

**Authority:** Item 3, Planning Committee  
Report 16- 003 (PED16003)  
CM: February 24, 2016

**Bill No. 068**

## **CITY OF HAMILTON**

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

#### **To Amend Zoning By-law No. 87-57 (Ancaster) Respecting Lands located at 961, 969, 975, and 989 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 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 3 of Report 16-003 of the Planning Committee at its meeting held on the 24<sup>th</sup> 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 upon finalization of Official Plan Amendment No. 50;

**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 Rural Commercial "C5-203" Zone to the Residential Multiple "RM2-669" Zone, modified, the lands comprised in "Block 1";

- (b) by changing the zoning from the Agricultural "A" Zone to the Residential Multiple "RM2-669" Zone, modified, the lands comprised in "Block 2";
- (c) by changing the zoning from the Institutional "I" Zone to the Residential Multiple "RM2-669" Zone, modified, the lands comprised in "Block 3";
- (d) by changing the zoning from the Rural Commercial "C5-203" Zone to the Residential Multiple "RM5-670" Zone, modified, the lands comprised in "Block 4";
- (e) by changing the zoning from the Agricultural "A" Zone to the Residential Multiple "RM5-670" Zone, modified, the lands comprised in "Block 5";
- (f) by changing the zoning from the Institutional "I" Zone to the Residential Multiple "RM5-670" Zone, modified, the lands comprised in "Block 6";

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:

**RM2-669**

That notwithstanding Sections 15.2 (a), (b), (c), (d), (e), (f), and (k) (ii) of Section 15: Residential Multiple "RM2" Zone and Subsection 7.12 (d), the following regulations shall apply:

REGULATIONS

- (a) Minimum Lot Area            175.0 square metres
- (b) Minimum Lot Frontage      6.0 metres
- (c) Minimum Lot Depth        29.0 metres
- (d) Maximum Lot Coverage    55 percent
- (e) Minimum Front Yard        4.9 metres, except 6.0 metres to a garage
- (f) Minimum Side Yard        1.2 metres for a dwelling end unit.
  
- (k) Unit Placement

- (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.

Maximum Density                      50 units per hectare

That for the lands zoned Residential Multiple “RM2-669” Zone, Subsection 7.12 (d) “Yard Encroachments” of Section 7 “General Provisions”, shall not apply and be replaced with the following:

- i) 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.

### **RM5-670**

That notwithstanding Sections 18.1 and 18.2 (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (o) of Section 18: Residential Multiple “RM5” Zone, Subsection 3.46, Subsection 7.12 (d), and Subsection 7.14, the following regulations shall apply:

#### 1. Permitted Uses:

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

#### 2. Regulations

- (a) Minimum Lot Area
  - i) 120.0 square metres for a “Dwelling, Block Townhouse”
  - ii) 75.0 square metres for a “Dwelling, Multi-Plex”
- (b) Maximum Density                      53 dwelling units per hectare.
- (c) Minimum Lot Frontage                5.0 metres
- (d) Minimum Lot Depth
  - i) 23.0 metres for a “Dwelling, Block Townhouse”.
  - ii) 12.0 metres for a “Dwelling, Multi-Plex”.

- (e) Maximum Lot Coverage
  - i) 60 percent for a “Dwelling, Block Townhouse”.
  - ii) N/A for a “Dwelling, Multi-Plex”.
- (f) Minimum Front Yard
  - i) 4.6 m percent for a “Dwelling, Block Townhouse”, except 6.0 m for a garage.
  - ii) 4.1 m for a “Dwelling, Multi-Plex”, except 6.0 m for a garage.
- (g) Minimum Side Yard
  - 1. End Unit not Abutting a Street 1.2 metres
  - 2. 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
  - i) 12.6 metres for a “Dwelling, Multi-Plex”.
  - ii) N/A for a “Dwelling, Multi-Plex”.
- (j) Landscaping
  - i) 30 percent of the lot area (including privacy areas) for a “Dwelling, Block Townhouse”.
  - ii) N/A for a “Dwelling, Multi-Plex”.
- (k) Planting Strip Shall not apply.
- (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.
- (m) Children’s Play Area Shall not apply.

- (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 for lands within the Residential Multiple “RM5-670” Zone:

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 for lands within the Residential Multiple “RM5-670” Zone:

- i) 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.

Subparagraph 7.14 (a) (x) shall not apply to those lands within the Residential Multiple “RM5-670” Zone.

Subparagraph 7.14 (a) (xvi) shall not apply to those lands within the Residential Multiple “RM5-670” Zone, save and except for parking immediately adjacent to Garner Road East.

Notwithstanding Subsection 7.14 (b) (i) (A) and (B) 0.5 visitor parking spaces shall be provided for each block townhouse and multi-plex dwelling to those lands within the Residential Multiple “RM5-670” Zone.

In subparagraph 7.14 (a) (xv) the term “planting strip of a minimum width of 3 metres” shall be replaced with “landscaped area” for those lands zoned Residential Multiple “RM5-670” Zone.

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 9<sup>th</sup> day of March, 2016.

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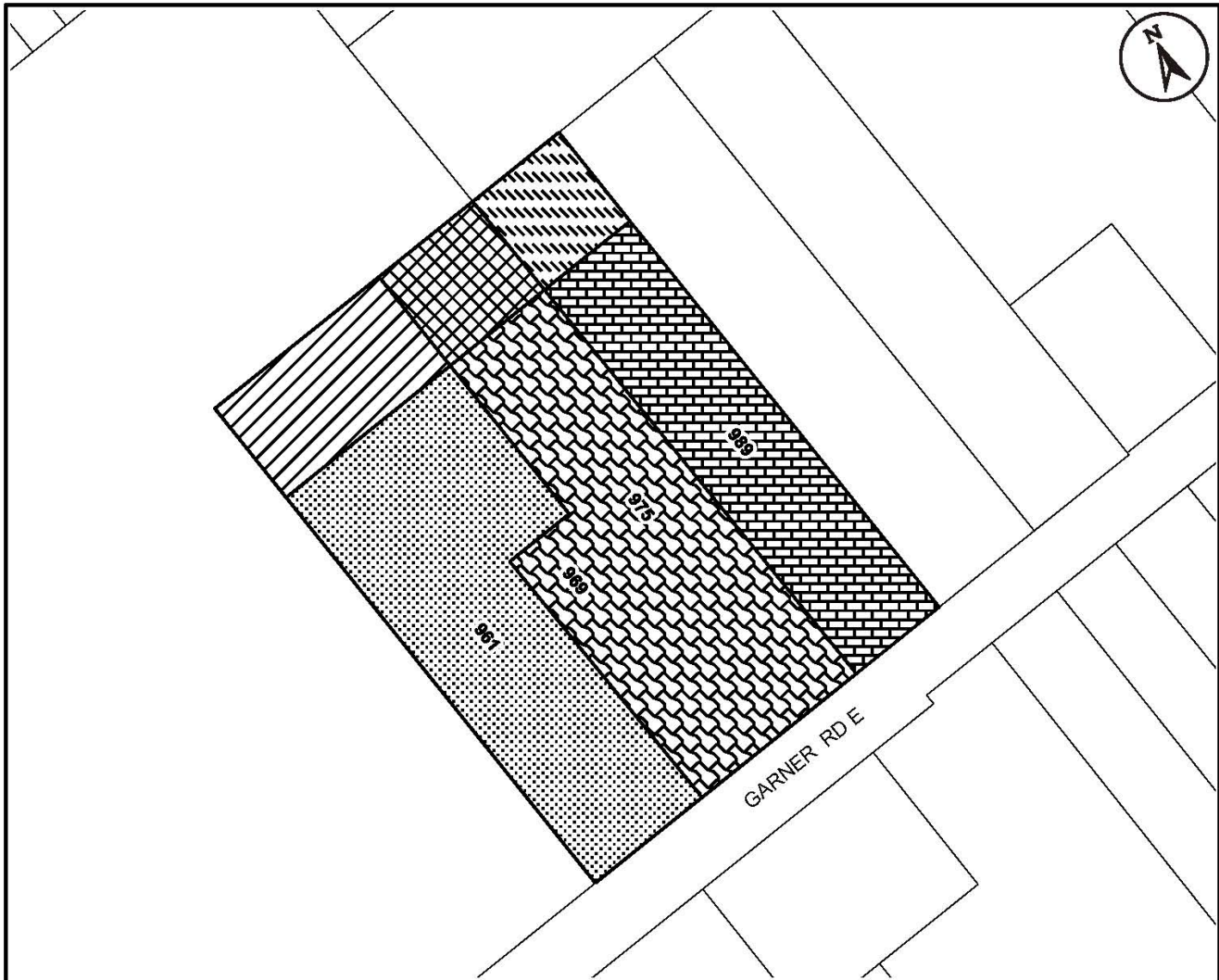
F. Eisenberger  
Mayor

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R. Caterini  
City Clerk

ZAC-15-006

To Amend Zoning By-law No. 87-57 (Ancaster)  
 Respecting Lands located at 961, 969, 975, and 989 Garner Road East (Ancaster)



This is Schedule "A" to By-law No. 16-

Passed the ..... day of ....., 2016

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 Mayor

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 Clerk







## Schedule "A"

Map Forming Part of  
 By-law No. 16-\_\_\_\_\_

to Amend By-law No. 87-57

### Subject Property

961 - 989 Garner Road East, Ancaster

-  **Block 1** - Change in zoning from the Rural Commercial "C5-203" Zone to the Residential Multiple "RM2-669" Zone, Modified
-  **Block 2** - Change in zoning from the Agricultural "A" Zone to the Residential Multiple "RM2-669 Zone, Modified
-  **Block 3** - Change in zoning from the Institutional "I" Zone to the Residential Multiple "RM2-669 Zone, Modified
-  **Block 4** - Change in zoning from the Rural Commercial "C5-203" Zone to the Residential Multiple "RM5-670" Zone, Modified
-  **Block 5** - Change in zoning from the Agricultural "A" Zone to the Residential Multiple "RM5-670" Zone, Modified
-  **Block 6** - Change in zoning from the Institutional "I" Zone to the Residential Multiple "RM5-670" Zone, Modified

Scale:  
 N.T.S.

File Name/Number:  
 ZAC-15-006/UHOPA-15-002/25T-201502

Date:  
 Dec. 15, 2015

Planner/Technician:  
 RC/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT