

Authority: Item 11 Economic Development
and Planning Committee
Report 07-013 (PED07191)
CM: July 11, 2007

Bill No. 212

CITY OF HAMILTON

BY-LAW NO. 07-212

**To Amend Zoning By-law No. 6593
Respecting Lands Located at 1324 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 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 11 of Report 07-013 of the Economic Development and Planning Committee at its meeting held on the 11th day of July, 2007, 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-59e of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by:
 - (a) changing Block "1" from the "M-11" (Prestige Industrial) District to the "M-11/S-1580" – 'H' (Prestige Industrial - Holding) District Modified; and,

- (b) by changing Block “2” from the “M-14” (Prestige Industrial) District to the “M-11/S-1580” - ‘H’ (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) and (b) of this By-law shall be removed conditional upon:

- (a) The owner submitting an Archaeological Assessment to the satisfaction of the City of Hamilton’s Manager of Development Planning and the Ministry of Culture.

City Council may remove the ‘H’ symbol and, thereby give effect to the “M-11” (Prestige Industrial) District, by enactment of an amending By-law once the above condition has been fulfilled.

- 3. That the “M-11” (Prestige Industrial) District regulations as contained in Section 17C of Zoning By-law No. 6593, applicable to the lands identified in Section 1(a) of this by-law, be modified to the extent only of the following special requirements:

- (a) That in addition to the requirements of Section 2 of Zoning By-law No. 6593, the following definition shall apply to the lands referred to in Section 1 of this By-law:

- (i) Façade – Shall mean a building wall or series of building walls facing a street.

- (b) That notwithstanding Section 17C (2) (b) 1. (i) of Zoning By-law No. 6593, no building shall be setback more than 3.0 metres from the northerly lot line within 30.0 metres of the intersection of the northerly and easterly lot lines.

- (c) That notwithstanding Section 17C (2) (b) 1. (ii) of Zoning By-law 6593, no building shall be setback less than 3.0 metres from the easterly lot line, except that a maximum setback of 6.0 metres shall be provided and maintained within 30.0 metres of the intersection of the northerly and easterly lot lines.

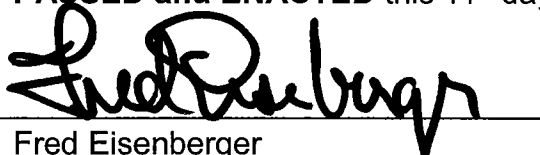
- (d) That notwithstanding Section 17C (2) (f) 1. (i) of Zoning By-law No. 6593, except for the area used for access driveway, buildings or structures, a landscaped area in the front yard along Rymal Road East, having a depth of not less than 3.0 metres shall be provided and maintained abutting the street line.

- (e) That notwithstanding Section 17C (2) (f) 1. (ii) of Zoning By-law No. 6593, where the lot or tract of land is a corner lot, except for the area used for access driveways, buildings or structures, a landscaped area in the side

yard along Dartnall Road, having a depth of not less than 3.0 metres shall be provided and maintained abutting the street.

- (f) That notwithstanding Section 18A (4) (iv) of Zoning By-law No. 6593, an accessory structure for a garbage enclosure shall be permitted in a side yard not abutting a street.
 - (g) A planting strip of not less than 1.5 metres in width shall be provided and maintained along every rear lot line and side lot line not abutting a street.
 - (h) The minimum width of the building façade shall be equal to 45% of the measurement of the front lot line, being the northerly lot line, within 50 metres of the Dartnall Road lot line, being the easterly side lot line.
 - (i) All buildings shall have windows with a maximum sill height of 1.0 metre and a minimum height from finished floor to top of window of 2.4 metres for a minimum of 25 % of the length of the façade facing the street.
 - (j) No parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle at a distance of less than 6.0 metres from a street line or closer than 1.5 metres from the rear lot line or side lot line.
 - (k) No drive-thru or stacking lane shall be located closer to any street than any building or structure along that street lot line.
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 "M11" District provisions, subject to the special requirements referred to in Section 3.
 5. By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedule S-1580.
 6. Sheet No. E-59e of the District Maps is amended by marking the lands referred in Section 1 (a) of this by-law as S-1580.
 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.

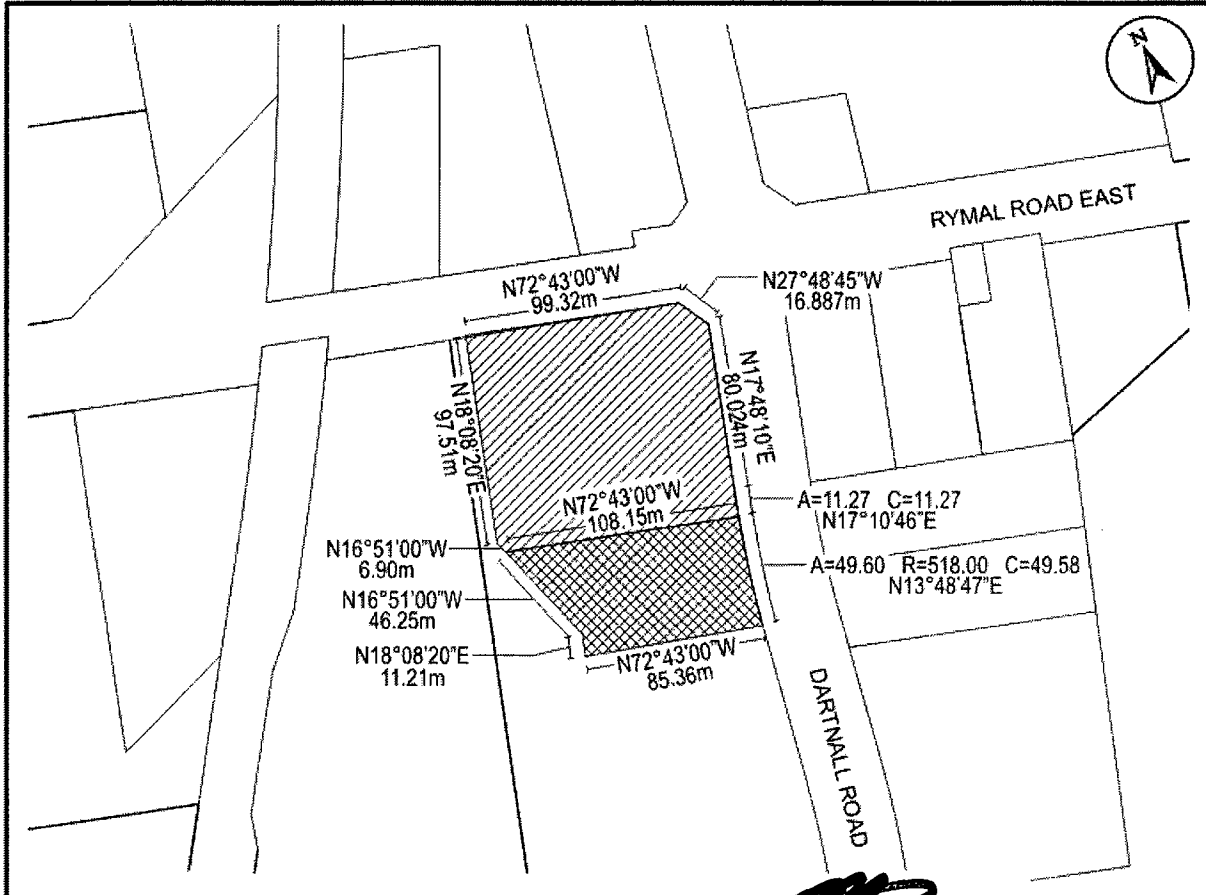
PASSED and ENACTED this 11th day of July, 2007.



Fred Eisenberger
Mayor



Kevin C. Christenson
City Clerk



This is Schedule "A" to By-Law No. 07- 212

Passed the ..11.th day of July....., 2007



[Signature]
 Clerk
 Mayor


Schedule "A"

Map Forming Part of By-Law No. 07- 212

to Amend By-law No. 6593

Subject Property

-  Block 1 - Change in Zoning from the "M-11" (Prestige Industrial) District to the "M-11/S-1580" - "H" (Prestige Industrial - Holding) District. Modified.
-  Block 2 - Change in Zoning from the "M-14" (Prestige Industrial) District to the "M-11/S-1580" - "H" (Prestige Industrial - Holding) District. Modified.

Scale: N.T.S.	File Name/Number: ZAC-07-004	 Hamilton
Date: February 27, 2007	Planner/Technician: DF/MF	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		