

Bill No. 137

CITY OF HAMILTON

BY-LAW NO. 21-137

**To Amend Zoning By-law No. 90-145-Z (Flamborough),
Respecting Lands Located at 10, 39 and 40 Mallard Trail and 488 Dundas Street
East (Flamborough)**

WHEREAS the *City of Hamilton Act 1999*, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Town of Flamborough" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

WHEREAS the *City of Hamilton Act, 1999* provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

WHEREAS Zoning By-law No. 90-145-Z (Flamborough) was enacted on the 5th day of November 1990, and approved by the Ontario Municipal Board on the 21st day of December, 1992;

WHEREAS the Council of the City of Hamilton, in adopting Item 9 of Report 21-011 of the Planning Committee, at its meeting held on the 9th day of July, 2021, recommended that Zoning By-law No. 90-145-Z (Flamborough), be amended as hereinafter provided;

WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment 154;

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

1. For the purposes of this By-law, By-law No. 14-099 (Urban Commercial "UC-13" Zone) shall apply to Blocks 1, 2a and 2b of this By-law.
2. That the Urban Commercial "UC-13" Zone regulations, as contained in By-law No. 14-099, be further amended to include the following special requirements:

"17.3.13 UC-13" (Block 1)

In addition to By-law No. 14-099, the following provisions shall apply:
Permitted Uses

- (a) That all uses permitted by Section 17.1, except residential, shall count towards the minimum retail and service commercial total gross floor area calculation built out on the first and second floor.
- (b) Ground floor accessory/associated uses such as fitness rooms, amenity areas and access to residential uses above.

That Sections 17.3.13 (l), (m) and (q) of By-law No. 14-099 be deleted and replaced with the following:

- (l) Gross Floor Area
 - (i) Minimum of 1,256 sq m of retail and service commercial floor space is to be provided within the lands zoned UC-13 (Mixed-Use Medium – Retail Main Street Zone).
 - (ii) The distribution of the minimum gross floor area shall be provided as follows:
 - 10 Mallard Trail: minimum 306 sq m.
 - 40 Mallard Trail: minimum 950 sq m.
- (m) Gross Floor Area
 - Maximum GFA for retail and service commercial uses shall not exceed a total of 25,000 sq m when combined with the GFA of the UC-12 Zone (Mixed-Use Medium) and UC-14 Zone (District Commercial Zone), exclusive of office and service commercial uses above the ground floor.
- (q) Notwithstanding Section 5.21, any commercial use at grade shall be exempt from the applicable parking requirement.

“17.3.13 UC-13” (Block 2a)

In addition to By-law No.14-099, the following provisions shall apply:

Permitted Uses

- (a) That all uses permitted by Section 17.1, except residential, shall count towards the minimum retail and service commercial total gross floor area calculation built out on the first and second floor.

- (b) Ground floor accessory/associated uses such as fitness rooms, amenity areas and access to residential uses above.

Zone Provisions

- (a) Notwithstanding Sections 5.21.1 and 5.21.3, Parking spaces for disabled persons shall be designated and provided as part of the required parking spaces in accordance with the following requirements: 1.25 parking space, including visitor parking spaces, shall be provided per apartment dwelling unit and may be provided across zone limits.
- (b) Notwithstanding Subsection 5.13.1 (a) and (b), one (1) loading space, which shall also be permitted to be used for waste collection, shall be provided for all buildings in this development across zone limits.
- (c) Notwithstanding Subsection 5.4.2 (b) "Dwelling Unit Area (Minimum)", a minimum gross floor area of 46 square metres shall be provided for bachelor and one bedroom dwelling units and a minimum gross floor area of 63 square metres shall be provided for two or more bedroom dwelling units.
- (d) Notwithstanding Subsection 5.21.5 (f) "Location of Parking on a Lot", parking shall be permitted to be located in a yard abutting a street.
- (e) Notwithstanding Subsection 5.21.6.b) driveways with two- way vehicular movement shall have a minimum unobstructed width of not less than 6.0 metres.
- (f) Notwithstanding Subsection 5.21.11 (b) "Enclosed Parking", any enclosed parking structure below grade or less than 1.2 metres above grade shall be set back a minimum of 0.7 metres from each lot line except 0.0 metres from the lot line at the hypotenuse of the daylight triangle at the corner of Dundas Street East and Mallard Trail.
- (g) All parking spaces and access for this development shall be permitted to be used by all uses proposed for this development and may be provided across zone limits.
- (h) The regulations of Section 5.16.2 "Lots with More than One Zone" shall not apply.
- (i) Section 5.20 (d) of Flamborough Zoning By-law No. 90-145-Z shall not apply.

That Sections 17.3.13 (h), (l), (m), and (q) of By-law No. 14-099 be deleted and replaced with the following provisions :

- (h) A maximum exterior side yard shall not be required to the Valley Trail Place exterior side lot line and to the exterior side lot line at the hypotenuse of the daylight triangle at the corner of Valley Trail Place.

- (l) Gross Floor Area Minimum of 306 sq m of retail and service commercial floor space is to be provided within the lands zoned UC-13 (Mixed-Use Medium – Retail Main Street Zone).
- (m) Gross Floor Area Maximum GFA for retail and service commercial uses shall not exceed a total of 25,000 sq m when combined with the GFA of the UC-12 Zone (Mixed-Use Medium) and UC-14 Zone (District Commercial Zone), exclusive of office and service commercial uses above the ground floor.
- (q) Notwithstanding Section 5.21, any commercial use at grade shall be exempt from the applicable parking requirement.

“17.3.13 UC-13” Zone (Block 2b)

In addition to By-law No.14-099, the following provisions shall apply:

Permitted Uses

- (a) Notwithstanding Section 17.1(b), apartment units shall be permitted however, they shall not be located within the first/ground floor, except for access, accessory office, utility areas and fitness rooms.
- (b) That all uses permitted by Section 17.1, except residential, shall count towards the minimum retail and service commercial total gross floor area calculation built out on the first and second floor.
- (c) Planting Strip – General Provisions Section 5.12.2(a) shall not apply.
- (d) Notwithstanding Subsection 5.21.5 (f) “Location of Parking on a Lot”, parking shall be permitted to be located in a yard abutting a street.
- (e) Notwithstanding Subsection 5.21.6.b) driveways with two- way vehicular movement shall have a minimum unobstructed width of not less than 6.0 metres.
- (f) In addition to Section 5.13, a loading space shall also be permitted to be used for waste collection.
- (g) In addition to the definition of “Planting Strip” in Section 3 of Flamborough Zoning By-law No. 90-145-Z, a “transformer” shall be permitted within a planting strip.

That Sections 17.3.13 (g), (i), (l), (m) and (q) of By-law No. 14-099 be deleted and replaced with the following regulations:

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|--------------------------------------|---|
| (g) Interior Side Yard
(maximum): | 3.5 metres, except for the side yard related to the common wall of a Live-Work Unit, in which case a minimum side yard of 0.0 metres shall be provided. |
| (i) Planting Strip
(minimum): | A planting strip shall not be required between Mallard Trail and the parking spaces. |
| (l) Gross Floor Area | Minimum of 418 sq m of retail and service commercial floor space is to be provided within the lands zoned UC-13 (Mixed-Use Medium – Retail Main Street Zone). |
| (m) Gross Floor Area | Maximum GFA for retail and service commercial uses shall not exceed a total of 25,000 sq m when combined with the GFA of the UC-12 Zone (Mixed-Use Medium) and UC-14 Zone (District Commercial Zone), exclusive of office and service commercial uses above the ground floor. |
- (q) Notwithstanding Section 5.21, any commercial use at grade shall be exempt from the applicable parking requirement.
3. That the amending By-law be added to Schedule “A-32” of Flamborough Zoning By-law No. 90-145-Z.
4. 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 13th day of August, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAC-19-046



<p>This is Schedule "A" to By-law No. 21-</p> <p>Passed the day of, 2021</p>		<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
<p style="text-align: center;">Schedule "A"</p> <p style="text-align: center;">Map forming Part of</p> <p style="text-align: center;">By-law No. 21-_____</p> <p style="text-align: center;">to Amend By-law No. 90-145-Z</p>		<p>Subject Property</p> <p>10, 39, and 40 Mallard Trail and 488 Dundas Street East, Flamborough</p> <p>To further modify the Urban Commercial "UC-13" Zone</p> <div style="margin-top: 10px;"> <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); border: 1px solid black; margin-right: 5px;"></div> <div>Block 1 - 10 Mallard Trail and 40 Mallard Trail</div> </div> <div style="margin-top: 5px;"> <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 10px; background: repeating-linear-gradient(-45deg, transparent, transparent 2px, black 2px, black 4px); border: 1px solid black; margin-right: 5px;"></div> <div>Block 2a - 488 Dundas Street East</div> </div> <div style="margin-top: 5px;"> <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 10px; background: radial-gradient(circle, black 1px, transparent 1px); background-size: 4px 4px; border: 1px solid black; margin-right: 5px;"></div> <div>Block 2b - 39 Mallard Trail</div> </div> </div> </div> </div>
<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-19-046/UHOPA-19-013</p>	<p style="font-size: 1.2em; margin-top: 5px;">Hamilton</p>
<p>Date: June 17, 2021</p>	<p>Planner/Technician: EM/VS</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		