

Authority: Item 10, Planning Committee
Report 14-012 (PED14153)
CM: August 15, 2014

Bill No. 208

CITY OF HAMILTON

BY-LAW NO. 14-208

**To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended,
Respecting Lands located at 1370 Brock Road, (Flamborough)**

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 10 of Report 14-016 of the Planning Committee, at its meeting held on the 12th day of August, 2014, recommended that Zoning By-law No. 90-145-Z (Flamborough) be amended as hereinafter provided;

AND WHEREAS the Rural Hamilton Official Plan was declared in force and effect on March 7, 2012 and is the Official Plan in effect for lands within the rural area of the City of Hamilton;

AND WHEREAS this By-law is in conformity with the Rural Hamilton Official Plan;

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

1. Schedule No. A-8, attached to and forming part of Zoning By-Law 90-145-Z (Flamborough), as amended, is hereby amended by changing the zoning from the "A" Agricultural Zone to the "A-92" Agricultural Zone, Modified;

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That the "A" Agricultural Zone regulations, as contained in Section 33 of Zoning By-law No. 90-145-Z, be modified to include the following special requirements:

33.3.92 "A-92" (See Schedule A-8) (Block 1)

That the definition of a Place of Worship, as contained in Section 3 of Zoning By-law No. 90-145-Z, be modified as follows:

Place of Worship shall mean a *lot, building or structure*, or part thereof, used for a church, synagogue, mosque, temple, or other public worship.

That the following definition of an Educational Establishment, be added to Section 3 of Zoning By-law No. 90-145-Z:

Educational Establishment shall mean a Provincially approved institution for academic instruction and shall include a public, private or separate school, college or university.

That the "Surface and Drainage of Parking Areas and Driveways" regulations, as contained in Section 5.21.7 of Zoning By-law No. 90-145-Z, be modified as follows for lands zoned "A-92":

All parking spaces, areas and driveways shall be provided and maintained with a stable surface, such as asphalt, concrete or other hard surfaced material, crushed stone or gravel, or other hard-surfaced material, including, but not limited to, permeable pavers, which is treated in a manner to prevent the raising of dust or loose particles and shall be drained in a manner to prevent the pooling of surface water or the flow of surface water to adjacent lots.

That the "Permitted Uses", as contained in Section 33.1 of Zoning By-law No. 90-145-Z, be modified as follows:

Permitted Uses

- (h) Place of Worship

33.1.1 Prohibited Uses

- a) Notwithstanding Section 33.1 (f) and (g), a manse, a farm help house, single detached dwelling, and/or dwelling unit(s);

- b) Educational Establishment; and,
- c) Cemetery.

That the "Zone Provisions", as contained in Section 33.2 of Zoning By-law No. 90-145-Z, be modified as follows:

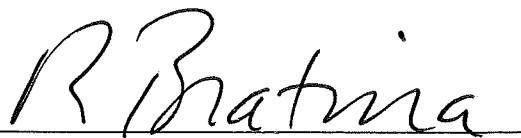
33.2 Zoning Provisions

- | | | |
|-----|-----------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
| (m) | Landscape Open Space (minimum) | 10% |
| (n) | Planting Strip (minimum) | 3.0 metre width
across all lot lines
adjacent to a street
except for points of
ingress and egress. |
| (o) | Maximum Ground Floor Area for a
Place of Worship | 1500m ² |

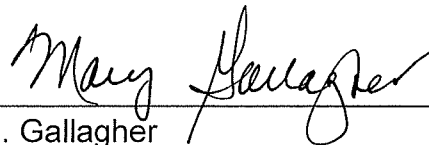
All other regulations of the "A" Agricultural Zone shall apply.

3. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "A" Agricultural Zone provisions, subject to the special requirements referred to in Section 2.
4. 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.

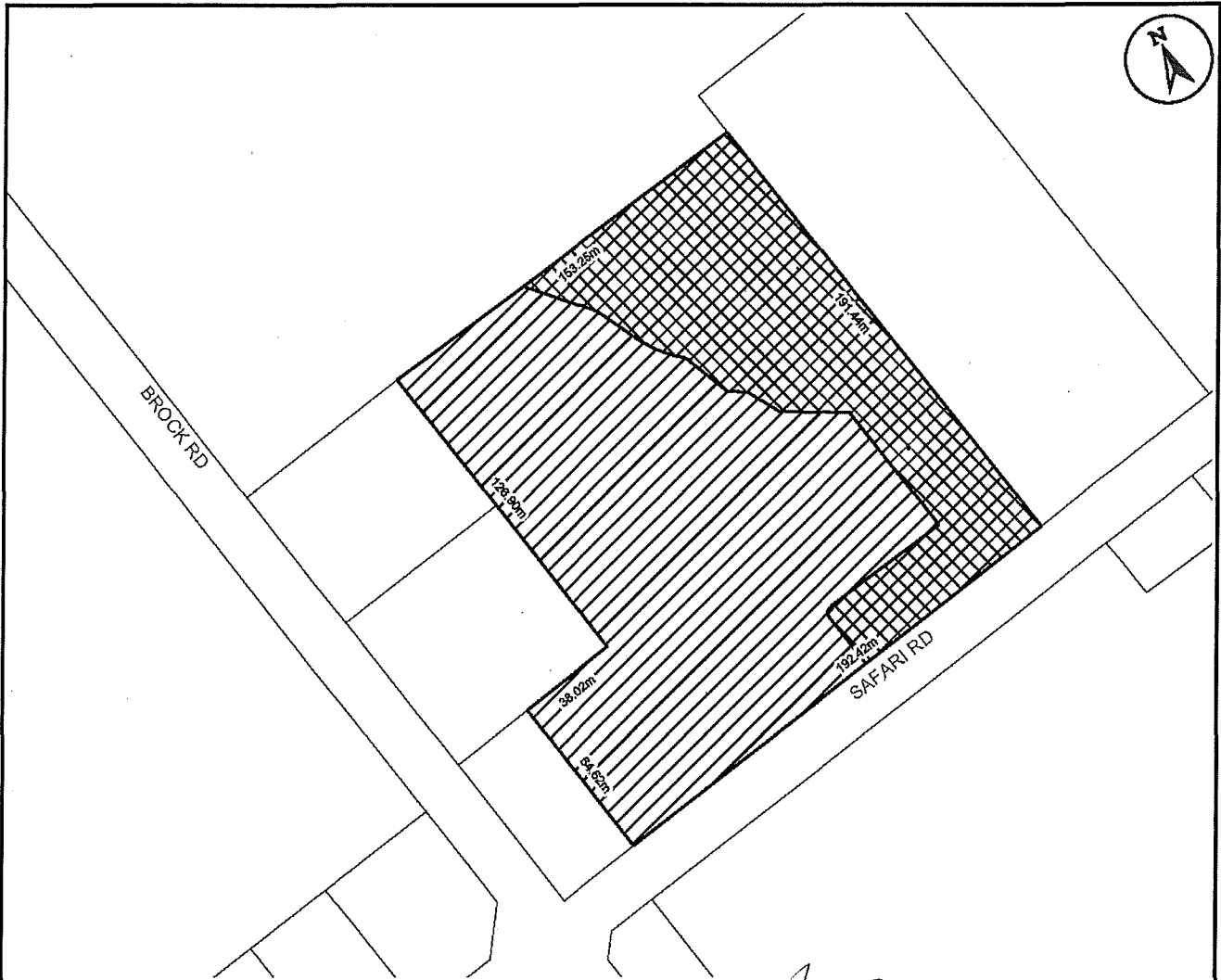
PASSED this 15th day of August, 2014.



R. Bratina
Mayor



M. Gallagher
Acting City Clerk



This is Schedule "A" to By-law No. 14-208

Passed the 15 day of August, 2014


A. Bratina
 Mayor
Mary Gaudin
 Clerk

Schedule "A"

Map Forming Part of
 By-law No. 14-208

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

Subject Property

 **Block 1** - Lands to be rezoned from the "A" Agricultural Zone to the "A-92" Agricultural Zone, Modified

 **Block 2** - Refer to By-law No. 05-200

Scale:
 N.T.S.

File Name/Number:
 ZAC-13-011

Date:
 June 6, 2014

Planner/Technician:
 AC/AL



Hamilton