

Authority: Item 5, Planning Committee Report 23-019 (PED23232)

CM: November 22, 2023 Ward: 11

Written approval for this by-law was given by Mayoral Decision MDE-2023 10 dated November 22, 2023

Bill No. 219

**CITY OF HAMILTON
BY-LAW NO. 23-219**

**To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands Located at 2080 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 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 Zoning By-law No. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Land Tribunal on the 31st day of May, 1993;

AND WHEREAS Council, in adopting Item 5 of Report 23-019 of the Planning Committee at its meeting held on the 22nd day of November, 2023, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. 195.

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 Zoning By-law No. 464 (Glanbrook) is amended as follows:
 - (a) by changing the zoning from Residential Multiple "RM2-182" Zone, Modified to Residential Multiple "RM3-323" Zone, Modified (shown as Block 1 on Schedule "A");
 - (b) by changing the zoning from Residential Multiple "RM2-173" Zone, Modified to Residential Multiple "RM4-325" Zone, Modified (shown as Block 2 on Schedule "A");

- (c) by changing the zoning from Institutional "I-173" Zone, Modified to Residential Multiple "RM4-325" Zone, Modified (shown as Block 3 on Schedule "A");
- (d) by changing the zoning from Residential Multiple "RM2-173" Zone, Modified to Residential Multiple "RM3-324" Zone, Modified (shown as Block 4 on Schedule "A");
- (e) by changing the zoning from Institutional "I-173" Zone, Modified to Residential Multiple "RM3-324" Zone, Modified (shown as Block 5 on Schedule "A");
- (f) by changing the zoning from Residential Multiple "RM2-182" Zone, Modified to Residential Multiple "RM3-324" Zone, Modified (shown as Block 6 on Schedule "A");
- (g) by changing the zoning from Residential "R4-173(B)" Zone, Modified to Residential Multiple "RM3-324" Zone, Modified (shown as Block 7 on Schedule "A"); and,
- (h) by changing the zoning from the Residential "R4-182" Zone, Modified to Residential Multiple "RM3-324" Zone, Modified (shown as Block 8 on Schedule "A");

For the lands known as 2080 Rymal Road East, the extent and boundaries of which are shown on Schedule "A" to this By-law.

2. That SECTION 44: EXCEPTIONS TO THE PROVISIONS OF THIS BY-LAW, be amended as follows:

"RM3-323" – 2080 Rymal Road East (Block 1)

1. In addition to SECTION 4: DEFINITIONS, that for the purposes of the Residential Multiple "RM3-323" Zone, Modified, the following definitions shall also apply:
- (a) That all exterior lot/block lines shall be deemed to be the lot lines, and regulations including but not limited to lot area, lot frontage, lot coverage, building setbacks, landscaped areas, parking requirements and accessory buildings, shall be from the exterior boundaries of the townhouse block according to the unregistered final plan of subdivision and not from individual properties or boundaries created by registration of a condominium plan, through a Consent or created by Part Lot Control.
 - (b) That Notwithstanding the Definition of Front Yard – Kingsborough Drive shall be deemed the Front Yard for the purposes of determining the Front Yard.

2. In addition to the regulations of SECTION 7: GENERAL PROVISIONS FOR ALL ZONES, Subsection 7.23 – SPECIAL SETBACK REQUIREMENTS FROM STREETS, shall not apply.
3. Notwithstanding the regulations of SUBSECTION 7.35 MINIMUM PARKING REQUIREMENTS, Clauses (a)(vi), (a)(vii), (a)(xii), and (a)(xiii), the following provisions shall apply:
 - (a) No direct access shall be provided to each parking space within a garage.
 - (b) Minimum Parking Space Size 3.0 metres x 5.8 metres.
 - (d) A minimum 1.45 metres wide landscaped area shall be provided adjacent to Kingsborough Drive. A minimum 2.6 metres wide landscaped area shall be provided along the Hypotenuse of the Daylight Triangle.
4. Notwithstanding SECTION 19: RESIDENTIAL MULTIPLE “RM3” Zone, Subsection 19.2 – REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 19.1, Clauses (c), (d), (f), (g), (j), (m), and (n)(ii), the following regulations shall apply for the lands zoned Residential Multiple “RM3-323” Zone, Modified:
 - (c) Maximum Lot Coverage.....33 percent
 - (d) Maximum Density.....43 dwelling units per hectare
 - (f) Minimum Side and Rear Yards
 - (i) Side Yard.....2.5 metres
 - (ii) Rear Yard.....7.1 metres
 - (iii) Exterior Side Yard.....7.6 metres
 - (g) Minimum Separation Distance.....2 metres between two end units
 - (j) Minimum Landscaped Area.....36 percent of the lot area
 - (m) Minimum Amenity AreaN/A
 - (n) Minimum Parking Requirements
 - (ii) No parking space or area shall be located closer to a street line than 1.45 metres.

“RM3-324” – 2080 Rymal Road East (Blocks 4, 5, 6, 7 and 8)

1. In addition to SECTION 4: DEFINITIONS, that for the purposes of the Residential Multiple “RM3-324” Zone, Modified, the following definitions shall also apply:

- (a) That all exterior lot/block lines shall be deemed to be the lot lines, and regulations including but not limited to lot area, lot frontage, lot coverage, building setbacks, landscaped areas, parking requirements and accessory buildings, shall be from the exterior boundaries of the townhouse block according to the unregistered final plan of subdivision and not from individual properties or boundaries created by registration of a condominium plan, through a Consent or created by Part Lot Control.
 - (b) That Notwithstanding the Definition of Front Lot Line, Citadella Drive shall be considered the Front Lot Line.
 - (c) That Notwithstanding the Definition of Rear Lot Line, Bellagio Avenue shall be considered the Rear Lot Line.
 - (d) That Notwithstanding the Definitions of Interior Side Lot Line and Exterior Side Lot Line, all other Lot Lines shall be considered Side Lot Lines.
2. In addition to the regulations of SECTION 7: GENERAL PROVISIONS FOR ALL ZONES, Subsection 7.23 – SPECIAL SETBACK REQUIREMENTS FROM STREETS, shall not apply.
3. Notwithstanding the regulations of SUBSECTION 7.35 MINIMUM PARKING REQUIREMENTS, Clauses (a)(vi), (a)(vii), (a)(xii), and (a)(xiii), and (b) the following provisions shall apply:
 - (a) No direct access shall be provided to each parking space within a garage.
 - (b) Minimum Parking Space Size 3.0 metres x 5.8 metres.
 - (c) A minimum Landscaped Area width of 2 metres, which may include a sidewalk shall be provided abutting a Residential Zone.
 - (d) 2 spaces for each dwelling unit plus 0.3 visitor parking spaces per unit shall be required.
4. Notwithstanding SECTION 19: RESIDENTIAL MULTIPLE “RM3” ZONE, Subsection 19.1 PERMITTED USES for those lands zoned “RM3-324”, Zone, Modified, by this By-law, only the following uses shall be permitted:
 - (a) Block Townhouse Dwelling.
 - (b) Back-to-back Townhouse Dwelling.
 - (c) Uses, buildings and structures accessory thereto.
5. In addition to the definitions of SECTION 4: DEFINITIONS, the following definition shall apply:

“DWELLING, BACK TO BACK TOWNHOUSE” shall mean a building containing a minimum of eight and no more than 16 dwelling units that is divided vertically and where each unit is divided by common walls, including a common rear wall without a rear yard setback, and whereby each unit has an independent entrance to the unit at grade.

6. Notwithstanding SECTION 19: RESIDENTIAL MULTIPLE “RM3” Zone, Subsection 19.2 – REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 19.1, Clauses (c), (d), (e), (f), (g), (i), (j), and (m), the following regulations shall apply for uses listed in subsection 2 above, for the lands zoned Residential Multiple “RM3-324” Zone, Modified:

(c)	Maximum Lot Coverage.....	31 percent
(d)	Maximum Density.....	43 dwelling units per hectare
(e)	Minimum Front Yard.....	5.0 metres
(f)	Minimum Side and Rear Yards	
(i)	Side Yard (easterly).....	7.4 metres
(ii)	Side Yard (westerly) for buildings 12, 16 and 17..... of Special Figure 3 of Section 50	2.0 metres
(iii)	Side Yard (westerly) for buildings 25, 26 and 27..... of Special Figure 3 of Section 50	7.7 metres
	Side Yard (abutting Block 3).....	1.75 metres
(ii)	Rear Yard.....	3.5 metres
(g)	Minimum Separation Distance.....	2 metres between two end units
(i)	Maximum Height.....	12.0 metres
	Maximum Height abutting Easterly Property Line.....	10.7 metres
(j)	Minimum Landscaped Area.....	34 percent of the lot area
(m)	Minimum Amenity Area	N/A

“RM4-325” – 2080 Rymal Road East (Blocks 2 and 3)

1. Notwithstanding the regulations of SUBSECTION 7.35 MINIMUM PARKING REQUIREMENTS, Clause (b) the following provisions shall apply:
- (a) 1.05 spaces per residential unit, inclusive of visitor parking.

2. Notwithstanding SECTION 20: RESIDENTIAL MULTIPLE “RM4” Zone, Subsection 20.2 – REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 20.1, Clauses (e), (f), (g), and (i) the following for the lands zoned Residential Multiple “RM4-325” Zone, Modified:
- (e) Maximum Density.....127 dwelling units per hectare
 - (f) Minimum Front Yard.....11 metres
 - (g) Minimum Side and Rear Yards
 - (i) Exterior Side Yard.....4.5 metres
 - (ii) Side Yard.....35.0 metres
 - (iii) Rear Yard.....27.3 metres
 - (i) Maximum Height.....22.0 metres
3. That SECTION 50: SPECIAL FIGURES, be amended by adding Figure 3: 2080 Rymal Road.
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 “RM3-323” Zone, Modified, the Residential Multiple “RM3-324” Zone, Modified, and the Residential Multiple “RM4-325” Zone, Modified provisions, subject to the special requirements as referred to in Sections 2 and 3 of this By-law.
5. 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 22nd day of November, 2023.

A. Horwath
Mayor

J. Pilon
Acting City Clerk



This is Schedule "A" to By-law No. 23-_____

Passed the day of, 2023










 Mayor

 Clerk

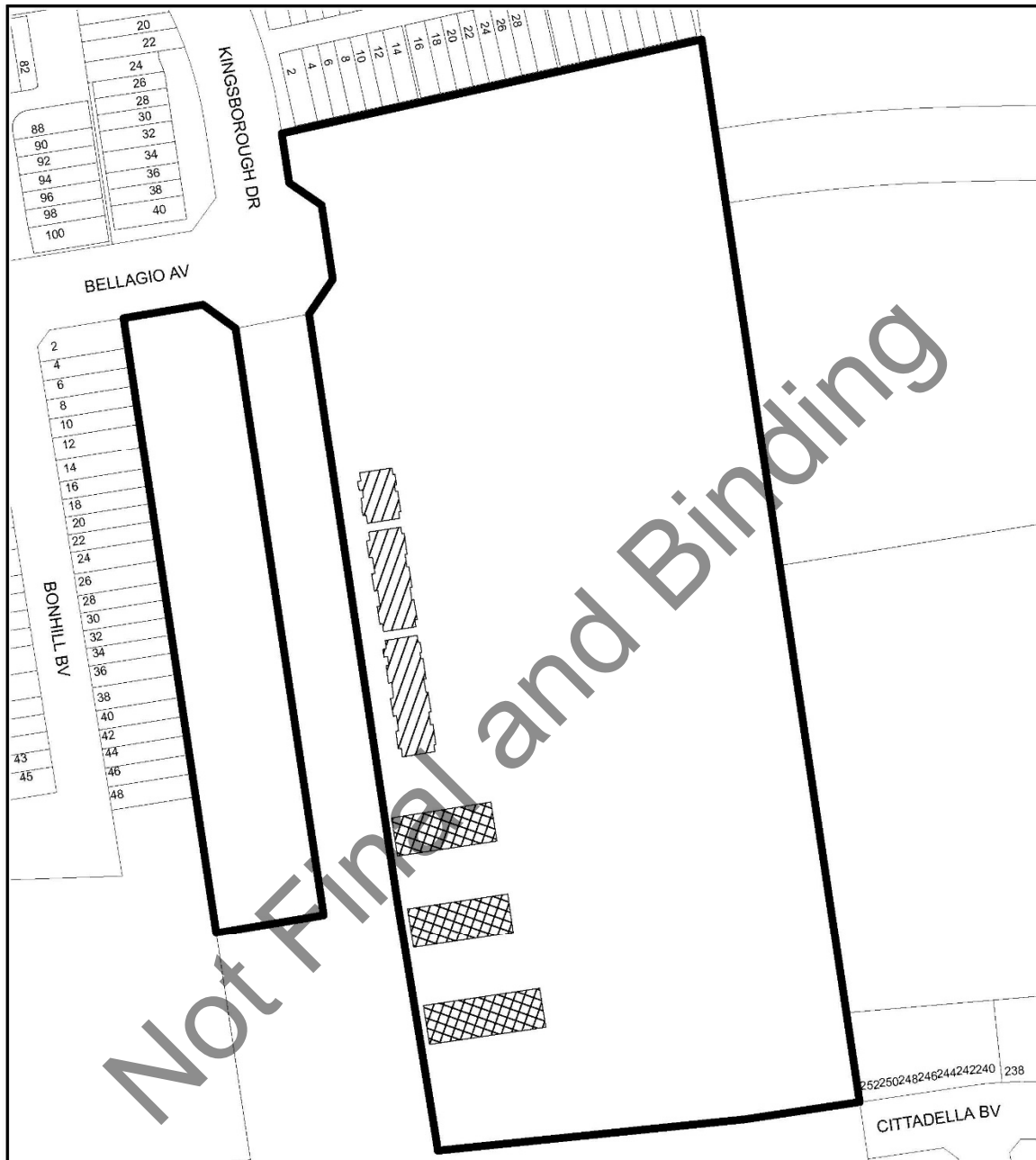
Schedule "A"

Map forming Part of
 By-law No. 23-_____

to Amend By-law No. 6593

- Subject Property**
 2080 Rymal Road East
-  Block 1 - Change in Zoning from the Residential Multiple "RM2-182" Zone, Modified to the "Residential Multiple "RM3-323" Zone, Modified
 -  Block 2 - Change in Zoning from the Residential Multiple "RM2-173" Zone, Modified to the "Residential Multiple "RM4-325" Zone, Modified
 -  Block 3 - Change in Zoning from the Institutional "I-173" Zone, Modified to the "Residential Multiple "RM4-325" Zone, Modified
 -  Block 4 - Change in Zoning from Residential Multiple "RM2-173" Zone, Modified, to the Residential Multiple "RM3-324" Zone, Modified
 -  Block 5 - Change in Zoning from the Institutional "I-173" Zone, Modified to Residential Multiple "RM3-324" Zone, Modified
 -  Block 6 - Change in Zoning from the Residential Multiple "RM2-182" Zone, Modified to the Residential Multiple "RM3-324" Zone, Modified
 -  Block 7 - Change in Zoning from the Residential "R4-173(B)" Zone, Modified to the Residential Multiple "RM3-324" Zone, Modified
 -  Block 8 - Change in Zoning from the Residential "R4-182" Zone, Modified to the Residential Multiple "RM3-324" Zone, Modified
 -  Refer to By-law No. 05-200


Scale: N.T.S	File Name/Number: ZAC-20-015 & UHOPA-20-011 & 25T-200303R	 Hamilton
Date: October 2, 2023	Planner/Technician: JV/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		




Special Figure 3: 2080 Rymal Road East

Date:
 October 30, 2023

Legend

-  2080 Rymal Road East
-  Buildings 25, 26 & 27, 7.7 metre setback

-  Buildings 12, 16 & 17, 2 metre setback

