

Authority: Item 2, Planning Committee Report 24-002 (PED24020)

CM: February 14, 2024 Ward: 14

Written approval for this by-law was given by Mayoral Decision MDE-2024 02

Dated February 14, 2024

Bill No. 028

CITY OF HAMILTON

BY-LAW NO. 24-028

To Amend Hamilton Zoning By-law No. 6593 Respecting Lands Located at 459 and 465 Rymal Road West, Hamilton

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 Zoning By-law No. 6593 (Hamilton) was enacted on the 25th day of July, 1950, and approved by the Ontario Land Tribunal on the 7th day of December, 1951;

AND WHEREAS Council approved Item 2 of Report 24-002 of the Planning Committee, at its meeting held on February 14, 2024;

AND WHEREAS this By-law conforms to the Urban Hamilton Official Plan;

NOW THEREFORE Council amends Zoning By-law No. 6593 as follows:

1. That Sheet No. W-27e appended to and forming part of Zoning By-law No. 6593 (Hamilton) is amended by changing the zoning from the "AA" (Agricultural) District to the "E/S-1835-H" (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, Holding for the lands known as 459 and 465 Rymal Road West the extent and boundaries of which are shown on Schedule "A" to this By-law.
2. That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, as contained in Section Eleven of Zoning By-law No. 6593, are modified to include the following special requirements:

- (a) In addition to Sections 11.(2), a building height above the 4th storey or 14m shall be stepped back from the westerly 64.00m lot line minimum of a 13.5 metre setback.
 - (b) That Section 11.(3)(i)(b) shall not apply.
 - (c) That notwithstanding Section 11.(3)(ii)(b):
 - (i) A minimum northerly side yard width of 1.2 metres shall be provided and maintained;
 - (ii) A minimum easterly side yard width of 0.0 metres shall be provided and maintained; and,
 - (iii) A minimum southerly side yard width of 4.2 metres shall be provided and maintained.
 - (d) That notwithstanding Section 11.(3)(iii)(b), a minimum rear yard depth of 5.5 metres shall be provided and maintained.
 - (e) That notwithstanding Section 11.(5), no building or structure in an "E" District shall have a gross floor area greater than the area within the district of the lot on which it is situate, multiplied by the floor area ratio factor of 2.0.
 - (f) That notwithstanding Section 11.(6), for every building or structure there shall be provided and maintained on the same lot within the district an amount not less than 15% of the area of the lot on which the building or structure is situate, as landscaped area.
 - (g) That notwithstanding Section 18A.(7), every required parking space, except for a parallel parking space, shall have dimensions not less than 2.8 metres wide and 5.8 metres long.
 - (h) That notwithstanding Section 18A(1)(c), a loading space shall not be required.
3. That the 'H' symbol applicable to the lands referred to in Section 1 of this By-law, shall be removed conditional upon:
- a) The Holding Provision "E/S-1834-H" (Multiple Dwellings) District, Modified, Holding be removed conditional upon:
 - i) That the Owner submit and receive approval of a Transportation Assessment (Trip Generation Letter) prepared by a qualified Transportation Consultant, to the satisfaction of the Manager of Transportation Planning.
 - ii) That the Owner submit and receive approval of a revised Functional Servicing Report to demonstrate that the increased wastewater generated from the proposed development will not adversely impact

the hydraulic performance of the City's sanitary sewer system by completing a sanitary sewer analysis to demonstrate that there is residual capacity in the system to support the proposed development, to the satisfaction of the Director of Development Engineering.

- iii) That the Owner acknowledges they must enter into and register on title of the lands under the future Site Plan Control application, an External Works Agreement with the City for the design and construction of any required improvements to the municipal infrastructure at the owner's cost, as upgrades are required to the infrastructure to support this development, according to the Functional Servicing Report and Watermain Hydraulic Analysis Report accepted by the Director of Development Engineering.
 - iv) That the Owner submit and receive approval of a Pedestrian-Level Wind Study, to the satisfaction of the Manager of Heritage and Urban Design.
 - v) That the Owner submit and receive approval of a revised Tree Protection Plan before any development can occur on the site, to the satisfaction of the Director of Heritage and Urban Design. The resubmission is also to include the applicable Tree Protection Plan review fee payable to the City of Hamilton.
 - vi) That the applicant submit proof of a registered easement or consolidation of the subject lands and the adjacent property, known as 445 Rymal Road West and 1670 Garth Street, to the satisfaction of the Director of Development Planning.
 - vii) For the part of the property zoned "E/S-1701" (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, final approval of a Site Plan Amendment application shall be required, to the satisfaction of the Director of Heritage and Urban Design.
 - viii) For the part of the property zoned "E/S-1701" (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, if it is determined the proposed development does not comply with the current "E/S-1701" (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, a Minor Variance application shall be required, to the satisfaction of the Director of Development Planning.
4. 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 "E/S-1835-H" (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, Holding provisions, subject to the special requirements referred to in Section No. 2 and 3 of this By-law.

5. 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 14th day of February, 2024

A. Horwath
Mayor

J. Pilon
Acting City Clerk

ZAC-23-048



<p>This is Schedule "A" to By-law No. 24-</p> <p>Passed the day of, 2024</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> <h3 style="margin: 0;">Map forming Part of By-law No. 24-_____</h3> <h3 style="margin: 0;">to Amend By-law No. 6593</h3>	<p>Subject Property</p> <p>459 & 465 Rymal Road West</p> <p> Change the zoning from the "AA" (Agricultural) District to the "E/S-1835-H" (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, Holding</p>
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Scale: N.T.S	File Name/Number: ZAC-23-048	
Date: December 7, 2023	Planner/Technician: AB/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		