

**Authority:** Item 15, Planning Committee  
Report: 11-019 (PED11194)  
CM: November 16, 2011

**Bill No. 289**

## **CITY OF HAMILTON**

### **BY-LAW NO. 11-289**

**To Amend Zoning By-law No. 90-145-Z, as Amended by By-law 05-021, Respecting Lands Located at 522 Highway No. 6; 5, 6, 11 and 28 Clappison Avenue; 4, 10, 24, 30, 36 and 50 Horseshoe Crescent; and 95 Dundas Street East, in the Former Town of Flamborough, now in the City of Hamilton**

**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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 15 of Report 11-019 of the Planning Committee, at its meeting held on the 16th day of November, 2011, recommended that Zoning By-law No. 90-145-Z, be amended as hereinafter provided;

**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) in accordance with the provisions of the Planning Act.

**AND WHEREAS** this by-law will be in conformity with the Hamilton-Wentworth Regional Official Plan upon approval of Regional Official Plan Amendment No. 44, proposed by 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:

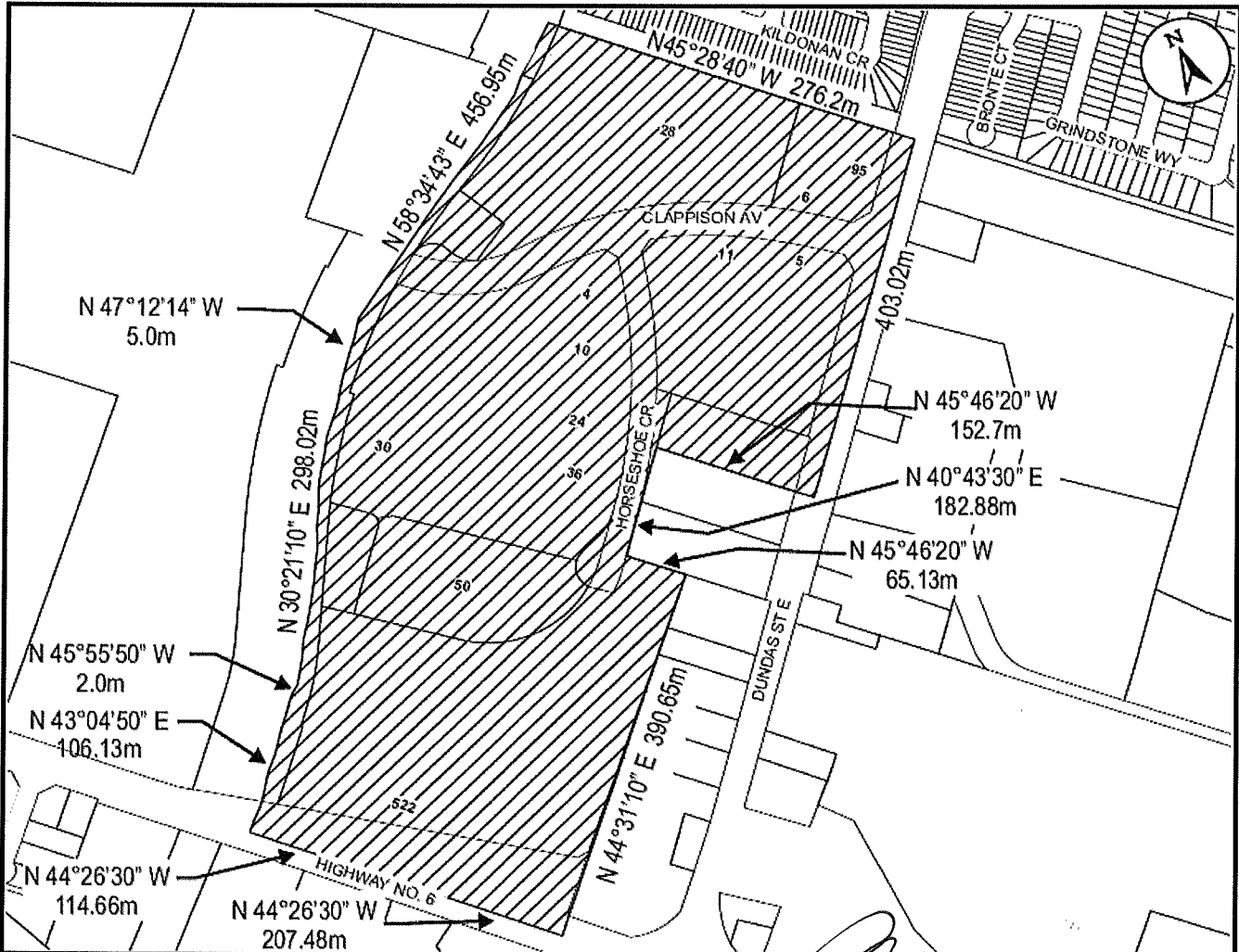
1. That the provisions of Sub-section 29.3.12 - Prestige Industrial "M1-12" of Section 29 - Prestige Industrial "M1" Zone of Zoning By-law 90-145-Z, applicable to the lands the extent and boundaries of which are more particularly shown on Schedule "A" annexed hereto and forming part of this by-law, are hereby amended as follows:
  - (a) That Sub-section 29.3.12 (a) - PERMITTED USES is amended by deleting the words: *"excluding any Retail Establishment primarily involved with food sales such as a supermarket"* from the third line so that it shall read as follows:

Retail Establishment
  - (b) That Sub-section 29.3.12 (b)(xi)(1) is deleted in its entirety.
  - (c) That Sub-section 29.3.12 (b)(xi)(2) is deleted in its entirety.
  - (d) That Sub-sections 29.3.12 (b)(xi)(3) and 29.3.12 (b)(xi)(4) are renumbered accordingly.
  - (e) That all other provisions of By-law 90-145-Z shall continue to apply.
2. 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.

**PASSED** this 30th day of November, 2011.

  
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R. Bratina  
Mayor

  
\_\_\_\_\_  
R. Caterini  
City Clerk



This is Schedule "A" to By-Law No. 11- 289

Passed the 30<sup>th</sup> day of November, 2011


*[Signature]*  
Clerk  
*[Signature]*  
Mayor

### Schedule "A"

Map Forming Part of  
By-Law No. 11- 289

to Amend By-law No. 90-145-Z

#### Subject Property

 Further modification to the Prestige Industrial "M1-12" Zone for 522 Highway No. 6; 5, 6, 11 and 28 Clappison Avenue; 4, 10, 24, 30, 36 and 50 Horseshoe Crescent and 95 Dundas Street East

Scale: N.T.S.	File Name/Number: ZAC-11-021
Date: October 13, 2011	Planner/Technician: KM/AL
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

