

**Authority:** Item 18, Planning & Economic  
Development Committee  
Report : 05-017 (PD04001(a))  
CM: August 10, 2005

**Bill No. 243**

## **CITY OF HAMILTON**

### **BY-LAW NO. 05-243**

**To Amend Zoning By-law No. 3692-92 (Stoney Creek)  
Respecting Lands located at Part of Lot 24, Conc. 7,  
Part 3 of Plan 62R-13691, Highland Road East**

**WHEREAS** the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1<sup>st</sup>, 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 8<sup>th</sup> day of December, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1994;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 18 of Report 05-017 of the Planning and Economic Development Committee at its meeting held on the 10<sup>th</sup> day of August, 2005, 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. 17 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended by changing the zoning from the Agricultural "A" Zone to the Rural Industrial (Holding) "MR-5(H)" Zone, on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Section 9.9.5, "Special Exemptions", of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special provision, "MR-5(H)", to include the following:

**"MR-5(H) Part of Lot 24, Concession 7, Highland Road East, Schedule "A" ,Map No. 17**

Notwithstanding the provisions of paragraph (b) of Section 9.9.3 of the Rural Industrial "MR" Zone, on those lands zoned "MR-5(H)" by this By-law, the minimum lot frontage shall be 42 metres.

Notwithstanding the provisions of Section 9.1.4 of Section 9.1, General Provisions for Industrial Zones, on those lands zoned "MR-5(H)" by this By-law, outside storage, and vehicle parking or storage, shall not exceed a height of 2.5 metres within 15 metres of any lot line that abuts a street, measured from the average grade along such lot lines.

The (H) symbol may be removed at such time as:

- (i) The owner submits a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE), to the satisfaction of the City's Director of Development and Real Estate, including an acknowledgement of receipt of the RSC by the MOE; and,
- (ii) The owner submits and receives site plan approval including a landscape plan, with securities deposited for the works to be completed, all to the satisfaction of the Manager of Development Planning.

All other provisions of the Rural Industrial "MR-5" Zone shall apply."

3. 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 10<sup>th</sup> day of August, 2005.

  
MAYOR

  
CLERK

ZAC-03-80



This is Schedule "A" to By-Law No.05—243

Passed the 10th day of August ,2005

*[Signature]*  
Clerk

*[Signature]*  
Mayor

## Schedule "A"

Map Forming Part of  
By-Law No. 05-243  
to Amend By-Law No 3692-92

 Planning and Economic Development Department  
Hamilton

## Subject Property



Change in zoning from the Agricultural "A" Zone to the Rural Industrial (Holding) "MR-5(H)" Zone



Scale:  
Not to Scale

Date:  
June 7, 2005

File Name/Number:  
**ZAC-03-80**

Planner/Technician:  
PD/MC