

Authority: Item 6, Planning and Economic
Development Committee
Report 07-006(PED07086)
CM: April 11, 2007

Bill No. 112

CITY OF HAMILTON

BY-LAW NO. 07-112

Housekeeping Amendments Respecting Minimum Distance Separation Formulae and Deemed Street Widths

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 Ancaster", "The Corporation of the Town of Flamborough", "The Corporation of the Township of Glanbrook" and "The Corporation of the City of Stoney Creek", 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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. 87-57 (Ancaster) was enacted on the 22nd day of June 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

AND WHEREAS the Council of The Corporation of the Town of Flamborough passed Zoning By-law No. 90-145-Z (Flamborough) on the 5th day of November 1990, which by-law was approved by the Ontario Municipal Board by Order dated the 21st day of December 1992;

AND WHEREAS Zoning By-law No. 464 (Glanbrook) on the 16th day of March 1992, and approved by the Ontario Municipal Board on the 31st day of May 1993;

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AND WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

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 Ancaster, the Official Plan of the former Town of Flamborough, the Official Plan of the former Township of Glanbrook and the Official Plan of the former City of Stoney Creek).

AND WHEREAS this By-law provides for housekeeping amendments to Zoning By-law No. 87-57 (Ancaster), Zoning By-law No. 90-145-Z (Flamborough) Zoning By-law No. 464 (Glanbrook) and Zoning By-law No. 3692-92 (Stoney Creek), as hereinafter described;

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

1. Town of Ancaster

- a. Section 5, of Zoning By-law 87-57 (Ancaster), is amended by deleting the following:

“, and Schedule “D” attached hereto which may be cited as the “Minimum Distance Separation Distance Formulas””

- b. Schedule “D” is deleted in its entirety.

- c. Section 7.13 (d), of Zoning By-law 87-57 (Ancaster), is amended by deleting sections (i) and (ii) and replacing with the following:

“That all development within the City of Hamilton be subject to the Minimum Distance Separation (MDS) formulae as established by the Ministry of Agriculture, Food and Rural Affairs, as amended from time to time.”

2. Town of Flamborough

- a. Section 4.8, of Zoning By-law 90-145-Z (Flamborough), is amended by deleting in its entirety and replaced with the following:

“4.8 MINIMUM DISTANCE SEPARATION FORMULAE

That all development within the City of Hamilton be subject to the Minimum Distance Separation (MDS) formulae as established by

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the Ministry of Agriculture, Food and Rural Affairs, as amended from time to time.”

- b. Appendix A is deleted in its entirety.

3. Township of Glanbrook

- a. Section 7.27, of Zoning By-law 464 (Glanbrook), is amended by deleting the section in its entirety and replacing it with the following:

“7.27 AGRICULTURAL CODE OF PRACTICE

That all development within the City of Hamilton be subject to the Minimum Distance Separation (MDS) formulae as established by the Ministry of Agriculture, Food and Rural Affairs, as amended from time to time.”

- b. Appendix 1 is deleted in its entirety.
- c. Section 7.23, of Zoning By-law 464 (Glanbrook), is amended by:
 - i. deleting “20 metres (66 feet)” and replacing it with “18 metres (59 feet)”; and,
 - ii. deleting the words “and the distance from the centre line of these streets shall be 10 metres (33 feet).”

4. City of Stoney Creek

- a. Section 5.1.6, of Zoning By-law 3692-92 (Stoney Creek), be amended by deleting section in its entirety and replace it with the following:

“5.1.6 Agricultural Code of Practice

That all development within the City of Hamilton be subject to the Minimum Distance Separation (MDS) formulae as established by the Ministry of Agriculture, Food and Rural Affairs, as amended from time to time.”

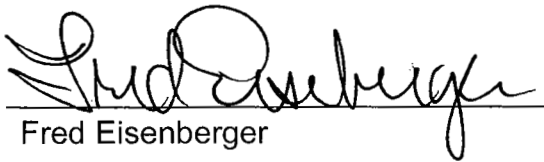
- b. Appendix “A” is deleted in its entirety.

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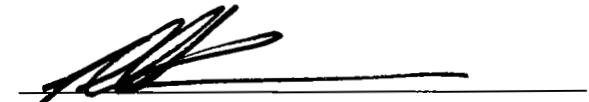
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5. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this 11th day of April, 2007



Fred Eisenberger
Mayor



Kevin C. Christenson
City Clerk

CI-07-A