

Authority: Item 1, Planning & Economic
Development Committee
Report 04-003 (PD04039)
CM: February 11, 2004

Bill No. 223

CITY OF HAMILTON

BY-LAW NO. 04-223

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting Lands located at 10 Second Street North

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 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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. 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 the Council of the City of Hamilton, in adopting Section 1 of Report 04-003 of the Planning and Economic Development Committee at its meeting held on the 11th day of February, 2004, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986;

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

1. Map No. 5 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended by changing the zoning from the Small Scale Institutional "IS" Zone to the Central Area Commercial "CA1-8" Zone, the lands

comprised of 10 Second Street North, the extent of boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Subsection 8.5.5, "Special Exemptions" of Section 8.5, Central Area Commercial "CAI" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special provision "CAI-8" to include the following:

"CAI-8 10 Second Street North, Schedule "A", Map No. 5

Notwithstanding the permitted uses in Section 8.5.2 of the Central Area Commercial "CAI" Zone, the use of lands zoned "CAI-8" by this By-law shall be restricted to only business and professional offices, excluding medical offices or medical clinics, wholly contained within the building existing at the date of the passage of this amending By-law.

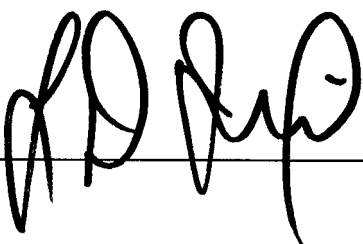
Notwithstanding Paragraph (b) of Section 8.5.3, on those lands zoned "CAI-8" by this By-law, a minimum side yard of 0.39 metres shall be provided and maintained along the easterly side yard for the existing building.


Notwithstanding Paragraph (e) of Section 8.5.3, on those lands zoned "CAI-8" by this By-law, a landscaped open space area having a minimum width of 6 metres shall be provided and thereafter maintained adjacent to Second Street North except for points of ingress and egress, and a landscape open space area having a minimum width of 3.38 metres shall be provided and thereafter maintained adjacent to Brandow Court.

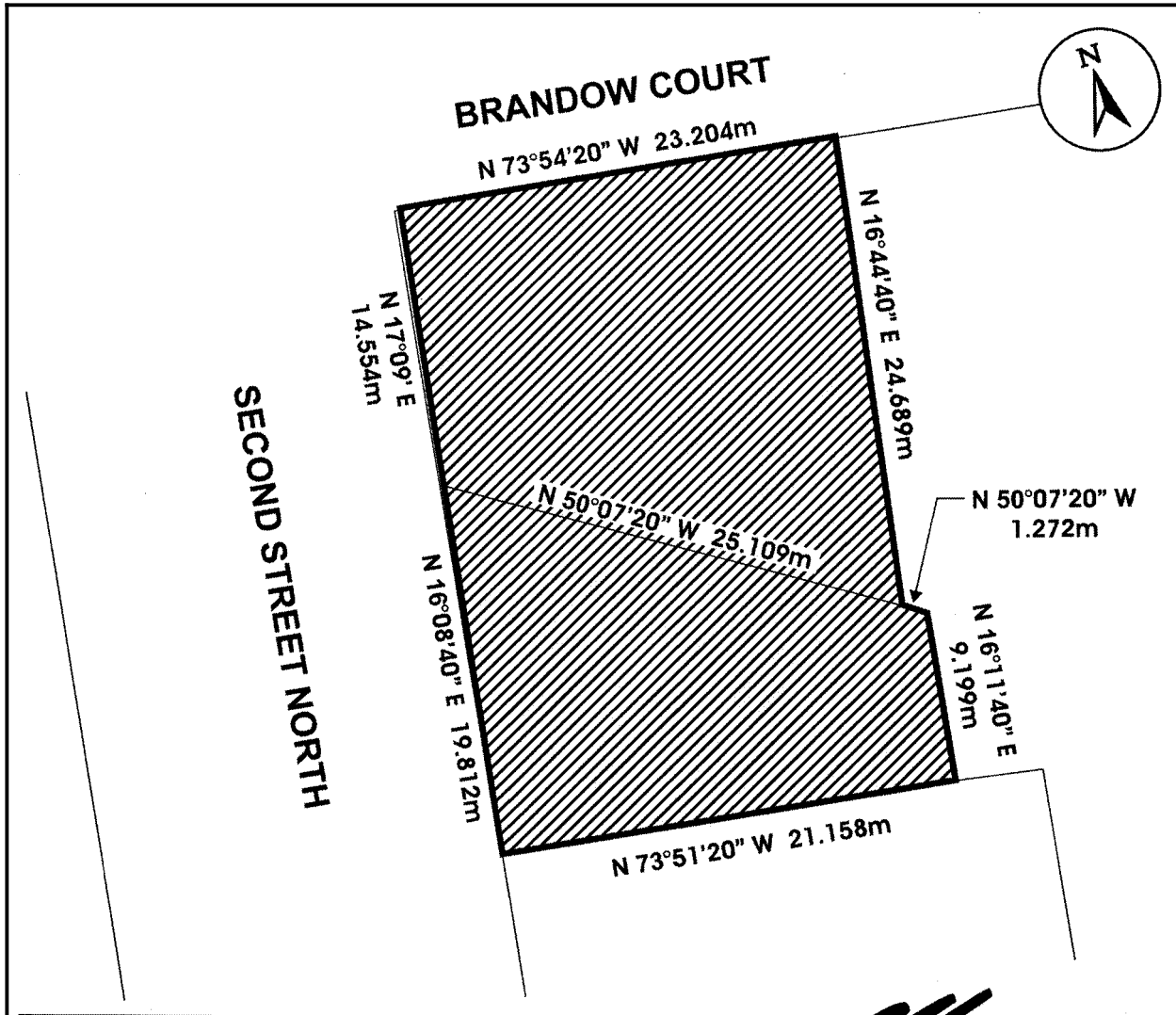
Notwithstanding Paragraph (g) of Section 8.5.3 or any other provision or definition in this By-law to the contrary, on those lands zoned "CAI-8" by this By-law, a minimum of six parking spaces shall be provided for the business and professional office in the existing building which shall be provided in the rear yard only. In addition, tandem parking may be permitted to a maximum of three spaces deep, and the driveway access to the permitted tandem parking spaces shall have a minimum width of 5.5 metres."

3. The City 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 15th day of September, 2004.

MAYOR 


CLERK



This is Schedule "A" to By-Law No 04-223

Passed the 15th day of September, 2004

[Signature]
Clerk

[Signature]
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 04-223
to Amend By-Law No 3692-92



Subject Property 10 Second Road North



To be rezoned from Small Scale Institutional "IS" to site-specific Central Commercial "CAI-8"

	Scale: Not to Scale	File Name/Number: CI-03-J
	Date: September 2004	Planner/Technician: PD/LC

I&C File Name: CI-03-J schedule A.cdr