

**Authority:** Item 24, Economic Development  
and Planning Committee  
Report: 09-002(PED09005)  
CM: January 28, 2009

**Bill No. 023**

**CITY OF HAMILTON**

**BY-LAW NO. 09-023**

**To Amend Zoning By-law No. 6593 (Hamilton),  
respecting lands located at 310-328 Rymal Road West**

**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 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** the Council of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25<sup>th</sup> day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7<sup>th</sup> day of December 1951, (File No. P.F.C. 3821);

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 24 of Report 09-002 the Economic Development and Planning Committee at its meeting held on the 28<sup>th</sup> day of January, 2009, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

**AND WHEREAS** this By-law is in conformity with the Official Plan of the City of Hamilton;

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

1. That Sheet No. W17-d of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing the following:
  - a) That Block 1 be rezoned from the "AA" (Agricultural) District to the "RT-20" (Townhouse - Maisonette) District, Modified;

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- b) That Block 2 be rezoned from the "RT-20"-H' (Townhouse - Maisonette - 'Holding') District to the "RT-20" (Townhouse - Maisonette) District, Modified;
- c) That Block 3 be rezoned from the "DE"-H' (Low Density Multiple Dwellings - 'Holding') District, Modified, to the "RT-20" (Townhouse - Maisonette) District, Modified;
- d) That Block 4 be rezoned from the "DE"-H' (Low Density Multiple Dwellings - 'Holding') District, Modified, to the "R-4" (Small Lot Single Family Dwelling) District, Modified;
- e) That Block 5 be rezoned from the "B-2"-H' (Suburban Residential - 'Holding') District to the "R-4" (Small Lot Single Family Dwelling) District, Modified;
- f) That Block 6 be rezoned from the "B-2"-H' (Suburban Residential - 'Holding') District to the "RT-20" (Townhouse - Maisonette) District, Modified;
- g) That Block 7 be rezoned from the "AA" (Agricultural) District to the "R-4" (Small Lot Single Family Dwelling) District, Modified;
- h) That Block 8 be rezoned from the "AA" (Agricultural) District to the "RT-20" (Townhouse - Maisonette) District, Modified;
- i) That Block 9 be rezoned from the "DE"-H' (Low Density Multiple Dwellings - 'Holding') District, Modified, to the "RT-20" (Townhouse - Maisonette) District, Modified;
- j) That Block 10 be rezoned from the "DE"-H' (Low Density Multiple Dwellings - 'Holding') District, Modified, to the "RT-20" (Townhouse - Maisonette) District, Modified;
- k) That Block 11 be rezoned from the "B-2"-H' (Suburban Residential - 'Holding') District to the 'R-4' (Small Lot Single Family Dwelling) District, Modified;

the lands the extent and boundaries of which are shown on plans hereto annexed as Schedules "A1" and "A-2"

- 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 Blocks "4", "5", "7" and "11" as detailed in Section 1 of this By-law, be modified to include the following special requirements:
  - (a) That notwithstanding Section 9A.(2)(a)(1.) of Zoning By-law No. 6593, no building shall exceed 12.5m in height.

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- (b) That notwithstanding Section 9A.(2)(b)(1.)(i) of Zoning By-law No. 6593, a front yard having a depth of not less than 4.5 metres to the front of the unit and not less than 6.0 metres to the front of the garage shall be provided and maintained.
- (c) That notwithstanding Section 9A.(2)(b)(1.)(ii) and 2 (b)(1.)(iii) of Zoning By-law No. 6593, at least one side yard, having a width not less than 1.0 metres shall be provided and maintained.
- (d) That notwithstanding Section 9A.(2)(b)(1.)(iv) of Zoning By-law No. 6593, a rear yard, having a depth of not less than 7.0 metres shall be provided and maintained.
- (e) That notwithstanding Section 9A.(2)(c)(1.) Zoning By-law No. 6593, every lot or tract of land within the "R-4" District for a single family dwelling shall have an average width not less than 9.7 metres and an average lot area not less than 291m<sup>2</sup>.
- (f) That notwithstanding Section 9A.(2)(b)(1.)(i) and Section 18.(3)(vi)(d) of Zoning By-law No. 6593, a porch may encroach into the required front yard no more than 2.0m.
- (g) That notwithstanding Section 9A.(3)(a)(1.) of Zoning By-law No. 6593 no building shall exceed 12.5m in height.
- (h) That notwithstanding Section 9A.(3)(b)(1.)(i) of Zoning By-law No. 6593, a front yard having a depth of not less than 4.5 metres to the front of the unit and not less than 6.0 metres to the front of the garage shall be provided and maintained.
- (i) That notwithstanding Section 9A.(3)(b)(1.)(i) and Section 18.(3)(vi)(d) of Zoning By-law No. 6593, a porch may encroach into the required front yard no more than 2.0m.
- (j) That notwithstanding Section 9A.(3)(b)(1.)(ii) and of Zoning By-law No. 6593, at least one side yard, having a width not less than 1.0 metres shall be provided and maintained.
- (k) That notwithstanding Section 9A.(3)(b)(1.)(iii) of Zoning By-law No. 6593, a rear yard, having a depth of not less than 7.0 metres shall be provided and maintained.
- (l) That notwithstanding Section 9A.(3)(c)(1.) of Zoning By-law No. 6593, every lot or tract of land shall have a lot width of not less than 15.0 metres and a lot area not less than 450m<sup>2</sup>.

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- (m) That notwithstanding Section 18.(14)(i) of Zoning By-law No. 6593, not less than 35% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel pavers or other similar materials.

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 "R-4" (Small Lot Single Family Dwelling) District provisions, subject to the special requirements referred to in Section 2.

- 3. That the "RT-20" (Townhouse - Maisonette) District regulations, as contained in Section 10E. of Zoning By-law No. 6593, applicable to Blocks "2", "3" and "8", as detailed in Section 1 of this By-law, be modified to include the following special requirements.
  - (a) That notwithstanding Section 10F.(3) of Zoning By-law No. 6593, no building shall exceed 12.5m in height.
  - (b) That notwithstanding Section 10F.(4)(a) of Zoning By-law No. 6593, a front yard having a depth of not less than 4.5 metres to the front of the unit and not less than 6.0 metres to the front of the garage, shall be provided and maintained.
  - (c) That notwithstanding Section 10F.(4)(b) of Zoning By-law No. 6593, a rear yard, having a depth of not less than 7.0 metres, shall be provided and maintained.
  - (d) That notwithstanding Section 10F.(6)(i) of Zoning By-law No. 6593, a lot area of not less than 160m<sup>2</sup> shall be provided and maintained for each single family dwelling unit.
  - (e) That notwithstanding Section 10F.(6)(ii) of Zoning By-law No. 6593, a width of not less than 5.5 metres shall be provided and maintained for each dwelling unit.
  - (f) That notwithstanding Section 18.(14)(i) of Zoning By-law No. 6593, not less than 35% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel pavers or other similar materials.
  - (g) That notwithstanding Section 10F.(4)(c)(iii) of Zoning By-law No. 6593, a side yard abutting a wall that is not a party wall, along each side lot line of a width of not less than 1.0m for a Street Townhouse Dwelling, not exceeding three-storeys in height.

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 "RT-20" (Townhouse - Maisonette) District provisions,

subject to the special requirements referred to in Section 3.

4. That the "RT-20" (Townhouse - Maisonette) District, regulations as contained in Section 10E. of Zoning By-law No. 6593, applicable to Blocks "1", "6" and "10", as detailed in Section 1 of this By-law, be modified to include the following special requirements:
- (a) That notwithstanding Section 10F.(3) of Zoning By-law No. 6593, no building shall exceed 12.5m in height.
  - (b) That notwithstanding Section 10F.(4)(a) of Zoning By-law No. 6593, a front yard having a depth of not less than 4.5 metres to the front of the unit, and not less than 6.0 metres to the front of the garage, shall be provided and maintained.
  - (c) That notwithstanding Section 10F.(4)(b) of Zoning By-law No. 6593, a rear yard, having a depth of not less than 7.0 metres shall be provided and maintained.
  - (d) That notwithstanding Section 10F.(4)(c)(iii) of Zoning By-law No. 6593, a side yard abutting a wall that is not a party wall, along each side lot line of a width of not less than 1.0m for a Street Townhouse Dwelling, not exceeding three-storeys in height.
  - (e) That notwithstanding Section 10F.(6)(ii) of Zoning By-law No. 6593 a width of not less than 5.5 metres shall be provided and maintained for each dwelling unit.
  - (f) That notwithstanding Section 18.(14)(i) of Zoning By-law No. 6593, no front yard landscaping shall be required.
  - (g) That a minimum 3.0 metre wide planting strip, excluding access driveways, shall be provided and maintained between Rymal Road West and the Town House units fronting Rymal Road West.
  - (h) That notwithstanding Section 2.(2)(viid) of Zoning By-law No. 6593 "Dwelling, Street Townhouse" shall include single family dwelling units that front onto a private road.

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 "RT-20" (Townhouse - Maisonette) District provisions, subject to the special requirements referred to in Section 4.

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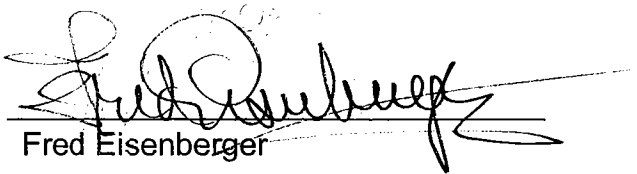
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5. That the "RT-20" (Townhouse - Maisonette) District regulations, as contained in Section 10E. of Zoning By-law No. 6593, applicable to Block "9", as detailed in Section 1 of this By-law, be modified to include the following special requirements:
- (a) That notwithstanding Section 10E.(2)(a) of Zoning By-law No. 6593, Single and Semi-Detached Dwelling units shall be permitted in accordance with Section 2 of this By-law.
  - (b) That all Townhouse units shall be regulated in accordance with Section 3 of this By-law.

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 "RT-20" (Townhouse - Maisonette) District provisions, subject to the special requirements referred to in Sections 2, 3 and 5.

6. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1301a.
7. That Sheet No. W17-d of the District Maps is amended by marking the lands referred in Section 1 of this By-law as S-1301a.
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 and ENACTED** this 28<sup>th</sup> day of January, 2009.

  
Fred Eisenberger  
Mayor

  
Kevin C. Christenson  
City Clerk

ZAC-07-099



This is Schedule "A" to By-Law No. 09- 023  
 Passed the ...28th... day of ...January....., 2009

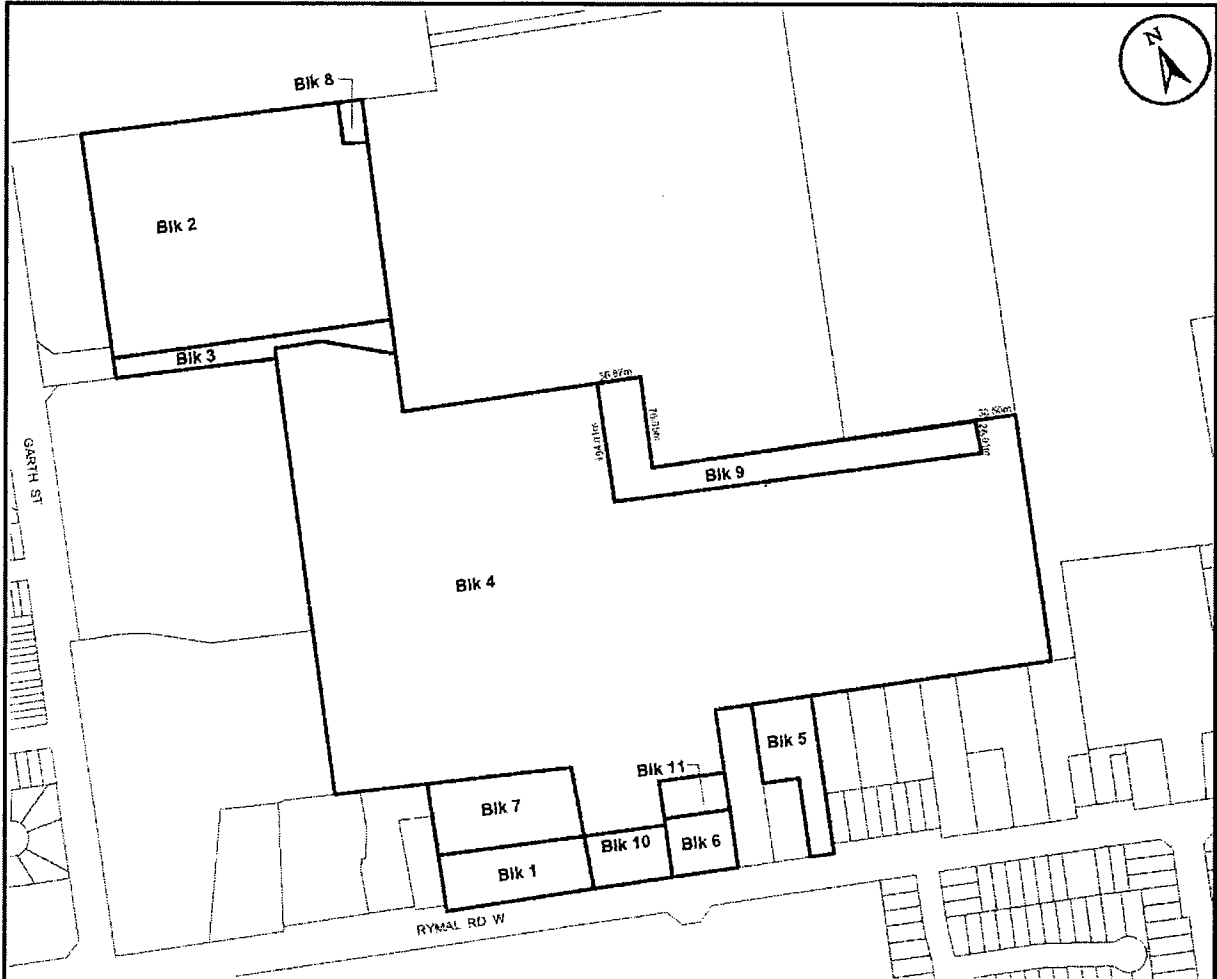
*[Signature]*  
 Clerk  
 Mayor

**Schedule "A" 1 of 2**  
 Map Forming Part of  
 By-Law No. 09- 023  
 to Amend By-law No. 6593

- Subject Property**
- 310-328 Rymal Road West
- Block 1 - Rezone from the "AA" (Agricultural) District to the "RT-20" (Townhouse - Maisonette) District, Modified.
  - Block 2 - Rezone from the "RT-20"-H' (Townhouse - Maisonette, 'Holding') District to the "RT-20" (Townhouse - Maisonette) District, Modified.
  - Block 3 - Rezone from the "DE"-H' (Low Density Multiple Dwellings, 'Holding') District, Modified to the "RT-20" (Townhouse - Maisonette) District, Modified.
  - Block 4 - Rezone from the "DE"-H' (Low Density Multiple Dwellings, 'Holding') District, Modified to the "R4" (Small Lot Single Family Dwelling) District, Modified.
  - Block 5 - Rezone from the "B-2"-H' (Suburban Residential, 'Holding') District to the "R4" (Small Lot Single Family Dwelling) District, Modified.
  - Block 6 - Rezone from the "B-2"-H' (Suburban Residential, 'Holding') District to the "RT-20" (Townhouse - Maisonette) District, Modified.

Scale: N.T.S.	File Name/Number: ZAC-07-099 / 25T-200821
Date: November 20, 2008	Planner/Technician: EJ / NH
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	





This is Schedule "A" to By-Law No. 09-023  
 Passed the .28th. day of .January....., 2009

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

**Schedule "A" 2 of 2**

Map Forming Part of  
 By-Law No. 09- 023

to Amend By-law No. 6593

**Subject Property**

310-328 Rymal Road West

**Block 7** - Rezone from the "AA" (Agricultural) District to the "R-4" (Small Lot Single Family Dwelling) District, Modified.

**Block 8** - Rezone from the "AA" (Agricultural) District to the "RT-20" (Townhouse - Maisonette) District, Modified.

**Block 9** - Rezone from the "DE"-H' (Low Density Multiple Dwellings - Holding) District, Modified to the "RT-20" (Townhouse - Maisonette) District, Modified.

**Block 10** - Rezone from the "DE"-H' (Low Density Multiple Dwellings - Holding) District, Modified to the "RT-20" (Townhouse - Maisonette) District, Modified.

**Block 11** - Rezone from the "B-2"-H' (Suburban - Residential - Holding) District to the "R-4" (Small Lot Single Family Dwelling) District, Modified.

Scale:  
 N.T.S.

Date:  
 November 20, 2008

File Name/Number:  
 ZAC-07-099 / 25T-200821

Planner/Technician:  
 EJ / NH

