



**CITY OF HAMILTON**

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b> Chair and Members Planning Committee	<b>WARD(S) AFFECTED:</b> WARD 9
<b>COMMITTEE DATE:</b> November 20, 2012	
<b>SUBJECT/REPORT NO:</b> City Initiated Amendments to the Former City of Stoney Creek Official Plan, Urban Hamilton Official Plan, and Zoning By-laws 3692-92 and 05-200, for Lands Located at 1925 Rymal Road East (Stoney Creek) (PED12214) (Ward 9)	
<b>SUBMITTED BY:</b> Tim McCabe General Manager Planning and Economic Development Department	<b>PREPARED BY:</b> Kirstin Maxwell (905) 546-2424 Ext. 1288
<b>SIGNATURE:</b>	

**RECOMMENDATION:**

- (a) That approval be given to Stoney Creek Official Plan Amendment No. [REDACTED] to redesignate the subject lands from “Mixed-Use-Medium Density” to “General Open Space” on Schedule A3-4 - Trinity West Secondary Plan, for the lands located at 1925 Rymal Road East (Stoney Creek), as shown on Appendix “A” to Report PED12214, to maintain the lands for open space purposes held in long term lease by the Hamilton Conservation Authority, on the following basis:
  - (i) That the Official Plan Amendment, attached as Appendix “B” to Report PED12214, be adopted by Council.
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe (Places to Grow Plan), and conforms to the Region of Hamilton-Wentworth Official Plan.

**SUBJECT: City Initiated Amendments to the Former City of Stoney Creek Official Plan, Urban Hamilton Official Plan, and Zoning By-laws 3692-92 and 05-200, for Lands Located at 1925 Rymal Road East (Stoney Creek) (PED12214) (Ward 9) - Page 2 of 11**

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- (b) That Urban Hamilton Official Plan Amendment No. [REDACTED], to redesignate the subject lands from “Mixed-Use-Medium Density” to “Open Space” on Schedule E-1 - Urban Land Use Designations, and from “Mixed-Use-Medium Density” to “General Open Space”, and from “Mixed-Use-Medium Density” to “General Open Space” on Vol.2: Map B.7.7-1 - Trinity West Secondary Plan - Land Use Plan, attached as Appendix “E” to Report PED12214, be received and held in abeyance until such time as the relevant sections of the Urban Hamilton Official Plan come into force and effect; and when the relevant sections of the Urban Hamilton Official Plan come into force and effect, that Planning and Economic Development Department staff be directed and authorized to hold a Public Meeting, pursuant to the provisions of the Planning Act, to consider the proposed Urban Hamilton Official Plan Amendment, for lands located at 1925 Rymal Road East (Stoney Creek).
- (c) That approval be given to rezone the subject lands from the Neighbourhood Development “ND” Zone of the former City of Stoney Creek Zoning By-law 3692-92 to an Open Space (P4, H50) Holding Zone, of Zoning By-law 05-200, to maintain the lands for open space purposes held in long term lease by the Hamilton Conservation Authority, for lands located at 1925 Rymal Road East (Stoney Creek), as shown on Appendix “A” to Report PED12214, on the following basis:
- (i) That the Draft By-law, attached as Appendix “C” to Report PED12214, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.
- (ii) That the Draft By-law, attached as Appendix “D” to Report PED12214, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.
- (ii) That the proposed rezoning is in conformity with the Region of Hamilton-Wentworth Official Plan, and will be in conformity with the former City of Stoney Creek Official Plan upon finalization of Official Plan Amendment No. [REDACTED].

## **EXECUTIVE SUMMARY**

The purpose of this City Initiative is to implement Council direction to redesignate and rezone lands, municipally known as 1925 Rymal Road East, for open space purposes. The lands are to be leased by Infrastructure Ontario to the Hamilton Conservation Authority for the long term. The adjacent lands contain the Eramosa Karst feature and its buffer, and are designated “Natural Open Space”. An Official Plan Amendment and Zoning By-law Amendment are required to add these lands to the open space block. The Hamilton Conservation Authority does not currently have plans for the use of the subject lands. Open space and conservation use will be determined through a future

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management plan process for all of the lands under the stewardship of the Hamilton Conservation Authority.

*Alternatives for Consideration - See Page 11.*

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS** (for Recommendation(s) only)

There are no financial, staffing, or legal implications to approval of the recommendations.

**HISTORICAL BACKGROUND** (Chronology of events)

The purpose of this City Initiative is to redesignate and rezone, to maintain the lands municipally known as 1925 Rymal Road East for open space purposes. The lands are being leased long term by Infrastructure Ontario to the Hamilton Conservation Authority, which will make the lands publicly accessible. The Hamilton Conservation Authority does not currently have plans for the use of the subject lands. Open space and conservation use will be determined through a future management plan process for all of the feeder lands under the stewardship of the Hamilton Conservation Authority.

**The Subject Lands - 1925 Rymal Road East**

The subject lands are owned by Infrastructure Ontario, and are part of the lands that are being leased to the Hamilton Conservation Authority. The subject lands are the only lands which are part of this lease agreement and not already designated and zoned as "Open Space".

**Council Motion for 1925 Rymal Road East**

City Council, at its meeting of July 2, 2012, approved Item 9.1 of Planning Committee Report 12-01, which directed staff to:

- “(aa) ...initiate an Official Plan Amendment for the former City of Stoney Creek to consider the redesignation of the lands known as No. 1925 Rymal Road East from “Mixed-Use - Medium Density” to “General Open Space” in the Trinity West Secondary Plan within the former City of Stoney Creek Official Plan;*
  
- “(bb) ... to consider the removal of the lands known as 1925 Rymal Road East from the “Neighbourhood Development” (ND) Zone in the former City of Stoney Creek Zoning By-law 3692-92, and to include these lands as “General Open Space” (P4) Zone in the Comprehensive Zoning By-law 05-200;*

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- (cc) ...arrange for a Public Meeting under the Planning Act for a Planning Committee Meeting by Q4 2012, in order for Committee to consider the amendments referenced in (aa) and (bb) above;
- (dd) When the Urban Hamilton Official Plan is in effect, staff be directed to initiate an Official Plan Amendment to the Urban Hamilton Official Plan, to consider the redesignation of the lands known as No. 1925 Rymal Road East from "Mixed-Use- Medium Density" to "Open Space" on Schedule E-1 -Urban Land Use Designations and Mixed-Use - Medium Density" to "General Open Space" on Map B.7.7-1 of the Trinity West Secondary Plan".

### **Adjacent Lands**

Karst topography is typically formed when slightly acidic rain seeps through soil to a soluble subsurface rock, usually limestone, and is distinguished by sinkholes, rock fractures, underground stream systems, and associated cave or cavern formations. The Karst area, found in the Trinity Neighbourhood Area, has been identified as part of a Significant Earth Science Area of Natural and Scientific Interest (ANSI).

The Eramosa Karst core area, buffer areas, feeder creek areas, and feeder area were identified and defined in the 2003 Eramosa Karst Area of Natural and Scientific Interest (ANSI) Report. The Karst core, buffer, and feeder creek areas have, in part, been retained as a Conservation Area under the stewardship of the Hamilton Conservation Authority, and were designated "Natural Open Space" in the Trinity West Secondary Plan on June 23, 2010. The subject property, 1925 Rymal Road East, is adjacent to the "Natural Open Space" designated lands, specifically the buffer of the Eramosa Karst core area.

On June 9, 2010, Council directed staff to prepare an Official Plan Amendment and Zoning By-law Amendment to redesignate and rezone the Trinity Neighbourhood lands east of the Eramosa Karst feeder creek areas, part of the feeder area, to "Open Space" (referred to as the Trinity East lands). On January 6, 2011, the Hamilton Conservation Authority Board of Directors approved a resolution endorsing City Council's June 9, 2010 resolution, and formally supporting the City of Hamilton's efforts to preserve the remaining 80 acres of Eramosa Karst ANSI land from further development.

Staff prepared the requested Official Plan and Zoning By-law Amendments, and on February 9, 2011, Council approved Official Plan Amendment No. 163 to the former City of Stoney Creek Official Plan (Report PED07236(d)), which redesignated the Trinity East lands (some of the Eramosa Karst feeder lands) from a variety of designations to "Natural Open Space", with a special policy area requiring additional studies to address any potential impact on the Karst prior to permitting any municipal infrastructure or consideration of any future land use change. Council also approved a Zoning By-law

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Amendment, which rezoned the Trinity East lands to the “Conservation/Hazard Land (P5)” Zone. The purpose of this redesignation and rezoning was to allow open space uses on the subject lands, and maintain the integrity and protect the Eramosa Karst lands. The lands, which are the subject of this Report, were not redesignated or rezoned at that time.

On March 11, 2011, the Urban Hamilton Official Plan was approved by the Province, with the exception of a non-decision for the Eramosa Karst feeder lands, which were the subject of the February 9, 2011 Council decision.

## **POLICY IMPLICATIONS**

The proposal is consistent with the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and conforms to the Region of Hamilton-Wentworth Official Plan. More specifically:

### **Provincial Policy Statement**

The Provincial Policy Statement, 2005 (PPS) provides for and promotes:

1.5.1.b - *“a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, open space areas, and trails”;*

The proposal adds to publicly-accessible and natural settings for recreation.

### **Growth Plan for the Greater Golden Horseshoe (Places to Grow)**

The Growth Plan for the Greater Golden Horseshoe (Places to Grow) encourages:

*“municipalities, Conservation Authorities, non-governmental organizations, and other interested parties to” ...“develop a system of publicly accessible parkland, open space and trails, including shoreline areas, with the GGH that - c) is based on good land stewardship practices for public and private lands”.*

The proposal adds to the publicly-accessible and natural settings for recreation.

### **Region of Hamilton-Wentworth Official Plan**

The Region of Hamilton-Wentworth Official Plan designates the subject lands as “Urban” on Map No. 1 - Regional Development Pattern. Official Plan policies note that within the Urban Area, a wide range of urban uses are permitted, including “Open Space” areas.

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**Former City of Stoney Creek Official Plan**

The Trinity West Secondary Plan of the former City of Stoney Creek Official Plan designates the subject lands as "Mixed-Use - Medium Density". Inclusion of these lands within USC-1 does not affect the use of the lands for open space purposes. A smaller open space area to the west, fronting Rymal Road East, is also within USC-1. An amendment to the Secondary Plan is required to implement the proposed changes.

**Urban Hamilton Official Plan (Under Appeal)**

The new Urban Hamilton Official Plan was approved by the Province on March 11, 2011, and is currently under appeal to the Ontario Municipal Board. The subject lands are designated "Mixed-Use - Medium Density" on Schedule E-1 - Urban Land Use Designations (Modification #61m).

In the Urban Hamilton Official Plan, the lands are:

- Identified as "Core Area" and "Area Specific Policy - USC-1 and USC-2" on Schedule B - Natural Heritage System;
- Identified as "Local Natural Area-Earth Science ANSI" on Schedule B-7 - Detailed Natural Heritage Features, Local Natural Area-Earth Science ANSI;
- Identified as "Secondary Corridor" on Schedule E - Urban Structure;
- Designated "Mixed-Use - Medium Density" on Schedule E-1 - Urban Land Use Designations (Modification #61m);
- Identified as having archaeological potential on Appendix F-4 - Archaeological Potential; and,
- Not identified as "Built-up Area" on Appendix G - Boundaries Map.

In Volume 2 of the Urban Hamilton Official Plan, the Trinity West Secondary Plan, the lands are:

- Designated "Mixed-Use - Medium Density" on Map B.7.7-1 - Trinity West Secondary Plan - Land Use Plan; and,
- Identified as "Core Area" and "Area Specific Policy - USC-1" (Eramosa Karst) on Map B.7.7-2 - Trinity West Secondary Plan - Natural Heritage System.

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Amendments to the Urban Hamilton Official Plan are required to implement the proposed changes. Because the Urban Hamilton Official Plan has been approved by the Province, but is currently under appeal to the Ontario Municipal Board, it is recommended that the amendment to the Urban Hamilton Official Plan be received by Council and held in abeyance until such time as the relevant sections of the Urban Hamilton Official Plan come into force and effect. Further, following the relevant sections of the Urban Hamilton Official Plan coming into force and effect, Planning and Economic Development Department staff shall be directed and authorized to hold a Public Meeting to consider the proposed Urban Hamilton Official Plan Amendment. This approach is necessary to meet all legal requirements of adopting the amendment to the Urban Hamilton Official Plan.

### **RELEVANT CONSULTATION**

The following departments and agencies were circulated, but did not provide comments:

- Legislative Approvals, Planning and Economic Development Department.
- Infrastructure and Source Water Planning Section, Public Works Department.
- Forestry and Horticulture Section, Public Works Department.
- Open Space Development Section, Public Works Department.
- Transit Division, Public Works Department.
- Infrastructure and Source Water Planning Section, Public Works Department.
- Budgets and Finance Division, Corporate Services Department.
- Culture and Recreation Division, Community Services Department.
- Health Protection Branch, Public Health Services.
- Hamilton Police Services.
- Emergency Services.
- Hamilton Conservation Authority.
- Municipal Property Assessment Corporation.
- Union Gas.
- Hydro One Networks Inc.
- TransCanada Pipelines Inc.
- Trans Northern Pipeline.
- Ministry of Natural Resources.
- Ministry of the Environment.

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The following departments and agencies submitted the following comments:

**Community Planning and Design Section (Planning and Economic Development Department)** has no concerns with the application and advises that:

- The property has archaeological potential. No demolition, grading, construction activities, landscaping, staging, stockpiling, or other soil disturbances shall take place prior to completion of an Archaeological Assessment. A Holding zone, or similar requirement, is recommended to enable the City to require an Archaeological Assessment should any future development be proposed on the lands.
- Should deeply buried archaeological materials be found on the property during any of the above development activities, the Ontario Ministry of Tourism, Culture and Sport should be notified immediately.
- In the event human remains are encountered, both the Ontario Ministry of Tourism, Culture and Sport, and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services shall be notified immediately.
- There are no concerns with regard to built heritage, cultural heritage landscapes, natural heritage, or urban design.

**Building Engineering and Zoning Section (Planning and Economic Development Department)** advises that all new signs and fencing must comply with the appropriate By-law, and future development will be subject to the issuance of a Building Permit.

**Development Engineering Section (Planning and Economic Development Department)** has reviewed the proposal, and advises that should the lands be developed in the immediate future, a road allowance widening would be required. The actual required amount of the widening would be determined at the time of future development application.

**Horizon Utilities** advises that they have no concerns with the development, as proposed. Further, the owner and leaseholder are advised that:

- Excavation is not permitted within 2m of hydro poles and anchors;
- Excavation within 1m of underground hydro plant is not permitted unless approval is granted by a Horizon Utilities representative, at the cost of the owner or lease-holder;



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- Horizon must be contacted if the removal, isolation, or relocation of the existing plant is required, at the cost of the owner or lease-holder;
- Horizon must be contacted prior to any construction;
- There are other required clearances from overhead or underground existing electrical distribution systems.

### **Public Consultation**

In accordance with the new provisions of the Planning Act and Council's Public Participation Policy, 35 Notices of City Initiative and Preliminary Circulation were sent to property owners within 120m of the subject property on August 28, 2012, requesting public input on the application. Further, a Public Notice sign was posted on the property on October 3, 2012. To date, no written comments have been received in response to the circulation. In addition, Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

### **ANALYSIS / RATIONALE FOR RECOMMENDATION**

(include Performance Measurement/Benchmarking Data, if applicable)

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the policies of the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow);
  - (ii) It conforms to the "Urban Area" policies of the Region of Hamilton-Wentworth Official Plan;
  - (iii) It conforms to the "Open Space" policies of the Stoney Creek Official Plan and the Trinity West Secondary Plan; and,
  - (iv) The proposal adds to the resource of publicly accessible open space.
2. The proposal ensures the lands will have an "Open Space" designation and zone, which is appropriate for lands under the stewardship of the Hamilton Conservation Authority.

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3. The Provincial Policy Statement promotes 1.5.1 b) *“a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, open space areas and trails”*. The Growth Plan for the Greater Golden Horseshoe (Places to Grow) provides similar direction. The proposal adds to the amount of publicly-accessible natural setting, hence it is consistent with the Provincial Policy Statement.
4. The lands meet three of the ten criteria used by the City and the Ministry of Tourism, Culture and Sport for determining archaeological potential. Further, the Provincial Policy Statement 2.6.2 states that:

*“Development and site alteration shall only be permitted on lands containing archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted.”*

An Archaeological Assessment is necessary to meet this policy. To fulfil this requirement, the lands will be placed in a Holding Zone, pending completion of an Archaeological Assessment.

Section 36(1) of the Planning Act states that: *“The Council of a local municipality may, in a Zoning By-law passed under Section 34, by the use of the Holding symbol ‘H’ (or ‘h’), in conjunction with any use designation, specify the use to which lands, buildings, or structures may be put at such time in the future as the Holding Zone symbol is removed by amendment to the By-law.”*

It should be noted that the Hamilton Conservation Authority has undertaken archaeological assessments for lands that previously came under their stewardship (the Eramosa Karst Conservation Area), and protection of archaeological and other cultural heritage resources is a core component of the draft Eramosa Karst Conservation Area Master Plan.

5. The Trinity West Secondary Plan of the former City of Stoney Creek Official Plan designates the subject lands as "Mixed-Use - Medium Density", and the lands are within Area Specific Policy Area USC-1 (Eramosa Karst). The lands were previously identified for development based on the conditions of USC-1. Since the subject lands are now under the stewardship of the Hamilton Conservation Authority, the “General Open Space” designation and “Open Space (P4, H50) Holding Zone” is most appropriate for the subject lands.

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6. The lands are proposed to be zoned “Open Space (P4)” Zone because the lands do not contain any natural heritage features that require a prohibition of all development activities. The “Open Space (P4)” Zone permits agriculture, botanical gardens, cemeteries, conservation, a golf course, nature centres, and recreation. The “Conservation/Hazard Land (P5)” Zone, which permits only conservation, flood and erosion control facilities, and passive recreation, placed on the Eramosa Karst Conservation Area, is unnecessarily restrictive for the subject lands. As noted above, the lands are proposed to also be placed in an ‘H’ Holding Zone.

**ALTERNATIVES FOR CONSIDERATION:**

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

- If the redesignation and rezoning are not approved, the lands will be taxed as though there were still mixed-use - medium density development potential.

**CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)**

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

**Healthy Community**

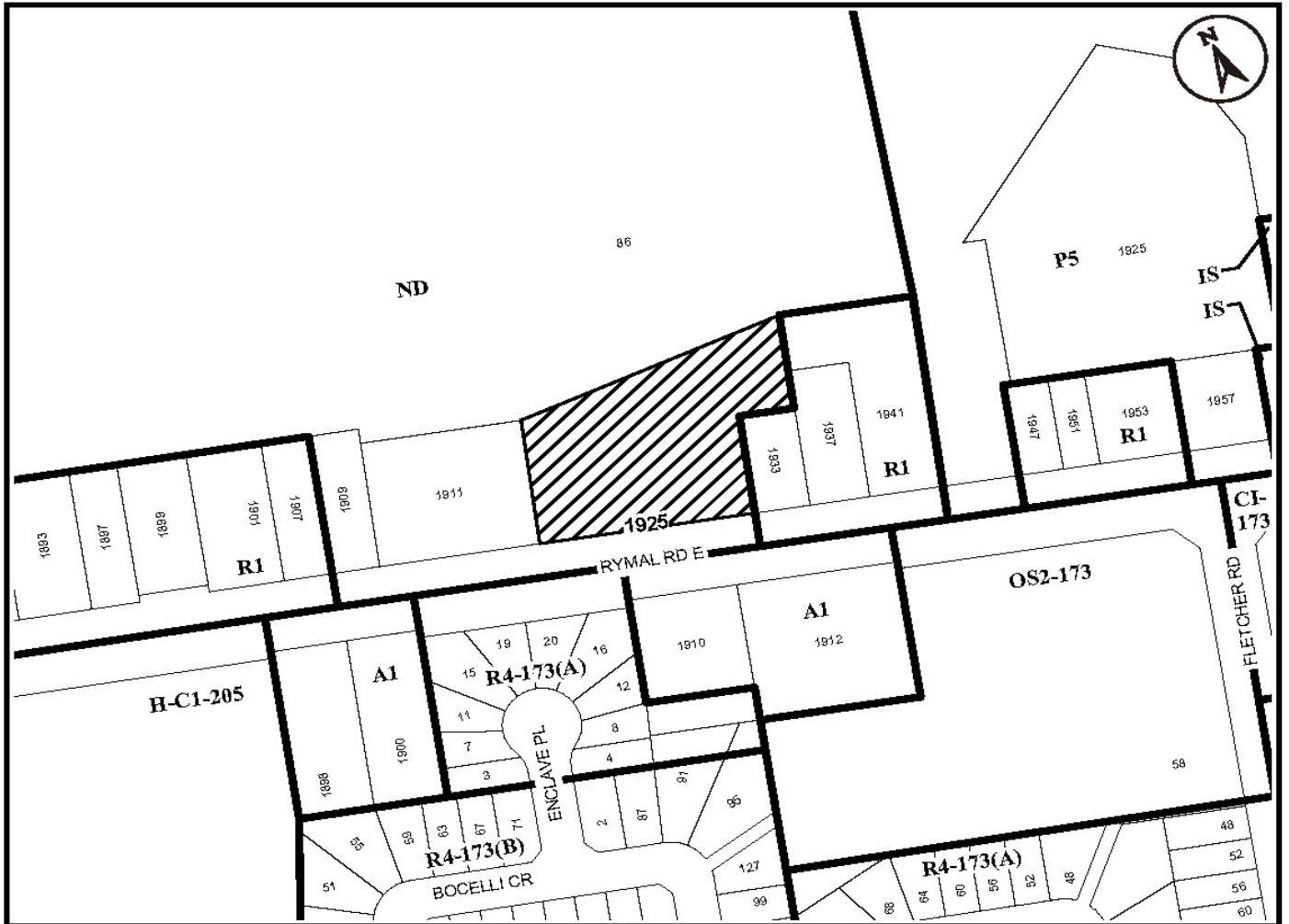
- ♦ Adequate access to food, water, shelter and income, safety, work, recreation and support for all (Human Services).
- ♦ The proposal provides additional land area to the publicly accessible and recreation areas of the Eramosa Karst.

**APPENDICES / SCHEDULES**

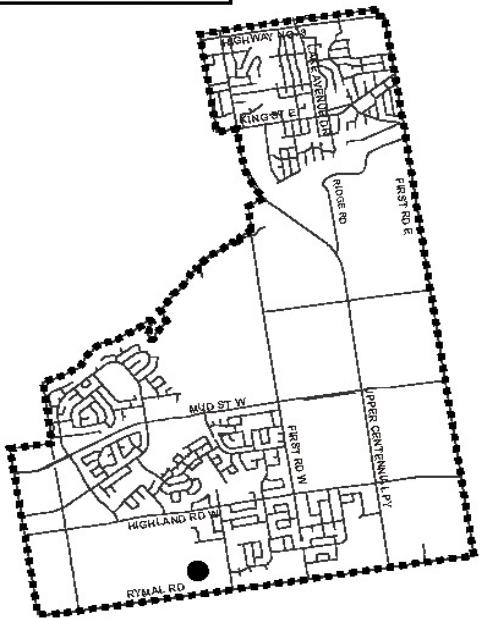
- Appendix “A”: Location Map
- Appendix “B”: Amendment to City of Stoney Creek Official Plan
- Appendix “C”: By-law to Amend City of Stoney Creek Zoning By-law No. 3692-92
- Appendix “D”: By-law to Amend Hamilton Zoning By-law No. 05-200
- Appendix “E”: Amendment to Urban Hamilton Official Plan

:KM

Attachs. (5)



● Site of the Application



Ward 9 Key Map

N.T.S.



## Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

**File Name/Number:**  
CI-12-I

**Date:**  
October 18, 2012

**Appendix "A"**

**Scale:**  
N.T.S.

**Planner/Technician:**  
KM/NB

### Subject Property



1925 Rymal Road East

## **Stoney Creek Official Plan Amendment No. [REDACTED]**

The following text, together with:

- Schedule "A" (Schedule "A.3-4" - Trinity West Secondary Plan);

attached hereto, constitutes Official Plan Amendment No. [REDACTED] to the former Stoney Creek Official Plan.

### **1.0 Purpose:**

The purpose of this Official Plan Amendment is to redesignate the lands from "Mixed Use-Medium Density" to "General Open Space" on the Trinity West Secondary Plan - Map A.3-4. The effect of this Amendment is to maintain the lands for open space purposes, held in long term lease by the Hamilton Conservation Authority.

### **2.0 Location:**

The subject lands are located on the north side of Rymal Road East, between Upper Mount Albion Road and Fletcher Road, known municipally as 1925 Rymal Road East, in the former City of Stoney Creek.

### **3.0 Basis:**

The basis for permitting this Amendment is as follows:

- The proposal is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow);
- The proposal conforms to the Region of Hamilton-Wentworth Official Plan;
- The proposal conforms to the "Open Space" policies of the Stoney Creek Official Plan and the Trinity West Secondary Plan; and,
- The proposal adds to the resource of publicly accessible open space.

**4.0 Changes:**

*Schedules*

**4.1 Schedules**

- a. That Schedule "A.3-4" - Trinity West Secondary Plan be amended, redesignating the subject lands from "Mixed-Use - Medium Density" to "General Open Space", as shown on Schedule "A" to this Amendment.

**5.0 Implementation:**

An implementing Zoning By-law Amendment will give effect to the intended uses on the subject lands.

This is Schedule "1" to By-law No. [REDACTED], passed on the [REDACTED] day of [REDACTED], 2012.

**The  
City of Hamilton**

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R. Bratina  
Mayor

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R. Caterini  
Clerk



**Authority:** Item [REDACTED]  
Planning Committee  
Report: 12-[REDACTED] (PED12214)  
CM: [REDACTED]

**Bill No.** [REDACTED]

**CITY OF HAMILTON**

**BY-LAW NO. [REDACTED]**

**To Amend Zoning By-law 3692-92  
Respecting Lands Located at  
1925 Rymal Road East  
(Stoney Creek)**

**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 City of Stoney Creek passed Zoning By-law No. 3692-92, on the 8<sup>th</sup> day of December 1992, which By-law was approved by the Ontario Municipal Board by Order dated the 31<sup>st</sup> day of May 1994;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 12-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2012, recommended that Zoning By-law No. 3692-92, be amended as hereinafter provided;

**AND WHEREAS** this By-law will be in conformity with the Official Plan of the City of Stoney Creek upon approval of Official Plan Amendment No. [REDACTED], proposed by the City of Hamilton, but not yet approved in accordance with the provisions of the Planning Act;



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

1. That Schedule "A" - Zoning Map, appended to and forming part of By-law No. 3692-92 is amended by removing the lands described as 1925 Rymal Road East, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. 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.
3. That By-law No. [REDACTED] shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the Planning Act, either upon the date of passage of this By-law, or as otherwise provided by the said Sub-section.

**PASSED and ENACTED** this [REDACTED] day of [REDACTED], 2012.

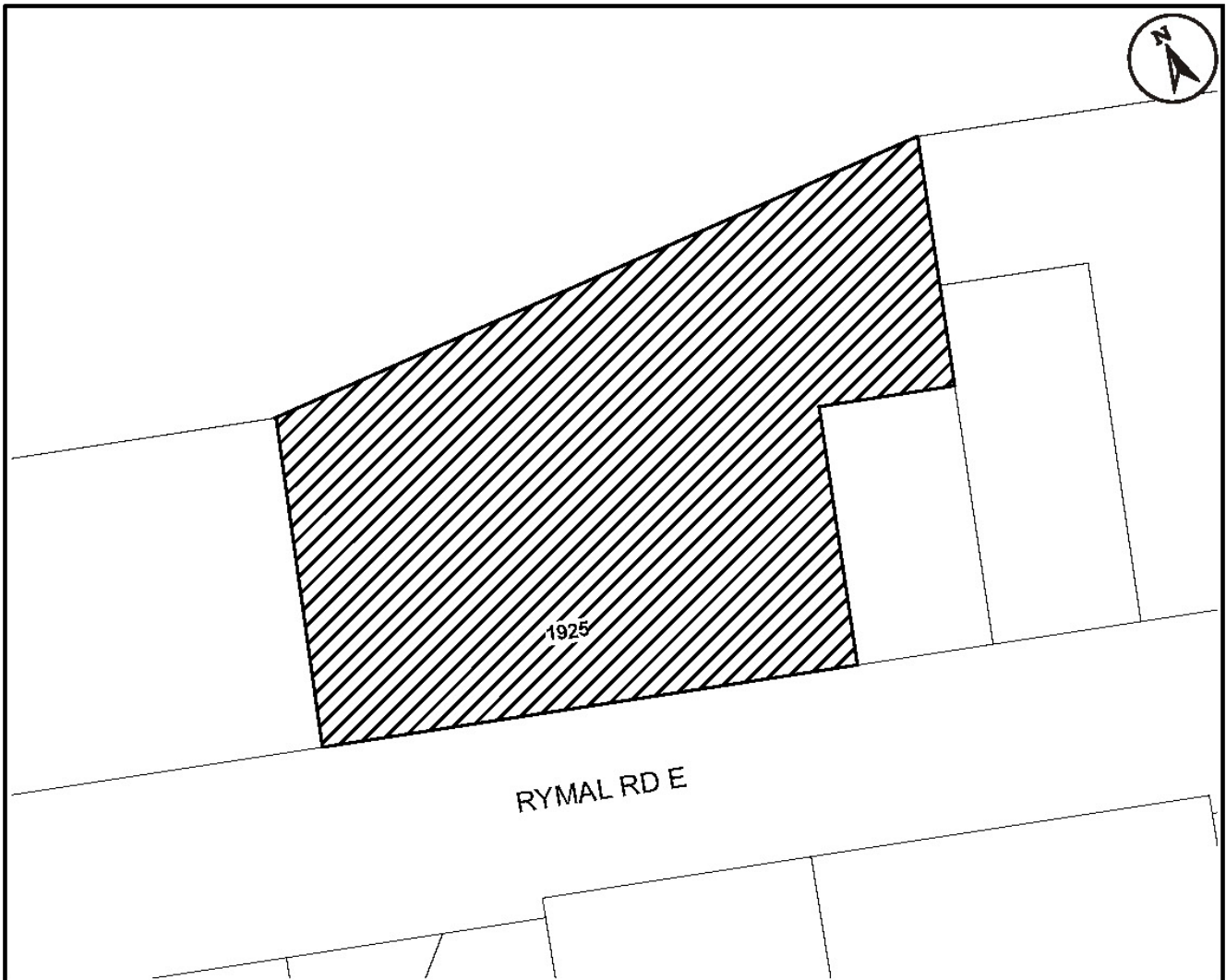
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R. Bratina  
Mayor

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R. Caterini  
Clerk

CI-12-I



<p>This is Schedule "A" to By-Law No. 12-</p> <p>Passed the ..... day of ....., 2012</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2>Schedule "A"</h2> <p>Map Forming Part of By-Law No. 12-_____</p> <p>to Amend By-law No. 3692-92</p>	<p><b>Subject Property</b> 1925 Rymal Road East</p> <p> Lands to be removed from Zoning By-law 3692-92</p>
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<p><b>Scale:</b> N.T.S.</p>	<p><b>File Name/Number:</b> CI-12-1</p>	
<p><b>Date:</b> October 18, 2012</p>	<p><b>Planner/Technician:</b> KM/NB</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

**Authority:** Item [REDACTED]  
Planning Committee  
Report: 12-[REDACTED] (PED12214)  
CM: [REDACTED]

**Bill No.** [REDACTED]

**CITY OF HAMILTON**

**BY-LAW NO.** [REDACTED]

**To Amend Zoning By-law 05-200  
Respecting Lands Located at  
1925 Rymal Road East  
(Stoney Creek)**

**WHEREAS** the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

**AND WHEREAS** the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law 05-200;

**AND WHEREAS** Zoning By-law 05-200 was enacted on the 25<sup>th</sup> day of May, 2005;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 12-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2012, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

**AND WHEREAS** this By-law will be in conformity with the Official Plan of the City of Stoney Creek upon approval of Official Plan Amendment No. [REDACTED], proposed by the City of Hamilton but not yet approved in accordance with the provisions of the Planning Act.

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

1. That Map No. 1594 of Schedule "A" - Zoning Map, appended to and forming part of By-law No. 05-200, is amended, by zoning the lands described as 1925 Rymal Road East, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", to the Open Space (P4, H,50) Holding Zone.
2. That Schedule "D" of By-law 05-200 is amended by adding an additional Holding Provision, as follows:

"48 That notwithstanding Section 7.4 of this By-law, on those lands zoned Open Space (P4, H,50) Holding Zone, on Map No. 1594 of Schedule "A", known as 1925 Rymal Road East (Stoney Creek), no development shall be permitted until such time as:

  - (i) An Archaeological Assessment has been completed, to the satisfaction of the Director of Planning, City of Hamilton, and the Ministry of Culture and Tourism."
3. 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.
4. That By-law No. [REDACTED] shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the Planning Act, either upon the date of passage of this By-law, or as otherwise provided by the said Sub-section.

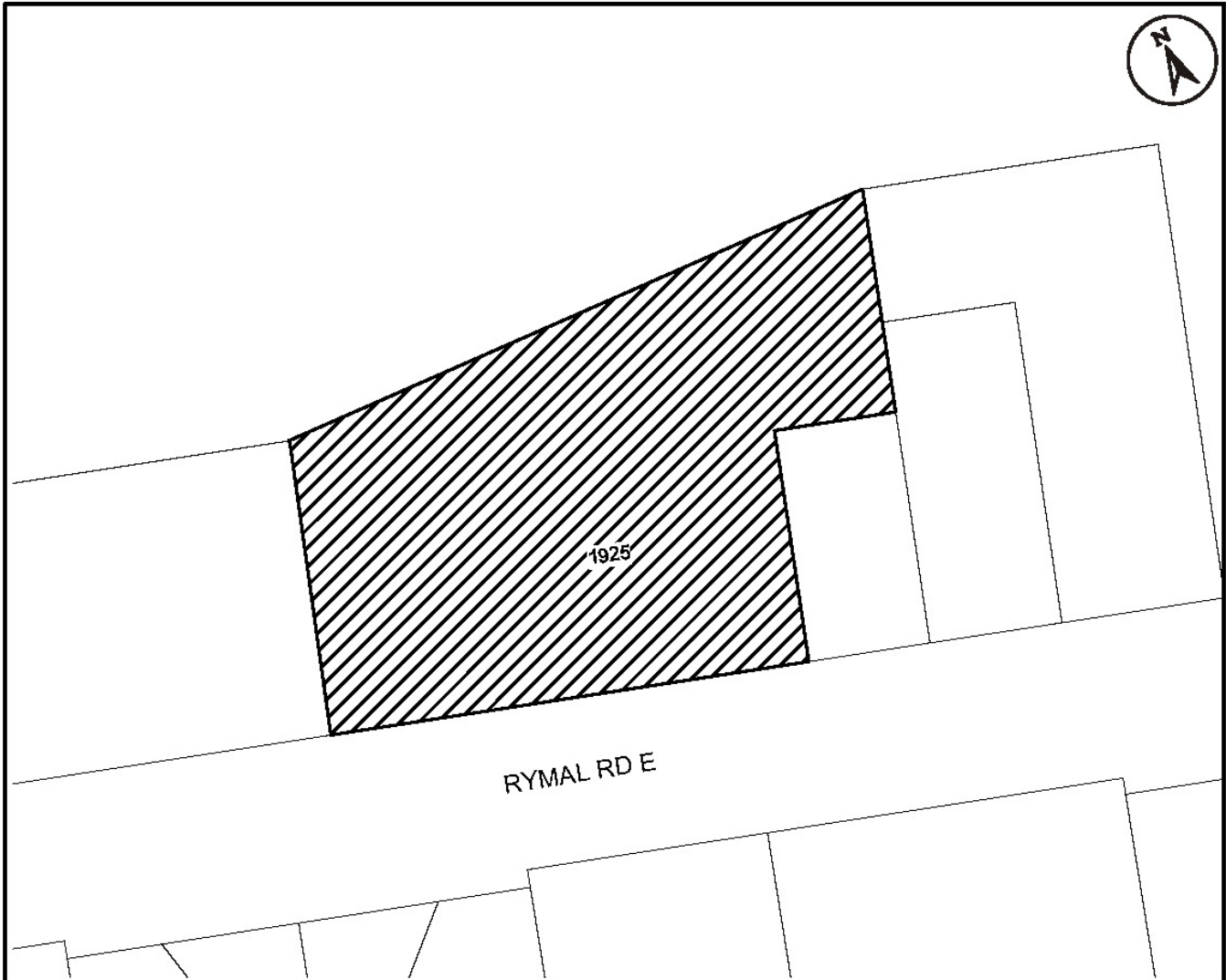
**PASSED and ENACTED** this [REDACTED] day of [REDACTED], 2012.

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R. Bratina  
Mayor

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R. Caterini  
Clerk



<p>This is Schedule "A" to By-Law No. 12-</p> <p>Passed the ..... day of ....., 2012</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-Law No. 12-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Map 1594</p>	<p><b>Subject Property</b></p> <p>1925 Rymal Road East</p> <p> Lands to be Zoned Open Space (P4, H50)- Holding Zone (Zoning by-law 05-200)</p>
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## Urban Hamilton Official Plan Amendment No. [REDACTED]

The following text, together with:

- Appendix “E-1” (Vol. 1, Schedule “E-1” - Urban Land Use Designations); and,
- Appendix “E-3” (Vol. 2, Map “B.7.7-1” - Trinity West Secondary Plan - Land Use Plan);

attached hereto, constitutes Official Plan Amendment No. [REDACTED] to the Urban Hamilton Official Plan.

### **1.0 Purpose:**

The purpose of this Official Plan Amendment is to redesignate the lands from “Mixed-Use-Medium Density” to “Open Space” on Vol. 1, Schedule “E-1” - Urban Land Use Designations, and from “Mixed-Use-Medium Density” to “General Open Space” on the Trinity West Secondary Plan - Land Use Plan - Map B7.7-1. The effect of this Amendment is to maintain the lands for open space purposes held in long term lease by the Hamilton Conservation Authority.

### **2.0 Location:**

The subject lands are located on the north side of Rymal Road East, between Upper Mount Albion Road and Fletcher Road, known municipally known as 1925 Rymal Road East, in the former City of Stoney Creek.

### **3.0 Basis:**

The basis for permitting this Amendment is as follows:

- The proposal is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow);
- The proposal conforms to the Region of Hamilton-Wentworth Official Plan;
- The proposal conforms to the “Open Space” policies of the Stoney Creek Official Plan; and,
- The proposal adds to the resource of publicly accessible open space.

**4.0 Changes:**

**4.1 Volume 1 - (Parent Plan)**

*Schedules and Appendices*

**4.1.1 Schedules**

- a. That Volume 1: Schedule 'E-1' - (Urban Land Use Designations) be amended by redesignating the subject lands from "Mixed-Use - Medium Density" to "Open Space", as shown on Appendix "E-1" to this Amendment.

**4.2 Volume 2 - (Secondary Plans)**

*Maps*

**4.1.2 Maps**

- a. That Volume 2: Map B.7.7-1 - (Trinity West Secondary Plan - Land Use Plan) be amended by redesignating the subject lands from "Mixed-Use - Medium Density" to "General Open Space", as shown on Appendix "E-2" to this Amendment.

**5.0 Implementation:**

An implementing Zoning By-law Amendment will give effect to the intended uses on the subject lands.

This is Schedule "1" to By-law No. [REDACTED], passed on the [REDACTED] day of [REDACTED], 2012.

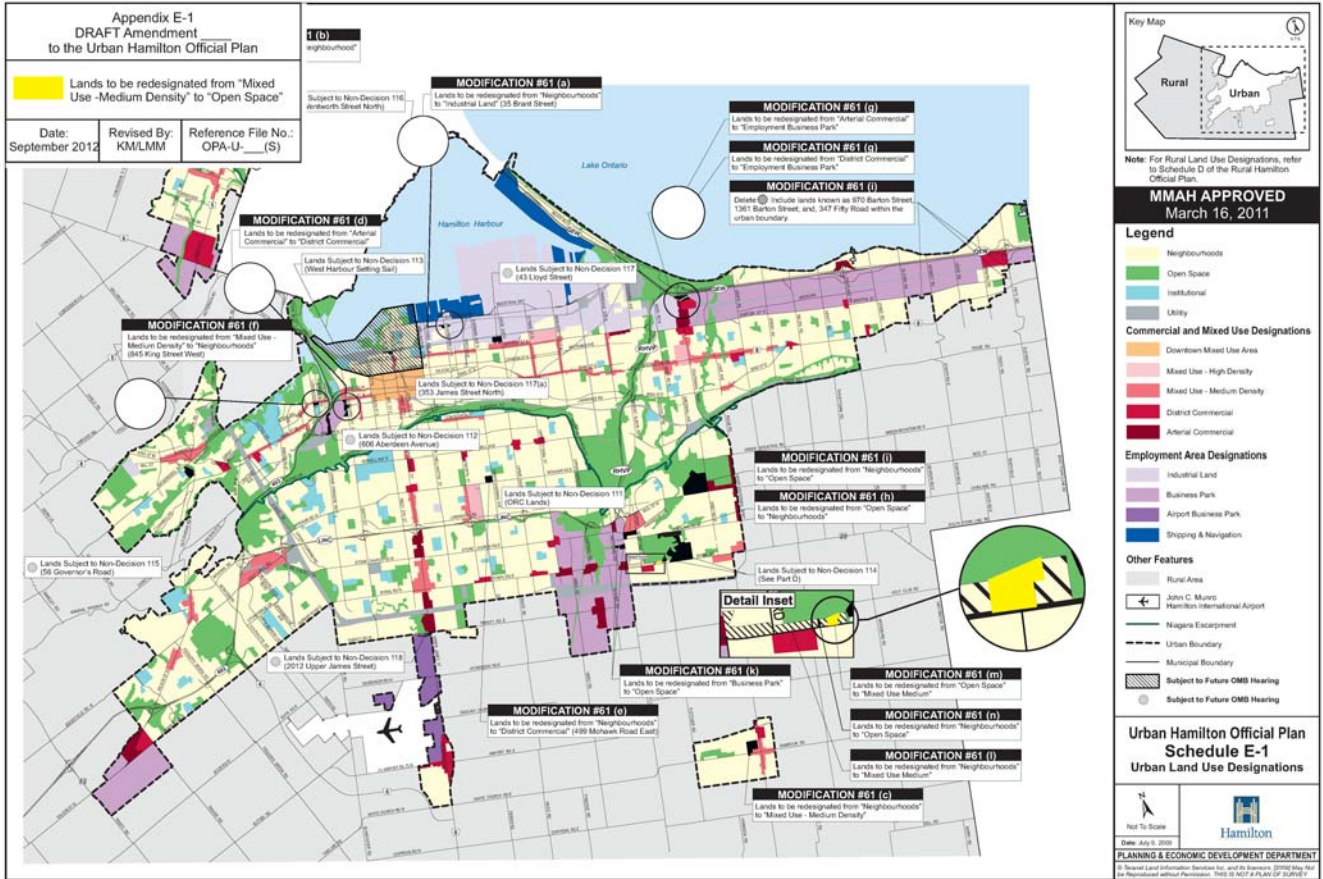
**The  
City of Hamilton**

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R. Bratina  
Mayor

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R. Caterini  
Clerk





Appendix "E" to Report PED12214 (Page 4 of 4)

