

**Authority:** Item 4, Planning Committee  
Report: 12-005 (PED12054)  
CM: April 11, 2012

**Bill No. 084**

## **CITY OF HAMILTON**

### **BY-LAW NO. 12-**

**To Amend Zoning By-law No. 87-57, as amended by By-law 10-285, Respecting Lands Located at 435 Garner Road East, in the former Town of Ancaster, now in the City of 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 area municipality known as the "The Corporation of the Town of Ancaster" 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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** Zoning By-law No. 87-57 (Ancaster) was enacted on the 22<sup>nd</sup> day of June 1987, and approved by the Ontario Municipal Board on the 23<sup>rd</sup> day of January, 1989;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 4 of Report 12-005 of the Planning Committee, at its meeting held on the 11th day of April, 2012, recommended that Zoning By-law No. 87-57, be amended as hereinafter provided;

**AND WHEREAS** this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Ancaster).

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

1. That Map 1 of Schedule “B” of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended as follows:
  - (a) By changing the zoning from the Residential “R4” Zone to Residential “R4-642” Zone, the lands comprised of Block 1;
  - (b) By changing the zoning from the Residential “R4-608” Zone to Residential “R4-643” Zone, Modified, the lands comprised of Block 2;
  - (c) By changing the zoning from the Residential Multiple “RM2-604” Zone to Residential Multiple “RM2-644” Zone, Modified, the lands comprised of Blocks 3;
  - (d) By changing the zoning from the Residential Multiple “RM2-602” Zone to Residential Multiple “RM2-645” Zone, Modified, the lands comprised of Block 4;
  - (e) By changing the zoning from the Residential “R5” Zone to Residential “R5-646” Zone, the lands comprised of Block 5;
  - (f) By changing the zoning from the Residential “R5-601” Zone to Residential “R5-647” Zone, Modified, the lands comprised of Block 6;
  - (g) By changing the zoning from the Residential “R4-621” Zone to Residential “R4-648” Zone, Modified, the lands comprised of Block 7;
  - (h) By changing the zoning from the Residential “R4-621” Zone to Residential “R4-649” Zone, Modified, the lands comprised of Block 8; and,
  - (i) By changing the zoning from the Residential “R4” Zone to Residential “R4-650” Zone, the lands comprised of Block 9;

the extent and boundaries of which are shown on a Plan hereto annexed as Schedule ‘A’.

2. That Section 34: Exceptions of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following Sub-sections:

**R4-642** That notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), and (f) of Sub-section 12.2 “Regulations” of Section 12: Residential “R4” Zone, Schedule “C”, the provisions of Paragraphs (a) and (d) of Sub-section 7.12 “Yard Encroachments”, and the provisions of Paragraphs 3.83 and 3.84 of Section 3: “Definitions”, the following special provisions shall apply to the lands zoned “R4-642”:

Development Regulations:

- a) Minimum Lot Area: 380 square metres, except for a corner lot the minimum lot area shall be 400 square metres.
- b) Minimum Lot Frontage: 12 metres, except for a corner lot the minimum lot frontage shall be 13.8 metres.
- c) Maximum Lot Coverage: N/A.
- d) Minimum Front Yard: 4.5 metres to a dwelling unit and 6.0 metres to an attached garage.
- e) Minimum Side Yard: 1.2 metres, except on a corner lot the minimum side yard abutting a street shall be 3.0 metres.
- f) Maximum Exterior Side Yard Encroachment of an Unenclosed Porch: 1.5 metres.
- g) Maximum Front Yard, Exterior Side Yard, and Rear Yard Encroachment of a Bay Window: 0.9 metres.
- h) Rear lot line shall mean the lot line opposite to, and furthest from, the front lot line.
- i) Side lot line shall mean a lot line other than the front lot line or rear lot line.
- j) All other provisions of the Residential "R4" Zone apply.

**R4-643** That notwithstanding the provisions of Paragraphs (c), (d), (e), and (f) of Sub-section 12.2 "Regulations" of Section 12: Residential "R4" Zone, Schedule "C", and the provisions of Paragraphs (a) and (d) Sub-section 7.12 "Yard Encroachments", the following special provisions shall apply to the lands zoned "R4-643":

Development Regulations:

- a) Maximum Lot Coverage: N/A.

- b) Minimum Front Yard: 4.5 metres to a dwelling unit and 6.0 metres to an attached garage.
- c) Minimum Side Yard: 1.2 metres, except on a corner lot the minimum side yard abutting a street shall be 3.0 metres.
- d) Minimum Rear Yard: 7.5 metres, except where the rear yard abuts the Ministry of Transportation right-of-way the minimum rear yard setback for all buildings and structures shall be 14 metres in conjunction with a berm.
- e) Maximum Front Yard, and Rear Yard Encroachment of a Bay Window: 0.9 metres.
- f) All other provisions of the Residential “R4” Zone apply.

**RM2-644** That notwithstanding the provisions of Paragraph (b), (d), (e), (f), (g), and (m) of Sub-section 15.2 “Regulations” of Section 15: Residential Multiple “RM2” Zone, Schedule “C”, the following special provisions shall apply to the lands zoned “RM2-644”:

Development Regulations:

- a) Minimum Lot Area: 1,200 square metres for total parcel area; and 240 square metres per dwelling unit.
- b) Minimum Lot Frontage: 7.0 metres for an interior lot and 8.1 metres for all other lots.
- c) Maximum Lot Coverage: N/A.
- d) Minimum Front Yard: 4.5 metres to dwelling unit and 6.0 metres to an attached garage.
- e) Minimum Side Yard: 1.2 metres for a dwelling end unit which does not abut a flanking street, and for a dwelling unit abutting a

flanking street the minimum side yard shall be 3.0 metres.

- f) Minimum Rear Yard: 7.5 metres, except where the rear yard abuts the Ministry of Transportation right-of-way the minimum rear yard setback for all buildings and structures shall be 14 metres in conjunction with a berm.
- g) Setback from Detached Dwellings: N/A.
- h) Total Number of Townhouse Dwellings: 36 units
- i) All other provisions of the Residential Multiple "RM2" Zone apply.

**RM2-645** That notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), (f), (i), and (m) of Sub-section 15.2 "Regulations", of Section 15: Residential Multiple "RM2" Zone, the following special provisions shall apply to the lands zoned "RM2-645":

Development Regulations:

- a) Minimum Lot Area: 1,400 square metres for total parcel area, and 192 square metres for an interior lot dwelling, and 270 square metres for all other dwelling units.
- b) Minimum Lot Frontage: 7.0 metres for an interior lot, and 8.2 metres for all other lots.
- c) Minimum Lot Depth: 28 metres.
- d) Maximum Lot Coverage: N/A.
- e) Minimum Front Yard: 4.5 metres to a dwelling unit and 6.0 metres to an attached garage.
- f) Minimum Side Yard: 1.2 metres for a dwelling end unit which does not abut a flanking street, and for a dwelling unit abutting a flanking street the minimum side yard shall be 3.0 metres.

- g) Minimum Landscaping: 25% per dwelling unit.
- h) All other provisions of the Residential Multiple “RM2” Zone apply.

**R5-646** That notwithstanding the provisions of Paragraphs (b), (c), (d), (e), and (h) of Sub-section 13.2 “Regulations” of Section 13: Residential “R5” Zone, and the provisions of Paragraphs (a) and (d) of Sub-section 7.12 “Yard Encroachments”, the following special provisions shall apply to the lands zoned “R5-646”:

Development Regulations:

- a) Minimum Lot Frontage: 10 metres, except for a corner lot the minimum lot frontage shall be 11.8 metres.
- b) Maximum Lot Coverage: N/A.
- c) Minimum Front Yard: 4.5 metres to a dwelling unit and 6.0 metres to an attached 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 1.2metres. A 0.6 metre side yard setback shall not be permitted adjacent to any side lot line less than 1.2 metres.

Except on a corner lot, the minimum side yard abutting a street shall be 3.0 metres.

- e) Parking: Driveways shall occupy no more than 60 percent of any front yard of a lot with a frontage less than 12 metres. For all other lots, a driveway shall occupy no more than 50 percent of any front yard.

- f) Maximum Exterior Side Yard Encroachment of an Unenclosed Porch: 1.5 metres.
- g) Maximum Front Yard, Exterior Side Yard, and Rear Yard Encroachment of a Bay Window: 0.9 metres.
- h) Notwithstanding the provisions of Section 7.12 a) and d), if the combined interior side yard between dwellings is less than 2.4m, no encroachments are permitted.
- i) All other provisions of the Residential “R5” Zone apply.

**R5-647** That notwithstanding the provisions of Paragraphs (c), (d), (e), and (f) of Sub-section 13.2 “Regulations” of Section 13: Residential “R5” Zone, and the provisions of Paragraphs (a) and (d) of Sub-section 7.12 “Yard Encroachments”, the following special provisions shall apply to the lands zoned “R5-647”:

Development Regulations:

- a) Maximum Lot Coverage: N/A.
- b) Minimum Front Yard: 4.5 metres to a dwelling unit and 6.0 metres to an attached garage.
- c) Minimum Side Yard: 1.2 metres, except on a corner lot the minimum side yard abutting a street shall be 3.0 metres.
- d) Minimum Rear Yard: 7.5 metres, except where the rear yard abuts the Ministry of Transportation right-of-way the minimum rear yard setback for all buildings and structures shall be 14 metres in conjunction with a berm.
- e) Maximum Exterior Side Yard Encroachment of an Unenclosed Porch: 1.5 metres.

- f) Maximum Front Yard, Exterior Side Yard, and Rear Yard Encroachment of a Bay Window: 0.9 metres.
- g) All other provisions of the Residential “R5” Zone apply.

**R4-648** That notwithstanding the provisions of Paragraphs (b), (c), (e), and (f) of Sub-section 12.2 “Regulations” of Section 12: Residential “R4” Zone, and the provisions of Paragraphs (a) and (d) of Sub-section 7.12 “Yard Encroachments”, the following special provisions shall apply to the lands zoned “R4-648”:

Development Regulations:

- a) Minimum Lot Frontage: 14.0 metres, except on a corner lot the minimum lot frontage shall be 16 metres.
- b) Maximum Lot Coverage: N/A.
- c) Minimum Side Yard: 1.2 metres, except on a corner lot the minimum side yard abutting a street shall be 3.0 metres.
- d) Maximum Front Yard and Rear Yard Encroachment of a Bay Window: 0.9 metres.
- e) All other provisions of the Residential “R4” Zone apply.

**R4-649** That notwithstanding the provisions of Paragraphs (a), (b), (c), (e), and (f) of Sub-section 12.2 “Regulations” of Section 12: Residential “R4” Zone, and the provisions of Paragraphs (a) and (d) of Sub-section 7.12 “Yard Encroachments”, the following special provisions shall apply to the lands zoned “R4-649”:

Development Regulations:

- a) Minimum Lot Area: 348 square metres, except on a corner lot the minimum lot area shall be 455 square metres.



- b) Minimum Lot Frontage: 12 metres, except on a corner lot the minimum lot frontage shall be 15.5 metres.
- c) Maximum Lot Coverage: N/A.
- d) Minimum Side Yard: 1.2 metres, except on a corner lot, the minimum side yard abutting a street shall be 3.0 metres.
- e) Maximum Exterior Side Yard Encroachment of an Unenclosed Porch: 1.5 metres.
- f) Maximum Front Yard, Exterior Side Yard, and Rear Yard Encroachment of a Bay Window: 0.9 metres.
- g) All other provisions of the Residential “R4” Zone apply.

**R4-650** That notwithstanding the provisions of Paragraphs (a), (b), (c), (e), and (f) of Sub-section 12.2 “Regulations” of Section 12: Residential “R4” Zone, Schedule “C”, and the provisions of Paragraphs (a) and (d) of Sub-section 7.12 “Yard Encroachments”, the following special provisions shall apply to the lands zoned “R4-650”:

Development Regulations:

- a) Minimum Lot Area: 380 square metres, except for a corner lot the minimum lot area shall be 400 square metres.
- b) Minimum Lot Frontage: 12 metres, except for a corner lot the minimum lot frontage shall be 13.8 metres.
- c) Maximum Lot Coverage: N/A.
- d) Minimum Side Yard: 1.2 metres, except on a corner lot the minimum side yard abutting a street shall be 3.0 metres.
- e) Maximum Exterior Side Yard Encroachment of an Unenclosed Porch: 1.5 metres.

- f) Maximum Front Yard, 0.9 metres.  
Exterior Side Yard, and  
Rear Yard Encroachment  
of a Bay Window:
  - g) All other provisions of the Residential "R4" Zone apply.
3. That By-law 10-285 is hereby repealed in part, with respect to Special Exceptions "RM2-602", "RM2-604", "R4-608", and "R4-621"; and that Section 34: Exceptions of Zoning By-law No. 87-57 (Ancaster) is hereby amended by deleting Special Exceptions "RM2-602", "RM2-604", "R4-608", and "R4-621" in its entirety.
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.

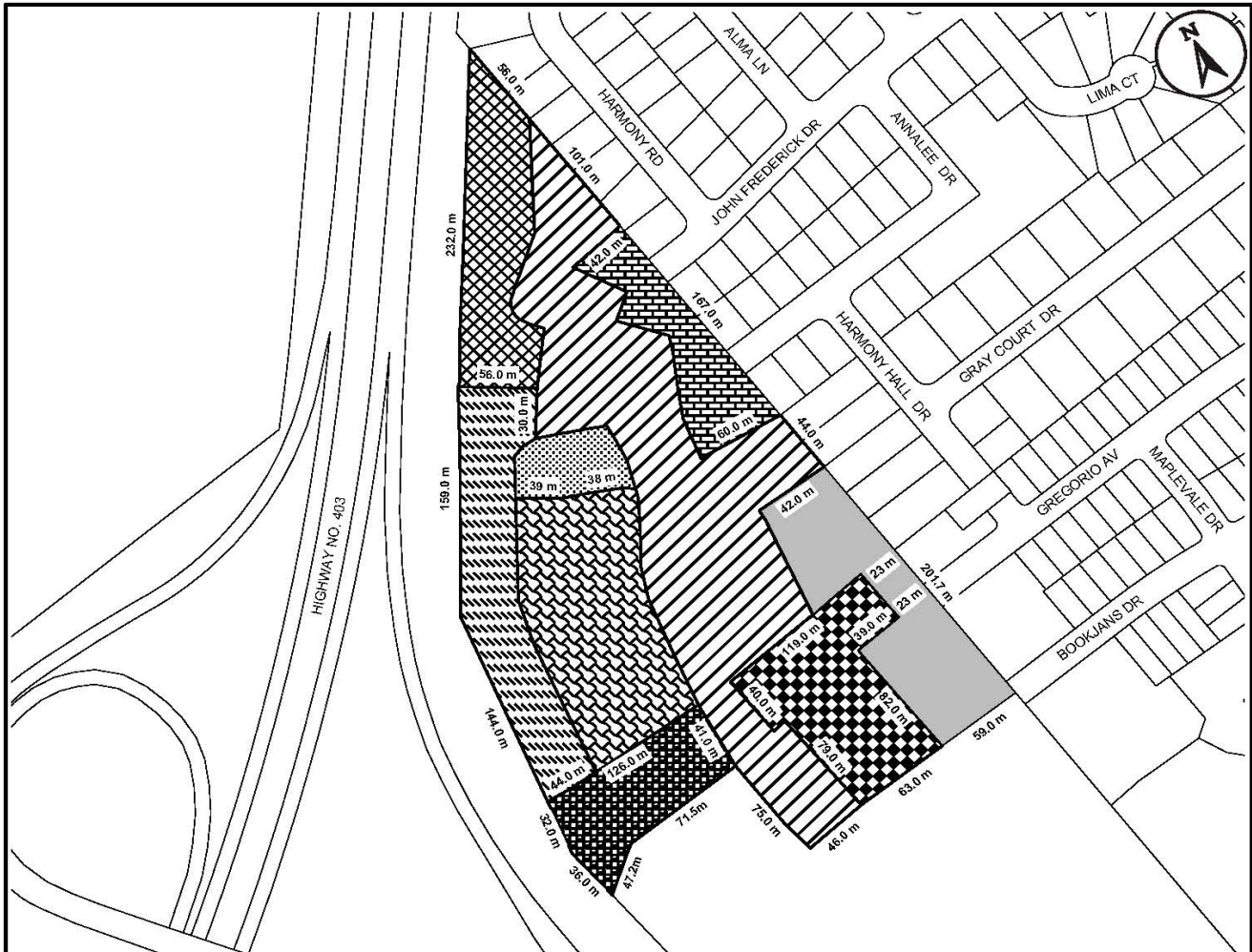
**PASSED** this 11<sup>th</sup> day of April, 2012.

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R. Bratina  
Mayor

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M. Gallagher  
Acting City Clerk



This is Schedule "A" to By-Law No. 12-

Passed the ..... day of ....., 2012

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Clerk










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Mayor

## Schedule "A"

Map Forming Part of  
By-Law No. 12-\_\_\_\_\_

to Amend By-law No. 87-57

Subject Property: 435 Garner Road East

-  **Block 1** - Change in Zoning from the Residential "R4" Zone to the Residential "R4-642" Zone.
-  **Block 2** - Change in Zoning from the Residential "R4-608" Zone to the Residential "R4-643" Zone.
-  **Block 3** - Change in Zoning from the Residential Multiple "RM2-604" Zone to the Residential "RM2-644" Zone.
-  **Block 4** - Change in Zoning from the Residential Multiple "RM2-602" Zone to the Residential "RM2-645" Zone.
-  **Block 5** - Change in Zoning from the Residential "R5" Zone to the Residential "R5-646" Zone.
-  **Block 6** - Change in Zoning from the Residential "R5-601" Zone to the Residential "R5-647" Zone.
-  **Block 7** - Change in Zoning from the Residential "R4-621" Zone to the Residential "R4-648" Zone.
-  **Block 8** - Change in Zoning from the Residential "R4-621" Zone to the Residential "R4-649" Zone.
-  **Block 9** - Change in Zoning from the Residential "R4" Zone to the Residential "R4-650" Zone.

Scale:  
N.T.S.

File Name/Number:  
ZAR-11-048

Date:  
March 8, 2012

Planner/Technician:  
DB/KA



**Hamilton**

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT