

Authority: Item,
Report (PED)
CM:
Ward: X

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To amend Zoning By-law No. 05-200 with respect to lands located at 471 Moxley Road, Flamborough.

WHEREAS Council approved Item __ of Report _____ of the Planning Committee, at its meeting held on May 5, 2026;

AND WHEREAS this By-law conforms with the Rural Hamilton Official Plan upon adoption of Official Plan Amendment No. _____;

NOW THEREFORE Council amends Zoning By-law No. 05-200 as follows:

1. That Schedule “A” – Zoning Maps, Map No. 94 is amended by adding the Settlement Commercial (S2, 967, H217) Zone for the lands known as 471 Moxley Road, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” to this By-law.
2. That Schedule “C”: Special Exceptions is amended by adding the following new Special Exception:

“967. Within the lands zoned Settlement Commercial (S2, 967, H217) Zone, identified on Map No. 94 of Schedule “A” – Zoning Maps and described as 471 Moxley Road, Flamborough, the following special provisions shall apply:

- a) In addition to Section 3, the following shall apply:

Art Gallery

Shall mean the use of land, building or structure where works of art, such as paintings, sculpture, pottery, glass, and weaving are displayed for public viewing, and may include

accessory retail sales.

Limited Medical Clinic

Shall mean a building, or part thereof, which is used by health professionals for the purpose of consultation, diagnosis and/or treatment of persons and shall include but not be limited to laboratories, dispensaries, or other similar facilities, however, it shall not include overnight accommodation.

- b) Notwithstanding Section 3 as it relates to the definition of Front Lot Line, the lot line abutting Highway No. 5 shall be deemed the Front Lot Line.
- c) Notwithstanding Section 5.3.1 e) i), the following shall apply:
 - i) Landscaped Area(s) and Landscaped Parking Island(s) with a minimum combined area of 6% of the area of the Parking Lot and associated access driveway and manoeuvring areas shall be provided and maintained.
- d) In addition to Section 5.4.2 a) ii), the following shall apply:
 - ii) Long-term Bicycle Parking Spaces shall also be located at grade, exterior to the building.
- e) Notwithstanding Section 5.7.1, as it relates to the minimum number of required Parking Spaces for all buildings and structures, the following shall apply:
 - i) 2.34 parking spaces for each 100 square metres of gross floor area.
- f) Notwithstanding Section 5.7.5 a), as it relates to the minimum number of required Long-term Bicycle Parking Spaces, the following shall apply:
 - i) Long-term Bicycle Parking 0.06 for each 100 square metres of gross floor area.

g) Notwithstanding Section 12.4.1, the uses permitted on the subject lands shall be limited to the following:

- | | |
|-------------------|--|
| i) Permitted Uses | <ul style="list-style-type: none"> Agriculture Art Gallery Artist Studio Catering Service Commercial School Commercial Recreation Craftsperson Shop Tradesperson Shop Farm Product Supply Dealer Financial Establishment Motor Vehicle Service Station Office Personal Service Private Club or Lodge Repair Service Restaurant Retail Veterinary Service Veterinary Service – Farm Animal Limited Medical Clinic |
|-------------------|--|

3. That Schedule “D” – Holding Provisions is amended by adding the additional Holding Provision as follows:

217. Notwithstanding Section 12.4 of this By-law, on those lands zoned Settlement Commercial (S2, 967, H217) Zone, identified on Map No. RU94 of Schedule A – Zoning Maps and described as 471 Moxley Road, Flamborough, no development shall be permitted until such time as:

- a. An updated Stormwater Management design as per the Mid-Spencer/Greensville Rural Settlement Area Subwatershed Study, Aquafor Beech Limited, April 2016 be submitted and approved, to the satisfaction of the Director of Development Engineering.
- b. That an updated Servicing Plan is submitted and approved that demonstrates that adequate land is dedicated for the required wet pond facility, and on-site septic system, as well as clarify the location of the onsite well on the civil plans that will be used to meet domestic water demand, to the satisfaction of the Director of Development Engineering.
- c. A Hydrogeological Assessment prepared by a Qualified Professional (P.GEO., P.Eng) is submitted and approved following the City of Hamilton Guidelines for Hydrogeological Studies and Technical

Standards for Private Servicing, to the satisfaction of the Director of Development Engineering.

- d. A Chloride Impact Assessment prepared by a qualified professional (P.Geo., P.Eng.) is submitted and approved to evaluate if the chloride loading due to winter de-icing activities will result in adverse source water quality concerns in the context of the MECP Reasonable Use Concept (RUC) water quality guidelines ('MOE Guideline B-7'), to the satisfaction of the Director of Development Engineering.
 - e. That a Tree Protection Plan is submitted and approved, to the satisfaction of the Director of Heritage and Urban Design. The submission of this Plan would include the applicable Tree Protection Plan review fee payable to the City of Hamilton.
 - f. That an updated Transportation Assessment, be submitted and approved to address concerns related to the left turn lane parallel and taper segments and meet the range prescribed by the Transportation Association of Canada Geometric Design Guidelines, 2017, to the satisfaction of the Manager of Transportation Planning.
4. 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 provisions of the Settlement Commercial (S2, 967, H217) Zone, subject to the special requirements referred to in Section No. 2 of this By-law.
 5. 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 _____ , 2026

A. Horwath
Mayor

M. Trennum
City Clerk

ZAC-26-004



This is Schedule "A" to By-law No. 26-

Mayor

Passed the day of, 2026

Clerk


Schedule "A"

Map forming Part of
By-law No. 26-_____

to Amend By-law No. 05-200
Map RU94

Subject Property

471 Moxley Road, Flamborough

 Lands to be added to By-law 05-200 and zoned
Settlement Commercial (S2, 967, H 217) Zone

Scale: N.T.S	File Name/Number: ZAC-26-004 & UHOPA-26-001
Date: March 10, 2026	Planner/Technician: AP/AL



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT