

**Authority:** Item ,  
Report (PED20060)  
CM:  
Ward: 8

**Bill No.**

## **CITY OF HAMILTON**

### **BY-LAW NO.**

#### **To Amend Zoning By-law No. 6593, Respecting Lands Located at 323 Rymal Road Concession Street, Hamilton**

**WHEREAS** the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Schedule 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Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 Item of Report 20- of the Planning Committee, at its meeting held on the 14<sup>th</sup> day of June 2020, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan;

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

1. That Sheet No. E18e of the District Maps appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by changing the zoning from "AA" (Agricultural) District, to the "DE-2/S-1798-H" (Multiple Dwellings) District, Modified, Holding on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

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2. That the "DE-2/S-1798-H" (Multiple Dwellings) District, Modified, provisions as contained within Section 10B of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following special requirements:
  - a) Notwithstanding Section 10B(3)(i)(b), for every multiple dwelling, a front yard of a depth of at least 3 metres.
  - b) Notwithstanding Section 10B(3)(ii)(b), for every other building or structure, a westerly side yard width of not less than 3 metres.
  - c) Notwithstanding Section 10B(3)(iii)(b), for every other building or structure, a rear yard of a depth of at least 15 metres.
  - d) Notwithstanding Section 18(3)(vi)(cc)(i) and (ii), the following provisions shall apply:
    - (i) A bay, balcony or dormer may project into a required front yard not more than 1.5 metres, provided that no such projection shall be closer to street line than 1.5 metres.
    - (ii) A bay, balcony or dormer may project into a required rear yard not more than 1.5 metres.
  - e) Notwithstanding Section 18A(1)(a) and Section 18A(1)(b) Table 1 and 2, a parking ratio of 1.23 spaces per dwelling unit shall be provided.
  - f) Section 18A(1)(c) shall not apply.
  - g) Section 18A(32) shall not apply.
  - h) Section 18A(33) shall not apply.
3. That the 'H' symbol applicable to the lands referred to in Section 1 of this By-law, shall be removed conditional upon:
  - i) The Owner achieving Ministry of the Environment Conservation and Parks (MECP) Noise Guidelines NPC-300 by screening the Turner Park Library HVAC equipment, and/or providing an updated Noise Feasibility Study which provides further evaluation of the Turner Park Library's HVAC, equipment to the satisfaction of the Director of Planning and Chief Planner; and,

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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 "DE-2/S-1798-H" (Multiple Dwellings) District, Modified, Holding, subject to the special requirements referred to in Section 2.
5. That Sheet No. E18e of the District Maps is amended by marking the lands referred to in Section 2 of the By-law as "DE-2/S-1798-H" (Multiple Dwellings) District, Modified, Holding.
6. 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 \_\_\_\_\_ , 2020.



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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

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<p style="text-align: center;">This is Schedule "A" to By-law No. 20-</p> <p style="text-align: center;">Passed the ..... day of ....., 2020</p>	<p style="text-align: center;">----- Mayor</p> <p style="text-align: center;">----- Clerk</p>			
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <h2 style="text-align: center;">Schedule "A"</h2> <p style="text-align: center;">Map Forming Part of By-law No. 20-_____</p> <p style="text-align: center;">to Amend By-law No. 6593</p> </div> <div style="width: 50%;"> <p><b>Subject Property</b> 323 Rymal Road East</p> <div style="display: flex; align-items: center;"> <p>Change in Zoning from the "AA" (Agricultural) District to the "DE-2/S-1798-H" (Multiple Dwelling) District, Modified, Holding</p> </div> </div> </div>				
<p><b>Scale:</b> N.T.S.</p>	<p><b>File Name/Number:</b> ZAC-19-031</p>		<p><b>Date:</b> Dec. 17, 2019</p>	<p><b>Planner/Technician:</b> JVR/NB</p>
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>				