

**Authority:** Item 6  
Planning Committee  
Report: 13-012 (PED13145)  
CM: August 16, 2013

**Bill No. 203**

## **CITY OF HAMILTON**

### **BY-LAW NO. 13-203**

#### **To Amend Zoning By-law No. 90-145-Z (Flamborough), as Amended, Respecting Lands Located at 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 5<sup>th</sup> day of November 1990, and approved by the Ontario Municipal Board on the 21<sup>st</sup> day of December, 1992;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 6 of Report 13-012 of the Planning Committee, at its meeting held on the 16th day of August, 2013, recommended that Zoning By-law No. 90-145-Z (Flamborough) be amended as hereinafter provided;

**AND WHEREAS** the By-law is deemed to be in conformity with the Rural Hamilton Official Plan.

**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 Agricultural "A" Zone to the Site-Specific Agricultural "A-90 (H)" Holding 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. That Section 33 - Agricultural Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding a new Sub-section "33.3.90", as follows:

33.3.90      A-90 (H) (See Schedule Number A-11)

Permitted Uses:

- (a) Any use permitted in an A zone.
- (b) A second dwelling unit within the existing building.
- (c) A Gift Shop.
- (d) A Restaurant.
- (e) A Place of Assembly.
- (f) A Fruit or Vegetable Market, selling produce grown on the property and/or local farms.
- (g) An ancillary petting zoo.

Zone Provisions:

All other zone provisions of Sub-section 33.2 shall apply.

Holding Provision:

The 'H' Holding Provision shall limit the combined capacity of Restaurant and Place of Assembly to 150 seats, until such a time as the owner submits an additional Hydrogeological Investigation, demonstrating that the Restaurant and Place of Assembly uses can be adequately serviced by private water and sanitary services accommodating capacities of 112 seats and 250 seats, respectively, to the satisfaction of the Manager of Development Planning, Heritage and Design, and the Manager of Infrastructure

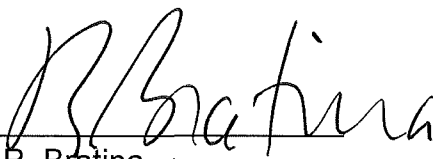
and Source Water Planning, in consultation with the Ministry of the Environment. Once the Holding provision has been removed, a 112-seat Restaurant and a 250-seat Place of Assembly shall be permitted.

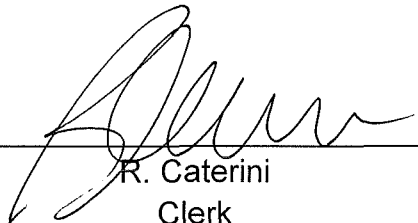
3. That the amending By-law apply a Holding provision for those lands zoned Site-Specific Agricultural "A-90(H)" Holding Zone, in Section 1 of this By-law, by introducing the Holding 'H' symbol as a suffix to the proposed zone. The 'H' Holding Provision shall limit the combined capacity of Restaurant and Place of Assembly to 150 seats, until such a time as the owner submits an additional Hydrogeological Investigation demonstrating that the Restaurant and Place of Assembly uses can be adequately serviced by private water and sanitary services accommodating capacities of 112-seats and 250-seats, respectively, to the satisfaction of the Manager of Development Planning, Heritage and Design, and the Manager of Infrastructure and Source Water Planning, in consultation with the Ministry of the Environment. Once the Holding provision has been removed, a 112-seat Restaurant and a 250-seat Place of Assembly shall be permitted.

City Council may remove the 'H' symbol, and thereby give full effect to the Agricultural "A-90" Zone, by enactment of an amending By-law once the above condition has been satisfied.

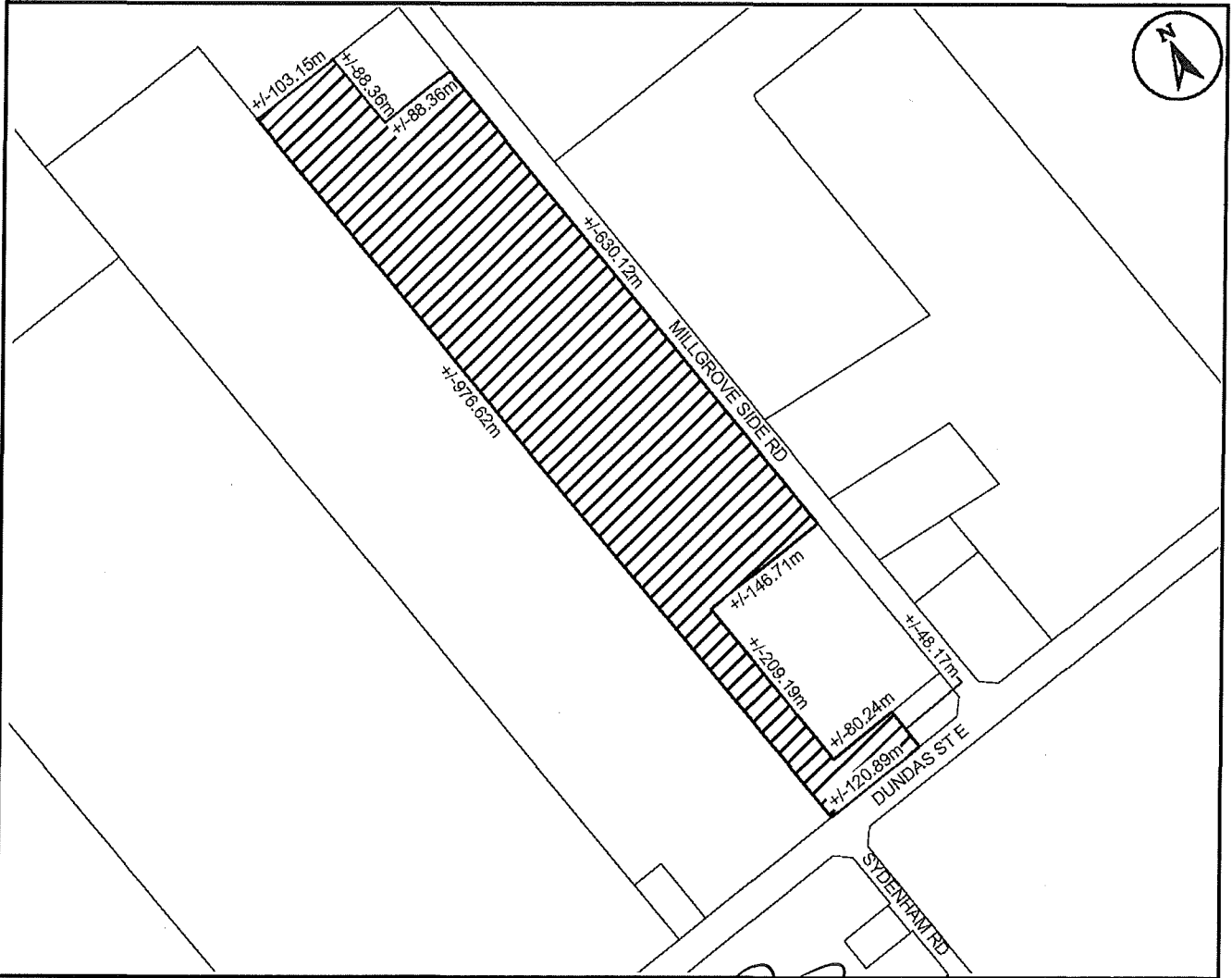
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

**PASSED** this 16th day of August, 2013.

  
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R. Bratina  
Mayor

  
\_\_\_\_\_  
R. Caterini  
Clerk

ZAC-09-036




This is Schedule "A" to By-law No. 13- 203  
 Passed the ....16th day of ..August....., 2013

*R. Batina*  
 Mayor  
*[Signature]*  
 Clerk

**Schedule "A"**  
 Map Forming Part of  
 By-law No. 13- 203  
 to Amend By-law No. 90-145-Z

**Subject Property**  
 533 Millgrove Side Road

 Change in Zoning from the Agricultural "A" Zone to the Agricultural "A-90" Zone

Scale: N.T.S.	File Name/Number: ZAC-09-036
Date: October 3, 2012	Planner/Technician: CB/KA
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

