

Authority: Item 3, Economic Development and
Planning Committee
Report: 08-011 (PED08145)
CM: June 25, 2008

Bill No. 164

CITY OF HAMILTON

BY-LAW NO. 08-164

To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Lands Located at 268-274 Upper Centennial Parkway, 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 3 of Report 08-011 of the Economic Development and Planning Committee, at its meeting held on the 25th day of June, 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. 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 Rural Commercial "RC" Zone to the Rural Commercial "RC-5" Zone, on those lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That Subsection 8.11.5, "Special Exemptions" of Section 8.11, Rural Commercial "RC" Zone, of Zoning By-law No. 3692-92, be amended by adding the following special exemption:

By-law respecting 268-274 Upper Centennial Parkway, Stoney Creek

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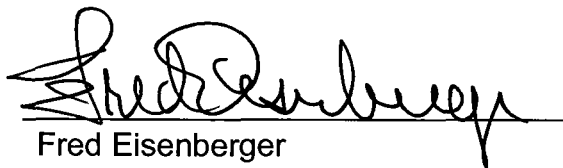
"RC-5 268-274 Upper Centennial Parkway, Schedule "A", Map No.17

Notwithstanding the uses permitted in Subsection 8.11.2 of the Rural Commercial "RC" Zone, on those lands zoned "RC-5" by this By-law, a convenience restaurant with an accessory drive-thru and outdoor patio shall also be permitted only in conjunction with a motor vehicle service station.

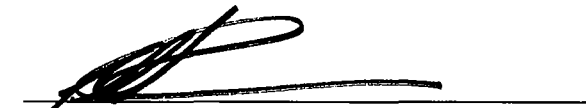
Notwithstanding the provisions of Subsection 8.1.7 (d), the maximum seating capacity for the outdoor patio shall be 20."

3. That 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 Rural Commercial "RC" Zone provisions, subject to the special requirements referred to in Section 2.
4. That 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 25th day of June, 2008.



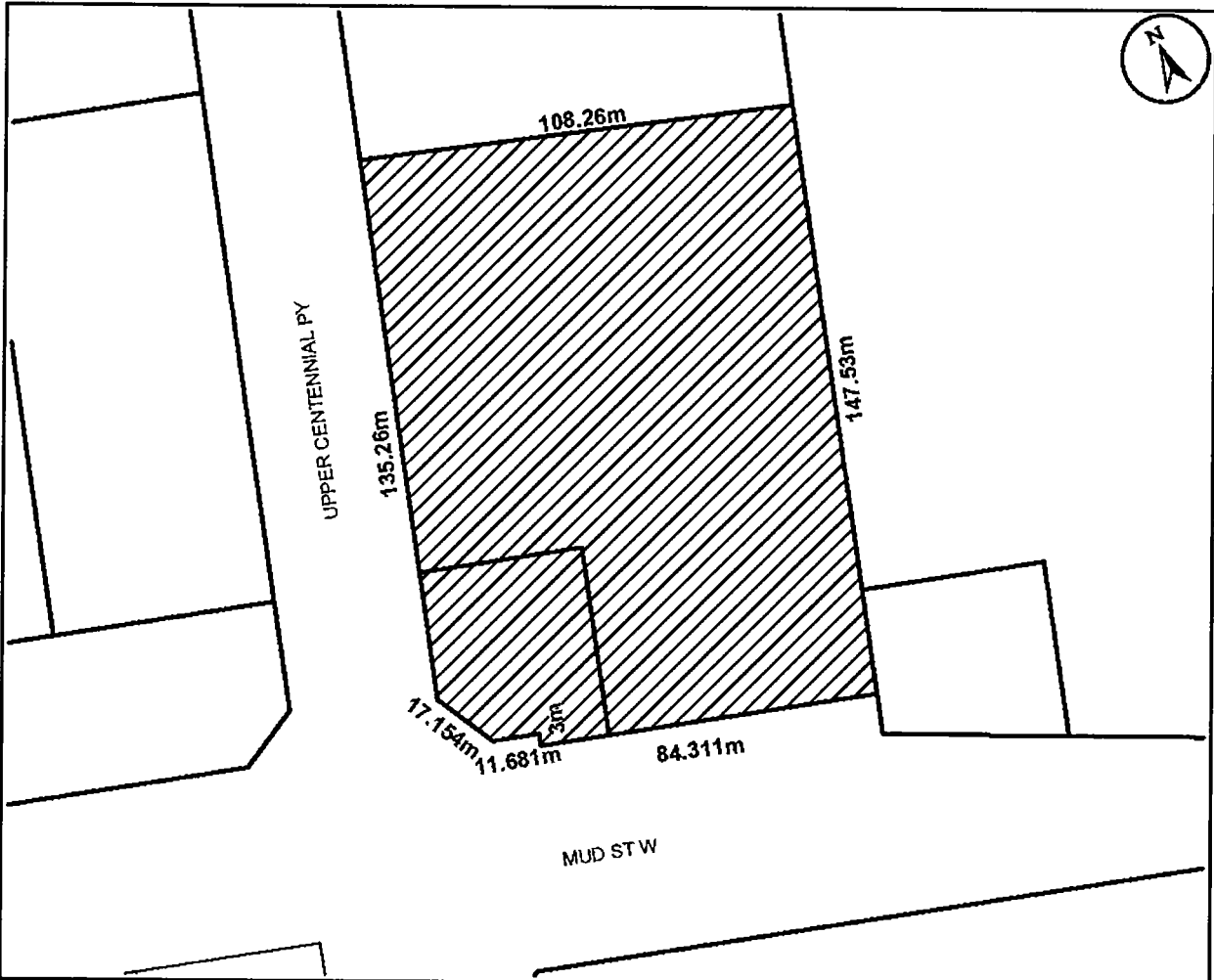
Fred Eisenberger
Mayor



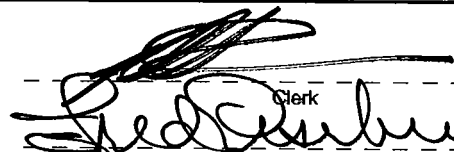
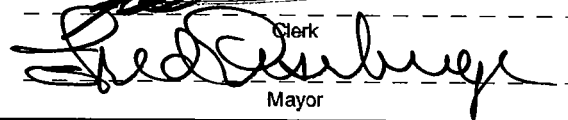
Kevin C. Christenson
City Clerk

ZAR-08-003

By-law respecting 268-274 Upper Centennial Parkway, Stoney Creek
 (Page 3 of 3)



This is Schedule "A" to By-Law No. 08- 164
 Passed the .25..... day ofJune....., 2008



 Clerk

 Mayor

Schedule "A"

Map Forming Part of
 By-Law No. 08- 164

to Amend By-law No. 3692-92

Subject Property

 Change in Zoning from the Rural Commercial "RC" Zone to Rural Commercial "RC-5" Zone.

Scale: N.T.S.	File Name/Number: ZAR-08-003
Date: February 13, 2008	Planner/Technician: DF/NB
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

