

Authority: Item 4, Planning Committee
Report 16- 002 (PED16012)
CM: February 10, 2016

Bill No. 066

CITY OF HAMILTON

BY-LAW NO. 16-

To Amend Zoning By-law No. 87-57 (Ancaster) Respecting Lands located at 1001, 1009 and 1035 Garner Road East (Ancaster)

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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. 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 4 of Report 16-002 of the Planning Committee at its meeting held on the 10th day of February 2016, which recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. 42;

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

1. That Map No. 1 to Schedule "B", appended to and forming part of By-law No. 87-57 (Ancaster) is amended as follows:
 - (a) by changing the zoning from the Institutional "I" Zone to the Residential Multiple "RM2-667" Zone, modified, the lands comprised in "Block 1";

- (b) by changing the zoning from the Institutional "I" Zone to the Residential Multiple "RM5-668" Zone, modified, the lands comprised in "Block 2" ;

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

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

RM2-667

That notwithstanding the provisions of Sub-sections 15.2 (a), (b), (c), (d), (e), (f), and (k), Subsection 3.46, Subsection 7.12 (d), and Subsection 7.14, the following special provisions shall apply to the lands zoned "RM2-667":

REGULATIONS

- (a) Minimum Lot Area 145.0 square metres.
- (b) Minimum Lot Frontage 5.7 metres.
- (c) Minimum Lot Depth 26.0 metres.
- (d) Maximum Lot Coverage 53.0 percent.
- (e) Minimum Front Yard 4.9 metres.
- (f) Minimum Side Yard 1.2 metres for a dwelling end unit.
- (k) Unit Placement
- (i) No more than 8 dwelling units shall be attached within a continuous row.
- (ii) Not more than 4 dwelling units shall be erected in a row without varying the exterior design and materials of the front face or wall of the dwelling.
- (n) Maximum Density 45 units per hectare.

That Subsection 7.12 (d) "Yard Encroachments" of Section 7 "General Provisions", be deleted and replaced with the following:

- d) unenclosed porches, balconies, and/or open stairways may project into any minimum required front yard and/or flankage side yard by a distance of not more than 3.15 metres.

That Subsection 7.14 (a) (x) "General Provisions" of Section 7 "Parking and Loading" shall not apply.

RM5-668

That notwithstanding Sections 18.1 “Permitted Uses”, 18.2 (a), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (o), “Regulations”, of Section 18: Residential Multiple “RM5” Zone, Subsection 3.46, Subsection 7.12 (d), and Subsection 7.14, the following special provisions shall apply to the lands zoned “RM5-668”:

PERMITTED USES

- (a) “Dwelling, Block Townhouse” uses, buildings and structures accessory thereto.
- (b) “Dwelling, Multi-Plex” uses, buildings and structures accessory thereto.

REGULATIONS

- (a) Minimum Lot Area
 - i) 150.0 square metres for a “Dwelling, Block Townhouse”.
 - ii) 80.0 square metres for a “Dwelling, Multi-Plex”.
- (c) Minimum Lot Frontage 5.5 metres.
- (d) Minimum Lot Depth
 - i) 26.0 metres for a “Dwelling, Block Townhouse”.
 - ii) 13.0 metres for a “Dwelling, Multi-Plex”.
- (e) Maximum Lot Coverage
 - i) 53 percent for a “Dwelling, Block Townhouse”.
 - ii) N/A for a “Dwelling, Multi-Plex”.
- (f) Minimum Front Yard 4.5 metres.
- (g) Minimum Side Yards
 - i. End Unit not Abutting a Street 1.2 metres.
 - ii. Flankage End Unit Abutting a Street 1.2 metres and 3.0 metres abutting Garner Road East.
- (h) Minimum Rear Yard
 - i) 6.5 metres for a “Dwelling, Block Townhouse”.

- ii) N/A for a “Dwelling, Multi-Plex”.
- (i) Maximum Height 12.6 metres for a “Dwelling, Multi-Plex”.
- (j) Minimum Landscaping
 - i) 30 percent of the lot area (including privacy areas) for a “Dwelling, Block Townhouse”.
 - (ii) N/A for a “Dwelling, Multi-Plex”.
- (l) Parking In addition to the parking requirements of Subsection 7.14 hereof, each dwelling shall have at least one of the two required parking spaces (excluding required visitor parking) within an enclosed building.
- (o) Building Separation A dwelling shall not be closer to another dwelling in accordance with the following distance requirements:
 - 1. Façade to Façade 15.0 metres
 - 2. Rear Wall to Rear Wall 13.0 metres
 - 3. Façade to End Wall 12.0 metres
 - 4. End Wall to End Wall 2.4 metres

That notwithstanding Paragraph 3.46 “Dwelling, Multi-Plex” of Section 3 “Definitions” the following definition shall apply:

3.46 “Dwelling, Multi-Plex”

Means a building divided vertically into a minimum of four (4) and a maximum of sixteen (16) side-by-side and/or back-to-back units, with each unit being separated by two or more common walls and each having private entrances to the outside.

That Subsection 7.12 (d) “Yard Encroachments” of Section 7 “General Provisions”, be deleted and replaced with the following:

- d) unenclosed porches, balconies, and/or open stairways may project into any minimum required front yard and/or flankage side yard by a distance of not more than 3.15 metres.

That notwithstanding the provisions of Subsection 7.14 (a) (iv), (x), (xv), and (xvi) “General Provisions” of Section 7 “Parking and Loading” the following shall apply:

- (iv) A parking space is permitted on a private driveway appurtenant to a street or block townhouse dwelling or multi-plex dwelling.
- (x) Shall not apply.

- (xv) The words “planting strip of a minimum width of 3 metres” shall be replaced with “landscaped area.”
- (xvi) Shall not apply, save and except for parking immediately adjacent to Garner Road East.

That notwithstanding the provisions of Subsection 7.14 (b) (i) (B) “Required Parking Spaces” of Section 7 “Parking and Loading” the following shall apply:

- (b)(i)(B) Block townhouse and multi-plex dwellings shall require 2 parking spaces, plus 0.5 visitor parking spaces.

Notwithstanding any provision to the contrary, visitor parking shall be permitted to be located a minimum of 2.5 metres from a dwelling. Future property and / or unit boundaries created through a *Condominium Act* or a *Planning Act* application shall not be subject to this requirement.

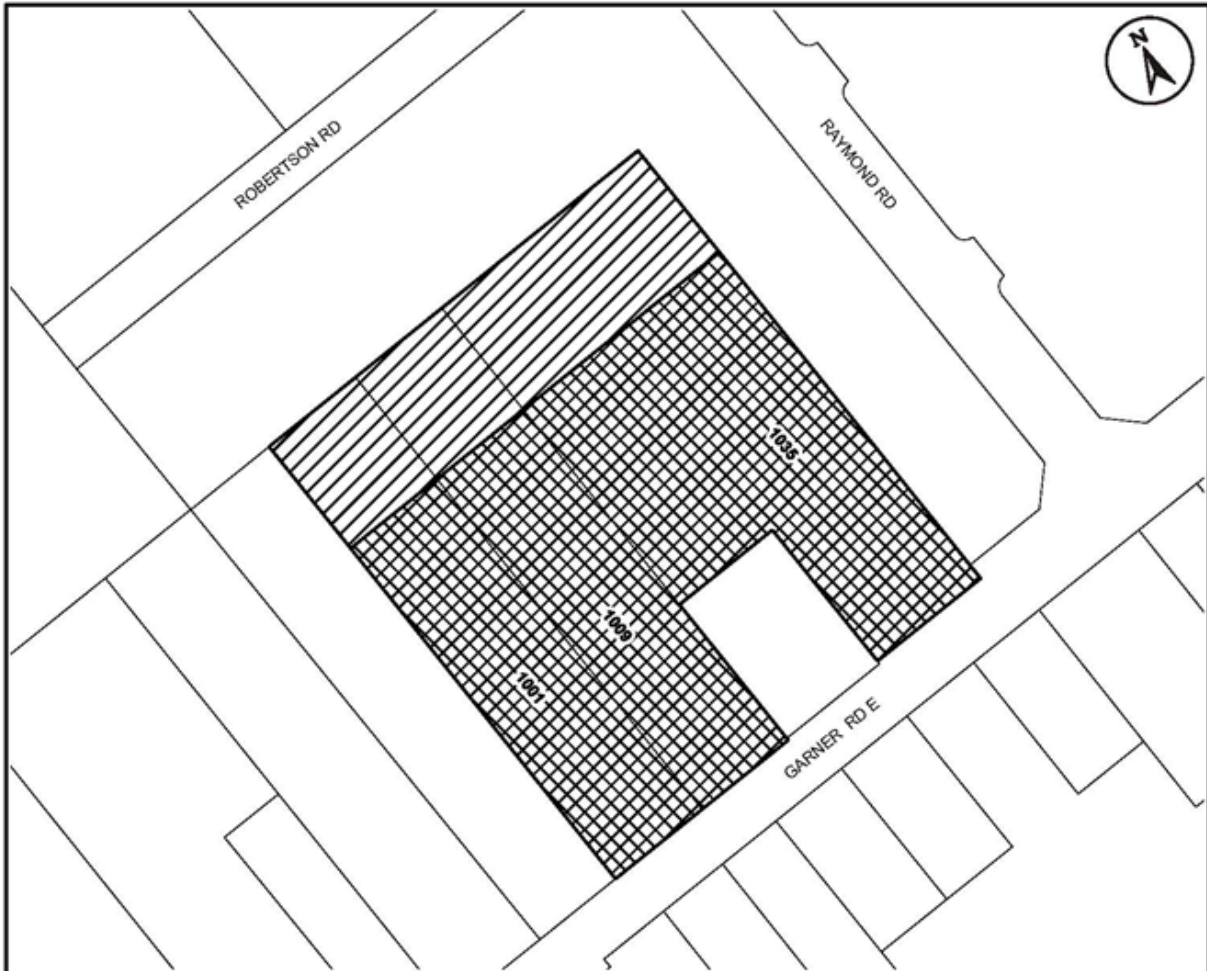
- 3. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Residential Multiple “RM2” Zone and the Residential Multiple “RM5” Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.
- 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 9th day of March 2016.

F. Eisenberger
Mayor

R. Caterini
City Clerk

ZAC-15-003



This is Schedule "A" to By-law No. 16- Passed the day of, 2016	----- Mayor ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 16-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 87-57 Map 2</p>	<p>Subject Property 1001, 1009 & 1035 Garner Road East</p> <p> Block 1 - Change in zoning from the Institutional "I" Zone to the Residential Multiple "RM2-667" Zone, Modified</p> <p> Block 2 - Change in zoning from the Institutional "I" Zone to the Residential Multiple "RM5-668" Zone, Modified</p>
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Scale: N.T.S.	File Name/Number: ZAC-15-003 UHOPA-15-001 25T-201501	<p>Hamilton</p>
Date: November 5, 2015	Planner/Technician: RC/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		