

Authority: Item 12, Economic Development
and Planning Committee
Report: 08-003 (PED08011)
CM: February 13, 2008

Bill No. 031

CITY OF HAMILTON

BY-LAW NO. 08-031

**To Amend Zoning By-law No. 6593 (Hamilton),
Respecting 1610 and 1622 Rymal Road East**

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Plan of the former Regional Municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 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 12 of Report 08-003 of the Planning and Economic Development Committee at its meeting held on the 13th day of February, 2008, 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. That Sheet No. E-79E of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended,

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- (a) by changing the zoning from the "AA" (Agricultural) District to the "M-11-'H'/S-1586" (Prestige Industrial - Holding) District, Modified,

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

2. That the 'H' symbol applicable to the lands referred to in Section 1 (a) of this By-law shall be removed conditional upon:

(a) An Archaeological Assessment being submitted, to the satisfaction of the City of Hamilton's Manager of Development Planning and the Ministry of Culture.

(b) Written confirmation from the Hamilton Conservation Authority has been received indicating that the limits of the flood and erosion hazards associated with Tributary HC2-B of Hannon Creek have been accurately identified and that a feasible building envelope (including limit of grading works) is established outside of these hazard limits, to the satisfaction of the City of Hamilton's Manager of Development Planning.

(c) The completion of the requirements for the Trinity Church Corridor Class Environmental Assessment Study, to the satisfaction of the City of Hamilton's General Manager of Public Works.

(d) That 1610 and 1622 Rymal Road East be merged on title to ensure that comprehensive development takes place, to the satisfaction of the City of Hamilton's Manager of Development Planning.

(e) That an Engineering Servicing Report assuring that the existing municipal services within the Rymal Road right-of-way has sufficient capacity to accommodate the development, to the satisfaction of the City of Hamilton's Manager of Engineering Design and Construction.

City Council may remove the 'H' symbol and, thereby give effect to the "M-11/S-1586" (Prestige Industrial) District, by enactment of an amending By-law once the above conditions have been fulfilled.

3. That the "M-11" (Prestige Industrial) District provisions, as contained in Section 17C of Zoning By-law No. 6593, be modified to include the following special requirements:

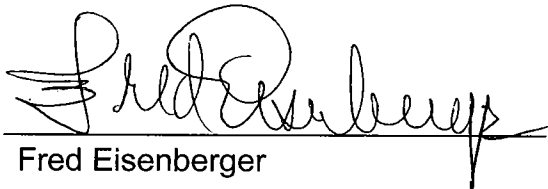
(a) that Subsection 18(A)(12) (c) of Zoning By-law No. 6593 shall not apply only to the southerly zone boundary and the southerly rear lot line.

(b) that Subsection 3 (9) of Zoning By-law No.6593 shall not apply.

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4. Zoning By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1586.
5. 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 "M-11" District provisions, subject to the special requirements referred to in Section 3.
6. Sheet No. E-79E of the District Maps is amended by marking the lands referred in Section 1 (a) of this by-law as S-1586.
7. 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 13th day of February, 2008.



Fred Eisenberger
Mayor

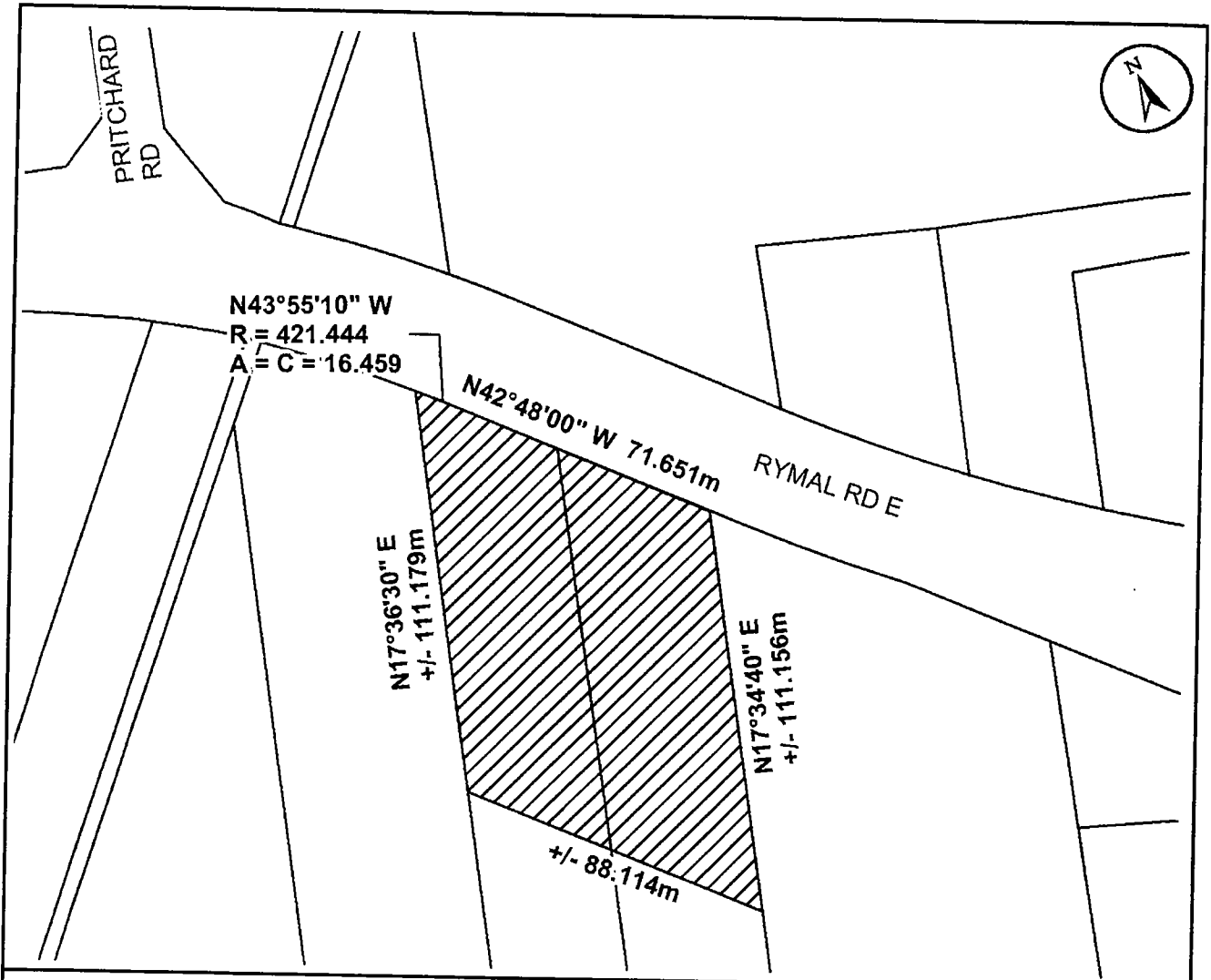


Kevin C. Christenson
City Clerk

ZAC-07-11

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This is Schedule "A" to By-Law No. 08-031

Passed the ..13th. day of ...February..., 2008

[Signature]
Clerk
[Signature]
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 08- 031

to Amend By-law No.6593

Subject Property



Change in Zoning from the "AA" (Agricultural) District to the "M-11-'H'/S-1586" (Prestige Industrial-Holding) District, Modified

Scale:
N.T.S.

File Name/Number:
ZAC-07-011

Date:
Nov. 19, 2007

Planner/Technician:
DF / MB



Hamilton