



Authority: Item 3, Committee of the Whole
Report: 09-009(a) (PED08064(b))
CM: March 11, 2009

Bill No. 061

CITY OF HAMILTON

BY-LAW NO. 09-061

To extend the expiration date of Interim Control Zoning By-law No. 08-104, as amended by By-law No. 08-117, respecting new Private Waste Disposal Sites or expansions to existing Private Waste Disposal Sites within the former City of Hamilton

WHEREAS section 38 of the *Planning Act*, R.S.O. 1990 c.P. 13, as amended, permits the council of a municipality to pass an interim control by-law where the council has directed that a review or study be undertaken in respect of land use planning policies within the municipality or in any defined area or areas thereof;

AND WHEREAS subsection 38(2) of the *Planning Act*, R.S.O. 1990 c.P. 13 as amended provides as follows:

38. (2) The council of the municipality may amend an interim control by-law to extend the period of time during which it will be in effect, provided the total period of time does not exceed two years from the date of the passing of the interim control by-law.

AND WHEREAS the land which is the subject of this By-law was, as of January 1st, 2001 placed within the jurisdiction of the City of Hamilton, a new municipality incorporated as of January 1, 2001 by the *City of Hamilton Act*, 1999 (S.O. 1999, Chapter 14, Schedule C);

AND WHEREAS the adoption and final approval of new Official Plan policies is still necessary based on the recommendations of a land use study for the appropriate location of new private waste disposal sites or the expansion of existing private waste disposal sites within the City of Hamilton;

AND WHEREAS within the former City of Hamilton there is currently a concentration of private waste disposal sites;

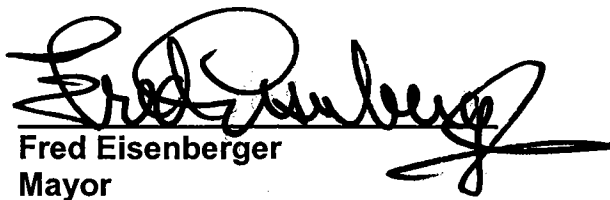
NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

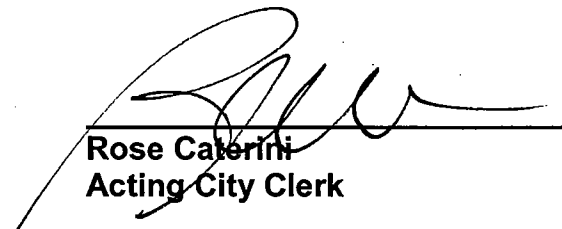
1. For the purposes of this By-law, "Private Waste Disposal Site" is defined as follows:

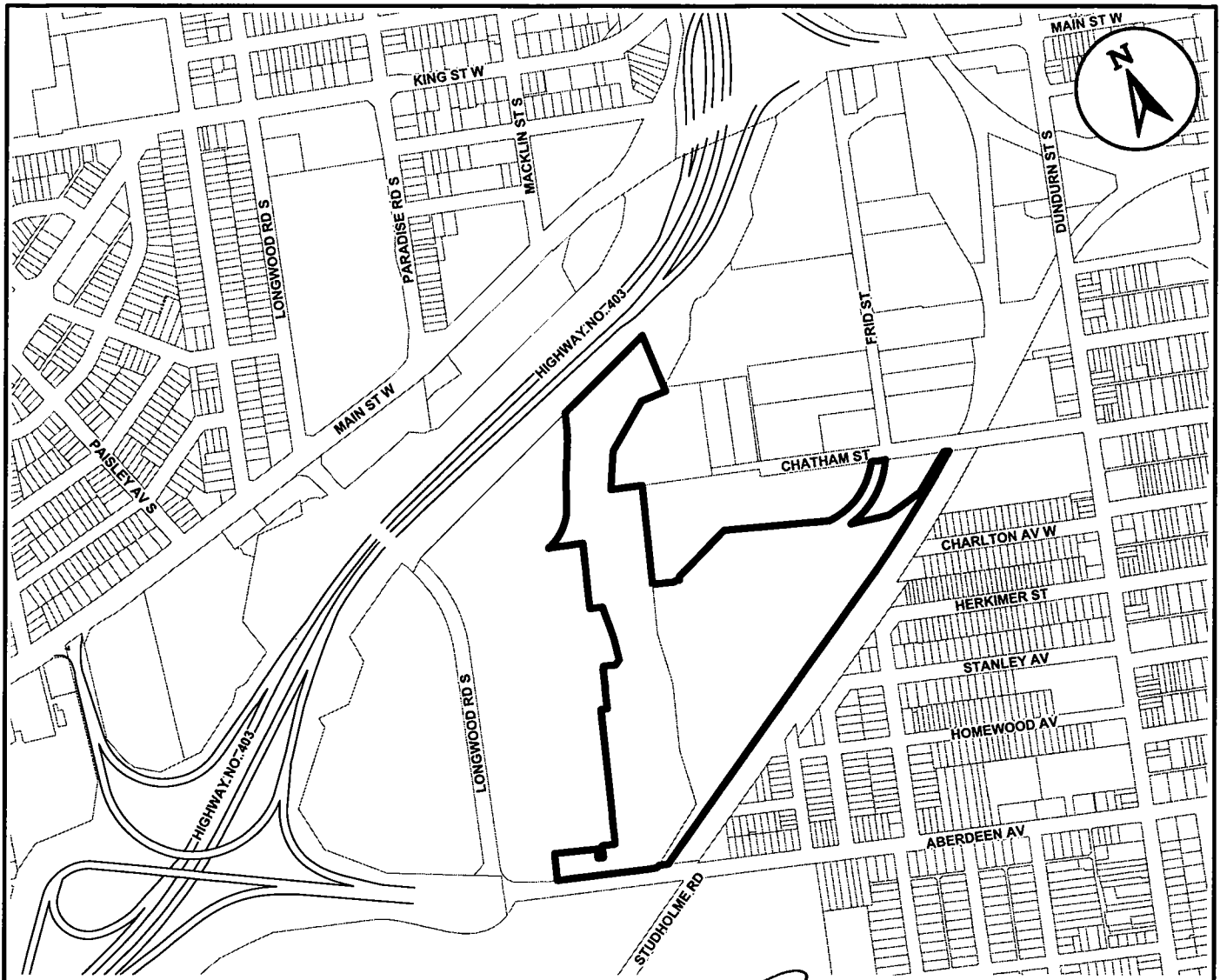
Any non-municipal land, building or structure in which, waste is deposited, disposed of, handled, stored, transferred, treated or processed, which requires a Certificate of Approval under Part V of the *Environmental Protection Act*, excluding all cases where concrete exists on site and is to be processed for construction on the same lands.

2. Except for such lawful uses as the land is being used on the date of passing this by-law, no person shall use any land, building or structure in the following industrial zones of the former City of Hamilton: J, JJ, K, KK, L-i, M-11, M-12, M-13, M-14, and M-15 for the establishment of any new private waste disposal site or the expansion of an existing private waste disposal site in accordance with the exceptions included in this By-law.
3. For the purpose of certainty, this By-law does not apply to those lands indicated on Schedule "A" to this By-law, being a portion of the West Hamilton Innovation District.
4. For the purpose of certainty, this By-law does not apply to those lands indicated on Schedule "B" to this By-law, known as the Barton Street and Tiffany Street Industrial Area.
5. This By-law shall not apply to those lands for which any application for a waste disposal site has been filed with the Ministry of the Environment under Part V of the *Environmental Protection Act*, prior to the date of the passing of Interim Control Zoning By-law No. 08-104.
6. This By-law shall be in effect for a period of one year from the date of passing this By-law.
7. The City 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 1st day of April, A.D. 2009.


Fred Eisenberger
Mayor


Rose Caterini
Acting City Clerk



This is Schedule "A" to By-Law No. 09-061

Passed the .1..... day of April....., 2009

[Signature] Clerk
[Signature] Mayor

Schedule "A"

Map Forming Part of
By-Law No. 09-061

to Amend By-law No. 6593

Subject Property



Portion of the West Hamilton Innovation District

Scale:
N.T.S.

File Name/Number:
PSOPWDS

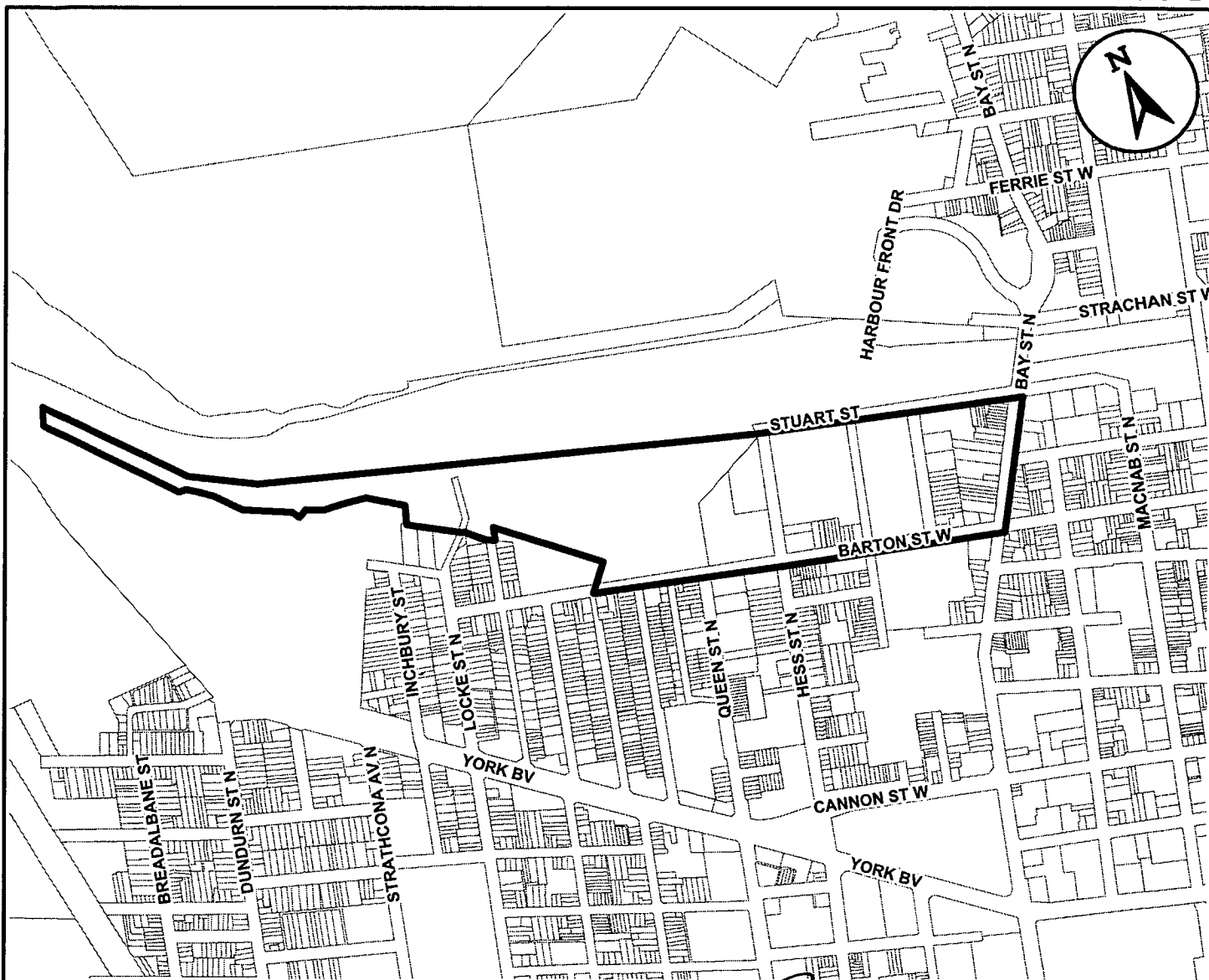
Date:
March 18, 2009

Planner/Technician:
JS / MC



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



This is Schedule "B" to By-Law No. 09- 061

Passed the ...1..... day ofApril....., 2009

[Signature]
Clerk
[Signature]
Mayor

Schedule "B"

Map Forming Part of
By-Law No. 09- 061

to Amend By-law No. 6593

Subject Property



Barton Street and Tiffany Street Industrial Area

Scale:
N.T.S.

File Name/Number:
PSOPWDS

Date:
March 18, 2009

Planner/Technician:
JS / MC



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT