

**Authority:** Item 10, Economic Development  
& Planning Committee  
Report: 08-007 (PED08084)  
CM: April 23, 2008

**Bill No. 089**

## **CITY OF HAMILTON**

### **BY-LAW NO. 08-089**

#### **To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting 348 Fruitland Road, Stoney Creek**

**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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 10 of Report 08-007 of the Economic Development and Planning Committee, at its meeting held on the 23<sup>rd</sup> day of April, 2008, 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. That Map No. 2 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended by changing the zoning from the General Industrial "MG" Zone to the General Industrial "MG-12" Zone, on those lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That Subsection 9.5.7, "Special Exemptions", of Section 9.5 General Industrial "MG" Zone, of Zoning By-law No. 3692 (Stoney Creek), be amended by adding a new special exemption, "MG-12", as follows:

**By-law Respecting 348 Fruitland Road, Stoney Creek**

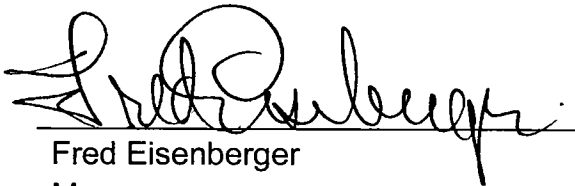
(Page 2 of 3)

**“MG-12” - 348 Fruitland Road, Schedule “A”, Map No. 2**

Notwithstanding Subsections 9.5.2(t) and 9.5.4 Retail Sales of the General Industrial “MG” Zone, on those lands zoned “MG-12” by this By-law, a maximum of 10 percent of the gross floor area of a building used for a wholesale use may be used for the display of or for the retail sale of products that are sold only as an accessory use to the principal wholesale use.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the General Industrial “MG” Zone provisions, subject to the special requirements referred to in Section 2.
4. 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.

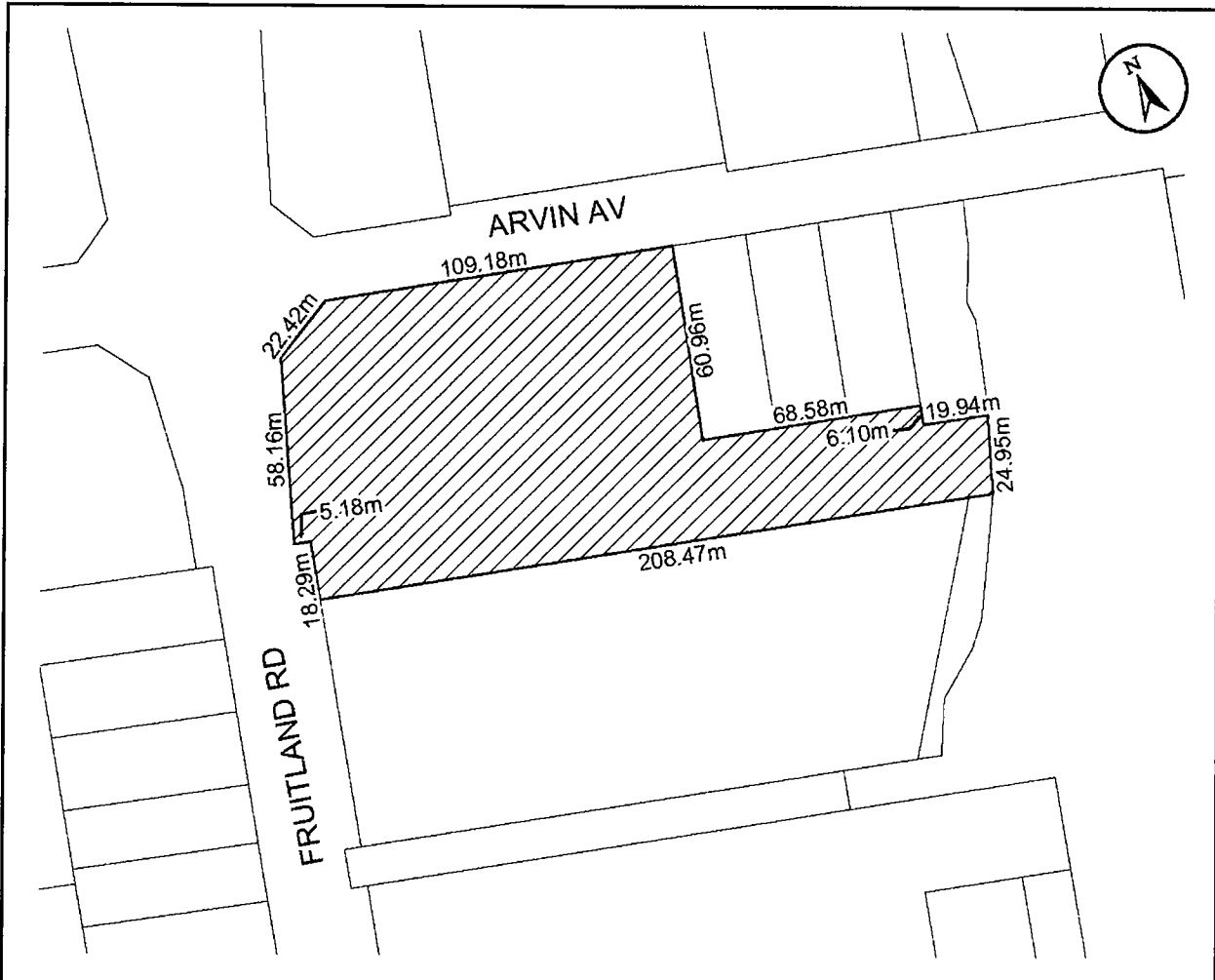
**PASSED and ENACTED** this 23<sup>rd</sup> day of April, 2008.



Fred Eisenberger  
Mayor

  
Kevin C. Christenson  
City Clerk

ZAR-07-089



This is Schedule "A" to By-Law No. 08-089

Passed the 23rd day of April, 2008

*Fred Amburge*  
 Clerk  
 Mayor

### Schedule "A"

Map Forming Part of  
 By-Law No. 08-089

to Amend By-law No. 3692-92

**Subject Property**

348 Fruitland Road



Change in zoning from the General Industrial "MG" Zone to the General Industrial "MG-12" Zone

Scale: N.T.S.	File Name/Number: ZAR-07-089
Date: March 19, 2008	Planner/Technician: DF/LMM

