

**Authority:** Item 5, Planning Committee **Report 23-016 (PED23206)**

CM: October 11, 2023 Ward: 9

Written approval for this by-law was given by Mayoral Decision MDE-2023-04 dated October 11, 2023

**Bill No. 186**

## **CITY OF HAMILTON**

### **BY-LAW NO. 23-**

#### **To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands Located at 1898 and 1900 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 lawful successor to certain area municipalities, including the former area municipality known as “The Corporation of the Township of Glanbrook” 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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. 464 (Glanbrook) was enacted on the 16<sup>th</sup> day of March, 1992, and approved by the Ontario Land Tribunal on the 31<sup>st</sup> day of May 1993;

**AND WHEREAS** Council, in adopting Item 5 of Report 23-016 of the Planning Committee at its meeting held on the 11<sup>th</sup> day of October, 2023, recommended that Zoning By-law No. 464 (Glanbrook), 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 amends Zoning By-law No. 464 (Glanbrook) as follows:

1. That Schedule “H”, appended to and forming part of By-law No. 464 (Glanbrook), be amended as follows:
  - (a) by changing the zoning from General Agricultural “A1” Zone to Residential Multiple – Holding “H-RM2-328” Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That SECTION 44: EXCEPTIONS TO THE PROVISIONS OF THIS BY-LAW, be amended by adding the following exceptions:

**“H-RM2-328 1898 and 1900 Rymal Road East**

Notwithstanding SECTION 18: RESIDENTIAL MULTIPLE “RM2” ZONE, Subsection 18.1 - PERMITTED USES, the uses permitted on lands zoned “RM2-328” shall be limited to:

- (a) Street Townhouse Dwelling which includes but not limited to individual townhouse lots having frontage on or otherwise tied to a public road or condominium road;
- (b) Uses, buildings and structures accessory to the uses described in Paragraphs (a).

Notwithstanding the regulations of Zoning By-law No. 464, is further amended by modifying SECTION 18.2 – REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 18.1 (STREET TOWNHOUSE DWELLINGS), provisions (a), (b), (c), (d), (e)(ii), (f), (i), and (k)(ii):

- 18.2 (a) Minimum Lot Frontage: .....5.9 metres per dwelling unit
  - (i) For a dwelling end unit which does not abut a flanking street, the minimum lot frontage shall be 6.5 metres; and,
  - (ii) On a corner lot, the minimum lot frontage for an end dwelling unit adjacent to the flanking street shall be 6.5 metres
- (b) Minimum Lot Area: .....130 square metres per dwelling unit, except:
  - (i) On an end lot which does not abut a flanking street, the minimum lot area shall be 175 square metres; and
  - (ii) On a corner lot which abuts a flanking street, the minimum lot area shall be 165 square metres.
- (c) Maximum Lot Coverage: .....55 percent
- (d) Minimum Front Yard:
  - (i) 4.0 metres, except a garage that faces a front lot line shall have a minimum front yard setback of 6.0 metres; and,

- (ii) Notwithstanding (d) (i) of this by-law, a minimum 1.65 metres for a corner lot except a garage that faces a front lot line shall have a minimum front yard setback of 6.0 metres.
  
- (e) Minimum Side Yard:
  - (ii) End dwelling unit on a corner lot abutting a flanking street .....0.7 metres
  
- (f) Minimum Rear Yard: .....6.0 metres
  
- (i) Minimum Landscape Area: ..... 20 percent of the lot area
  
- (h) Maximum Height: ..... 10.7 metres
  - (i) Notwithstanding (h) of this by-law, townhouse units located along the frontage of Rymal Road East to a depth of 30 metres shall be permitted a maximum height of 11.6 metres.
  
- (k) Dwelling Unit Placement
  - (ii) Not more than eight (8) attached dwelling units shall be erected in a row without offsetting or staggering the front face or wall of the dwelling or without varying the exterior design and materials of the front face or wall of the dwelling.

That for the purposes of this By-law, the following definitions shall apply:

- (a) Notwithstanding Section 4 - Definition as it relates to "Lot", individual dwelling unit lots may be created by registration of a condominium plan or created by Part Lot Control or Draft Plan of Subdivision and shall be permitted to front on a private condominium road other than a street.

Notwithstanding the regulations of SECTION 7: GENERAL PROVISIONS FOR ALL ZONES, Sub-section 7.26 ENCROACHMENT INTO YARDS – Clause (b) the following special provision shall apply:

- (b) Balconies, canopies, fruit cellars or unenclosed porches which may project into any required front or rear yard a distance of not more than 3.0 metres.

3. The "H" symbol may be removed by a further amendment to this By-law at such time as the following matter is satisfied:

- i. That the owner submits and receives approval of a Transportation Impact Study to the satisfaction of the Manager, Transportation Planning;

- ii. That the Owner submits and receives approval of a Watermain Hydraulic Analysis, to the satisfaction of the Director of Growth Management and Chief Development Engineer;
  - iii. That the Owner submits a revised Tree Protection Plan addressing the protection of the trees and finalizes the justification for the removal of the identified trees, including submission of written confirmation from the abutting owners 55 and 63 Bocelli Crescent and 11 Enclave Place for permission to encroach into the dripline of “Tree A, B, C, H and P”, to the satisfaction of the Director of Planning and Chief Planner. The resubmission is to include the applicable Tree Protection Plan review fee payable to the City of Hamilton.
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 Residential Multiple “H-RM2-328” Zone provisions, subject to the special requirements as referred to in Section 2, 3 and 4 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 11<sup>th</sup> day of October, 2023.

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A. Horwath  
Mayor

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J. Pilon  
Acting City Clerk

ZAC-23-036



This is Schedule "A" to By-law No. 23-  Passed the ..... day of ....., 2023	----- Mayor  ----- Clerk
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<h2>Schedule "A"</h2>  <h3>Map forming Part of By-law No. 23-_____</h3>  <h3>to Amend By-law No. 6593</h3>	<p><b>Subject Property</b>                  1898 and 1900 Rymal Road East</p> <p> Change in zoning from the General Agricultural "A1" Zone to the Residential Multiple – Holding "H-RM2-328" Zone, Modified</p>
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Scale: N.T.S.	File Name/Number: ZAC-23-036	
Date: September 8, 2023	Planner/Technician: MF/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		