

Authority: Item 16, Planning and
Economic Development
Committee
Report 04-006 (PD04070)
CM: March 24, 2004

Bill No.068

CITY OF HAMILTON

BY-LAW NO. 04-068

**To Amend Zoning By-law No. 06593
Respecting Lands Located at 937 Upper Paradise Road**

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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 Section 16 of Report 04-006 of the Planning and Economic Development Committee at its meeting held on the 16th day of March, 2004, 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.

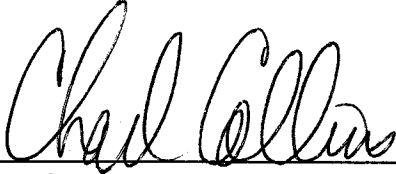
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Sheet No. W-27c of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended,

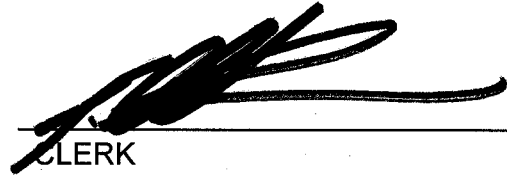
- (a) by changing from “AA” (Agricultural) District to “C”-‘H’ (Urban Protected Residential, etc. – Holding) District, Modified, the extent and boundaries of which are shown as Block 2 on a plan hereto annexed as Schedule “A” .
 - (b) by changing from “AA” (Agricultural) District to “C”-‘H’ (Urban Protected Residential, etc. – Holding) District, the extent and boundaries of which are shown as Block 1 on a plan hereto annexed as Schedule “A” .
2. The ‘H’ symbol applicable to the lands referred to in section 1 shall be removed conditional upon,
 - (i) That the owner/applicant conducts an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found; to the satisfaction of the Director of Development and Real Estate, Planning and Development Department; and,
 - (ii) That the owner/applicant investigate the noise levels on the site and determine the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environments recommended sound level limits, to the satisfaction of the Director of Development and Real Estate, Planning and Development Department.
3. The “C” (Urban Protected Residential, etc.) District provisions, as contained in Section 9 of Zoning By-law No. 6593, applicable to the lands, shown as Block 2 on a plan hereto annexed as Schedule “A”, are amended to the extent only of the following special requirement:
 - (a) That notwithstanding Section 9(4) of Zoning By-law 6593, every lot shall have a minimum width of at least 11.6 metres;
4. 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 “C” (Urban Protected Residential, etc.) District provisions, subject to the special requirement referred to in section 1.
5. By-law No. 6593 (Hamilton) is amended by adding this by-law to section 19B as Schedule S-1502.

6. 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 24th day of March, 2004.

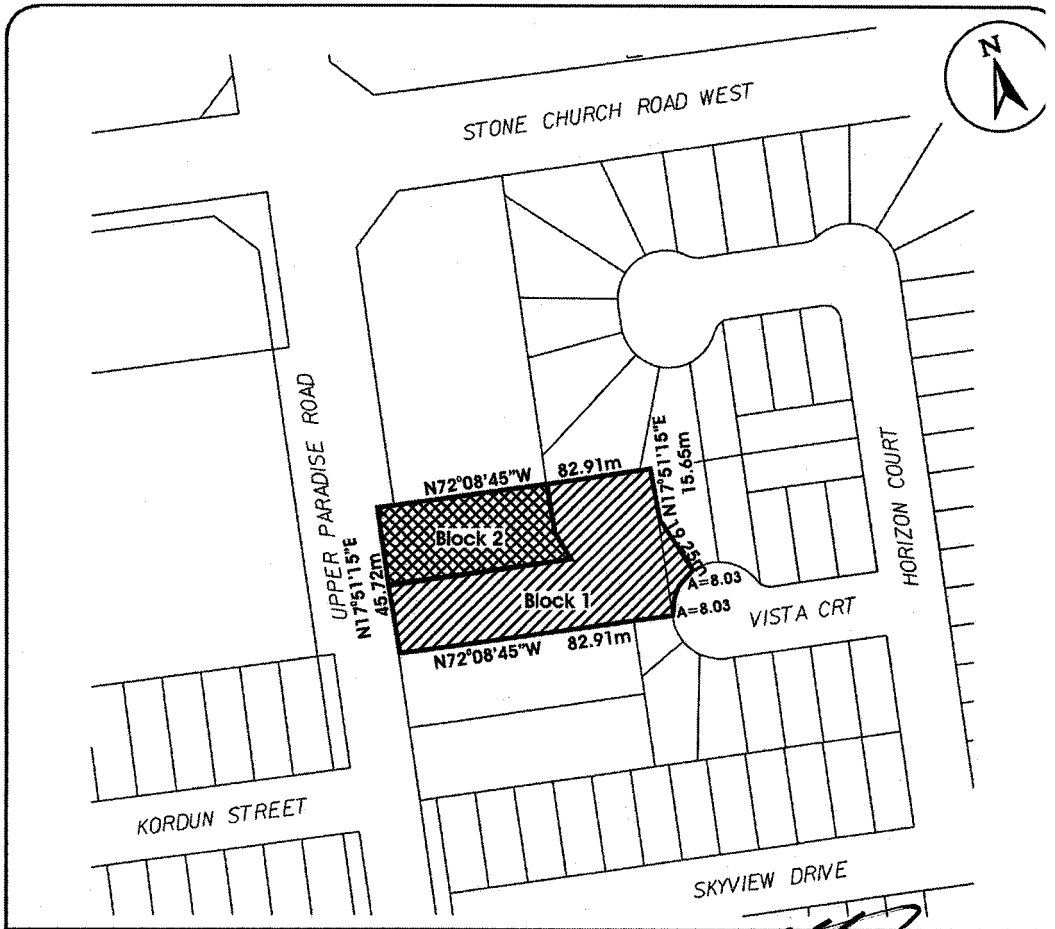


MAYOR



CLERK

ZAR-03-96



This is Schedule "A" to By-Law No. 04-068

Passed the 24th day of March, 2004

Chad Collins
Mayor



Schedule "A"


Map Forming Part of
By-Law No. 04-068
to Amend By-Law No. 65-93



Planning and Development Department

Legend

- Subject Property**
937 Upper Paradise Road
-  **Block 1** - Change in Zoning from "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc. - Holding) District
 -  **Block 2** - Change in Zoning from "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc. - Holding) District, Modified

North 	Scale NOT TO SCALE	Reference File No. ZAR-03-96
	Date February 23 2004	Drawn By N.B