

Authority: Item 8, Planning Committee
Report 16- 021 (PED16226)
CM: December 14, 2016

Bill No. 008

CITY OF HAMILTON

BY-LAW NO. 17-008

**To Amend Zoning By-law No. 6593, as amended
by By-laws No(s). 86-273, 90-306, and 98-115
Respecting Lands located at 55 Rymal Road East
(Hamilton)**

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 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 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 8 of Report 16-021 of the Planning Committee at its meeting held on the 14th day of December 2016, which recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. 67;

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

1. That Sheet No. E-9D of the District Maps is amended to and forming part of By-law No. 6593 (Hamilton), is amended as follows:
 - (a) By changing the zoning from the “C/S-980” (Urban Protected Residential, etc.) District, Modified, to the “R-4/S-1744” – ‘H1’, ‘H2’ (Small Lot Single Family Dwelling - Holding) District, Modified, (Block 2); and,
 - (b) By changing the zoning from the “C/S-980a” (Urban Protected Residential, etc.) District, Modified, to the “R-4/S-1744” – ‘H1’, ‘H2’ (Small Lot Single Family Dwelling - Holding) District, Modified, (Block 3); and,
 - (c) By changing the zoning from the “HH/S-1398” (Restricted Community Shopping and Commercial) District, Modified to the “HH/S-1398a” (Restricted Community Shopping and Commercial) District, Modified (Block 4);
2. That the “R-4” (Small Lot Single Family Dwelling) District regulations as contained in Section 9A of Zoning By-law No. 6593, applicable to the lands comprised of Block 2 and Block 3 are further modified to include the following special requirements:
 - (a) In addition to the uses permitted in the Section 9A(1), the storing of vehicles for an automotive dealership on Block 4 shall be permitted;
 - (b) Notwithstanding Section 9A(2)(c)(1), every lot or tract of land within the “R-4/S-1744” District for a single family dwelling shall have an average lot width of not less than 10.0 metres and an average lot area of not less than 303 square metres.
 - (c) Notwithstanding Sections 18(3)(ivc)(b) and (c), 18A (11), and 18A (12), an area landscaped with a planting strip not less than 3.0 metres in width, with a visual barrier being 2.0 metres in height shall be required only for the storing of vehicles for the automotive dealership on Block 4, and provided along the westerly limits of Block 2, the easterly limits of Block 3, and the northerly limits of Block 2 and Block 3;
 - (d) Notwithstanding Section 18(A)(30), parking lots shall be designed and maintained with stable surfaces such as asphalt, concrete or other hard-surfaced material;
 - (e) For the purposes of this By-law, a Planting Strip shall be defined as:

Planting Strip: means an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a visual barrier or buffer, and shall include light standards.

(f) For the purposes of this By-law, Section 18A(24) (b) (iv) shall not apply.

3. That the “HH” (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593, applicable to the lands comprised of Block 4, are modified to include the following special requirements:

(g) Notwithstanding Section 18A(1)(d) and Table 4, no loading spaces shall be required for commercial uses in a building having a gross floor area between 1,850 square metres and 7,400 square metres;

(h) Notwithstanding Sections 14(A)(7)(a), 18(3)(iv)(b) and (c), 18A (11) and 18A (12), for every parking area and loading space on a lot containing five or more parking spaces located on the surface of a lot adjoining a residential use, there shall be provided and maintained, between the boundary of the parking area and the residential use, an area landscaped with a planting strip not less than 1.5 metres in width, with a visual barrier being 2.0 metres in height;

(i) For the purposes of this By-law, Section 18A(24)(b)(iv) shall not apply;

(j) For the purposes of this By-law, a Planting Strip shall be defined as:

Planting Strip: means an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a visual barrier or buffer, and shall include light standards.

(k) For the purposes of this By-law, a Landscaped Strip shall be defined as:

Landscaped Area:

(i) shall mean an area of land provided and maintained on the same lot on which the building or structure is situated and shall include light standards and signage. No part of the Landscaped Area shall be other than:

- (a) fully and completely open and exposed to natural light and air and unobstructed above the surface, and,
 - (b) used exclusively for scenic, recreational or like uses, and
 - (c) not less than 50% of which shall be natural earth comprised of the natural planting of grass lawns, trees, shrubs and flowers in such manner as to establish and enhance the beautification of the landscaped area and any building or structure on the same lot, and may include a planting strip.
- (ii) In addition to the provisions of 3(k)(i), signage in a landscaped area shall only be permitted in the front yard.
 - (iii) and shall not include area used for parking space, manoeuvring space, access or egress driveways or any other vehicular purpose of any kind, nor any area occupied by an accessory building, nor any open space beneath, within or on the roof of any building except where permitted in a district.”
4. That the 'H1' symbol applicable to the lands referred to in Sections 1 (a) and 1 (b) of this By-law shall be removed conditional upon:
- (i) That the Owner dedicate Block 1 to the City of Hamilton for the purposes of a future public road allowance, to the satisfaction of the Senior Director of Growth Management;
 - (ii) That a 0.3 m reserve be established along the northerly limits of Block 2 and Block 3, to the satisfaction of the Director of Planning and Chief Planner; and,
 - (iii) That the applicant receives final approval of a Site Plan Control Application, to the satisfaction of the Director of Planning and Chief Planner.

City Council may remove the “H” symbol, and thereby give effect to the “R-4/S-1744” (Small Lot Single Family Dwelling) District, Modified, as amended by the special requirements of Section 2 as stipulated in this By-law, by enactment of an amending By-law once the above conditions have been fulfilled.

5. That the 'H2' symbol applicable to the lands referred to in Sections 1 (a) and 1 (b) of this By-law shall prohibit all permitted uses, except a public garage limited to the storing of vehicles for the automotive dealership existing on the date of

passing of this By-law on 55 Rymal Road East; and shall be removed conditional upon:

- (i) the Owner pays their proportional share for the future urbanization of Dicenzo Drive based on the City's New Roads Servicing Rate, in effect at the time of payment, to the satisfaction of the Senior Director, Growth Management.
- (ii) the applicant submits a signed Record of Site Condition (RSC) to and acknowledged by, the Ministry of Environment and Climate Change (MOECC), to the satisfaction of the Director of Planning and Chief Planner.

City Council may remove the "H" symbol, and thereby give effect to the "R-4/S-1744" (Small Lot Single Family Dwelling) District, Modified, as amended by the special requirements of Section 2 as stipulated in this By-law, by enactment of an amending By-law once the above conditions have been fulfilled.

6. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1744 and S-1398a.
7. That Sheet No. E-9D of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1744 (Block 2 and Block 3) and S-1398a (Block 4).
8. 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 "R-4/S-1744" (Small Lot Single Family Dwelling) District, Modified, and "HH/S-1398a" (Restricted Community Shopping and Commercial) District, Modified, subject to the special requirements referred to in Sections 2, 3 and 4 of this By-law.
9. 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 25th day of January, 2017.

F. Eisenberger
Mayor

R. Caterini
City Clerk



This is Schedule "A" to By-law No. 17- Passed the day of, 2017		----- Mayor ----- Clerk
<h2 style="margin: 0;">Schedule "A"</h2> <h3 style="margin: 0;">Map Forming Part of By-law No. 17-_____</h3> <h3 style="margin: 0;">to Amend By-law No. 6593</h3>		<p>Subject Property 55 Rymal Road East</p> <ul style="list-style-type: none"> Block 1 - Refer to By-law No. 6593 (Other lands owned by same owner) Block 2 - Change in zoning from the "C/S-980" (Urban Protected Residential, etc.) District, Modified to the "R-4/S-1744" - 'H1', 'H2' (Small Lot Single Family Dwelling - Holding) District, Modified Block 3 - Change in zoning from the "C/S-980a" (Urban Protected Residential, etc.) District, Modified to the "R-4/S-1744" - 'H1', 'H2' (Small Lot Single Family Dwelling - Holding) District, Modified Block 4 - Change in zoning from the "HH/S-1398" (Restricted Community Shopping and Commercial) District, Modified to the "HH/S-1398a" (Restricted Community Shopping and Commercial) District, Modified
Scale: N.T.S.	File Name/Number: ZAC-16-010/UHOPA-16-002	
Date: Jan. 12, 2017	Planner/Technician: RC/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		