

Authority: Item 25, Planning and Economic
Development Committee
Report: 05-017 (PED05073)
CM: August 10, 2005

Bill No. 240

CITY OF HAMILTON

BY-LAW NO. 05-240

**To Amend Zoning By-law No. 87-57 (Ancaster), as amended,
respecting lands located at Part of Lots 52 and 53, Concession 3 (Ancaster)**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14,
Sch. C. did incorporate, as of January 1st, 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 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
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subsequently amended or repealed by the Council of the City of Hamilton;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 this By-law is in conformity with the Official Plan of the City of
Hamilton (the Official Plan of the former Town of Ancaster) in accordance with the
provisions of the Planning Act.

AND WHEREAS the Council of the City of Hamilton, in adopting Item 25 of
Report 05-017 of the Planning and Economic Development Committee at its meeting
held on the 10th day of August, 2005, recommended that Zoning By-law No. 87-57
(Ancaster), be amended as hereinafter provided;

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

1. Map 1 to Schedule “B” of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing from the Institutional “I” Zone and the Agricultural “A” Zone to the following:
 - (a) Residential “R5-525” Zone, for the lands comprised in **Block “1”**;
 - (b) Residential “R5-526” Zone for the lands comprised in **Block “2”**;
 - (c) Multiple Residential Holding “RM4-527-H” Zone for the lands comprised in **Block “3”**;
 - (d) Public Open Space “02-528” Zone for the lands comprised in **Block “4”**;
 - (e) Public Open Space “02-529” Zone for the lands comprised in **Block “5”**;
and,
 - (f) to Residential Holding “R5-525-H” Zone, for the lands comprised in **Block “6”**;

the lands, the extent and boundaries of which are shown on Schedule “A” annexed hereto and forming part of this by-law.

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

“**R5- 525-H**” Notwithstanding any provisions to the contrary of Section 13.1, Permitted Uses, Section 13.2, Regulations of Section 13: Residential “R5” Zone and Section 9, General Provisions for Residential Zones of By-law No. 87-57 (Ancaster), the following special provisions shall apply to the lands zoned “R5-525-H”:

Permitted Uses

Single Detached Dwelling

Development Regulations

- | | |
|--------------------------|--|
| (a) Minimum Lot Frontage | 11 metres, except on a corner lot the minimum lot frontage shall be 13.8 metres. |
| (b) Maximum Lot Coverage | 42.5% |

- Notwithstanding the definition for Lot Coverage in Section 3.76, Lot Coverage shall not include enclosed and/or unenclosed porches in the front or flankage yard
- (c) Minimum Front Yard 4.5 metres to the dwelling, except 6 metres to an attached garage or attached carport.
- Notwithstanding Section 13.2(d), Schedule "C" requirements shall not apply.
- (d) Minimum Side Yards 1.2 metres, except on a corner lot, the minimum side yard abutting a street shall be 3.0 metres.
- Notwithstanding Section 13.2(d), Schedule "C" requirements shall not apply.
- (e) Yard Encroachments 1.5 metres for an unenclosed porch or open stairways that project into any minimum front or rear yard.
- (f) Decks Notwithstanding Section 9.10, the minimum rear yard setback for a deck over 1.2 metres in height and over 15 square metres in area shall be 4.5 metres.
- (g) Holding Removal The Holding symbol "H" shall not be removed until the lands affected have merged with adjoining lands to the west under one ownership and the adjoining lands have been zoned Residential "R5-525" Zone.

“R5-526” Notwithstanding any provisions to the contrary of Section 13.1, Permitted Uses and Section 13.2, Regulations of Section 13: Residential “R5” Zone of By-law No. 87-57 (Ancaster), the following special provisions shall apply to the lands zoned “R5-526”:

Permitted Uses

Semi-detached dwellings

Regulations

- | | |
|--------------------------|---|
| (a) Maximum Lot Coverage | 45% for one storey and back-split semi-detached dwellings and 42.5% for 2 storey semi-detached dwellings. |
| (b) Minimum Front Yard | 4.5 metres to the dwelling and 6 metres to a garage.

Notwithstanding Section 13.2(d), Schedule “C” requirements shall not apply. |
| (d) Minimum Side Yards | 1.2 metres, except on a corner lot, the minimum side yard abutting a street shall be 3.0 metres.

Notwithstanding Section 13.2(d), Schedule “C” requirements shall not apply. |
| (c) Yard Encroachments | 1.5 metres for an unenclosed porch or open stairways that project into any minimum front or rear yard and into any side yard not more than 45 centimetres. |

“RM4-527-H” Notwithstanding any provisions to the contrary of Section 17.2, Regulations of Section 17: Residential Multiple “RM4” Zone of By-law No. 87-57 (Ancaster), and Section 18.2, Regulations of Section

18: Residential Multiple “RM5” Zone, the following special provisions shall apply to the lands zoned “R5-527-H”:

Permitted Uses

Block Townhouses in accordance with Section 17.2 and Stacked Townhouses in accordance with Section 18.2.

Regulations

- | | |
|----------------------|---|
| (a) Maximum Density | 50 units per hectare |
| (b) Landscaped Strip | A minimum 3.0 metre landscaped strip will be required to be located between a public street and an internal “window” road. |
| (c) Holding Removal | The Holding Symbol “H” shall not be removed until the property is merged with the adjoining lands to the west under one ownership, also fronting onto Raymond Road and the adjoining lands to the west have been rezoned to the “RM4-527” Zone. |

“02-528” Notwithstanding any provisions to the contrary of Section 33.1, Permitted Uses of Section 33: Public Open Space “O2” Zone of By-law No. 87-57 (Ancaster), the following special provision shall apply to the lands zoned “O2-528”:

Permitted Uses

Storm Water Management Pond

Regulations

In accordance with Section 33.2

“02-529” Notwithstanding any provisions to the contrary of Section 33.1, Permitted Uses of Section 33: Public Open Space “O2” Zone of By-law No. 87-57 (Ancaster), the following special provision shall apply to the lands zoned “O2-529”:

Permitted Uses

Conservation Lands

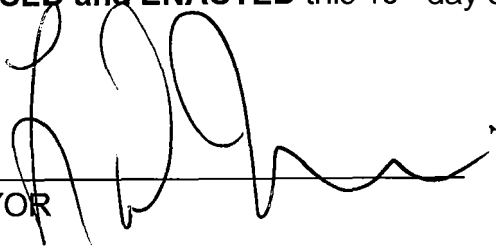
Regulations

In accordance with Section 33.2

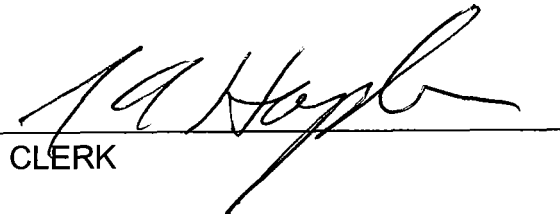
3. That the amending By-law be added to Map 1 of Schedule "B" of Ancaster Zoning By-law No. 87-57.
4. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this 10th day of August, 2005 .

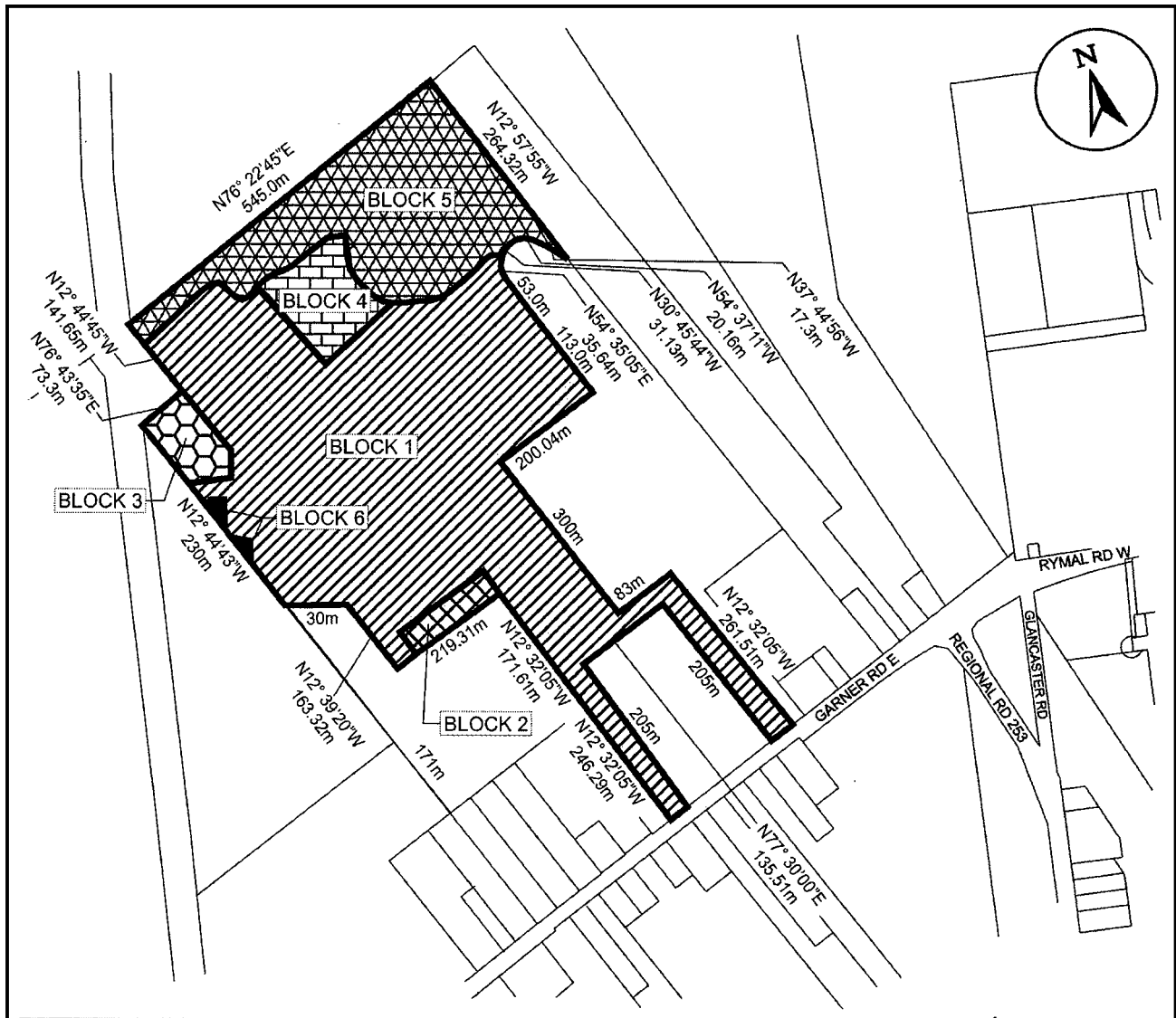
MAYOR



CLERK



ZAC-04-28 and 25T200405



This is Schedule "A" to By-Law No 05— 240

Passed the 10th day of August, 2005

[Signature]
Clerk

[Signature]
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 05-240
to Amend By-Law No 87-57

Subject Property

Paletta Subdivision - Part of Lots 52 and 53, Concession 3,
Former Town of Ancaster

Change in Zoning from Institutional "I" Zone and Agricultural "A" Zone to:

-  Block 1 - Site Specific "R5-525" Zone
-  Block 2 - Site Specific "R5-526" Zone
-  Block 3 - Site Specific Holding "RM4-527-H" Zone
-  Block 4 - Site Specific "O2-528" Zone
-  Block 5 - Site Specific "O2-529" Zone
-  Block 6 - Site Specific Holding "R5-525-H" Zone



Planning and Economic Development Department

Hamilton



Scale:
Not to Scale

Date:
June 2005

File Name/Number:
ZAC-04-28

Planner/Technician:
CT/MC