

Authority: Item 7, Hearings Sub-Committee
Report 03-032 (PD03235)
CM: October 15, 2003

Bill No. 350

CITY OF HAMILTON

BY-LAW NO. 07-350

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting Lands located at 490 & 520 Fifth Road East

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 7 of Report 03-032 of the Hearings Sub-Committee at its meeting held on the 1st day of October, 2003, 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, as amended by Official Plan Amendment No. 123 proposed by the Council of the City of Hamilton as By-law No. 07-349, but not yet approved in accordance with the provisions of the Planning Act;

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

1. Map No. 13 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended by changing the zoning from the Open Space "OS-4" Zone to the Open Space "OS-8" Zone, the lands comprised of Block 2, and from the Open Space "OS-4" Zone to the Open Space "OS-9" Zone, the

lands comprised of Block 3, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Subsection 11.2.5, "Special Exemptions" of Section 11.2, Open Space "OS" Zone, of Zoning By-law 3692-92, be amended by adding two new special exemptions as follows:

"OS-8 490 Fifth Road East, Schedule "A", Map No. 13

Notwithstanding the provisions of Subsection 11.2.2 of the Open Space "OS" Zone, those lands zoned "OS-8" by this By-law shall only be used for: one single detached dwelling; a home occupation; conservation uses; hazard lands; wildlife management areas; woodlots; and, accessory uses, buildings or structures.

Notwithstanding the provisions of Subsection 11.2.3 of the Open Space "OS" Zone, the following regulations shall apply:

- (a) Minimum lot area: 1.85 hectares
- (b) Minimum lot frontage: 56 metres
- (c) Maximum lot coverage: N/A
- (d) Minimum front yard: 7.5 metres from the boundary of the "OS-4" Zone
- (e) Minimum side yard: 7.5 metres from the boundary of the "OS-4" Zone
- (f) Minimum rear yard: 7.5 metres from the boundary of the "OS-4" Zone
- (g) Minimum Landscaping: N/A
- (h) Outside Storage: No outside storage shall be permitted
- (i) Minimum Parking Requirements: 2 spaces, one of which may be located in the required front yard
- (j) Maximum building height: 11 metres
- (k) Minimum elevation for any building openings: 193.15 metres geodetic
- (l) For the purpose of this Zone, the minimum lot area and lot frontage shall include the portion of the lot zoned "OS-4".

"OS-9 520 Fifth Road East, Schedule "A", Map No. 13

Notwithstanding the provisions of Subsection 11.2.2 of the Open Space "OS" Zone, those lands zoned "OS-9" by this By-law shall only be used for: one single detached dwelling; a home occupation; conservation uses; hazard lands; wildlife management areas; woodlots; and, accessory uses, buildings or structures.

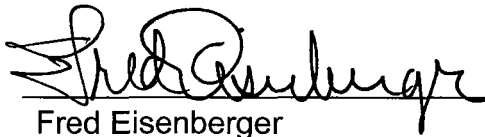
Notwithstanding the provisions of Subsection 11.2.3 of the Open Space "OS" Zone, the following regulations shall apply:

- (a) Minimum lot area: 1.43 hectares


- (b) Minimum lot frontage: 144.41 metres
- (c) Maximum lot coverage: N/A
- (d) Minimum front yard: 10 metres from the boundary of the "OS-4" Zone
- (e) Minimum side yard: 10 metres from the boundary of the "OS-4" Zone
- (f) Minimum rear yard: 10 metres from the boundary of the "OS-4" Zone
- (g) Minimum Landscaping: N/A
- (h) Storage: No outside storage shall be permitted
- (i) Minimum Parking Requirements: 2 spaces, one of which may be located in the required front yard
- (j) Maximum building height: 11 metres
- (k) Minimum elevation for any building openings: 193.15 metres geodetic
- (l) For the purpose of this Zone, the minimum lot area and lot frontage shall include the portion of the lot zoned "OS-4".

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 12th day of December, 2007.

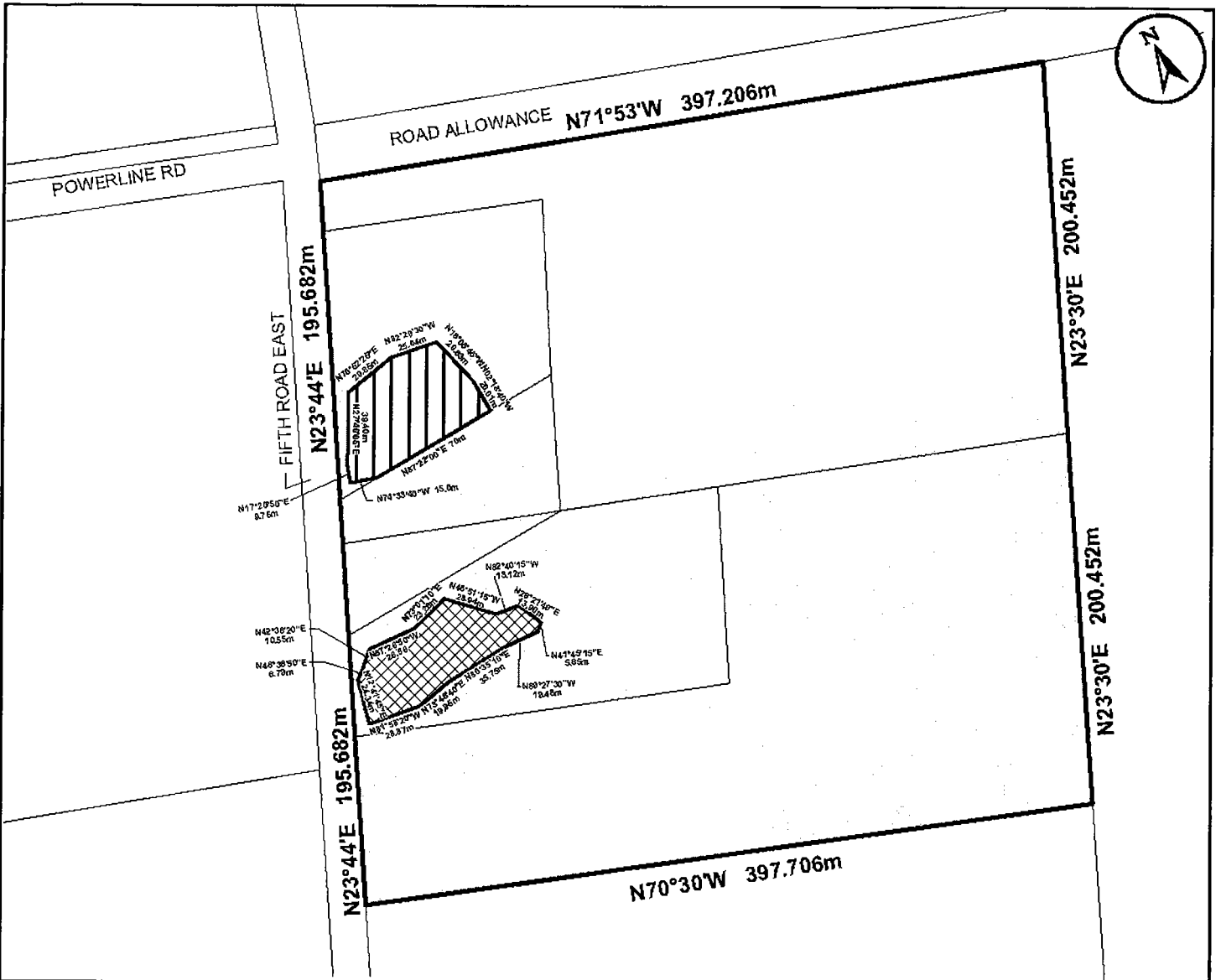


Fred Eisenberger
Mayor



Kevin C. Christenson
City Clerk

C1-01-D



This is Schedule "A" to By-Law No. 07- 350

Passed the 12th day of December, 2007

[Signature]
 Clerk
 Mayor

Schedule "A"

Map Forming Part of
 By-Law No. 07- 350

to Amend By-law No. 3692-92

Subject Property

490 and 520 Fifth Road East, Stoney Creek

- BLOCK 1 - Lands to remain Open Space "OS-4"
- BLOCK 2 - Lands to be rezoned from the Open Space "OS-4" Zone to the Open Space "OS-8" Zone
- BLOCK 3 - Lands to be rezoned from the Open Space "OS-4" Zone to the Open Space "OS-9" Zone

Scale: N.T.S.	File Name/Number: CI-01-D
Date: Dec.5, 2007	Planner/Technician: PD/NB
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

