

Authority: Item 6
Planning Committee
Report: 14-010 (PED14113)
CM: June 25, 2014

Bill No. 177

CITY OF HAMILTON

BY-LAW NO. 14-

To Amend Zoning By-law No. 87-57, 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 22nd day of June 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 6 of Report 14-010 of the Planning Committee, at its meeting held on the 25th day of June, 2014, recommended that Zoning By-law No. 87-57 be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan upon the approval of Official Plan Amendment No. **25**.

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 by changing the zoning from the:
 - (a) Holding-General Commercial “H-C3-610” Zone to the Residential Multiple “RM5-660” Zone, the lands comprised of Block 1;
 - (b) Holding-Residential Multiple “H-RM2-609” Zone to the Residential Multiple “RM5-660” Zone, the lands comprised of Block 2;
 - (c) Holding-Residential Multiple “H-RM2-609” Zone to the Residential Multiple “RM2-661” Zone, the lands comprised of Block 3;
 - (d) Holding-Residential “H-R5-622” Zone to the Residential Multiple “RM2-661” Zone, the lands comprised of Block 4; and,
 - (e) Holding-Residential “H-R5-601” Zone to the Residential Multiple “RM2-661” Zone, the lands comprised of Block 5.
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:

RM5-660

That notwithstanding the provisions of Sub-sections 3.82, 3.83, 3.84, 3.86, 3.132, Sub-sections 7.14 (a)(i), 7.14 (a)(ii) and 7.14 (xv), Sub-section 18.1, and Sub-section 18.2 (b), (f), (g), (h), (i), (j), (k), (m), and (o) of Zoning By-law No. 87-57, the following special provisions shall apply to the lands zoned “RM5-660”:

1. PERMITTED USES

- (a) Multi-plex dwellings and block townhouses and uses, buildings and structures accessory thereto, and that at least 50% of all individual dwelling units shall be Multi-plex dwellings.

2. REGULATIONS

That all regulations of Section 18.2 of Zoning By-law No. 87-57, as amended by this By-law, shall apply to both Multi-plex dwellings and block townhouses.

For the purpose of this By-law, a Common Element Condominium road shall be deemed to be a street, and that visitor parking for the dwelling units fronting the common element condominium road are permitted within the common element condominium road.

For the purposes of this By-law, the property line abutting John Frederick

Drive shall be deemed to be a front lot line; the westerly lot line shall be deemed to be a rear lot line; and, that the northerly and southerly lot lines shall be deemed to be side lot lines.

For the purpose of the regulations contained in Sections 3, 5, 6, 7, 9 and 18 of Ancaster Zoning By-law No. 87-57, as amended by this By-law, the boundary of the "RM5-660" Zone shall be deemed to be the lot lines for this purpose, and the regulations of the "RM5-660" Zone, including, but not limited to, lot area, density, lot frontage and depth, lot coverage, minimum yards, minimum landscaping and planting strips, parking, children's play areas, accessory buildings, building separation, etc., shall be from the boundaries of this zone, and not from individual property boundaries of dwelling units created by registration of a condominium plan or created by Part Lot Control.

- (b) Maximum Density: 57 units per hectare.
- (f) Minimum Front Yard: 2.4 metres except 0.6m from the hypotenuse of a daylight triangle.
- (g) Minimum Side Yards: 1.2 metres.
- (h) Minimum Rear Yard: 6.0. metres.
- (i) Maximum Height: 12.6 metres (3-storeys).
- (j) Minimum Landscaping: 26 percent of the lot area.
- (k) Planting Strip: Not required along front and rear lot lines and 3 metres (2.7 metres where a dwelling unit is located) in width along the side lot lines.
- (m) Children's Play Area: Not required.
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- (o) Building Separation: 2.4 metres between buildings.
- (p) That notwithstanding Subsection 7.14 of Zoning By-law No. 87-57, that a minimum of 2 parking spaces per dwelling unit plus 0.5 visitor parking spaces per dwelling unit be provided and maintained.
- (q) That notwithstanding Subsection 7.14 (xv) of Zoning By-law No. 87-57, a planting strip of a minimum width of 1.5 metres shall be provided and maintained where a parking area providing for more than four vehicles abuts a lot containing a dwelling comprising one or two dwelling units.

That notwithstanding the provisions of Sub-section 15.2 and Schedule "C" of Zoning By-law No. 87-57, the following special provisions shall apply to the lands zoned "RM2-661":

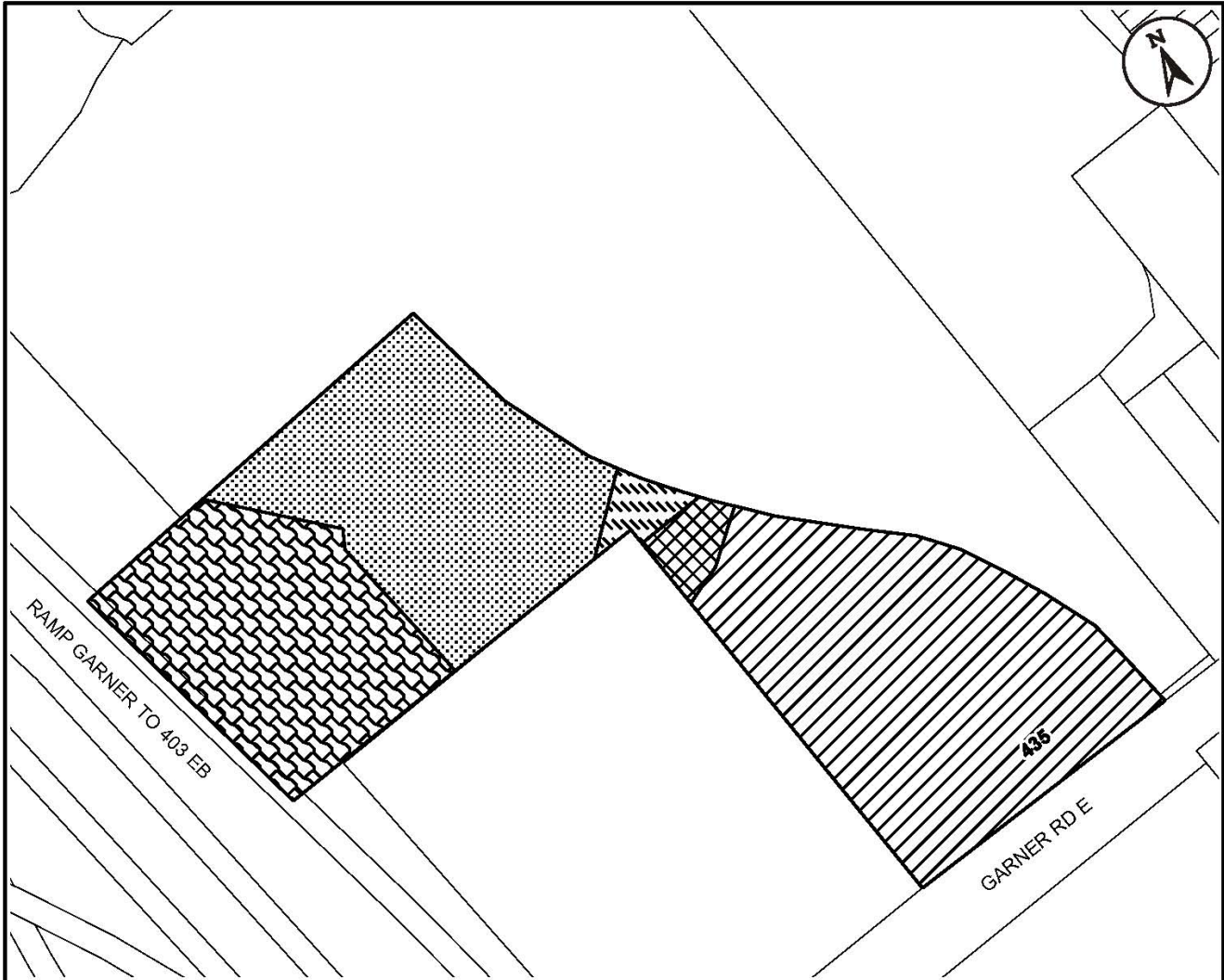
- (a) That all Development Regulations of the "RM2-644" Zone shall apply except:
 - (b) A minimum lot area of 970 square metres for total parcel area and 210 square metres per dwelling unit shall be provided and maintained;
 - (c) That no maximum total number of townhouse dwellings shall apply; and,
 - (d) That notwithstanding Sub-Section 15.2(k)(ii) of Zoning By-law No. 87-57, that not more than five attached dwelling units shall be erected in a row without offsetting or staggering the front face or wall of the dwelling a minimum of 1 metre or without varying the exterior design and materials of the front face or wall of the dwelling unit.
3. 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 11th day of **July**, 2014.

R. Bratina
Mayor

R. Caterini
City Clerk

ZAC-12-068/OPA-12-023/25T-200725(R)



This is Schedule "A" to By-Law No. 14-

Passed the day of, 2014





Mayor

Clerk

Schedule "A"

Map Forming Part of
By-Law No. 14-_____

to Amend By-law No. 87-57

- Subject Property**
435 Garner Road East
-  **Block 1** - Holding-General Commercial "H-C3-601" Zone to the Residential Multiple "RM5-660" Zone
 -  **Block 2** - Holding-Residential Multiple "H-RM2-609" Zone to the Residential Multiple "RM5-660" Zone
 -  **Block 3** - Holding-Residential Multiple "H-RM2-609" Zone to the Residential Multiple "RM2-661" Zone
 -  **Block 4** - Holding-Residential "H-R5-622" Zone to the Residential Multiple "RM2-661" Zone
 -  **Block 5** - Holding-Residential "H-R5-601" Zone to the Residential Multiple "RM2-661" Zone

Scale:
N.T.S.

File Name/Number:
ZAC-12-068_OPA-12-023 & 25R-200725(R)

Date:
May 20, 2014

Planner/Technician:
GM/AL



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT