

Authority: Item 17, Planning and Economic
Development Committee
Report; 04-022 (PD04320)
CM: December 15, 04

Bill No. 331

CITY OF HAMILTON

BY-LAW NO. 04-331

**To Exempt Certain Lands from the
Setback Provisions of By-law 2613
of the Former County of Wentworth**

WHEREAS the Council of the County of Wentworth did pass on the 20th day of March, 1973, By-law No. 2613, pursuant to the provisions of Section 99(4) of the Public Transportation and Highway Improvement Act, R.S.O., 1970, Chapter 201, as amended, to fix and determine the distance from the centerline of all County Roads within which to owner of any adjacent land is not to construct any building or structure;

AND WHEREAS pursuant to Section 31 of The Regional Municipality of Hamilton Act, R.S.O., 1980, Chapter 437, as amended, the Regional Corporation has in respect of the lands included within the regional road system, all the rights, powers and benefits and advantages conferred upon the Corporation of the County of Wentworth;

AND WHEREAS pursuant to the City of Hamilton Act, 1999 S.O. 1999, Ch. 14, Schedule "C", every by-law or resolution of the Regional Municipality of Hamilton-Wentworth that is in force on December 31, 2000 shall be deemed to be a by-law or resolution of the new City of Hamilton City Council on January 1, 2001, and remains in force, in respect of the part of the municipal area to which it applied on December 31, 2001, until it expires or is repealed or amended or amended to provide otherwise;

AND WHEREAS pursuant to the City of Hamilton Act, 1999 S.O. 1999, Ch. 14, Schedule "C", the City has every power and duty of The Regional Municipality of Hamilton-Wentworth under any general or special Act, in respect of the part of the municipal area to which the power or duty applied on December 31, 2000;

AND WHEREAS the Council of the City of Hamilton considers it desirable and expedient to exempt certain lands located on the west side of Fletcher Road in the former Township of Glanbrook from the provisions of the aforesaid By-law 2613 requiring a setback of 21.3 metres from the centreline of construction of Fletcher Road

to allow for development in accordance with Subdivision Application 25T-200412 located between Rymal Road and the Ontario Hydro Corridor.

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

1. Notwithstanding the provisions of By-law No. 2613 of the former County of Wentworth, all structures to be constructed as part of the proposed draft plan of subdivision 25T-200412 described in Column 1 of Schedule "A" hereto attached, and shown on the Location Map on Schedule "B" hereto attached, having a minimum setback indicated in Column 2, from the centreline of construction of Fletcher Road for the highway indicated in Column 3, shall be deemed to be not in contravention of the provisions of Section 3(1) of the aforesaid By-law.
2. Schedules "A" and "B" to this By-law form part of this By-law.
3. This By-law shall come into force and effect on the date of its passing and enactment.

PASSED and ENACTED this 15th day of December, 2004.

MAYOR



CLERK



ZAC-04-67

SCHEDULE "A" TO BY-LAW NO. 04-331

COLUMN 1

COLUMN 2

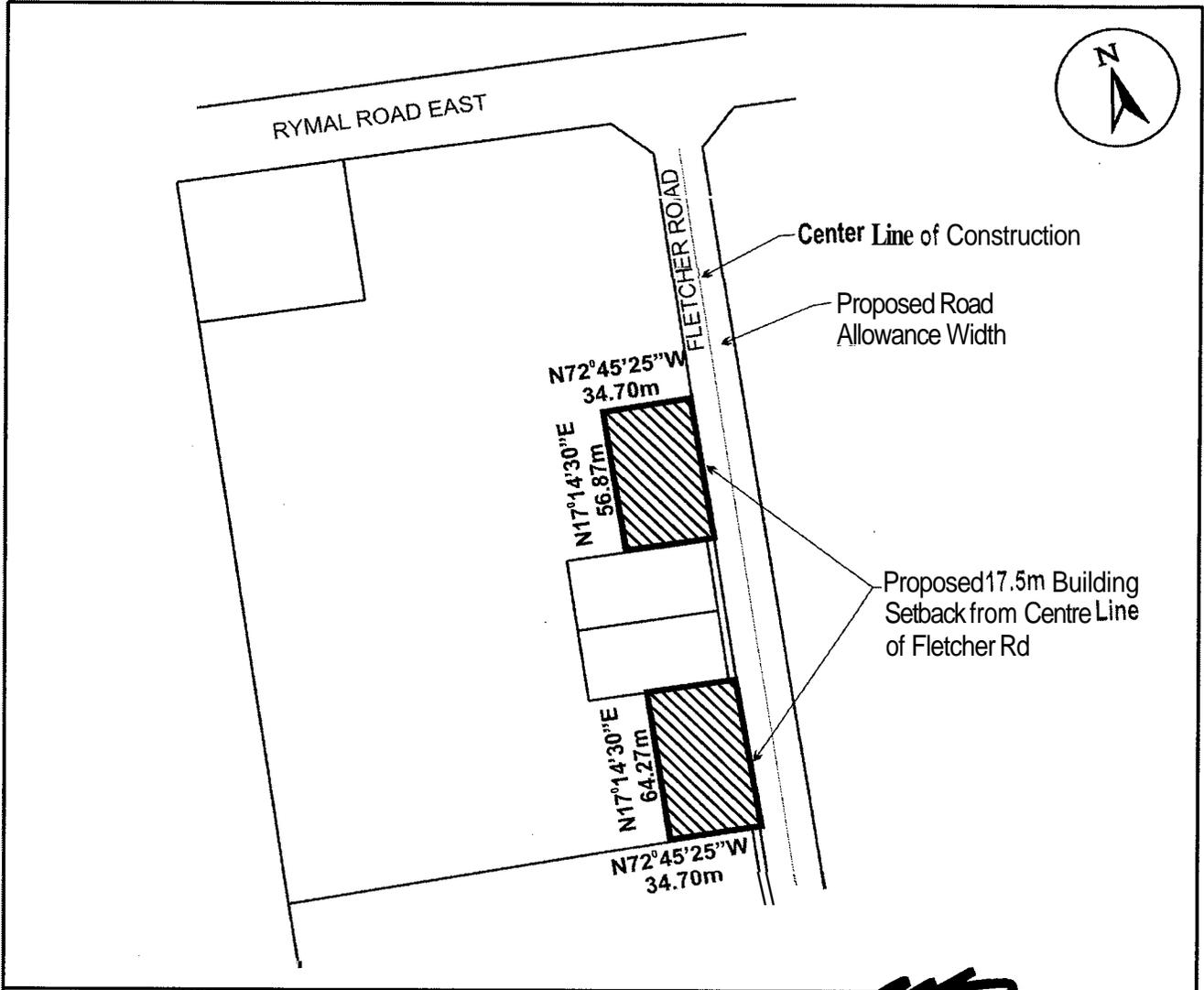
COLUMN 3

Description of Lands

Part of Lot 7,
Block 5, Concession 1, in
the Township of Glanbrook,
and more particularly
described on Appendix "B"
to this By-law

17.5 metres

Fletcher Road



This is Schedule "A" to By-Law No. 04-331

Passed the 15th day of December, 2004

[Signature]
 Clerk
[Signature]
 Mayor

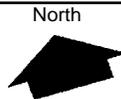
Schedule "B"

Map Forming Part of
 By-Law No. 04-331
 to Amend By-Law No. 3692-92

Subject Property Summit Park Addition

Setback By-Law No. 2613 Exemption: west Sides of Fletcher's Road, between Rymal Road East and the Ontario Hydro Corridor for land within Subdivision Applications 25T-200412.

 Frontage to which setback exemption applies



Scale:
 Not to Scale

Date:
 August 2004

File Name/Number:
ZAC-03-89

Planner/Technician:
 WK/LMM

&C File Name: