

Authority: Item 10, Economic Development
and Planning Committee
Report 07-006 (PED07039)
CM: April 11, 2007

Bill No. 110

CITY OF HAMILTON

BY-LAW NO. 07-110

**To Amend Zoning By-law No. 6593 (Hamilton),
Respecting lands located at 639 Rymal Road West**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" 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 and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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. 6593 (Hamilton) was enacted on the 25th day of July 1950, and approved by the Ontario Municipal Board on the 7th day of December, 1951;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 10, as revised, of Report 07-006 of the Economic Development and Planning Committee at its meeting held on the 11th day of April, 2007, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton in accordance with the provisions of the Planning Act.

By-law Respecting 639 Rymal Road West

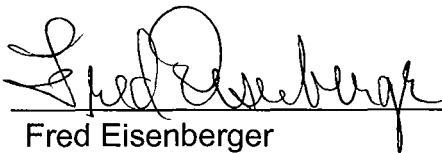
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Sheet "W-37e" of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), as amended, is hereby further amended by changing the zoning from the "AA" (Agricultural) District to the "C" – 'H' (Urban Protected Residential, etc. - Holding) District on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That the 'H' symbol applicable to the lands referred to in Section 1 of this By-law shall be removed conditional upon:
 - a) The owner/applicant conducting an archaeological assessment of the entire development property and mitigating, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading or soil disturbances shall take place on the subject property prior to the approval from the City of Hamilton's Director of Development and Real Estate and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements;
 - b) The owner/applicant investigating the noise levels on the site and determining the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment's recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Development and Real Estate; and,
 - c) Sufficient capacity of the municipal sanitary sewer system being available, to the satisfaction of the City of Hamilton, Manager of Development Engineering.
 - d) A second access to the subdivision to the south has been constructed or until 12 months has elapsed from the date of Council approval, being April 11, 2008, whichever comes first
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.

By-law Respecting 639 Rymal Road West

4. That the 'H' symbol shall be removed by amendment to this by-law and the development of the lands referred to in Section 1 of this By-law may at such time proceed in accordance with the "C" District provisions.

PASSED and ENACTED this 11th day of April, 2007.

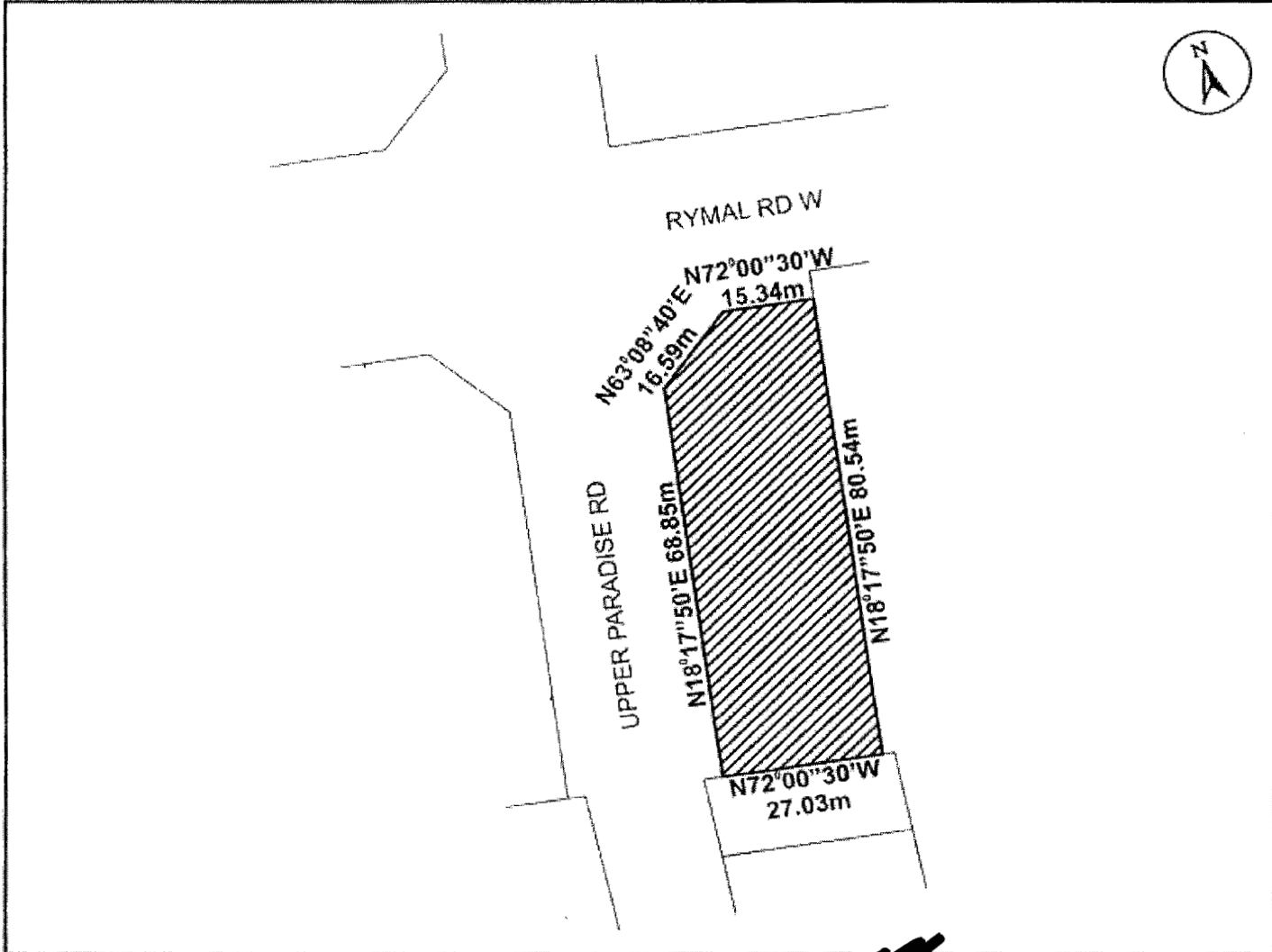


Fred Eisenberger
Mayor



Kevin C. Christenson
City Clerk

ZAC-06-64



This is Schedule "A" to By-Law No. 07-110


Passed the 11th day of April, 2007

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 Clerk
Richard A. Burgess
 Mayor

Schedule "A"

Map Forming Part of
 By-law No. 07 -110

to Amend By-law No. 6593

 **Subject Property**
 639 Rymal Road West, Hamilton
 Change in Zoning from the "AA" (Agricultural) District to the "C" - 'H' (Urban Protected Residential, etc. - Holding) District

Scale: Not to Scale	File Name/Number ZAC-06-64
Date: September 5, 2006	Planner/Technician: RW/NB
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

