

Authority: Item 10, Economic Development
and Planning Committee
Report: 10-004 (PED09311(a))
CM: February 16, 2010

Bill No. 039

CITY OF HAMILTON

BY-LAW NO. 10-039

**To Amend Zoning By-law No. 6593 (Hamilton),
Respecting 741 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 10 of Report 10-004 of the Economic Development and Planning Committee, at its meeting held on the 24th day of February, 2010, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Official Plan of the City of Hamilton, upon approval of Official Plan Amendment No. 222, 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 Sheet No. E38d of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton) is amended, by changing the zoning from the "C" (Urban Protected Residential, etc.) District to the Modified "H/S-1619"-H' (Community Shopping and Commercial, Etc.-Holding) District, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That the "H" (Community Shopping and Commercial, Etc.) District provisions, as contained in Section 14 of Zoning By-law No. 6593, are modified to include the following special requirements:
 - (a) That notwithstanding Section 14(1)(iia) "Requirements as to Use" of Zoning By-law No. 6593, only a Mixed-Use Building comprised of Residential Units above Commercial uses on the ground floor shall be permitted, subject to the following special provisions:

Residential Uses:

- One dwelling unit for each 180.0m² of area of the lot upon which the building is situate, provided that the building does not exceed 2 storeys in height, and the gross floor area (GFA) of the building used for dwelling units shall be at least equivalent to the Commercial GFA and shall not exceed 455m².

Commercial Uses:

- Commercial School;
 - Business or Professional Person's Office;
 - Bank;
 - Day Nursery;
 - Private Club, Lodge, Fraternity or Sorority House or Labour Union Hall;
 - Restaurant or Refreshment Room, which shall not include an outdoor patio, and/or any dancing or other entertainment except music;
 - Retail; and,
 - Photographer's or Artist's Studio, but not including a motion picture studio.
- (b) That notwithstanding Section 14(1)(xvii) of Zoning By-law No. 6593, storage or goods to be manufactured, assembled, or sold upon the premises, shall be permitted only within the cellar of the building.
 - (c) That notwithstanding Section 14(2) of Zoning By-law No. 6593, the maximum permitted height for any building or structure shall be 2 storeys or 11 metres.
 - (d) That notwithstanding Section 14(3)(i) of Zoning By-law No. 6593, the minimum front yard setback for any building or structure shall be 6.0 metres.

By-law Respecting 741 Rymal Road East

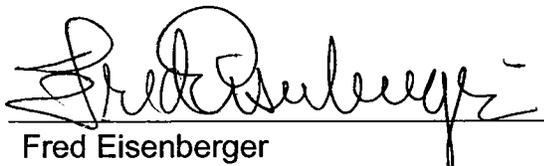
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- (e) That notwithstanding Section 14(9) of Zoning By-law No. 6593, a minimum 3.0 metre wide planting strip shall be provided and maintained for any parking space or manoeuvring space adjacent to a street line.
 - (f) That no vehicular ingress or egress shall be permitted from the subject lands onto Eva Street and/or Eaglewood Drive.
 - (g) That any garbage areas shall be contained entirely within the principal building.
 - (h) That all other provisions of the "H" (Community Shopping and Commercial, Etc.) District shall continue to apply.
3. That notwithstanding Section 2(2)(J)(xxivc) of Zoning By-law No. 6593, the definition of a "Visual Barrier" shall be defined as follows:
- "Visual Barrier": Where in any zone a visual barrier is required to be provided and maintained, such barrier shall act as a screen between uses, be constructed to a minimum height of 2.1 metres, and shall consist of one of the following:
- (a) A wall, fence;
 - (b) A continuous planting of suitable trees or shrubs and fence, together with a reserved width of planting area appropriate for healthy plant growth;
 - (c) Earth berms; or,
 - (d) Any combination of the above.
4. That the 'H' symbol applicable to the lands referred to in Section 1 of this By-law shall be removed conditional upon:
- (a) An archaeological assessment being submitted and approved, to the satisfaction of the Director of Planning, and the Ministry of Culture.
- City Council may remove the 'H' symbol and, thereby give effect to the "H/S-1619" (Community Shopping and Commercial, Etc.) District, by enactment of an amending By-law once the above condition has been fulfilled.
5. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1619.
6. That Sheet E38d of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1619.

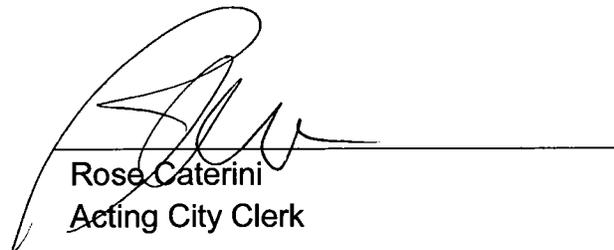
**By-law Respecting 741 Rymal Road East
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7. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "H" (Community Shopping and Commercial, Etc.) District, provisions, subject to the special requirements referred to in Sections 2 and 3.
8. 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 this 24th day of February, 2010.

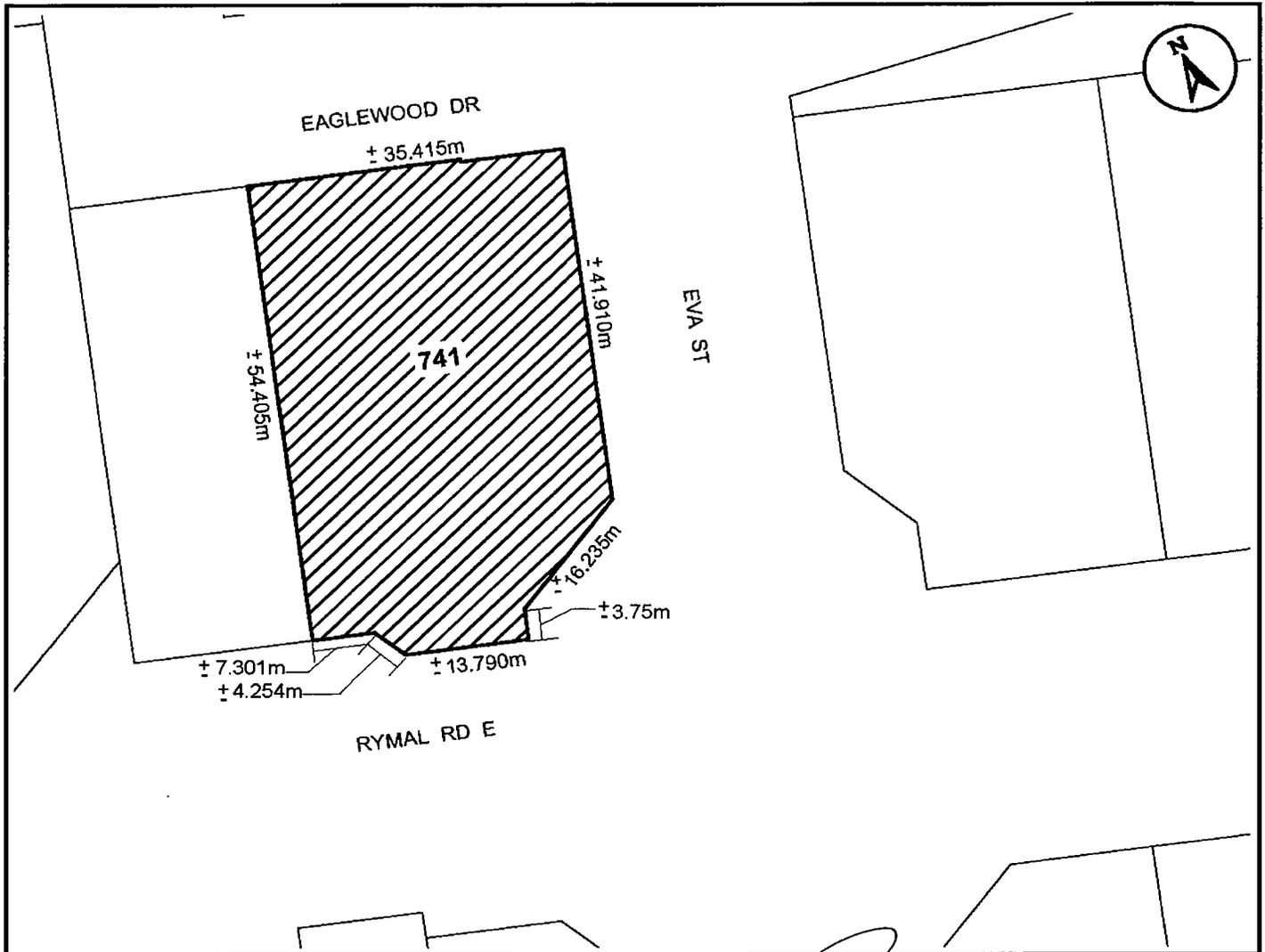


Fred Eisenberger
Mayor



Rose Caterini
Acting City Clerk

ZAC-07-107



This is Schedule "A" to By-Law No. 10-039

Passed the 24th day of February, 2010

[Signature]
Clerk
[Signature]
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 10- 039

to Amend By-law No.6593

Subject Property

741 Rymal Road East



Change in zoning from the "C"
(Urban Protected Residential, etc.) District
to a "H/S-1619"-H'
(Community Shopping and Commercial, etc. -
Holding) District, Modified.

Scale:
N.T.S.

File Name/Number:
ZAC-07-107

Date:
November 6, 2009

Planner/Technician:
AC/AL



Hamilton