

**Authority:** Item 16, Planning and Economic  
Development Committee  
Report 05-021(PED05143)  
CM: October 26,2005

**Bill No. 312**

**CITY OF HAMILTON**

**BY-LAW NO. 05-312**

**To Amend Zoning By-law No. 90-145-Z (Flamborough),  
Respecting Lands located at 447 and 453 Dundas Street East**

**WHEREAS** the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "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 and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 16 of Report 05-021 of the Planning and Economic Development Committee at its meeting held on the 26<sup>th</sup> day of October, 2005, recommended that Zoning By-law No. 90-145-Z (Flamborough), be amended as hereinafter provided:

**AND WHEREAS** this by-law is in conformity with the Official Plan of the City of Hamilton (formerly the Town of Flamborough Official Plan) 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-31" attached to and forming part of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by changing the zoning from "HC" Highway Commercial Zone to "HC-12" Highway Commercial Zone on the lands being Part of Lot 4, Concession 3, former Township of East Flamborough, municipally known as 447 and 453 Dundas Street East, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. Section 20 – "HC" Highway Commercial Zone of Zoning By-law No. 90-145-2, is hereby amended by adding the following subsection:

"20.3.12 "HC-12" (See Schedule A-31)

Permitted Uses

- (a) Any use permitted in a HC Zone.
- (b) A Specialty Food Store for the Sale of Nuts and Nut Related Products, and including but not limited to other Food and Accessory Products.

Notwithstanding the provisions of Subsections 5.13.2, 5.21.5 (c) and 5.21.6 (b) of Section 5: General Provisions, of Zoning By-law No. 90-145-2 (Flamborough), the following special provisions shall apply to the lands zoned as "HC-12":

Dimensions of Loading Spaces

- (1) A loading space having minimum dimensions of 8.5 metres long, 3.5 metres wide and a minimum vertical clearance of 4 metres shall be provided and maintained.

Location of Parking on a Lot

- (2) A parking area may be permitted a minimum of 1.5 metres from the boundary of a Residential Zone, provided that a continuous 1.5 metre wide planting strip and a visual barrier not less than 1.8 metres and not greater than 2.0 metres in height, is provided and maintained along any lot line abutting a Residential Zone.

Access to Parking Spaces

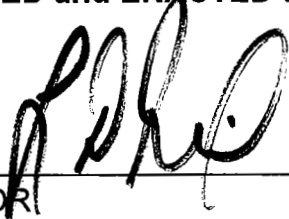
- (3) A driveway with two-way vehicular movement shall have a

minimum unobstructed width of not less than 6.0 metres.”

Maximum Gross Floor Area

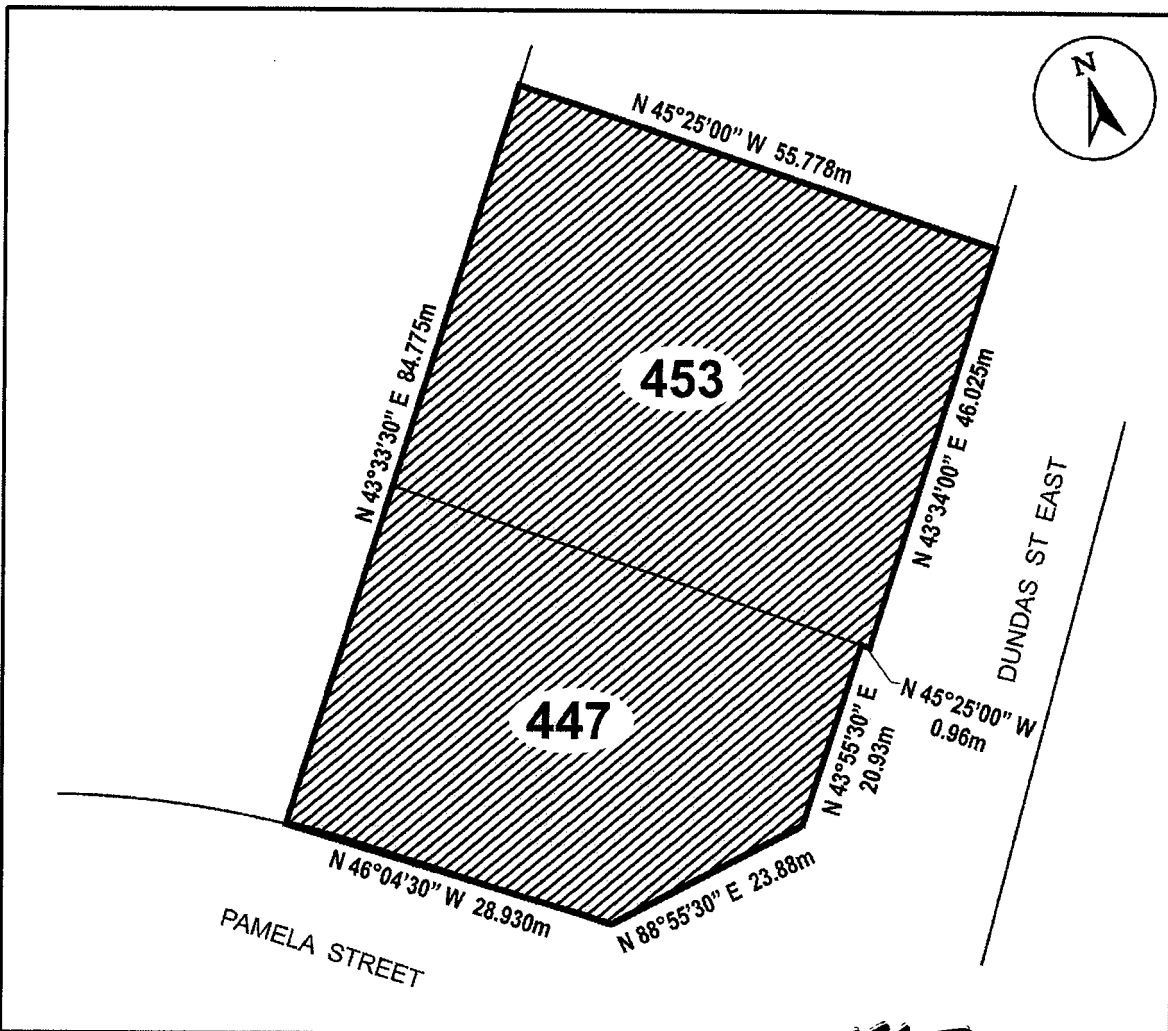
- (4) A Specialty Food Store for the Sale of Nuts and Nut Related Products, and including but not limited to other Food and Accessory Products, shall have a maximum Gross Floor Area of 385 square metres.”
3. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

**PASSED and ENACTED** this 26th day of October, 2005.

  
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MAYOR

  
\_\_\_\_\_  
CLERK

ZAR-05-87



This is Schedule 'A' to By-Law No. 05- 312

Passed the 26th day of October, 2005

*[Signature]*  
Clerk

## Schedule "A"

Map Forming Part of  
By-Law No. 05-312  
to Amend By-Law No. 90-145-Z



Planning and Economic Development Department

### Subject Property

447 and 453 Dundas Street East,  
Waterdown



Change in zoning from the existing "HC (Highway Commercial) Zone to the "HC-12" (Highway Commercial) Zone



Scale:  
**Not to Scale**  
Date:  
September 26, 2005

File Name/Number:  
**ZAR-05-87**  
Planner/Technician:  
OQ/NB

\*&C File Name: