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PL031143

08-047

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

Kathy Laforme and Debbie Shelton have appealed to the Ontario Municipal Board under subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, against Zoning By-law 03-264 of the City of Hamilton
O.M.B. File No. R030243

BEFORE:

J. ZUIDEMA
VICE-CHAIR

) Tuesday, the 5th
)
) day of February, 2008

UPON APPEAL TO THIS BOARD, and the Board having been advised by correspondence received from the City of Hamilton that Attachment "1", which was attached to Decision/Order No. 0015 was incorrect.

THE BOARD ORDERS that Decision/Order 0015, issued on January 7, 2005, is hereby amended by replacing Attachment "1" with the attached Attachment "1"

In all other respects the Decision/Order remains the same.

SECRETARY

ATTACHMENT "1"

Authority: Item, Hearings Sub-Committee
Report PD03189
CM: September 10, 2003

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

To Amend:

Zoning By-law No. 90-145-Z (Flamborough), as amended by By-law No. 03-264

Respecting:

LANDS LOCATED AT 682 5th CONCESSION ROAD WEST
Owned by Ed Dokter (Millgrove Garden Supplies)
(former Town of Flamborough)

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 5th day of November 1990, and approved by the Ontario Municipal Board on the 21st day of December, 1992;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Flamborough), approved by the Minister under the Planning Act on September 27th, 1988, as amended by Official Plan Amendment No. 94 proposed by the Corporation of the City of Hamilton, but not yet

approved in accordance with the provisions of the Planning Act;

AND WHEREAS the Ontario Municipal Board ordered that By-law 90-145-Z (Flamborough) as amended by 03-264 be amended further;

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

1. Section 2 of By-law 03-264 be amended by deleting Subsection (4) – Removal of Holding (H) Provision in the Zone Provisions of Exception Number 33.3.77 in its entirety and substituting the following therefore:

(4) Removal of Holding (H) Provision

The Holding (H) provision will prohibit the use of the subject lands for a Topsoil Preparation and Supply Business, until such time that a site plan and site plan agreement have been submitted and approved, to the satisfaction of the Director of Development, Planning and Development Department which site plan and site plan agreement shall include the completion of the following matters:

(i) A stormwater management report that addresses the potential for mitigating potential nutrient enrichment of the valued features of the site and includes a monitoring program of the groundwater on the property (such as monitoring wells);

(ii) An Erosion and Sediment Control Plan to address short-term and long-term impacts;

(iii) A Landscaping Plan that addresses the naturalization of the buffer between the berm and the boundary of the existing natural vegetation of the Hayesland Swamp Environmentally Significant Area in accordance with the regeneration objectives of the Grindstone

Creek Watershed Study and which identifies landscaping along the berm with native shrub and tree species, particularly cedar;

(iv) A Certificate of Approval from the Ministry of Environment, if required by the Ministry, to address wastewater runoff from the stockpiling of compost and manure.