

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. |

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| | | 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. |
| 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) The properties municipally known as 81 and 87 Rymal Road East shall be merged in title, to the satisfaction of the Director of Planning and Chief Planner.
- ii) The Owner shall 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 as well as any future intensification within the catchment, to the satisfaction of the Director of Development Engineering.
- iii) The Owner shall submit and receive approval of 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) The Owner shall submit and receive approval of 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) The Owner shall acknowledge and agree to convey and dedicate the ultimate right-of-way width for the DiCenzo Drive extension, in accordance with the current City standards and as shown on the Neighbourhood Plan, to the City without cost and free of encumbrance, through a future Site Plan Control application, to the satisfaction of the Director of Development Engineering.
- vi) The Owner shall enter into and register on title of the lands a Development Agreement, upon the City’s request, that outlines the Owner’s responsibility to pay their proportional share of the cost to complete the DiCenzo Drive extension including all municipal services and private service connection in accordance with City standards, to the satisfaction of the Director of Development Engineering.
- vii) The Owner shall submit and receive approval of a preliminary plan and profile drawing for the DiCenzo Drive extension, from the existing dead end to the west of Atessa Drive to Delta Drive, prepared by a qualified professional, to the satisfaction of the Director of Development Engineering, demonstrating the following items:
 1. The inverts of the municipal sewers that feasibly redirect storm and sanitary flows from the interim to the ultimate servicing scenario;

2. The preliminary vertical alignment for the DiCenzo Drive extension complies with the City’s criteria noted in the current City Development Guidelines;
 3. How the proponent is meeting the existing grades at the existing commercial development adjacent to the west property line (55 Rymal Road East); and,
 4. How the preliminary centreline elevations provide for the required cover to facilitate extension of the existing storm and sanitary sewers on DiCenzo Drive to provide for the ultimate storm (minor and major) and sanitary outlets for the property.
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. 24- Passed the day of 2024.</p>	<p>----- Mayor ----- Clerk</p>		
<p>Schedule "A"</p> <p>Map forming Part of By-law No. 24-____</p> <p>to Amend By-law No. 05-200 Map 1395</p>	<p>Subject Property 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>		
<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-22-066</p>		
<p>Date: August 4, 2023</p>	<p>Planner/Technician: AB/VS</p>	<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	