



Authority: Item 13, Economic Development &
Planning Committee
Report : 08-007
CM: April 23, 2008

Bill No. 104

CITY OF HAMILTON

BY-LAW No. 08-104

To Establish Interim Control Zoning Respecting the following industrial zoned lands within the City of Hamilton: Hamilton: J, JJ, K, KK, L-i, M-11, M-12, M-13, M-14, M-15; Dundas: I.L, I.G, I.LS; Flamborough: M1, M2, M3, EI; Stoney Creek: MS, MP, MT, MG, MSP, MBP, ME, MR; Glanbrook: M1, M2, M3, M4, M5, M6, M7, M8; Ancaster: M1, M2, M3, M4, M5, M6, save and excepting those lands indicated on Schedule “A” to By-law 06-028, known as the West Hamilton Innovation District, and save and excepting those lands indicated on Schedule “A” to By-law 04-054, known as the Barton Street and Tiffany Street Industrial Area, and save and excepting those lands more particularly referenced herein

WHEREAS subsection 38 of the Planning Act, R.S.O. 1990 c.P. 13 as amended permits 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(1) of the Planning Act, R.S.O. 1990 c.P. 13 as amended provides as follows:

38. (1) Where the council of a local municipality has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof, the council of the municipality may pass a by-law (hereinafter referred to as an interim control by-law) to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of land, buildings or structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law.

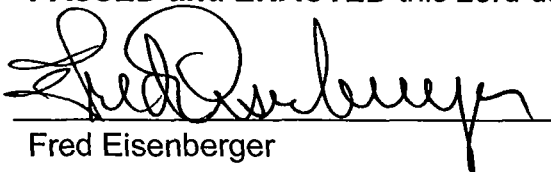
AND WHEREAS the land which is the subject of this By-law was, as of January 1st, 2001 placed within the jurisdiction of the City of Hamilton, a new municipality incorporated as of January 1, 2001 by the City of Hamilton Act, 1999 (S.O. 1999, Chapter 14, Schedule C);

AND WHEREAS a land use study is necessary in order to determine the appropriate policies for the location of private waste disposal sites or the expansion of existing private waste disposal sites within the City of Hamilton;

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

1. It is hereby directed that a planning study be undertaken in respect of the land use policies for the location of private waste disposal sites or the expansion of existing private waste disposal sites within the City of Hamilton.
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 City of Hamilton: Hamilton: J, JJ, K, KK, L-i, M-11, M-12, M-13, M-14, M-15; Dundas: I.L, I.G, I.LS; Flamborough: M1, M2, M3, EI; Stoney Creek: MS, MP, MT, MG, MSP, MBP, ME, MR; Glanbrook: M1, M2, M3, M4, M5, M6, M7, M8; Ancaster: M1, M2, M3, M4, M5, M6, 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. This By-law shall not apply to those lands indicated on Schedule "A" to By-law 06-028, known as the West Hamilton Innovation District.
4. This By-law shall not apply to those lands indicated on Schedule "A" to By-law 04-054, 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 Part V Certificate of Approval for a waste disposal site has been filed with the Ministry of the Environment prior to the date of the passing of the Interim Control By-law.
6. This By-law shall be in effect for a period of one year from the date of passing this by-law.
7. The Municipal 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, A.D. 2008.


Fred Eisenberger
Mayor


Kevin C. Christenson
City Clerk