

Authority: Item 3.7, Hearings Sub-Committee
Report: 03-032 (PD03235)
CM: December 12, 2007

Bill No. 349

CITY OF HAMILTON

BY-LAW NO. 07-349

To Adopt:

Official Plan Amendment No. 31 to the Regional Municipality of
Hamilton-Wentworth Official Plan, and
Official Plan Amendment No. 139 to the City of Stoney Creek Official Plan

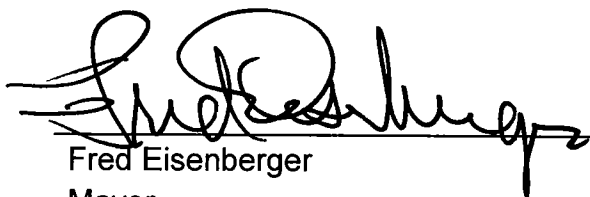
Respecting:

**Part of Lot 14, Concession 5, known municipally as 490 and 520 Fifth Road
East, 62R-16888, City of Stoney Creek/Hamilton**

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

1. Amendment No. 31 to the Official Plan of the former Regional Municipality of Hamilton-Wentworth Official Plan consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. Amendment No. 139 to the Official Plan of the former City of Stoney Creek consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.

PASSED and ENACTED this 12th day of December, 2007.



Fred Eisenberger
Mayor



Kevin C. Christenson
City Clerk

Amendments

to the

**The Official Plan of the Former Regional Municipality of
Hamilton-Wentworth and the
Official Plan of the Former City of Stoney Creek**

The following text together with Schedule "A" - Map No. 1, Regional Development Pattern of the Official Plan of the former Regional Municipality of Hamilton-Wentworth, and Schedule "B" – Schedule 'A' – General Land Use Plan of Official Plan of the former City of Stoney Creek, attached hereto, constitutes:

1. Official Plan Amendment No. 31 to the Official Plan of former Regional Municipality of Hamilton-Wentworth; and
2. Official Plan Amendment No. 139 to the Official Plan of the former City of Stoney Creek.

Purpose:

The purpose of the Amendment to the Official Plan of the former Region of Hamilton-Wentworth is to:

1. Identify the subject land as Special Policy Area 11 on Map No. 1, Regional Development Pattern, of the Official Plan of the former Region of Hamilton-Wentworth; and
2. To establish Special Policy Area 11 to permit the creation of two lots with a maximum of one dwelling unit per lot on the subject land.

The purpose of the Amendment to the Official Plan of the former City of Stoney Creek is to:

1. Identify the subject land as subject to OPA 139 on Schedule A, Land Use Plan, of the Official Plan of the former City of Stoney Creek;
2. To establish a site specific policy to permit the creation of two lots with a maximum of one dwelling unit per lot on the subject land.

Location:

The lands affected by the Amendments are located on the east side of Fifth Road East in the former City of Stoney Creek, Part of Lot 14, Concession 5, known municipally as 490 and 520 Fifth Road East, 62R-16888, with an area of approximately 4.15 hectares (10.25 acres).

Basis:

The intent of the Amendments is to permit the creation of maximum two residential lots on the subject land with a maximum of one dwelling unit per lot:

- An Environmental Impact Statement was prepared to the satisfaction of the City's Environmentally Significant Areas Impact Evaluation Group; and
- The proponent has agreed to enter into a Registered Development Agreement with the municipality to ensure that any potential adverse impacts on the Provincially Significant Wetland as a result of the proposed development are mitigated.

Actual Changes:

- 1. That the former Regional Municipality of Hamilton-Wentworth Official Plan be amended as follows:**
 - 1.1 That Map 1 be revised by identifying the subject lands as Special Policy Area 11; and
 - 1.2 That Part C - Land Use Strategy, Subsection 1.2 - Environmentally Significant Areas be amended by adding Subsection 1.2.4 as follows:
 - "1.2.4 Notwithstanding policies C 1.2.2 d), C 2.1.1.2, and D 8.3, on the lands located on the east side of Fifth Road East, Part of Lot 14, Concession 5, known municipally as 490 and 520 Fifth Road East, 62R-16888, with an area of 4.15 hectares (10.25 acres), identified as Special Policy Area 11 on Map No.1, a maximum of two residential lots with a maximum of one dwelling unit per lot shall be permitted."

2. That the Official Plan of the former Township of Stoney Creek be amended as follows:

- 2.1 That Schedule "A", General Land Use Plan, of the former City of Stoney Creek Official Plan be revised by identifying the subject lands as subject to OPA No. 139.
- 2.2 That Section B – Environmental Protection, Subsection B1.3 – Site Specific Policies, be amended by adding Subsection b) as follows:

"b) Lands located on the east side of Fifth Road East, Part of Lot 14, Concession 5, known municipally as 490 and 520 Fifth Road East, 62R-16888

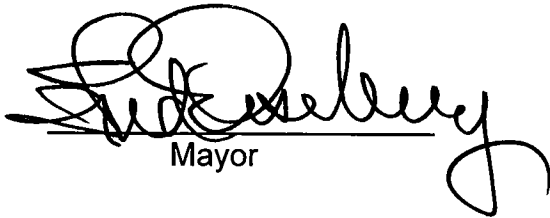
Notwithstanding Policies A.9.2.13, B.1.2.8 c) i) and ii), B.2.2.4, C1.3 and C.3.3.1 on the lands located on the east side of Fifth Road East, Part of Lot 14, Concession 5, known municipally as 490 and 520 Fifth Road East, 62R-16888, with an area of 4.15 hectares (10.25 acres) a maximum of two residential lots with a maximum of one dwelling per lot is permitted."

Implementation:

An implementing Zoning By-Law Amendment will give effect to the Amendments.

This is Schedule 1 to By-law No. 07-349, passed on the 12th day of December, 2007.

The City of Hamilton


Mayor


City Clerk