

Authority: Item 17, Planning and Economic
Development Committee
Report: 06-010 (PED06166)
CM: June 28, 2006

Bill No. 193

CITY OF HAMILTON

BY-LAW NO. 06-193

To Exempt Certain Lands from the Setback Provisions of By-law 2613 of the Former County of Wentworth

WHEREAS the Council of the County of Wentworth did pass on the 20th day of March, 1973, By-law No. 2613, pursuant to the provisions of Section 99(4) of the Public Transportation and Highway Improvement Act, R.S.O., 1970, Chapter 201, as amended, to fix and determine the distance from the centerline of all County Roads within which the owner of any adjacent land is not to construct any building or structure;

AND WHEREAS pursuant to Section 31 of The Regional Municipality of Hamilton Act, R.S.O., 1980, Chapter 437, as amended, the Regional Corporation has in respect of the lands included within the regional road system, all the rights, powers and benefits and advantages conferred upon the Corporation of the County of Wentworth;

AND WHEREAS pursuant to the City of Hamilton Act, 1999 S.O. 1999, Ch. 14, Schedule "C", every by-law or resolution of the Regional Municipality of Hamilton-Wentworth that is in force on December 31, 2000 shall be deemed to be a by-law or resolution of the new City of Hamilton City Council on January 1, 2001, and remains in force, in respect of the part of the municipal area to which it applied on December 31, 2000, until it expires or is repealed or amended or amended to provide otherwise;

AND WHEREAS pursuant to the City of Hamilton Act, 1999 S.O. 1999, Ch. 14, Schedule "C", the City has every power and duty of The Regional Municipality of Hamilton-Wentworth under any general or special Act, in respect of the part of the municipal area to which the power or duty applied on December 31, 2000;

AND WHEREAS the Council of the City of Hamilton considers it desirable and expedient to exempt certain lands located on the west side of Fletcher Road in the former Township of Glanbrook from the provisions of the aforesaid By-law 2613 requiring a setback of 21.3 metres from the centreline of construction of Fletcher Road to allow for development in accordance with Subdivision Application 25T-200603 located between Rymal Road and the Ontario Hydro Corridor.

**To Exempt Certain Lands from the Setback Provisions of By-law 2613
of the Former County of Wentworth (Page 2 of 4)**

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

1. Notwithstanding the provisions of By-law No. 2613 of the former County of Wentworth, all structures to be constructed as part of the proposed draft plan of subdivision 25T-200603 described in Column 1 of Schedule "A" hereto attached, and shown on the Location Map on Schedule "B" hereto attached, having a minimum setback indicated in Column 2, from the centreline of construction of Fletcher Road for the highway indicated in Column 3, shall be deemed to be not in contravention of the provisions of Section 3(1) of the aforesaid By-law.
2. Schedules "A" and "B" to this By-law form part of this By-law.
3. This By-law shall come into force and effect on the date of its passing and enactment.

PASSED and ENACTED this 28th day of June, 2006.

MAYOR



CLERK



ZAC-06-08

**To Exempt Certain Lands from the Setback Provisions of By-law 2613
of the Former County of Wentworth (Page 3 of 4)**

SCHEDULE "A" TO BY-LAW NO. 06-193

COLUMN 1

COLUMN 2

COLUMN 3

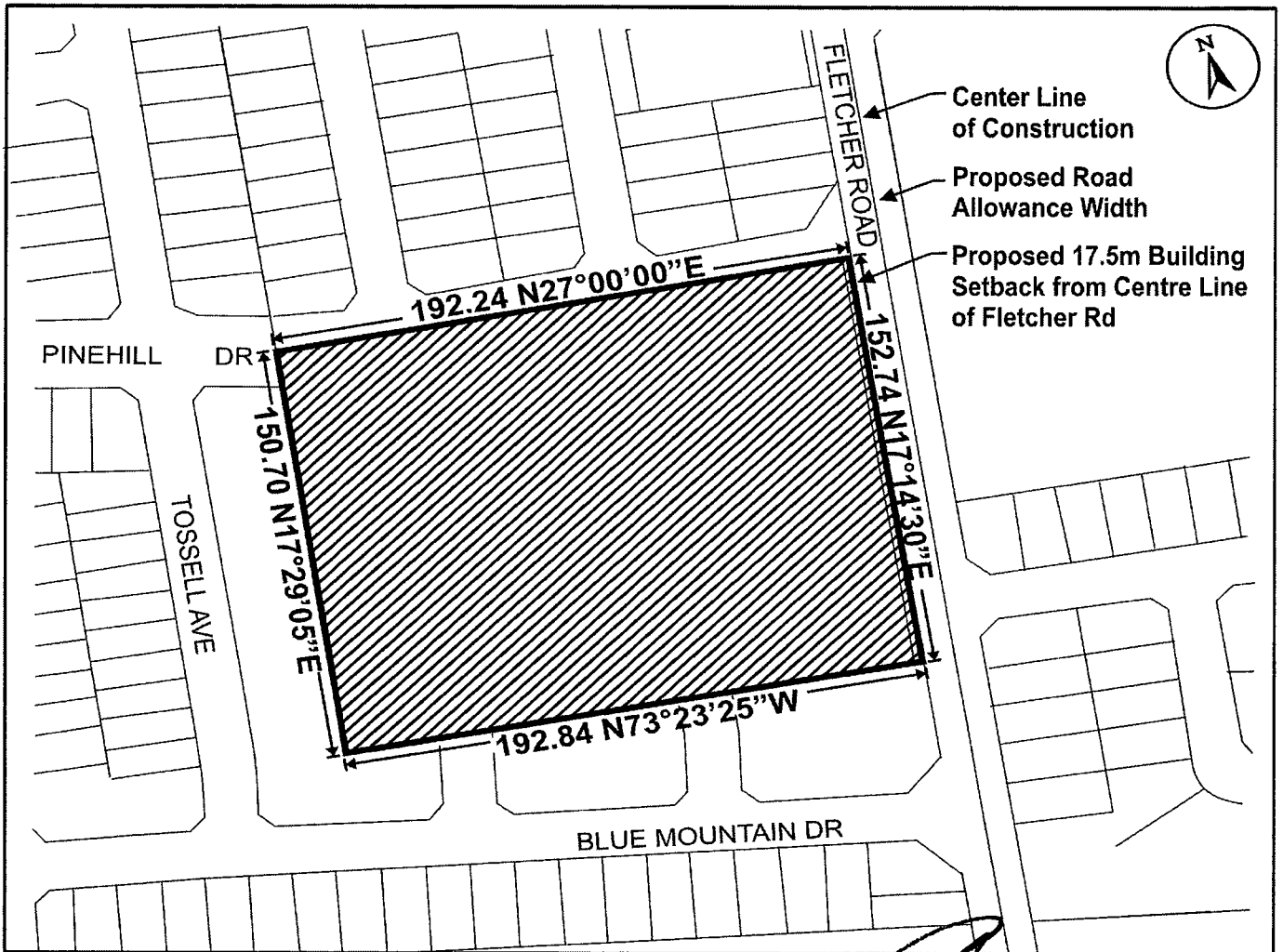
Description of Lands

Part of Lot 7,
Block 5, Concession 1, in
the Township of Glanbrook,
and more particularly
described on Appendix "B"
to this By-law

17.5 metres

Fletcher Road

**To Exempt Certain Lands from the Setback Provisions of By-law 2613
of the Former County of Wentworth (Page 4 of 4)**



- Center Line of Construction
- Proposed Road Allowance Width
- Proposed 17.5m Building Setback from Centre Line of Fletcher Rd



This is Schedule "A" to By-Law No. 06—193

Passed the 28th day of June, 2006

[Handwritten Signature]
Clerk

[Handwritten Signature]
Mayor

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Schedule "B"

Map Forming Part of
By-law No. 06-193

to Amend By-law No. 464

Subject Property

Summit Park Addition

Setback By-Law No. 2613 Exemption: west sides of Fletcher's Road, between Rymal Road East and the Ontario Hydro Corridor for land within Subdivision Applications 25T-200603



Frontage to which setback exemption applies

Scale:
Not to Scale

File Name/Number:
ZAC-06-08/25T2006003

Date:
April 2006

Planner/Technician:
KW/LMM

