

Authority: Item XX, Planning Committee
Report (PED22162)
CM:
Ward: 15

Bill No. XXX

**CITY OF HAMILTON
BY-LAW NO. 22-XXX**

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 265 Mill Street South, Former Town of Flamborough
Owned by Braebourne Holdings Inc.**

WHEREAS Council approved Item XX of Report PED22162 of the Planning Committee, at its meeting held on August 3, 2022.

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan.

NOW THEREFORE Council of the City of Hamilton amends Zoning By-law No. 05-200 as follows:

1. That Map No. 483 of Schedule “A” – Zoning Maps of the City of Hamilton Zoning By-law 05-200 are further amended by adding the Community Institutional (I2, 816, H129) Zone to the lands known as 265 Mill Street South, Flamborough, the boundaries of which are shown on plans hereto as Schedule “A”, to this By-law.
2. That Schedule “C” – Special Exceptions is amended by adding the following Special Exception:
 - “816. Within the lands zoned Community Institutional (I2, 816) Zone, identified on Map 483 of Schedule “A” – Zoning Maps and described as 265 Mill Street South, the following special provisions shall apply:
 - a) Notwithstanding Subsection 4.8 a), the aggregate Gross Floor Area of Accessory Buildings shall not exceed 150.00 square metres or 7.5% total lot coverage, whichever is the lesser.
 - b) Notwithstanding Subsection 4.8 g), Accessory Buildings shall have a maximum height of 6.75 metres.

- c) Notwithstanding Subsection 8.2.1, only the following uses shall be permitted:

Educational Establishment in conjunction with the buildings and structures existing at the date of the passing of this By-law.

Day Nursery in conjunction with the buildings and structures existing at the date of the passing of this By-law.

Existing Single Detached Dwelling

- d) Notwithstanding Subsection 8.2.3.3 as it relates to Day Nursery, a Day Nursery shall be permitted in accordance with Subsection 8.2.3.2.

- e) In addition to Subsection 8.2.3.2, the following regulation shall also apply:

- i) Maximum Gross Floor Area for an Educational Establishment and/or Day Nursery 915 square metres

- f) Notwithstanding Section 3, for the purpose of this By-law, 'Existing' shall mean existing on the date of passing of this By-law, including the enlargement and extension thereof, and shall include the following:

- i) Two storey stone constructed portion of the single detached dwelling;
ii) Single storey stone constructed portion of the single detached dwelling;
iii) Hip roof of the two storey section of the single detached dwelling; and,
iv) Stone chimney of the west façade of the single detached dwelling.

3. That Schedule "D" – Holding Provisions be amended by adding the following new Holding Provision:

129. Notwithstanding Section 8.2 of this By-law, within lands zoned Community Institutional (I2, 816) Zone, identified on Maps 482 and 483 of Schedule "A" – Zoning Maps and described as 265 Mill Street, no development shall be permitted until such time as:

- a) The Holding Provision for the Community Institutional (I2, 816) Zone, Holding shall be removed when the following conditions have been met:

1. A revised Transportation Impact Study (TIS) has been submitted and approved with any recommendations made in

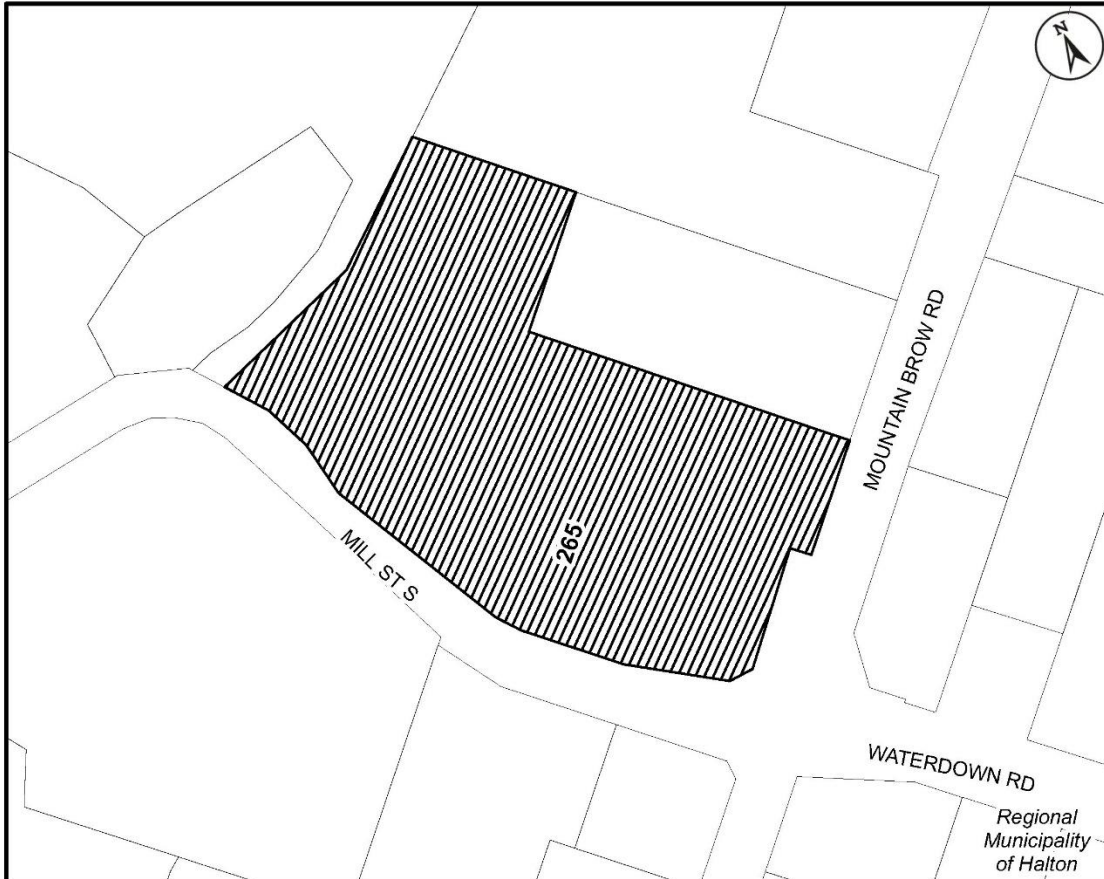
the revised TIS being implemented to the satisfaction of the Manager, Transportation Planning.

2. A Conservation Plan and Construction Monitoring Plan has been submitted and approved with any recommendations made in the Conservation Plan and Construction Monitoring Plan being implemented to the satisfaction of the Manager of Heritage and Urban Design.
 3. An updated Cultural Heritage Impact Assessment has been submitted and approved with any recommendations made in the Cultural Heritage Impact Assessment being implemented, to the satisfaction of the Director of Planning and Chief Planner
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*.
 5. That this By-law No.____ shall come into force and be deemed to have come into force in accordance with Subsection 34(21) of the *Planning Act.*, upon the date of passage of this By-law.

PASSED this _____ , _____

Fred Eisenberger
Mayor

A. Holland
City Clerk



<p>This is Schedule "A" to By-law No. 22-</p> <p>Passed the day of, 2022</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<p>Schedule "A"</p> <p>Map forming Part of By-law No. 22-_____</p> <p>to Amend By-law No. 05-200 Map 483</p>	<p>Subject Property</p> <p>265 Mill Street South, Flamborough</p> <p> Lands to be added to Zoning By-law No. 05-200 as Community Institutional (I2, 816, H129) Zone</p>
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<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-21-017</p>		
<p>Date: June 27, 2022</p>	<p>Planner/Technician: DM/VS</p>		
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>			