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 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 Item 10 of Report 08-007 of the Economic Development and Planning Committee, at its meeting held on the 23rd 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:
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“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 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 23rd day of April, 2008.

Fred Eisenberger
Mayor

Kevin C. Christenson
City Clerk

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This is Schedule "A" to By-Law No. 08-089
Passed the 23rd day of April, 2008

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