

## **CITY OF HAMILTON**

### **BY-LAW NO. 18-**

#### **To Amend Zoning By-law No. 87-57 Respecting Lands Located at 503 and 515 Garner Road West (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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 13 of Report 18-002 of the Planning Committee at its meeting held on the 14<sup>th</sup> day of February 2018, which recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided; and,

**AND WHEREAS** this By-law will be in conformity with the Urban Hamilton Official Plan upon adoption of UHOPA No. 96;

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

1. That Map No. 1-B to Schedule "B", appended to and forming part of By-law No. 87-57 (Ancaster) is amended by changing the zoning from the Agricultural "A-216" Zone to the Residential Multiple "RM2-690" Zone, Modified on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. The Section 34: Exceptions, to Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following Sub-sections:

## **RM2 - 690**

That notwithstanding the provisions of Sections 3.43 and 3.132, Section 7.14 (a)(i) and (x), (b)(i)(B), Section 7.12(c) and (d), Section 9.5, Section 9.3(b), Section 15.1, and Section 15.2 (a), (b), (c), (d), (f), (g) and (h), the following special provisions shall apply to the lands zoned "RM2-690":

### **PERMITTED USES**

- (a) Block Townhouse dwellings and uses, buildings and structures accessory thereto shall also be permitted.

### **REGULATIONS**

- (a) Minimum Lot Area: 150 square metres per dwelling unit
- (b) Minimum Lot Frontage: 6.0 metres per dwelling unit
- (c) Minimum Lot Depth: 25 metres per dwelling unit
- (d) Maximum Lot Coverage: 55 percent per dwelling unit
- (e) Minimum Side Yard - External: 1.2 metres  
Internal: 0.0 metres
- (f) Minimum Side Yard Abutting Garner Road West: 2.5 metres
- (g) Minimum Rear Yard: 6.0 metres per dwelling unit
- (h) Maximum Building Height: 13 metres

#### **Frontage on a Condominium Road**

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

#### **Definition of Front Lot Line**

- (j) The lot line fronting onto a common element condominium road shall be considered the front lot line. In the case where two lot lines abut a common element condominium road, the shorter of the two shall be considered the front lot line.

#### **Minimum Required Visitor Parking**

- (k) A minimum of 0.5 visitor parking spaces per unit within a condominium driveway shall be provided and maintained.

Encroachment of Air Conditioning Units and Heat Pumps

- (l) The provisions of Paragraph (b), Sub-section 9.3, "Air Conditioning Units and Heat Pumps", shall not apply.

Privacy Screens

- (m) The provisions of Sub-section 9.5, "Privacy Screens", shall not apply.

Dwelling Unit Placement

- (n) Sub-section 15.2, Paragraph (k), "Dwelling Unit Placement", shall not apply.

Definition of Height and Grade

- (o) Notwithstanding the definition of "height" and "grade" in Section 3 of the Town of Ancaster Zoning By-law 87-57, for the purposes of this by-law, height shall be measured on the basis of each individual unit.

Encroachment of Porches and Steps

- (p) Notwithstanding the provisions of Section 7.12(d), a maximum encroachment for porches, including steps, of 2.0 m shall be permitted.

Parking and Loading – General Provisions

- (q) The provisions of Section 7.14(a)(x) "Parking and Loading – General Provisions" shall not apply.

Encroachment of Eaves and Gutters

- (r) Notwithstanding Section 7.12(d) "Yard Encroachments", eaves or gutters may project into any yard a distance of not more than 1.5 metres.

All of the other provisions of Section 15.2 of the by-law apply.

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 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 28<sup>th</sup> day of February, 2018.





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F. Eisenberger  
Mayor

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R. Caterini  
City Clerk

ZAC-16-017/UHOPA-16-007

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|---|---|--|--|--|-----------------------|------------------------------|--|--|
|    |   |  |  |  |                       |                              |  |  |
| <p>This is Schedule "A" to By-law No. 18-</p> <p>Passed the ..... day of ....., 2018</p>  | <p style="text-align: center;">-----</p> <p style="text-align: center;">Mayor</p> <p style="text-align: center;">-----</p> <p style="text-align: center;">Clerk</p> |  |  |  |                       |                              |  |  |
| <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <h2 style="text-align: center;">Schedule "A"</h2> <p style="text-align: center;">Map Forming Part of<br/>By-law No. 18-_____</p> <p style="text-align: center;">to Amend By-law No. 87-57</p> </div> <div style="width: 50%;"> <p><b>Subject Property</b></p> <p>503 and 515 Garner Road West</p> <div style="margin-top: 10px;"> <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); border: 1px solid black; margin-right: 5px;"></div> <div> <p><b>Block 1</b> - Change in zoning from Agricultural "A-216" Zone to Residential Multiple "RM2-690" Zone, Modified with Exceptions</p> </div> </div> <div style="margin-top: 10px;"> <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 10px; background-color: #cccccc; border: 1px solid black; margin-right: 5px;"></div> <div> <p><b>Block 2</b> - Refer to By-law 05-200</p> </div> </div> </div> </div> </div> </div> |   |  |  |  |                       |                              |  |  |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; padding: 2px;">Scale:<br/>N.T.S.</td> <td style="width: 60%; padding: 2px;">File Name/Number:<br/>ZAC-16-017/UHOPA-16-007</td> <td rowspan="3" style="width: 20%; text-align: center; vertical-align: middle;"> <br/> <b>Hamilton</b> </td> </tr> <tr> <td style="padding: 2px;">Date:<br/>Jan. 8, 2018</td> <td style="padding: 2px;">Planner/Technician:<br/>GZ/VS</td> </tr> <tr> <td colspan="2" style="padding: 2px;">PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</td> </tr> </table>   |   | Scale:<br>N.T.S.   | File Name/Number:<br>ZAC-16-017/UHOPA-16-007 | <br><b>Hamilton</b> | Date:<br>Jan. 8, 2018 | Planner/Technician:<br>GZ/VS | PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT |  |
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