CITY OF HAMILTON

BY-LAW NO. 04-070

To Adopt:

Official Plan Amendment No. 97 to the Former Town of Flamborough Official Plan;

Respecting:

ADMINISTRATIVE AMENDMENT

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

1. Amendment No. 97 to the Official Plan of the Town of Flamborough Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.

2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED AND ENACTED this 24th day of March 2004

MAYOR

CLERK
Amendment No. 97

to the

Official Plan of the Former Town of Flamborough


Purpose:

The purpose of this Amendment is to incorporate a number of changes to the Official Plan, which have created inconsistent policies and land use designations between the approved Official Plan Amendments and the Official Plan document. These inconsistencies involve incorrect numbering of policies and the exclusion of land use changes on specific schedules. It is important to note that this Amendment does not result in any changes to approved policy, rather its purpose is to effect the corrections identified in the body of this Amendment.

Basis:

The Official Plan is updated on a regular basis to ensure it remains relevant to the current planning principles. Various Official Plan Amendments adopted in the former Town of Flamborough contained text references to incorrect sections and specific policy numbers. Further, the location and size of certain lands were inadvertently left off specific schedules contained within the Official Plan. In some instances, the text contained within the Official Plan was also incorrect and did not reflect the Amendment from which it originated. Thus, changes are required to ensure the intent of the Official Plan Amendments are maintained and the appropriate policies and schedules are included in the Official Plan.

Actual Changes:

A) Text

1. That Subsection A.3.2 – Urban Commercial, Subsection A.3.2.10 relating to Urban Commercial – Site Specific Areas be renumbered to Subsection A.3.2.11.

2. That Subsection A.3.2.10 – Urban Commercial – Site Specific Areas, Policies A.3.2.10.1 and A.3.2.10.2 be renumbered to Policy A.3.2.11.1 and Policy A.3.2.11.2 respectively.

3. That **Subsection A.4.4** – Urban Institutional – Site Specific Areas, be
amended by:

i. Deleting the introduction to the Subsection and replacing it with the following text so the entire introduction reads as follows:

“To account for special circumstances affecting specific sites, the following policy applies to these Urban Institutional – Site Specific Areas:”

4. That Subsection A.4.4 – Urban Institutional – Site Specific Areas, Policy A.4.4.1 be amended by:

i. Deleting the text in its entirety and replacing it with the following text, so the entire policy reads as follows:

“A.4.4.1 The lands shown on Schedule ‘A’ as Urban Institutional – Site Specific Area No. 5 shall be permitted to be used only for one dwelling unit or day nursery with one dwelling unit.”

ii. That the policy as it is written in Official Plan Amendment No. 74 (OSBORNE), as approved by the Ontario Municipal Board (OMB Decision No. 1661 dated October 12, 2001) (OMB Tracking #01-314) be amended to reflect the changes identified above in (i).

5. That the numbering of Subsection A.3.4 – Mixed Use Areas as identified in Official Plan Amendment No. 28 (WATERDOWN URBAN AREA EXPANSION) and receiving approval by Cabinet Order (June 19, 2002) (OMB Tracking #02-385) be renumbered and amended as follows:

i. Subsection A.3.4 Mixed Use Areas is renumbered and included into the Official Plan as Subsection A.3.6.;

ii. That the following text be included as an introductory text to the Subsection, and shall read as follows:

“A.3.6 MIXED USE AREA
MIXED USE AREAS are those areas in the URBAN AREA which allow the integration of residential, commercial and business uses, institutional and public uses, and transit facilities. It is intended that development provide employment centres and residential areas to encourage pedestrian traffic. It is also intended that MIXED USE AREAS encourage pedestrian traffic. It is also intended that MIXED USE AREAS encourage transit-oriented facilities such as commuter terminals and parking areas.”
iii. That Policies A.3.4.1 to A.3.4.10 inclusive, as identified in Official Plan Amendment No. 28, be renumbered and included into the Official Plan as Policies A.3.6.1 to A.3.6.10 inclusive; and,

iv. That the following bolded text be added to policy A.3.6.1 at the end of the paragraph, so the entire policy reads as follows:

“A.3.6.1 Those areas designated on Schedule ‘A’ as MIXED USE AREA shall permit integrated residential, commercial and business uses, institutional and public uses, and transit facilities.

In addition, neighbourhood type commercial uses may be permitted which shall generally be interpreted as local convenience stores serving the needs of the immediate residential area and may include such uses as jug milk stores, hair cutting and styling establishments, dry cleaning pick-up depot, take-out restaurant, video store.”

6. That Subsection A.6.2 – Development Policies, the introductory paragraph be amended by adding the following land use designation:

i. “Prestige Industrial-Automotive” following subsection (ii) and identifying it as being “Deferred, Under Section 17(21) of the Planning Act”;

ii. that subsections (iii), (iv), (v) and (vi) are renumbered as (iv), (v), (vi) and (vii) respectively.

7. That Subsection A.6.2 – Development Policies, Subsection A.6.2.3 Prestige Industrial-Automotive be added and include the following policies:

i. A.6.2.3 Prestige Industrial-Automotive (OPA 38)

6.2.3.1 Lands designated Prestige-Industrial-Automotive, in the northeast quadrant of the Business Park, shall be used for the permitted uses on landscaped lots on a park-like surrounding. This land use designation shall be the highest order use in the I.B.P. A high standard of building design and appearance is required and undeveloped parts of lots shall be landscaped in order to achieve the intended prestige image. The location of the following permitted uses will be more specifically determined in the implementing Zoning By-law:

(i) Automobile sales and service and accessory open storage
Schedule 1

6.2.3.2 In those areas on the periphery of the I.B.P., particularly adjacent to existing and/or possible future residential development, only those uses that do not emit odour, dust or noise will be permitted. In addition, any lighting requirements shall be located and directed so that their negative visual is no impact on adjacent existing or future residential areas. Accordingly, the Town’s implementing Zoning By-law will specify the permitted uses, setbacks and heights of permitted buildings. The Ministry of Environments and Energy will be asked to review these uses, setbacks and heights prior to approval of the implementing Zoning By-law.

6.2.3.3 Notwithstanding the permitted uses in the Prestige Industrial – Automotive designation, the outdoor display of those goods (excluding automobiles) which are sold only to the general public may be permitted in accordance with the provisions of the Zoning By-law, subject to Site Plan Control. The Town encourages the innovative design of outdoor display areas in conjunction with landscape, planting and signage features on the site.

ii. that subsections A.6.2.3, A.6.2.4, A.6.2.5, and A.6.2.6 are renumbered as A.6.2.4, A.6.2.5, A.6.2.6, and A.6.2.7 respectively.

8. That the numbering of Policy B.2.12.1 as identified in Official Plan Amendment No. 19 be renumbered and included into the Official Plan as Policy B.2.12.3.

9. That the numbering of Policy B.9.8.2 as identified in Official Plan Amendment No. 21 be renumbered and included into the Official Plan as Policy B.9.8.4.

10. That the numbering of Policy B.8.4.6 as identified in Official Plan Amendment No. 27 be renumbered and included into the Official Plan as Policy B.8.4.5.

11. That the numbering of Policy B.9.8.2 as identified in Official Plan Amendment No. 42 be renumbered and included into the Official Plan as Policy B.9.8.3.

12. That the numbering of Policy B.2.12.3 as identified in Official Plan Amendment No. 45 be renumbered and included into the Official Plan as Policy B.2.12.5.

and vehicles;

(ii) Automobile service station;

(iii) Automobile repair garage;

(iv) Gas bar; and,

(v) Car Wash.
13. That Subsection B.9.8 – Open Space and Recreation – Site Specific Areas, Policy B.9.8.7 be amended as follows:

i. That Policy B.9.8.7, as identified in Official Plan Amendment No. 71 (ENVIRONS LANDSCAPING) be renumbered and included into the Official Plan as Policy 6.9.8.8; and,

ii. That the numbering of Policy B.9.8.7 as it is written in the Ontario Municipal Board Decision (OMB Decision No. 1994 dated October 29, 1999) and as it relates to Official Plan Amendment No. 71 be renumbered in the OMB Decision as Policy B.9.8.8.

14. That Subsection B.9.8 – Open Space and Recreation – Site Specific Areas, Policy B.9.8.— be amended as follows (OMB Decision No. 1043)(OMB Tracking #01-321):

i. That Policy B.9.8.—, as identified in Official Plan Amendment No. 76 (OLYMPIA PARK) be renumbered and included into the Official Plan as Policy B.9.8.11; and,

ii. That “Site Specific Area No. 53” be assigned to Policy B.9.8.11 so the entire policy reads as follows:

“B.9.8.11 (a) The lands shown on Schedule “B” as Site Specific Area No. 53 may be used for a mobile home park of 15 sites. In addition, ancillary uses may also be permitted...”

15. That the numbering of Policy B.2.12.7 as identified in Official Plan Amendment No. 78 be renumbered and included into the Official Plan as Policy B.2.12.8.

16. That Subsection B.3.10 – Rural – Site Specific Areas, Policy B.3.10.6 as identified in Official Plan Amendment No. 82 be renumbered and included into the Official Plan under Subsection B.2.12 – Agriculture – Site Specific Areas, as Policy B.2.12.9.

17. That the numbering of Policy A.9.8.9 as it is written in the Ontario Municipal Board Decision (OMB Decision No. 1833 dated November 9, 2001)(OMB Tracking #01-316) and as it relates to Official Plan Amendment No. 83 be renumbered in the OMB Decision as Policy B.9.8.9, and included into the Official Plan as Policy B.9.8.9.

18. That Subsection B.9.8 – Open Space and Recreation – Site Specific Areas,
Policy B.9.8.9 be renumbered to Policy 6.9.8.10.

19. That Subsection B.2.12 – Agriculture – Site Specific Areas, Policy B.2.12.11 be amended by:
   i. Replacing the words "Agricultural Site Specific Area No. 51" with "Agricultural Site Specific Area No. 54";

so the entire policy reads as follows:

"B.2.12.11 Notwithstanding Subsection A.2, Agriculture, and the Agriculture designation on the lands municipally known as 1345 Highway No. 6, and identified on Schedule 'B', Rural Land Use Plan, as “Agriculture Site Specific Area No. 54”, the following additional uses shall be permitted: mini-storage use with accessory office/residential unit and outdoor storage."

20. That the numbering of Policies E.3.2, E.3.3, E.3.4, E.3.5 and E.3.6 as identified in Official Plan Amendment No. 29 be renumbered and included into the Official Plan as Policies E.3.2.1, E.3.2.2, E.3.2.3, E.3.2.4, and E.3.2.5.

21. That the numbering of Policies E.3.3, E.3.4, and E.3.5 as identified in Official Plan Amendment No. 63 be renumbered and included into the Official Plan as Policies E.3.2.2, E.3.2.3, and E.3.2.4.

B) Schedules

1. That Schedule "A" – Waterdown Urban Area – be revised by:
   i. Adding the land use designation “Mixed Use” to the Schedule; and,
   ii. Redesignating the subject lands from “Urban Residential” to “Mixed Use”, as shown on the attached Schedule “A” of this Amendment.

2. That Schedule “A-I” – Flamborough Business Park Secondary Plan – be revised by:
   i. Identifying those lands subject to OPA 23;
   ii. Redesignating a portion of the lands subject to OPA 23 from “General Industrial” to “Prestige Industrial”;
   iii. Identifying those lands subject to OPA 38;
iv. Adding the land use designation “Prestige Industrial-Automotive” to the Schedule and labelling it as being “Deferred, Under Section 17(21) of the Planning Act” as per OPA 38; and,

v. Identifying those lands subject to the “Prestige Industrial-Automotive” designation as being “Deferred, Under Section 17(21) of the Planning Act” as per OPA 38, as shown on the attached Schedule “B” of this Amendment.

3. That Schedule “B” – Rural Land Use Plan – be revised by:

i. Including the subject lands within the Greensville Rural Settlement Area Boundary;

ii. Adjusting the boundary of the subject lands to reflect the size and shape of the parcel identified in OPA 32;

iii. Identifying those lands subject to OPA 76 and labelling them as “Site Specific Area No. 53”;

iv. Identifying those lands subject to OPA 93; and,

v. Changing the Site Specific Area Number on those lands subject to OPA 93 from “Site Specific Area No. 51” to “Site Specific Area No. 54”, as shown on the attached Schedule “C” of this Amendment.

4. That Schedule “B-8” – Freelton Rural Settlement Area – be revised by:

i. Adjusting the boundary of the subject lands to reflect the size and shape of the parcel identified in OPA 16, as shown on the attached Schedule “D” of this amendment.

5. That Schedule “B-16” – Greensville Rural Settlement Area – be revised by:

i. Adding the land use designation “Institutional” to the Schedule;

ii. Redesignating the subject lands from “Settlement Commercial” to “Institutional”, as shown on the attached Schedule “E” of this Amendment.

Implementation:

The provisions of Section F: Implementation of the former Town of Flamborough Official Plan will give effect to this Amendment.
This is Schedule "1" to By-law No. 04-070, passed on the 24th day of March, 2004.

The City of Hamilton

MAYOR

CLERK
Schedule A
Amendment No. 97 (Administrative)
To the Official Plan
for the
Former Town of Flamborough

Previous Map Changes as per OPA's
- Add subject lands labelled as OPA-23 and designate as "Prestige Industrial," "Mineral Open Space," and "Special Treatment Area"
- Identify lands as being OPA-38
- Add Prestige Industrial Automotive
- Designation deferred under Section 17(21) of the Planning Act
- Identify lands as being Deferred, Under Section 17(21) of the Planning Act

Date: March 18, 2004
Revised by: J.S
Reference File No.: OPA-97(F)

Schedule 'A-1'
Land Use Plan

FLAMBOURGH
BUSINESS PARK
SECONDARY PLAN

Industrial Business Park Boundary
- Prestige Industrial
- Prestige Industrial - Commercial
- General Industrial
- General Industrial - Commercial
- Open Space
- Special Treatment Area
- Prestige Industrial - Automotive
- Deferred, Under Section 17(21) of the Planning Act

Scale: 1/400

Note: This is an official plan. Consult the original Official Plan and Amendments.
Amendment No. 97 (Administrative)
To the Official Plan
for the
Former Town of Flamborough

Previous Map Changes as per
Add "Institutional" land use designation
Redesignation from "Settlement Commercial"
To the Official Plan

Date: March 18, 2004
Reference No.

GREENSVILLE
Schedule B-16

RURAL SETTLEMENT AREAS:
Greensville

LEGEND
Land Use Designations
Settlement Residential
Settlement Commercial
Hazard Lands
Settlement Open Space
Settlement Area Boundary
Institutional

NOTE:
This is an office reproduction
The wording may not be exact

January 2004
FREELTON
Schedule B-8

RURAL SETTLEMENT AREAS:
Freelton

Schedule D
Amendment No 97 (Administrative)
To the Official Plan
for the
Former Town of Flamborough

Previous Map Changes as per OPA
Boundary of Subject lands adjusted to reflect
the size and shape of the parcel identified in
OPA#15

Date: March 19, 2004
Revised By: J.S.
Reference File No: OPA-0997

LEGEND
Land Use Designations

- Settlement Residential
- Settlement Commercial
- Hazard Lands
- Settlement Open Space
- Settlement Area Boundary

NOTE: The Schedule forms part of the
Official Plan and must be read in
connection with this Plan.

NOTE: This is an office consolidation.
Reference should be made to the
original OFFICIAL Plan and amendments.

January 2004

Town of Flamborough Planning and Development Department