

CITY OF HAMILTON

BY-LAW NO. 20-101

To establish an Interim Control Zoning By-law, respecting lands within Zoning By-law No. 90-145-Z, in the former Town of Flamborough generally in the area extending west to east from the lands across from Goldenview Court to First Road, and north to south from Nisbet Boulevard and Parkside Drive to the southerly end of Hamilton Street and to Main Street South where it is located directly adjacent to the Canadian Pacific Railway and Grindstone Creek

WHEREAS section 38 of the *Planning Act*, R.S.O. 1990 c.P. 13, as amended, permits the council of a municipality to pass an interim control by-law where the council has directed that a review or study be undertaken in respect of land use planning policies within the municipality or in any defined area or areas;

AND WHEREAS the City is undertaking a land use study for the Waterdown Community Node study area in the Former Town of Flamborough;

AND WHEREAS the City will be examining the land use mix, heights, density and design matters for the lands identified on Schedule 'A';

AND WHEREAS the City will be developing a Secondary Plan that will include detailed policies and direction for land use, heritage conservation, infrastructure, residential intensification, transportation, environmental protection, urban design and similar matters of the Official Plan;

AND WHEREAS the City is conducting the Waterdown Village Built Heritage Inventory;

AND WHEREAS the City will be updating the Urban Hamilton Official Plan;

AND WHEREAS the City is developing new Zones and regulations for residential areas which will be added to the City's comprehensive Zoning By-law 05-200;

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

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

1. Staff are directed to undertake planning studies in respect of land use policies and zoning by-law regulations, in the areas described in Schedule "A".
2. No buildings or structures are permitted on the lands subject to this by-law, except for those legally existing on the date of passage of this by-law. Notwithstanding the foregoing restriction, the following actions are permitted:

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- a) an expansion of legally existing buildings or structures, to a maximum of 10% of the existing gross floor area;
 - b) a change to the interior or facade of legally existing buildings or structures;
 - c) the repair or restoration of any existing, non-conforming building or structure, or part thereof, to a safe condition provided that such repair or restoration will not increase the height, area or volume of such building or structure and the building or structure continues to be used for the same purpose and in the same manner as it was used on the date of passing of this By-law; and,
 - d) the erection of a new accessory building or structure.
3. Within the area described in Schedules "A", a building permit may be issued in accordance with the following provisions:
- a) a building permit may be issued to permit the erection of a building or structure in accordance with any minor variance or site plan that has been approved or conditionally approved by the City of Hamilton or the Local Planning Area Tribunal as it read on the day before By-law No. 20-101 was passed by Council; and,
 - b) a building permit may be issued to permit the construction of a building or structure in accordance with a building permit application received by the City of Hamilton on or before the day before By-law No. 20-101 was passed by Council.
- For the purposes of determining zoning conformity, the following conditions shall apply:
- i) This By-law is deemed to be modified to the extent necessary to permit a building or structure that is erected in accordance with Subsection a) or b) above.
 - ii) Once the permit or approval under Subsection a) or b) above, has been granted, the provisions of this By-law apply in all other respects to the land in question.
4. This By-law shall be in effect for a period of one year from the date of passage of this By-law.

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- 5. The Municipal 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 20th day of May, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

