

**Authority:** Item 3, Planning Committee  
Report: 16-005 (PED16072)  
CM: March 30, 2016

**Bill No. 102**

## **CITY OF HAMILTON**

### **BY-LAW NO. 16-102**

#### **To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Lands Located at 1831 Rymal Road East**

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

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Stoney Creek" 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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. 3692-92 (Stoney Creek) was enacted on the 8<sup>th</sup> day of December, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1994;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 3 of Report 16-005 of the Planning Committee, at its meeting held on the 30<sup>th</sup> day of March, 2016, which recommended that Zoning By-law No. 3692-92 (Stoney Creek) be amended as hereinafter provided;

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Urban Hamilton Official Plan Amendment No. 53.

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

1. That Map No. 15 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended as follows:
  - (a) by changing the zoning from the from Neighbourhood Development "ND" Zone to Single Residential "R1-20" Zone, Modified (Blocks 1 to 3, inclusive);

- (b) by changing the zoning from Neighbourhood Development “ND” Zone to Single Residential “R3-41” Zone, Modified (Block 4);
- (c) by changing the zoning from from Neighbourhood Development “ND” Zone to Multiple Residential “RM2-43” Zone, Modified (Blocks 5 and 6);
- (d) by changing the zoning from from Neighbourhood Development “ND” Zone to Multiple Residential “RM3-56” Zone, Modified (Block 7);
- (e) by changing the zoning from from Neighbourhood Development “ND” Zone to Multiple Residential “RM3-57” Zone, Modified (Block 8);
- (f) by changing the zoning from Neighbourhood Development “ND” Zone to Mixed Use Commercial (Holding) “MUC-9(H)” Zone, Modified (Blocks 9 and 10).

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Subsection 6.2.7, "Special Exemptions" of Section 6.2, Single Residential “R1” Zone, of Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, “R1-20”, as follows:

**“R1-20” 1831 Rymal Road East, Schedule “A”, Map No. 15**

Notwithstanding the provisions of Paragraphs (b) and (d) of Subsection 6.2.3 of the Single Residential "R1" Zone, the following regulations shall apply:

- (b) Minimum Lot Frontage
  - Interior Lot - 14.0 metres
  - Corner Lot - 15.8 metres
- (d) Minimum Side Yard - 1.2 metres on the garage side and 0.6 metres on the non-garage side, subject to a maintenance easement registered on title for any minimum side yard that is less than 1.2 metres, with said maintenance easement permitting encroachment for maintenance purposes only for no more than 0.6 metres into the side yard of the lot adjacent the yard with a side yard setback less than 1.2 metres. A 0.6 metre side yard setback shall not be

permitted to any side lot line less than 1.2 metres, except:

On a corner lot, the minimum side yard abutting the flankage street shall be 2.4 metres, except that an attached garage which fronts on the flankage street shall not be located within 6.0 metres of the flankage street line; and on a corner lot with a daylight triangle, a minimum 2.0 metre setback for any building from the hypotenuse of a daylight triangle is required; and,

All other regulations of the Single Residential "R1" Zone shall apply.

3. That Subsection 6.4.7, "Special Exemptions" of Section 6.4, Single Residential "R3" Zone, of Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, "R3-41", as follows:

**"R3-41" 1831 Rymal Road East, Schedule "A", Map No. 15**

- (i) Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), and (g) of Subsection 6.4.3 of the Single Residential "R3" Zone, the following regulations shall apply:
- |                          |   |
|--------------------------|---|
| (a) Minimum Lot Area     |   |
| Interior Lot             | - 290 square metres   |
| Corner Lot               | - 340 square metres   |
| (b) Minimum Lot Frontage |   |
| Interior Lot             | - 10.0 metres   |
| Corner Lot               | - 11.7 metres   |
| (c) Minimum Front Yard   | - 4.5 metres to the dwelling, except 6.0 metres to the garage   |
| (d) Minimum Side Yard    | - 1.2 metres on the garage side and 0.6 metres on the non-garage side, subject to a maintenance easement registered on title for any minimum side yard that is less than 1.2 metres, with said maintenance easement |

permitting encroachment for maintenance purposes only for no more than 0.6 metres into the side yard of the lot adjacent the yard with a side yard setback less than 1.2 metres. A 0.6 metre side yard setback shall not be permitted to any side lot line less than 1.2 metres, except:

On a corner lot, the minimum side yard abutting the flankage street shall be 2.4 metres, except that an attached garage which fronts on the flankage street shall not be located within 6.0 metres of the flankage street line; and on a corner lot with a daylight triangle, a minimum 2.0 metre setback for any building from the hypotenuse of a daylight triangle is required; and,

- (e) Minimum Rear Yard - 7.0 metres
- (g) Maximum Lot Coverage - Not Applicable

All other regulations of the Single Residential “R3” Zone shall apply.

- (ii) Notwithstanding subsection 4.13.1 “Daylight Triangles” of Section 4.13 “Special Setbacks”, a minimum yard of 1.0 metres from the hypotenuse of the daylight triangle shall be permitted for lands zoned Single Residential “R3-41”, Modified, by this By-law.
- (iii) In addition to subsection 4.19.1 “General Application” of Section 4.19 “Yard Encroachments” the following shall apply for lands zoned Single Residential “R3-41”, Modified, by this By-law:
  - (j) Stairs may project into any required front yard a distance of not more than 3.5 metres.
  - (k) Bay windows, with or without foundations, may project into any required front, rear and / or flankage yard a distance of not more than 0.9 metres;

(l) Covered porches may project into any require front yard a distance of not more than 3.0 metres, and 1.8 metres for a flankage yard;

4. That Subsection 6.9.6, "Special Exemptions" of Section 6.9, Multiple Residential "RM2" Zone, of Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, "RM2-43", as follows:

**"RM2-43" 1831 Rymal Road East, Schedule "A", Map No. 15**

(i) Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), (f), (g), (h), and (i) of Subsection 6.9.3 of the Multiple Residential "RM2" Zone, the following regulations shall apply:

- |                                     |   |   |
|-------------------------------------|---|---|
| (a) Minimum Lot Area                |   |   |
| Interior Unit                       | - | 120 square metres   |
| End Unit                            | - | 145 square metres   |
| Corner Unit                         | - | 175 square metres   |
| (b) Minimum Lot Frontage            | - | 4.45 metres for all dwelling units  |
| (c) Minimum Front Yard              | - | 4.5 metres to the dwelling, except<br>5.8 metres to the garage  |
| (d) Minimum Side Yard               | - | 1.2 metres, except 2.4 metres for<br>a corner unit; and, an attached<br>garage which fronts on the<br>flankage street shall not be<br>located within 6.0 metres of the<br>flankage street line. |
| (e) Minimum Rear Yard               | - | 7.0 metres; except 6.0 metres<br>shall be provided where the<br>dwelling unit is 2 storeys or less.   |
| (f) Minimum Privacy Area            | - | 27 square metres  |
| (g) Minimum Landscape<br>Open Space | - | Not Applicable  |
| (h) Maximum Building Height         | - | 13.5 metres or 3 storeys  |
| (i) Maximum Lot Coverage            | - | Not Applicable  |

All other regulations of the Multiple Residential "RM2" Zone shall apply.

- (iv) Notwithstanding subsection 4.13.1 “Daylight Triangles” of Section 4.13 “Special Setbacks”, a minimum yard of 1.0 metres from the hypotenuse of the daylight triangle shall be permitted for lands zoned Multiple Residential “RM2-43”, Modified, by this By-law.
  - (ii) In addition to subsection 4.19.1 “General Application” of Section 4.19 “Yard Encroachments” the following shall apply for lands zoned Multiple Residential “RM2-43”, Modified, by this By-law:
    - (j) Stairs may project into any required front yard a distance of not more than 3.5 metres.
    - (k) Bay windows, with or without foundations, may project into any required front, rear and / or flankage yard a distance of not more than 0.9 metres;
    - (l) Covered porches may project into any require front yard a distance of not more than 3.0 metres, and 1.8 metres for a flankage yard;
5. That Subsection 6.10.7, "Special Exemptions" of Section 6.10, Multiple Residential “RM3” Zone, of Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, “RM3-56”, as follows:

**“RM3-56” 1831 Rymal Road East, Schedule “A”, Map No. 15**

- (i) Notwithstanding the definition of “Dwelling- Townhouse” and “Highway” or “Street” of Part 2 – Definitions of Zoning By-law No. 3692-92, the following definitions shall apply:

**“Dwelling – Maisonette”**

Means back to back townhouse dwellings, containing not more than sixteen maisonette dwelling units within a block intended for maisonette dwellings.

**“Dwelling – Townhouse”**

Means a building containing not less than three and not more than nine dwelling units with each unit separated by a common or party wall or walls, with a separate outside entrance to each unit.

**“Lot Line – Front”**

The frontage along Street “A” of the Draft Plan of “Part of Lot 33 – Concession 8”, 25T-201401, shall be deemed to be the front lot line.

**“Highway” or “Street”**

For the purpose of this Zone, the private driveway(s) or condominium road(s) are deemed to be a street(s), and parking, landscaping and amenity areas are permitted within the street(s).

(ii) Notwithstanding the definition of Lot within Part 2, Definitions and Section 4.4.2, Restriction on Change, those lands zoned Multiple Residential "RM3-56" by this By-law shall be considered as one lot.

(iii) Notwithstanding the provisions of Paragraphs (c), (d), (f), (h), (i), (j), (k), (l), and (m), of Subsection 6.10.3 of the Multiple Residential "RM3" Zone, the following regulations shall apply:

(c) Minimum Front Yard - 6.0 metres shall be provided and maintained.

(d) Minimum Side Yard for a Maisonette, Townhouse, or Dwelling Groups - 6.0 metres for any side yard including a flankage yard

(f) Minimum Rear Yard for a Maisonette, Townhouse, or Dwelling Groups - 6.0 metres; except for an end wall abutting a street, a minimum 2.4 metres shall be provided and maintained.

(h) Minimum Distance Between Buildings on the Same Lot

- 12 metres between front walls;
- 2.4 metres between end walls of a block townhouse and / or a block of maisonette units;
- 12 metres between rear walls of a block of townhouses and / or a block of maisonette units;
- 7.0 metres between end walls and rear walls of a block of townhouse and / or a block of maisonette units
- Separation distance shall not be

applied to individual townhouse or maisonette units and / or their future property boundaries created by way of an application to remove part lot control and / or established by a condominium corporation.

- (i) Density - A minimum density of 55 units per net residential hectare and a maximum density of 75 units per net residential hectare shall apply.
- (j) Maximum Building Height - 13.5 metres or 3 storeys.
- (k) Maximum Lot Coverage - Not Applicable
- (f) Privacy Area per Unit - Notwithstanding the yard requirements above, each townhouse unit shall have at least one area which serves as a privacy area which shall be adjacent to the dwelling unit and shall have a minimum depth of 3.5 metres.  
  
No privacy area shall be required for maisonette units.
- (m) Minimum Landscape Open - Space - 20%, except that landscape strips shall not be required between privacy areas and any lot line, nor adjacent to any portion of any lot that abuts a street.

All other regulations of the Multiple Residential "RM3" Zone shall apply.

- (iv) Notwithstanding the provisions of Paragraphs (a)(1) and (e) of Subsection 6.10.5 of the Multiple Residential "RM3" Zone, the following regulation shall apply:
  - (a)(1) 2 parking spaces for each maisonette and townhouse dwelling unit, and 0.25 visitors spaces to be providing within the condominium road(s). Tandem parking is permitted for non-visitors parking spaces.



- (e) No parking areas may be located closer than 2.75 metres from a dwelling unit on the same lot. Future property and / or unit boundaries created through a *Condominium Act* or *Planning Act* application shall not be subject to this requirement.
  - (v) Notwithstanding the provisions of Paragraph (a) of 4.10.3, Dimensions of Parking Spaces, and Paragraph (d) of Section 6.1.8, Parking Restrictions in Residential Zones, the following regulation shall apply for lands zoned Multiple Residential “RM3-56”, Modified, by this By-law:
    - (a) Required parking spaces for 90<sup>0</sup> perpendicular parking shall have minimum rectangular dimensions of 2.6 metres by 5.5 metres exclusive of any lands used for access, manoeuvring, driveways or a similar purpose.
  - (vi) Notwithstanding the provisions of Paragraph (a) of 4.10.4, Requirement for Parking Designated for Vehicles of Physically Challenged, and Paragraph (d) of Section 6.1.8, Parking Restrictions in Residential Zones, the following regulation shall apply for lands zoned Multiple Residential “RM3-56”, Modified, by this By-law:
    - (a) Have minimum rectangular dimensions of 4.4 metres x 5.5 metres;
  - (vii) In addition to subsection 4.19.1 “General Application” of Section 4.19 “Yard Encroachments” the following shall apply for lands zoned Multiple Residential “RM3-56”, Modified, by this By-law:
    - (j) Stairs may project into any required front yard a distance of not more than 3.5 metres;
    - (l) Bay windows, with or without foundations, may project into any required front, rear and / or flankage yard a distance of not more than 0.9 metres;
    - (l) Covered porches may project into any require front yard a distance of not more than 3.0 metres, and 1.8 metres for a flankage yard;
6. That Subsection 6.10.7, "Special Exemptions" of Section 6.10, Multiple Residential “RM3” Zone, of Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, “RM3-57”, as follows:

**“RM3-57” 1831 Rymal Road East, Schedule “A”, Map No. 15**

- (i) Notwithstanding the provisions of Subsection 6.10.3 of the Multiple Residential "RM3" Zone, the regulations of the "RM3-56" Zone, Modified, as contained within this By-law shall apply for any townhouse and / or maisonette dwelling units.
  
- (ii) Notwithstanding the provisions of Paragraphs (c), (e), (g), (h), (i), (j), (k), (l), and (m), of Subsection 6.10.3 of the Multiple Residential "RM3" Zone, the following regulations shall apply for Apartment Buildings:
  - (c) Minimum Front Yard for Apartment Buildings – 6.0 metres
  - (e) Minimum Side Yard for Apartment Buildings – 6.0 metres
  - (g) Minimum Rear Yard for Apartment Buildings – 6.0 metres
  - (h) Minimum Distance Between Buildings on the Same Lot
    - 12 metres between front walls
    - 3 metres between end walls
    - 7 metres between an end wall and rear wall
  - (i) Density
    - A minimum of 75 units per net residential hectare and a maximum of 100 units per net residential hectare shall apply.
  - (j) Maximum Building Height
    - 24.0 metres or 6 storeys.
  - (k) Maximum Lot Coverage
    - 50%
  - (m) Minimum Landscape Open - Space
    - 20% including a landscape strip having a minimum width of 6.0 metres to be provided and maintained adjacent to every portion of a lot of block that abuts a street except for points of ingress or egress.
  
- (ii) Notwithstanding the provisions of Paragraphs (a) and (e) of Subsection 6.10.5 of the Multiple Residential "RM3" Zone, the following regulation shall apply for lands zoned Multiple Residential "RM3-57", Modified, by this By-law:

- (a) 1.25 spaces shall be provided for each dwelling unit.
- (e) No parking areas may be located closer than 2.75 metres from a dwelling unit on the same lot. Future property and / or unit boundaries created through a *Condominium Act* or *Planning Act* application shall not be subject to this requirement.
- (iii) Notwithstanding the provisions of Paragraph (a) of 4.10.4, Requirement for Parking Designated for Vehicles of Physically Challenged, and Paragraph (d) of Section 6.1.8, Parking Restrictions in Residential Zones, the following regulation shall apply for lands zoned Multiple Residential "RM3-57", Modified, by this By-law:
- a) Required parking spaces for 90° perpendicular parking shall have minimum rectangular dimensions of 2.6 metres by 5.5 metres exclusive of any lands used for access, manoeuvring, driveways or a similar purpose.
- (iii) Notwithstanding the provisions of Paragraph (a) of 4.10.4, Requirement for Parking Designated for Vehicles of Physically Challenged, and Paragraph (d) of Section 6.1.8, Parking Restrictions in Residential Zones, the following regulation shall apply for lands zoned Multiple Residential "RM3-57", Modified, by this By-law:
- (a) Have minimum rectangular dimensions of 4.4 metres x 5.5 metres;

all other regulations of the Multiple Residential "RM3" Zone shall apply.

7. That Subsection 8.8.4, "Special Exemptions" of Section 8.8 Mixed Use Commercial "MUC" Zone, of Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, "MUC-9(H)", as follows:

**"MUC-9(H)" 1831 Rymal Road East, Schedule "A", Map No. 15**

- (i) Notwithstanding the provisions of Subsection 8.8.2 of the Mixed Use Commercial "MUC" Zone, the following uses shall be prohibited, even as an accessory use:
- drive-through facilities;
  - gasoline bars;
  - car washing establishments;
  - motor vehicle service stations as a primary use
  - motor vehicle dealerships;
  - garden centres as a primary use;

- hospitals; and,
  - hotels.
- (ii) In addition to the provisions of Subsection 8.8.2 of the Mixed Use Commercial “MUC” Zone, the following uses shall also be permitted:
- Masionettes; and,
  - Townhouses.
- (iii) Notwithstanding the provisions of Paragraph 8.8.3(i), of the Mixed Use Commercial “MUC” Zone, the following regulations shall apply:
- (i) Maximum Building Height - 16.5 metres or 4 storeys.
- (iv) In addition to the provisions of Subsection 8.8.3 of the Mixed Use Commercial “MUC” Zone, the following provisions shall apply for Maisonettes and / or Townhouses:

The provisions of the Multiple Residential “RM3-56” Zone, Modified shall apply for maisonettes and / or townhouses.

- (v) The "H" symbol may be removed at such time as the following has been satisfied:
- a) That the subject lands not be developed until such time as they have been consolidated with adjacent lands to a minimum 1,500 square metres or until such time as the owner / applicant has applied for and received final approval of a Site Plan Control application demonstrating a viable development, to the satisfaction of the Director of Planning and Chief Planner.

all other regulations of the Mixed Use Commercial “MUC” Zone shall apply.

8. 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 13<sup>th</sup> day of April, 2016.

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F. Eisenberger  
Mayor  
ZAC-14-002/UHOPA-14-001/25T-201401

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R. Caterini  
City Clerk



This is Schedule "A" to By-law No. 16-102  
 Passed the 13th day of April, 2016








*[Signature]*  
 Mayor  
*[Signature]*  
 Clerk

## Schedule "A"

Map Forming Part of  
 By-law No. 16-102

to Amend By-law No. 3692-92

### Subject Property 1831 Rymal Road East

-  Blocks 1 - 3 - Change from Neighbourhood Development "ND" Zone to Single Residential "R1-20" Zone, Modified
-  Block 4 - Change from Neighbourhood Development "ND" Zone to Single Residential "R3-41" Zone, Modified
-  Blocks 5, 6 - Change from Neighbourhood Development "ND" Zone to Multiple Residential "RM2-43" Zone, Modified
-  Block 7 - Change from Neighbourhood Development "ND" Zone to Multiple Residential "RM3-56" Zone, Modified
-  Block 8 - Change from Neighbourhood Development "ND" Zone to Multiple Residential "RM3-57" Zone, Modified
-  Blocks 9, 10 - Change from Neighbourhood Development "ND" Zone to Mixed Use Commercial (Holding) "MUC-9(H)" Zone, Modified
-  Blocks 11 - 13 - Refer to Zoning By-law No. 05-200

Scale: N.T.S.	File Name/Number: ZAC-14-002
Date: March 1, 2016	Planner/Technician: AC/AL
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

