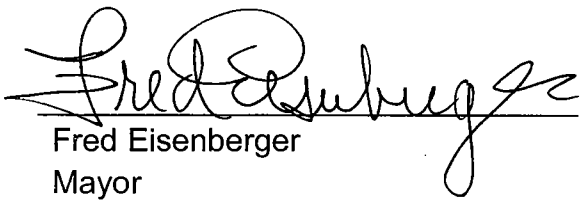
- (a) Subsection 7.1 shall apply.

Zone Provisions

- (a) Lot Area (minimum).....6,300 square metres.
- (b) Lot Frontage (minimum).....35 metres (except for corner lots which shall be 20 metres).
- (c) All other zone provisions of Subsection 7.3.9 shall apply.

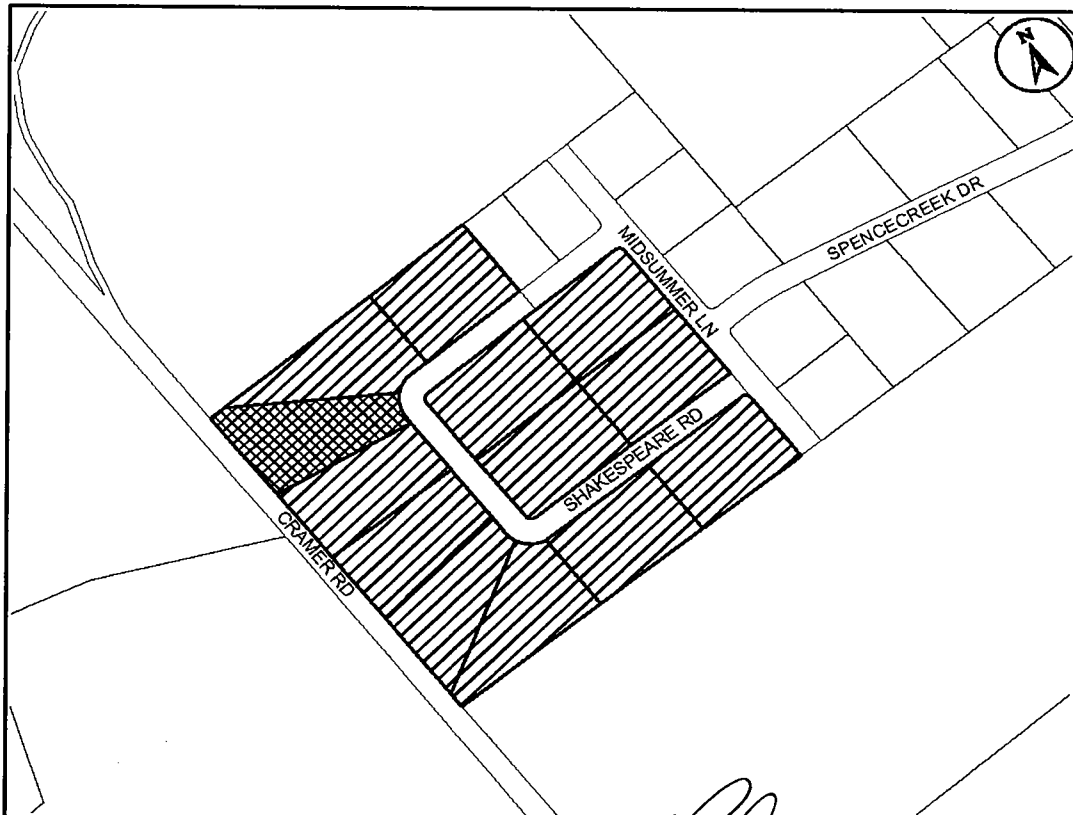
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED this 29th day of September, 2010.


Fred Eisenberger
Mayor


Rose Caterini
City Clerk

OPA-08-017 / ZAC-08-075 / 25T200807



This is Schedule "A" to By-Law No. 10-243
 Passed the 29th..... day of .September..., 2010

[Signature]
 Clerk
[Signature]
 Mayor

Schedule "A"

Map Forming Part of
 By-Law No. 10-243

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

Subject Property

403 Old Brock Road



Block 1 - Change in zoning from the R2-14(H)
 Settlement Residential - Holding Zone to the R2-32
 Settlement Residential Zone



Block 2 - Change in zoning from the R2-14(H)
 Settlement Residential - Holding zone to the R2-32(H)
 Settlement Residential - Holding Zone

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|--------------------------|--|
| Scale: N.T.S. | File Name/Number: OPA-08-017 / ZAC-08-075 |
| Date: August 11, 2010 | Planner/Technician: EJ / NB |



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT