

Authority: Item 8, Economic Development
and Planning Committee
Report: 09-023 (PED09288)
CM: November 11, 2009

Bill No. 239

CITY OF HAMILTON

BY-LAW NO. 09-239

To Amend Zoning By-law No. 6593 (Hamilton) Respecting the Lands Located at 796 Rymal Road East, Hamilton

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Plan of the former regional municipality, continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item 8 of Report 09-023 of the Economic Development and Planning Committee, at its meeting held on the 11th day of November, 2009, 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 Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

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

1. That Sheet No. E-38e of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended as follows:
 - (a) by changing the zoning from the "AA" (Agricultural) District to the "R-4" (Small Lot Single Family Dwelling) District, on the lands identified as Block 1; and,
 - (b) by changing the zoning from the "AA" (Agricultural) District to the "R-4" - 'H' (Small Lot Single Family Dwelling - Holding) District, on the lands identified as Block 2;

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That the 'H' Holding provision will prohibit the development of the land identified as Block 2, until such time as:
 - i) A draft plan of subdivision or consent applications have been submitted and approved, to the satisfaction of the Director of Planning; and,
 - ii) The proponent conducts an archaeological assessment of the subject lands and mitigates, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling, or other soil disturbances shall take place on the subject lands prior to the removal of this Holding provision, and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Culture.

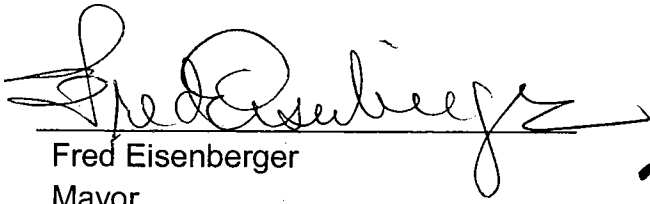
City Council may remove the 'H' symbol and, thereby give effect to the "R-4" (Small Lot Single Family Dwelling) District, by enactment of an amending By-law once the above conditions have been fulfilled.

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 "R-4" (Small Lot Single Family Dwelling District provisions.

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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 11th day of November, 2009.



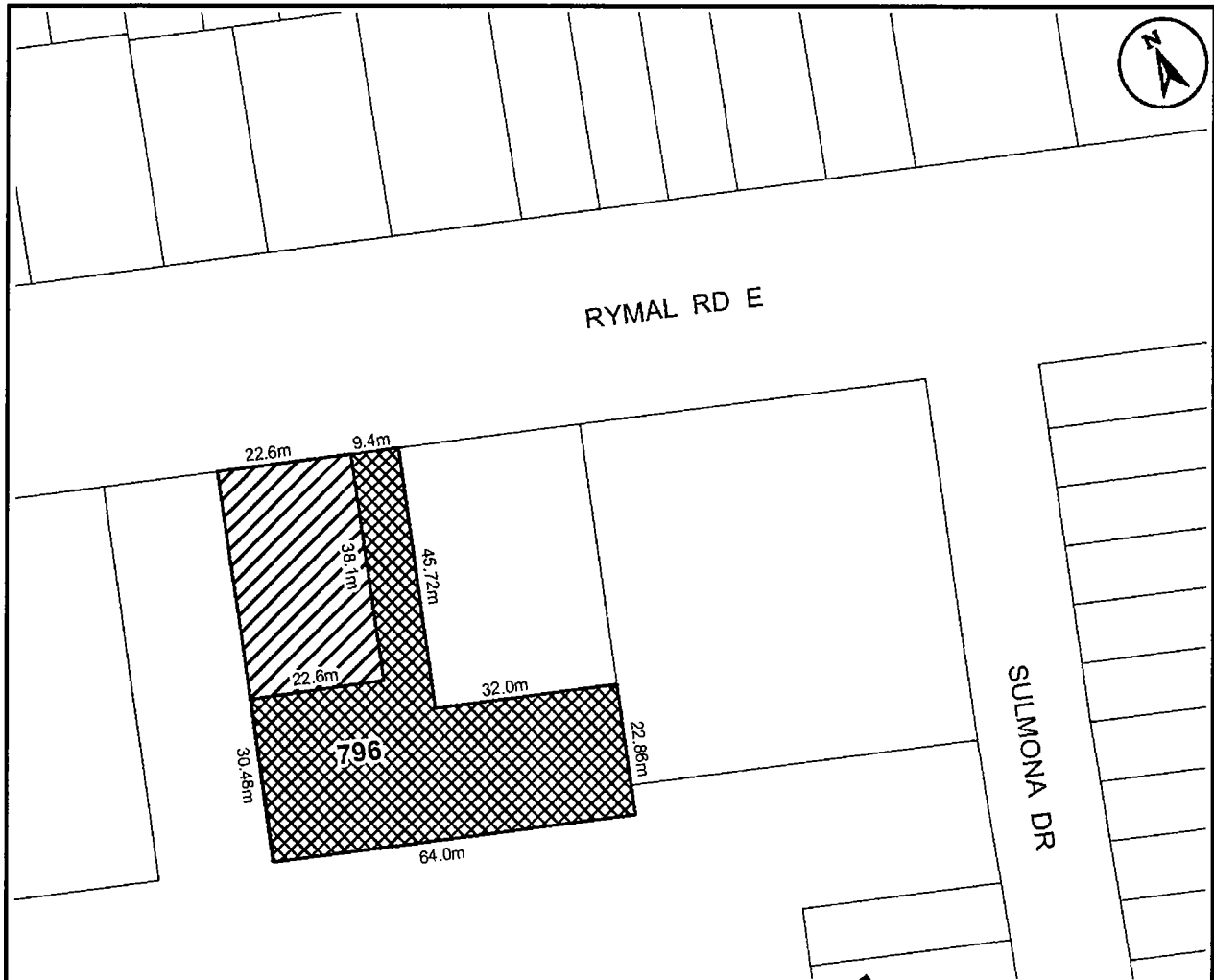
Fred Eisenberger
Mayor



Kevin C. Christenson
City Clerk

ZAR-09-028

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This is Schedule "A" to By-Law No. 09-239
 Passed the ...11th... day of ...November....., 2009



[Signature]
 Clerk
[Signature]
 Mayor


Schedule "A"

Map Forming Part of
 By-Law No. 09-239
 to Amend By-law No. 6593

Subject Property

796 Rymal Road East

-  Block 1 - Change in Zoning from the "AA" (Agricultural) District to the "R-4" (Small Lot Single Family Dwelling) District
-  Block 2 - Change in Zoning from the "AA" (Agricultural) District to the "R-4-H" (Small Lot Single Family Dwelling - Holding) District

Scale: N.T.S.	File Name/Number: ZAR-09-028	 Hamilton
Date: Sept. 18, 2009	Planner/Technician: DD/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		