

Authority: Item ,
Report
CM:
Ward: 8

Bill No.

CITY OF HAMILTON
BY-LAW NO.

To Amend Zoning By-law No. 05-200
with respect to lands located at 81 and 87 Rymal Road East, Hamilton

WHEREAS Council approved Item ___ of Report PED23216 of the Planning Committee, at its meeting held on December 5, 2023.

WHEREAS this By-law conforms to the Urban Hamilton Official Plan and,

NOW THEREFORE the Council of the City of Hamilton enacts Zoning By-law No. 05-200 as follows:

1. That Map No. 1395 of Schedule “A” – Zoning Maps is amended by adding the Transit Oriented Corridor Multiple Residential (TOC3, 874, H162) Zone for the lands known as 81 and 87 Rymal Road East as shown on Schedule “A” attached to this By-law.
2. The Schedule “C” – Special Exceptions is amended by adding the following new Special Exception:

“874. Within lands zoned Transit Oriented Corridor Multiple Residential (TOC3) Zone, identified on Map 1395 of Schedule “A” – Zoning Maps and described as 81 and 87 Rymal Road East, the following provisions shall apply:

- a) Notwithstanding Sections 11.3.1.1 i) 1., 11.3.2 e) ii), 11.3.2 e) iii), 11.3.2 f) v) and 4.9 a) the following regulations shall apply:

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| i) | Restriction of Uses
Within a Building | The finished floor elevation of any dwelling shall be a minimum 0.25 metres above grade. |
| ii) | Building Height | 1. Maximum 26.5 metres.
2. Minimum 10.3 metres. |

3. Notwithstanding 1. above, any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum yard requirement established in subsection iii) and v) below, when abutting a Residential or Institutional Zone, to a maximum of 26.5 metres.

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| iii) | Minimum Interior Side Yard | <p>1. 3.0 metres.</p> <p>2. Notwithstanding 1. above, 7.5 metres shall be required for any building exceeding 11.0 metres in height.</p> <p>3. Notwithstanding 1. and 2. above, a Minimum Interior Side Yard shall not be required for any portion of a property line abutting a Mixed Use Medium Density (C5) Zone.</p> |
| iv) | Built Form for New Development | Maximum of one 7.5 metre wide driveway shall be permitted for ingress and egress. |
| v) | Rear Yard | Minimum 4.5 metres. |
| vi) | Mechanical and Unitary Equipment | Shall be located within a required front yard, provided such equipment shall have a minimum setback of 1.0 metre from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping.” |

3. That Schedule “D” – Holding Provisions be amended by adding the following new Holding Provision:

“162” Notwithstanding Section 11.3 on lands zoned Transit Oriented Corridor Multiple Residential (TOC3, 874, H162) Zone, identified on Map 1395 of Schedule

“A” – Zoning Maps and described as 81 and 87 Rymal Road East, no development shall be permitted until such time as:

- i) That the properties municipally known as 81 and 87 Rymal Road East be merged in title, to the satisfaction of the Director of Planning and Chief Planner.
 - ii) That the Owner submit 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 a residual capacity in the system to support the proposed development, to the satisfaction of the Director of Development Engineering.
 - iii) That the Owner submit a Stormwater Management Report and design to demonstrate there is a suitable storm outlet for the proposed development, to the satisfaction of the Director of Development Engineering.
 - iv) That the Owner submit a Watermain Hydraulic Analysis identifying the modelled system pressures at pressure district level, under various boundary conditions and demand scenarios, to demonstrate that the municipal system can provide for required flows to support the proposed development, to the satisfaction of the Director of Development Engineering.
 - v) That That the Owner shall convey to the City, without cost and free of encumbrance, the road widening as shown on the DiCenzo Sobie Draft Plan of Subdivision 25T-87032 through a future Site Plan Control application, to the satisfaction of the Director of Development Engineering.
 - vi) That the Owner enter into and register on title of the lands, an External Works Agreement with the City, in accordance with the Functional Servicing Report and Watermain Hydraulic Analysis, for the design and construction of any required improvements to the municipal infrastructure including the DiCenzo Drive extension, at the Owner’s cost, as upgrades are required to the infrastructure to support the development, to the satisfaction of the Director of Development Engineering.
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 provisions of the Transit Oriented Corridor Multiple Residential (TOC3, 874, H162) Zone, subject to the special requirements referred to in Section Nos. 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 _____ , _____

A. Horwath
Mayor

J. Pilon
Acting City Clerk

ZAC-22-066



<p>This is Schedule "A" to By-law No. 23-</p> <p>Passed the day of, 2023</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<p>Schedule "A"</p> <p>Map forming Part of By-law No. 23-_____</p> <p>to Amend By-law No. 05-200 Map 1395</p>	<p>Subject Property</p> <p>81 & 87 Rymal Road East</p> <p> Lands to be added to Zoning By-law No. 05-200 as Transit Oriented Corridor Multiple Residential (TOC3, 874, H162) Zone</p>
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<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-22-066</p>	<p>Hamilton</p>
<p>Date: August 4, 2023</p>	<p>Planner/Technician: AB/VS</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		