SUBJECT: Applications for an Official Plan Amendment and for a Change in Zoning for Lands Located at 855 Centre Road, Flamborough (PED06228) (Ward 15)

RECOMMENDATION:

(a) That approval be given to **Official Plan Amendment Application OPA-06-09, 1171611 Ontario Limited (Frank Spizzirri) Owner**, to the Flamborough Official Plan, to add a “Site-Specific Policy Area” to the current “Agricultural” designation to add a garden centre as a permitted use, for the lands located at 855 Centre Road, as shown on Appendix “A” to Report PED06228.

(b) That approval be given to **Zoning Application ZAR-06-30, 1171611 Ontario Limited (Frank Spizzirri), Owner**, for changes in zoning from the Agricultural “A” Zone to the Agricultural “A-27” Zone, Modified (Blocks 1 and 2), and from the Conservation Management “CM” Zone to the Agricultural “A-27” Zone, Modified (Block 3), to add a garden centre as an additional permitted use, on lands known as 855 Centre Road (Flamborough), as shown on Appendix “B”, respectively, to Report PED06228, subject to the following:

(i) That “Blocks 1 and 2” be rezoned from the Agricultural “A” Zone to the Agricultural “A-27” Zone, Modified.

(ii) That “Block 3” be rezoned from the Conservation Management “CM” Zone to the Agricultural “A-27” Zone, Modified

(iii) That the draft Zoning By-law attached as Appendix “B” to Report PED06228, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
Lee Ann Coveyduck  
General Manager  
Planning and Economic Development Department  

EXECUTIVE SUMMARY:

The purpose of the application is to permit a garden centre as an additional permitted use on the subject lands, as shown on Appendix “A”.

This proposal has merit and can be supported since it is consistent with the Greenbelt Plan and the Provincial Policy Statement, and complies with the Hamilton-Wentworth Official Plan. The proposal meets the general intent of the Town of Flamborough Official Plan, and is compatible with the surrounding area.

BACKGROUND:

The purpose of the Official Plan Amendment is to establish a site-specific agricultural policy for the subject lands. As per Policy B.2.1 of the Flamborough Official Plan, the “Agricultural” designation allows for agricultural operations, including cultivated field crops, animal husbandry, and greenhouses. However, ‘commercial’ greenhouses that are open to the general public are not permitted within the “Agricultural” designation. As a result, a site-specific Official Plan Amendment is proposed by the applicant to allow for a garden centre.

The purpose of the Zoning By-law Amendment application is for a realignment of the boundary of the existing Conservation Management “CM” Zone, and for changes in zoning from the Conservation Management “CM” Zone and the Agricultural “A” Zone, to the Agricultural “A-27” Zone, Modified.

The realignment of the existing Conservation Management “CM” Zone boundary (Schedule “A” - Appendix “B”) is required to implement the re-evaluated Conservation Management Zone as per the work conducted by Conservation Halton staff during a field marking session on the June 9, 2006. As per Policy F.12.3 of the Flamborough Official Plan, where a minor boundary change in the implementing Zoning By-law occurs, no amendment is required to the Plan provided that the Zoning By-law conforms to the intent and purpose of this Plan and the Regional Official Plan. The proposed Conservation Management “CM” Zone on the subject lands would continue to meet the purpose and intent of the Flamborough Official Plan with respect to resources
management, the protection and identification of environmentally sensitive areas, and the discouragement of development that may result in loss of life or property.

The changes in zoning from the Conservation Management “CM” Zone and the Agricultural “A” Zone (Schedule “A” - Appendix “B”) to the existing modified Agricultural “A-27” Zone will allow for a garden centre as an additional permitted use along with agricultural uses, and a single detached dwelling.

Details of Submitted Application

Owner: 1171611 Ontario Limited (Frank Spizzirri)

Location: 855 Centre Road (former Town of Flamborough)

Description: Total Area: 0.63 hectares (1.56 acres)
Width: Approximately 61.08 metres (200.39 feet)
Depth: Approximately 256.59 metres (841.83 feet) northerly limit

Existing Land Use and Zoning:

<table>
<thead>
<tr>
<th></th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Lands:</td>
<td>Agricultural and Single Detached Dwelling</td>
<td>Agricultural “A” Zone and Conservation Management “CM” Zone</td>
</tr>
<tr>
<td>North</td>
<td>Agricultural</td>
<td>Agricultural “A-44” Zone, Modified and Agricultural “A” Zone</td>
</tr>
<tr>
<td>East</td>
<td>Agricultural</td>
<td>Agricultural “A-37” Zone, Modified and Conservation Management “CM” Zone</td>
</tr>
<tr>
<td>South</td>
<td>Agricultural</td>
<td>Agricultural “A-37” Zone, Modified and Conservation Management “CM” Zone</td>
</tr>
<tr>
<td>West</td>
<td>Agricultural (Greenhouses) and Single Detached Residential</td>
<td>Agricultural “A” Zone and Conservation Management “CM” Zone</td>
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</table>
ANALYSIS/RATIONALE:

Circulation of the proposed applications to various City Departments and outside agencies resulted in no significant issues. Planning staff’s evaluation of the proposed applications is set out below.

1. This proposal for Official Plan and Zoning By-law Amendments has merit and can be supported for the following reasons:
   
   
   (ii) The proposal meets the general intent of the “Agricultural” land use designation of the Town of Flamborough Official Plan.
   
   (iii) The proposed use is compatible with the existing uses permitted on the subject lands and in the surrounding area.
   
   (iv) The proposal conforms to the Draft Rural Official Plan policies for the new City of Hamilton Official Plan.

2. Both the Greenbelt Plan and the Provincial Policy Statement allow for Agriculture-related uses, which are defined as those farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation. As the intent of the operation is to sell agricultural goods from the existing farm operation (greenhouses) on-site, and the scale of the operation will be controlled through the standards of the existing Agricultural “A-27” Zone which permits a maximum of 30% of the floor area of the combined greenhouses to be used for a garden centre, the proposal is deemed to be consistent with the Greenbelt Plan and the Provincial Policy Statement.

3. An amendment to the “Agricultural” designation in the Flamborough Official Plan is required to allow for a “garden centre” to be considered a permitted use within the range of agricultural uses as per Policy B.2.1. Policy B.2.2 outlines that it is the intent of the Official Plan to encourage the expansion of agricultural operations, as well as the continued working of all farm lands. The opportunity to sell products produced on-site will allow for long term investment in the greenhouse and garden centre operation. Currently, the proposed operation utilizes the existing structures on-site with no plans for immediate expansion. It is the intent that over the long term the operation will expand when economically feasible.

4. The proposed use is compatible with existing uses in the surrounding area. Currently the property to the north of the subject lands contains an agricultural operation. To the south and east of the subject lands there are existing landscaping operations, both recognized through modified agricultural zones. It
is not the intent of the applicant to sell landscaping or construction materials from the garden centre. As well, the proposed zoning would not allow the sale of raw landscaping and construction materials such as paving stones, gravel, lumber etc.

5. The proposal is consistent with the draft Rural Official Plan policies for the “Agricultural” designation which permits agricultural uses, agricultural-related commercial and industrial uses, and on-farm secondary uses which is consistent with the policy framework established through the Greenbelt Plan and Provincial Policy Statement. The draft Rural Official Plan Policies would permit farm greenhouses as an agricultural use, provided that any goods or materials offered for sale are limited to small scale retailing or products grown and produced on-site. The draft Rural Official Plan policies permit the small scale retail sale of agricultural products provided that:

- the use is clearly secondary to the primary agricultural use.
- any buildings or structures associated with the on-farm secondary use allows for ease of conversion to a future agricultural use and are located to form an integral part of the primary farm cluster.
- appropriate development standards are established in the Zoning By-law regarding the maximum floor area for such uses, access, parking, outside storage.
- site plan approval may be required.

The proposal meets the intent of the on-farm secondary use provisions as the retail component will be located within the existing greenhouses. Secondly, should the garden centre cease to operate, the greenhouse space can be easily converted to useable space for the production of greenhouse products. Thirdly, application of development standards contained in the existing Agricultural “A-27” Zone, Modified will limit the maximum floor area for the garden centre to 30% of the total gross floor area of all greenhouses on-site. As well, the Agricultural “A-27” Zone regulates open storage on-site to be used only for retail sales and display area and refuse. All other provisions of the Subsection 33.2 (Agricultural “A” Zone) of the By-law would apply.

6. Through Section 5 – General Provisions and the Conservation Management “CM” Zone provisions of the Zoning By-law, Blocks 4 and 5 (Schedule “A” of Appendix “B”) will be appropriately protected from development as any building or structure will require a minimum 15 metre setback, and no building or structure shall be permitted within the Conservation Management “CM” Zone without written approval from the Conservation Authority.
SUBJECT: Applications for an Official Plan Amendment and for a Change in Zoning for Lands Located at 855 Centre Road, Flamborough (PED06228) (Ward 15) - Page 6 of 8

ALTERNATIVES FOR CONSIDERATION:

If the applications are denied, then the applicant has the option of using the property for the current range of Agricultural “A” Zone and Conservation Management “CM” Zone uses.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: N/A.
Staffing: N/A.
Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a Zoning By-law Amendment and an Official Plan Amendment.

POLICIES AFFECTING PROPOSAL:

Greenbelt Plan

The subject lands are designated as “Protected Countryside” within the Greenbelt Plan. Within Prime Agricultural Areas, as designated through lower tier plans, Policy 3.1.3 states that normal farm practices and a full range of agricultural, agriculture-related, and secondary uses are supported and permitted. As the intent of the applications are to allow for a garden centre to be operated on the subject lands which utilize products grown on site, the applications are consistent with the Greenbelt Plan.

Provincial Policy Statement

Policy 2.3.1 of the PPS outlines that Prime Agricultural Areas shall be protected for long-term use for agriculture. In Prime Agricultural Areas, permitted uses and activities include: agricultural uses, secondary uses and agricultural related uses. As the nature of the applications are to allow for a garden centre to be operated on the subject lands which utilize products grown on site, the applications are consistent with the principles and policies of the Provincial Policy Statement.

Hamilton-Wentworth Official Plan

The subject lands are designated “Rural Area / Prime Agricultural Lands” within the Hamilton-Wentworth Official Plan. Policy 3.2 recognizes that the Rural Area contains a variety of existing land uses and activities including residential, commercial, rural industrial and the primary activity of farming. The subject property has historically contained greenhouses on-site; however, it is only through the current owner that they now wish to establish a garden centre on-site. As a result, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.
Town of Flamborough Official Plan

The subject property is designated “Agricultural” in the Town of Flamborough Official Plan. It is the intent of the Plan to support the agricultural economy in the Rural Area. The Plan encourages the continuance of farming and related activities as the predominant use of land, in the Rural Area. Policy B.2.2 outlines that it is the intent of the Official Plan to encourage the expansion of agricultural operations, as well as the continued working of all farm lands. As the nature of the applications will allow for the continuation of agricultural uses on-site, the proposals comply with the general intent of the policies of the Town of Flamborough Official Plan. However, an Official Plan Amendment is required to allow for a garden centre as an additional permitted use.

RELEVANT CONSULTATION:

Agencies/Departments Having No Comment or Objections

- Parking Services.
- Conservation Halton.
- Corporate Services, Budgets and Finance.
- Public Works Department (Traffic & Operations).
- Union Gas
- Horizon Utilities.

Public Consultation

In accordance with the requirements of the Planning Act, notice of the Public Meeting was provided to the property owners within 120 metres of the subject lands and a sign has been posted on the site advising of the Public Meeting date.

The application was not pre-circulated as per the Council approved Public Participation Policy, as the purpose of the application is to recognize an existing situation, which has not been subject to a complaint/by-law enforcement action, and the application is to add a minor use as a special provision to an existing non-residential zoning category.

One phone call was received from a neighbouring property owner requesting clarification of the proposed uses on site. The nature of the application and proposed range of products was explained to the resident, which satisfied their concern.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
Cultural Heritage is supported and enhanced.
 SUBJECT: Applications for an Official Plan Amendment and for a Change in Zoning for Lands Located at 855 Centre Road, Flamborough (PED06228) (Ward 15) - Page 8 of 8

Environmental Well-Being is enhanced. ☐ Yes ☐ No
Ecological function and the natural heritage system are protected.

Economic Well-Being is enhanced. ☐ Yes ☐ No
Investment in Hamilton is enhanced and supported.
The economic base is diversified.

Does the option you are recommending create value across all three bottom lines? ☐ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☐ Yes ☐ No

:SD
Attachs. (3)
Appendix "A" to PED06228 (Page 1 of 1)

Location Map

File Name/Number: ZAR-06-30/OPA-06-09
Date: May 1, 2006
Appendix "A"
Scale: N.T.S.
Planner/Technician: SD/NB

Subject Property
855 Centre Road (Flamborough)

- **Blocks 1 & 2** - Change in Zoning from the Agricultural "A" Zone to the Agricultural "A-27" Zone
- **Block 3** - Change in zoning from the Conservation Management "CM" Zone to the Agricultural "A-27" Zone
- **Blocks 4 & 5** - Lands to Remain in the Conservation Management "CM" Zone

Ward 15 Keymap N.T.S
Location Map

File Name/Number: ZAR-06-30/OPA-06-09
Date: May 1, 2006
Appendix “A” Scale: N.T.S.
Planner/Technician: SD/NB

Subject Property
855 Centre Road (Flamborough)

- **Blocks 1 & 2** - Change in Zoning from the Agricultural “A” Zone to the Agricultural “A-27” Zone
- **Block 3** - Change in zoning from the Conservation Management “CM” Zone to the Agricultural “A-27” Zone
- **Blocks 4 & 5** - Lands to Remain in the Conservation Management “CM” Zone
CITY OF HAMILTON

BY-LAW NO. _________

To Amend Zoning By-law No. 90-145-Z (Flamborough) Respecting Land Located at 855 Centre Road (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 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 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 Section _________ of Report _________ of the Planning and Economic Development Committee at its meeting held on the _________ day of _________, 2006, recommended that Zoning By-law No. 90-145-Z (Flamborough), be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Official Plan of the City of Hamilton (formerly the Official Plan for the Town of Flamborough) upon approval of Official Plan Amendment No. ______ 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. Schedule “A-6” of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby amended;
   
   (a) to change the Zoning from the Agricultural “A” Zone to the Agricultural “A-27” Zone, Modified for the lands shown as “Block “1”;
   
   (b) to change the Zoning from the Agricultural “A” Zone to the Agricultural “A-27” Zone, Modified for the lands shown as “Block “2”;
   
   (c) to change the Zoning from the Conservation Management “CM” Zone to the Agricultural “A-27” Zone, Modified for the lands shown as “Block “3”;

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

2. 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 ______ day of ______, 2006.

________________________________________  _______________________________
MAYOR                                      CLERK

OPA-06-09 & ZAR-06-30
This is Schedule "A" to By-Law No. 06—

Passed the .................................. day of .................................., 2006

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Clerk

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Mayor

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**Schedule “A”**

Map Forming Part of By-law No. 06-_____ to Amend By-law No. 90-145-Z

**Subject Property**

855 Centre Road (Flamborough)

- **Blocks 1 & 2** - Change in Zoning from the Agricultural “A” Zone to the Agricultural “A-27” Zone
- **Block 3** - Change in zoning from the Conservation Management “CM” Zone to the Agricultural “A-27” Zone
- **Blocks 4 & 5** - Lands to Remain in the Conservation Management “CM” Zone