

**Authority:** Item 21, Planning and Economic  
Development Committee  
Report; 06-001 (PED06001)  
CM: January 25, 2006

**Bill No. 015**

## **CITY OF HAMILTON**

### **BY-LAW NO. 06-015**

#### **To Amend Zoning By-law No. 90-145-Z (Flamborough) Respecting Land Located at 91 Highway No. 5 West (former Town of Flamborough)**

**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 area 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 21 of Report 06-001 of the Planning and Economic Development Committee at its meeting held on the 25<sup>th</sup> day of January, 2006, 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, as amended by Official Plan Amendment No. 102 to the former Official Plan of the Town of Flamborough, proposed by the Council of the City of Hamilton, but not yet approved in accordance with the provisions of the Planning Act.

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

1. That Schedules "A-11" and "A-29" of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby amended:
  - (a) by changing Block "1" from the Agriculture 'A' Zone to the General Industrial 'M2-2' Zone;
  - (b) by changing Block "2" from the Agriculture 'A' Zone to the General Industrial Holding 'M2-2(H)' Zone; and,
  - (c) by changing Block "3" from the General Industrial 'M2' Zone to the General Industrial 'M2-2' Zone;

the extent and boundaries of which are shown on Schedule "A" annexed hereto and forming part of this by-law.

2. That Section 30 – General Industrial 'M2' Zone of Zoning By-law No. 90-145-Z (Flamborough) is hereby amended by adding thereto the following subsection:

30.3.2 'M2-2' (See Schedules A-11 and A-29)

PERMITTED USES

- (a) A crushing operation shall be permitted only as an accessory use to Manufacturing, Processing, Assembling, and Fabricating.
- (b) All other permitted uses of Subsection 30.1 shall apply.

ZONE PROVISIONS

- (a) Height of Buildings and Structures (maximum)
  - (i) 25 metres for a Batch Plant.
  - (ii) 15 metres in all other cases.
- (b) Planting Strip (minimum)
  - (i) 5.0 metres wide along the northerly lot line.
  - (ii) 5.0 metres wide along the westerly lot line from the rear lot line south to a distance of 408 metres.

- (iii) 50.0 metres wide, including a minimum 7.5 metre high berm, along the easterly lot line from the rear lot line south to a distance of 243 metres.
  - (iv) 10.0 metres wide, including a minimum 3.5 metre high noise wall, along the easterly lot line from the southerly limit of the Planting Strip as required in Provision b (iii) south to a distance of 165 metres.
- (c) Open Storage
- (i) Manufacturing, Processing, Assembling, Fabricating (maximum): 60%
  - (ii) All other Permitted Uses (maximum): 30%
  - (iii) Upon removal of the 'H' Holding symbol, the lands within 20.0 metres of the westerly limit of the Planting Strip as required by Provision b (iii) shall only be used for the Open Storage of operational assets of the permitted uses of Manufacturing, Processing, Assembling, and Fabricating, at a maximum height of 3.0 metres.
- (d) An accessory crushing operation shall only be permitted on the west side of a Building or Structure existing on the day of the passing of this By-law being the 25<sup>th</sup> day of January, 2006.
- (e) Easterly Side Yard - minimum of 300 metres for all Buildings and Structures within 408 metres of the northerly rear lot line.
- (f) Parking (minimum):
- (a) 1 parking space per 110 square metres of Gross Floor Area for an Industrial Use.
  - (b) All other provisions of Subsection 5.21 shall apply.
  - (c) All other zone provisions of Subsection 30.2 shall apply.

HOLDING PROVISIONS

The Holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, as amended, apply to Block "2" by introducing the Holding symbol 'H' as a suffix to the proposed Site-Specific General Industrial Zone.

The Holding Provision 'M2-2(H)' will prohibit the use of the subject lands until such time that:

- (i) A Certificate of Approval has been granted by the Ministry of Environment pursuant to Section 9 of the Environmental Protection Act, for the Open Storage of operational assets with restrictions on loading and unloading during non-daytime hours.

Council may remove the 'H' symbol, and thereby give effect to the Site-Specific 'M2-2' Zone provisions by enactment of an amending By-law once the condition is fulfilled.

- 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 25<sup>th</sup> day of January, 2006.

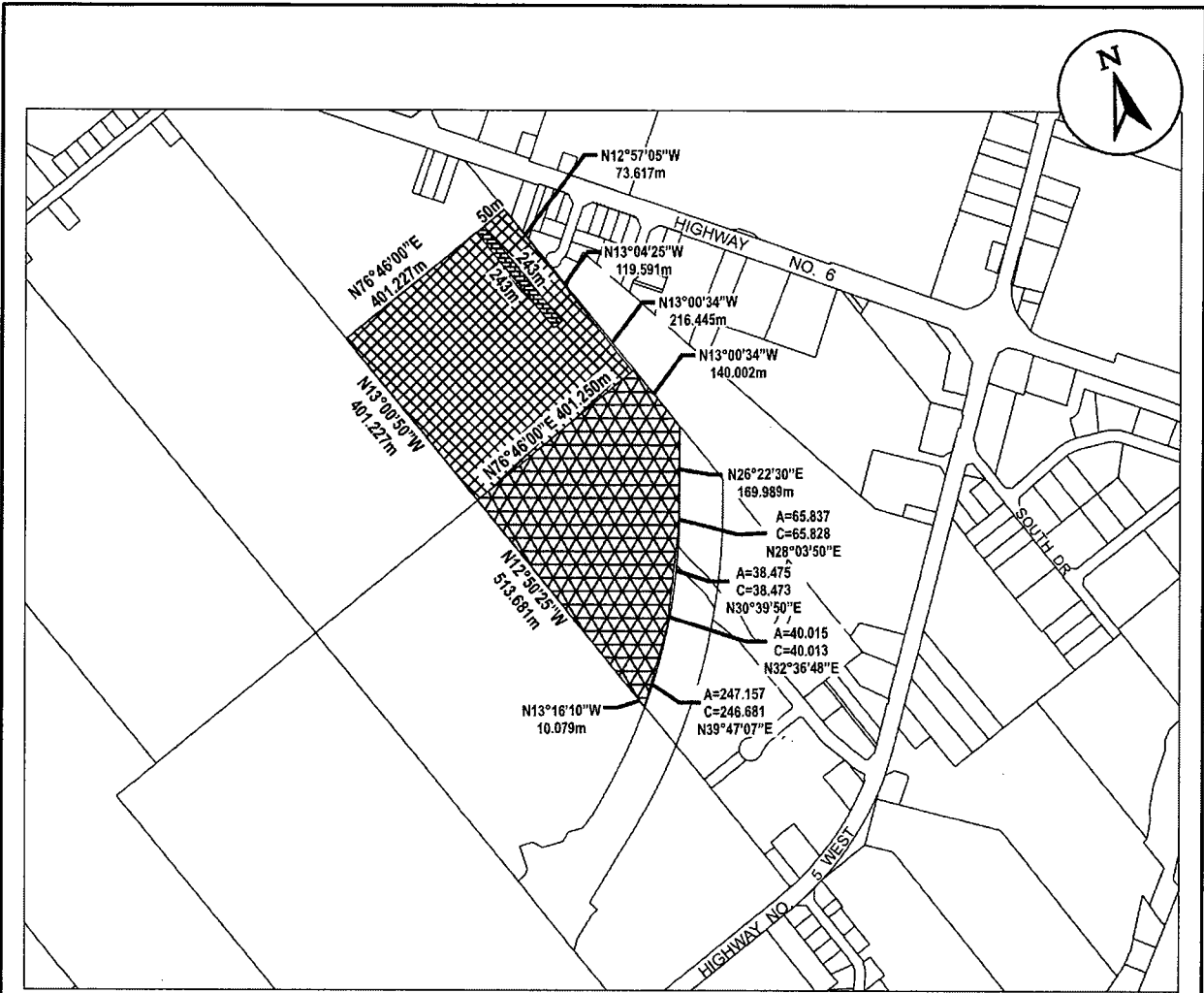
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MAYOR



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CLERK

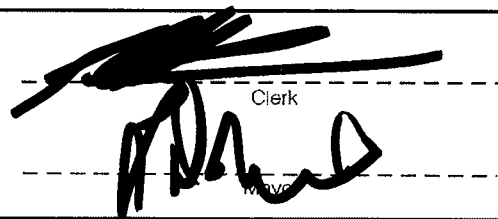


ZAC-05-82




This is Schedule "A" to By-Law No. 06— 015

Passed the...25th..... day of ..January.....,2006

  
Clerk




# Schedule "A"


Map Forming Part of  
By-Law No. 06-015  
to Amend By-Law No. 90-145-Z

 Planning and Economic Development Department  
Hamilton

## Subject Property

91 Highway No. 5 West,  
Part of Lot 23, Concession 3 (Flamborough)

-  **Block 1** - Change in Zoning from Agriculture 'A' Zone to General Industrial 'M2-2' Zone
-  **Block 2** - Change in Zoning from Agriculture 'A' Zone to General Industrial Holding 'M2-2(H)' Zone
-  **Block 3** - Change in Zoning from General Industrial 'M2' Zone to General Industrial 'M2-2' Zone

	Scale: Not to Scale	File Name/Number: <b>ZAC-05-82</b>
	Date: December 2005	Planner/Technician: AF/LM

T&C File Name: