

Bill No. 108

CITY OF HAMILTON

BY-LAW NO. 15-108

**To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended,
Respecting Lands located at 250 Concession 4 Road West (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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 the Council of the City of Hamilton, in adopting Item 5 of Report 14-007 of the Planning Committee, at its meeting held on the 22nd day of April, 2015, recommended that Zoning By-law No. 90-145-Z (Flamborough) be amended as hereinafter provided;

AND WHEREAS the Rural Hamilton Official Plan was declared in force and effect on March 7, 2012 and is the Official Plan in effect for lands within the rural area of the City of Hamilton;

AND WHEREAS this By-law is in conformity with the Rural Hamilton Official Plan;

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

1. Schedule No. "A-11", attached to and forming part of Zoning By-Law 90-145-Z (Flamborough), as amended, is hereby amended by changing the zoning from the "A" Agricultural Zone to the "CM" Conservation Management Zone for Block "1" and from the "A" Agricultural Zone to the "A-93" Agricultural Zone, Modified for Block "2"

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That the "A" Agricultural Zone regulations, as contained in Section 33 of Zoning By-law No. 90-145-Z, be modified to include the following special requirements:

33.3.93 "A-93" (See Schedule A-11) (Block 2)

That the "A" Agricultural Zone regulations, as contained in Section 33 of Zoning By-law No. 90-145-Z, be modified to include the following additional special requirements:

"A-93" (See Schedule A-11) (Block 2)

33.1. Permitted Uses

- (a) Any use permitted in the Agricultural A Zone
- (b) That notwithstanding Section 33.1, an Agricultural Promotion Centre shall be permitted ONLY accessory to the principal use of the lands for agricultural purposes.

For the purpose of this by-law, an Agriculture Promotion Centre shall mean a lot, building or structure, or part thereof, used as an education, resource and presentation centre (consisting of classrooms, presentation facilities; including broadcasting webinars, activity and interpretation centre, and meeting and conference rooms), office, restaurant and hospitality facility, commercial kitchen, cidery, accessory retail uses for products grown/produced primarily on site (including butcher), and related parking.

33.2 Zoning Provisions

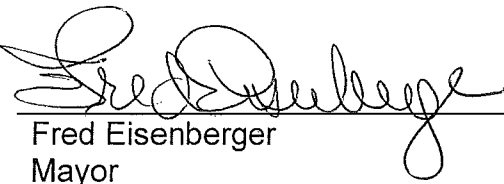
- (a) Maximum Gross Floor Area for an Agricultural Promotion Centre of 1600m² of which, a Maximum Gross Floor Area for a restaurant shall be 500m² and a Maximum Gross Floor Area for accessory retail shall be 450m².
- (b) Minimum parking requirement of 1 space per 20m² of GFA to a maximum of 95 spaces.
- (c) No livestock building or structure, including associated manure storage facility shall be located within 500 metres of the southerly most property line.

- (d) No outdoor tents or marquees for events shall be permitted.
- (e) A visual barrier shall be provided on the north and west side of any parking area and the north side of the agritourism buildings, to be comprised of a continuous planting of suitable trees or shrubs, with a minimum 3m wide planting area appropriate for healthy plant growth, such trees to have a minimum height of 1.8 metres.
- (f) Notwithstanding Section 5: Sub-Section 5.13.5 and Sub-Section 5.21.7, permeable pavers and/or gravel shall be permitted for all parking and loading spaces, except the main driveway.
- (g) No part of the land on which a patio or courtyard is situate shall be used as a place of entertainment for the purpose of providing entertainment or amusement including live or recorded music or dance facilities.

All other regulations and permitted uses of the "A" Agricultural Zone shall apply.

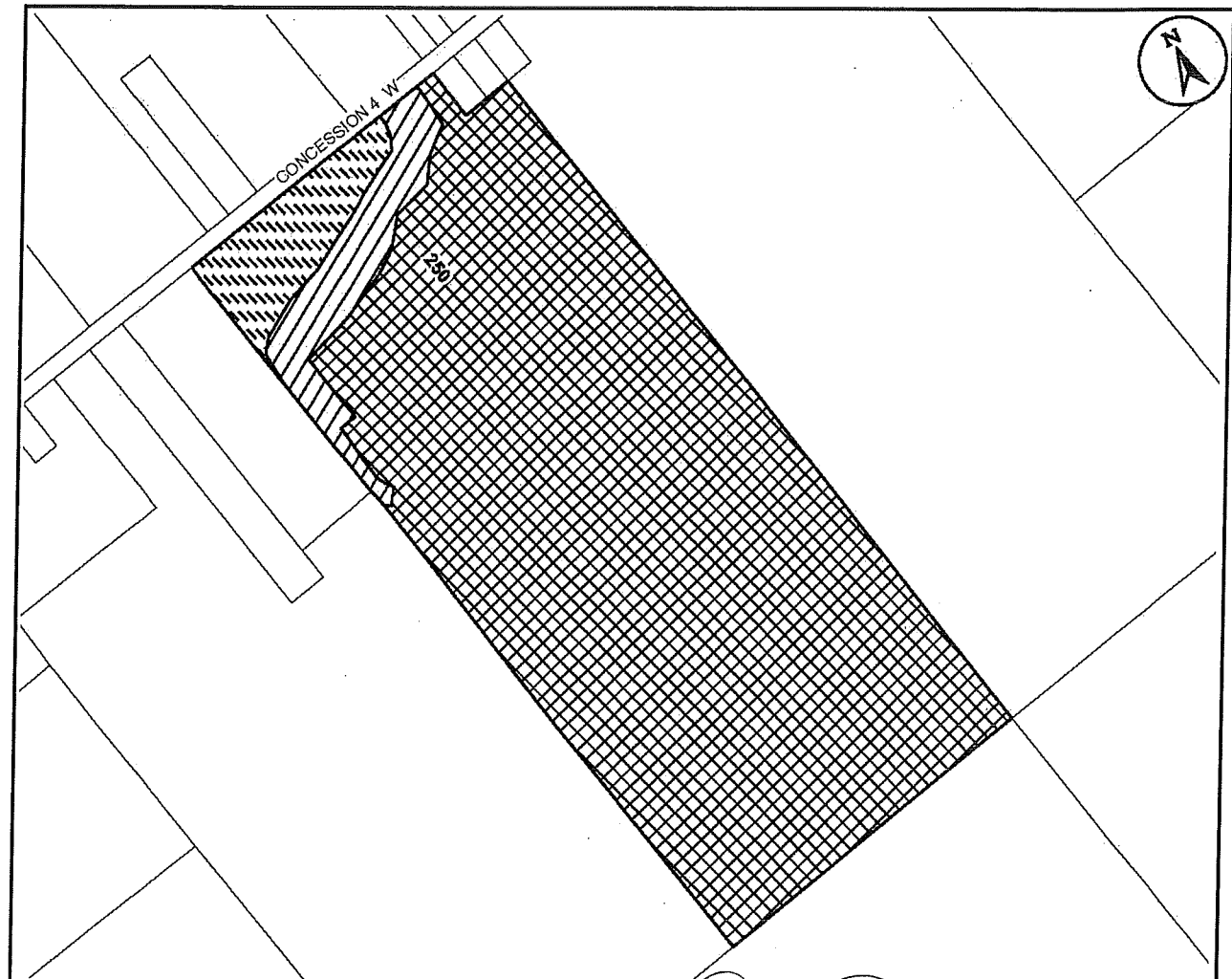
- 3. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "A" Agricultural Zone provisions, subject to the special requirements referred to in Section 2.
- 4. 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 22nd day of April, 2015.


Fred Eisenberger
Mayor


Rose Caterini
City Clerk

ZAR-12-066



This is Schedule "A" to By-Law No. 15- 108
Passed the 22nd day of April, 2015

Fred Overburg
Mayor
[Signature]
Clerk

Schedule "A"

Map Forming Part of
By-Law No. 15- 108

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

Subject Property

250 4th Concession West, Flamborough



Block 1 - Change in zoning from the "A" Agricultural Zone to the "CM" Conservation Management Zone



Block 2 - Change in zoning from the "A" Agricultural Zone to the "A-93" Agricultural, Modified, Zone



Block 3 - Additional lands of applicant

Scale:
N.T.S.

File Name/Number:
ZAR-12-066

Date:
April 16, 2015

Planner/Technician:
EJ/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT