

Authority: Item 21, Economic Development
and Planning Committee
Report: 09-015 (PED09186)
CM: July 9, 2009

Bill No. 162

CITY OF HAMILTON

BY-LAW NO. 09-162

**To Amend Zoning By-law No. 87-57 (Ancaster),
Respecting Lands Located at 625 Garner Road East**

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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 21 of Report 09-015 of the Economic Development and Planning Committee at its meeting held on the 9th day of July, 2009, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided;

AND WHEREAS this by-law will be in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Ancaster), upon approval of Official Plan Amendment No. 129, proposed by the City of Hamilton, but not yet approved in accordance with the provisions of the Planning Act;

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

1. That Schedule "B" of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing from the Public "P" Zone and Public "P-391" Zone:

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- (a) to the Residential “R4-589” Zone, the lands comprised in Block 1;
- (b) to the Residential “R4-590” Zone, the lands comprised in Block 2;
- (c) to the Residential “R4-591” Zone, the lands comprised in Block 3;
- (d) to the Residential “R4-592” Zone, the lands comprised in Block 4;
- (e) to the Residential Multiple “RM2-593” Zone, the lands comprised in Block 5;
- (f) to the Residential Multiple “RM2-594” Zone, the lands comprised in Block 6; and,
- (g) to the Residential “R4-595” Zone, the lands comprised in Block 7;

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

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

R4-589 That notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), and (f) of Subsection 12.2 “Regulations” of Section 12: Residential “R4” Zone, Schedule “C”, and the Provisions of Section 7.12, “Yard Encroachments”, and Section 7.13, “Special Setbacks”, the following special provisions shall apply to the lands zoned “R4-589”:

Regulations

- | | | |
|-----|----------------------|--|
| (a) | Minimum Lot Area | 280 square metres, except on a corner lot the minimum lot area shall be 320 square metres. |
| (b) | Minimum Lot Frontage | 10.9 metres, except on a corner lot the minimum lot frontage shall be 12.7 metres. |
| (c) | Maximum Lot Coverage | 55 percent. |
| (d) | Minimum Front Yard | 3.0 metres to the dwelling and 5.8 metres to an attached garage shall be provided. |

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For attached staggered double car garages on a lot having a minimum frontage of 10.9 metres, one attached garage shall have a minimum front yard of 2.5 metres and the other shall have a minimum front yard of 5.8 metres.

- (e) Minimum Side Yard 1.2 metres, except 0.6 metres on the side with an attached garage and on a corner lot the minimum side yard abutting a street shall be 3.0 metres.
- (f) Minimum Rear Yard 7.0 metres.
- (g) An unenclosed porch is permitted to encroach 2.0 metres into a required front yard and 2.0 metres into a required flankage yard, and the steps of a porch are permitted to encroach 0.6 metres in addition to the porch encroachment.
- (h) A chimney, belt courses, sills, cornices, chimney breasts, decorative brick facing, pilasters, alcoves, windows, fireplaces, or other architectural features, with or without foundations, are permitted to encroach 0.6 metres into a required yard, to a maximum of half the required yard.
- (i) Bay windows and other types of windows, with or without foundations, are permitted to encroach 2.0 metres into a required front, exterior side, or rear yard.
- (j) Balconies are permitted to encroach 2.0 metres into a required front, exterior side, or rear yard.

R4-590

That notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), and (f) of Subsection 12.2 "Regulations" of Section 12: Residential "R4" Zone, Schedule "C", and the Provisions of Section 7.12, "Yard Encroachments", and Section 7.13, "Special Setbacks", the following special provisions shall apply to the lands zoned "R4-590":

Regulations:

All special regulations of the Residential "R4-589" Zone shall apply except that:

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- (a) For a lot abutting 20 Roelfson Drive to the east, a minimum lot frontage of 13.7 metres, a minimum front yard setback of 5 metres and 5.8 metres to an attached garage, and a minimum westerly side yard setback of 1.2 metres shall be provided.
- (b) For a lot abutting a lot for which the special exemption in Subsection (a), above would apply, a minimum front yard setback of 4 metres and 5.8 metres to an attached garage shall be provided.
- (c) Except as provided for in Subsection (a) above, a minimum lot frontage of 13.1 metres shall be provided.

R4-591 That notwithstanding the provisions of Paragraphs (d) of Subsection 12.2 "Regulations" of Section 12: Residential "R4" Zone and Schedule "C", the following special provision shall apply to the lands zoned "R4-591":

- (a) Minimum Front Yard 10.0 metres.

R4-592 That notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), and (f) of Subsection 12.2 "Regulations" of Section 12: Residential "R4" Zone, Schedule "C", and the Provisions of Section 7.12, "Yard Encroachments", and Section 7.13, "Special Setbacks", the following special provisions shall apply to the lands zoned "R4-592":

Regulations

- (a) Minimum Lot Area 230 square metres, except on a corner lot the minimum lot area shall be 270 square metres.
- (b) Minimum Lot Frontage 9.0 metres, except on a corner lot the minimum lot frontage shall be 10.8 metres, provided that a maximum of 68 lots with a frontage of less than 10.5m shall be permitted.
- (c) Maximum Lot Coverage 55 percent.
- (d) Minimum Front Yard 3.0 metres to the dwelling and 5.8 metres to an attached garage shall be provided,

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For attached staggered double car garages on a lot having a minimum frontage of 10.9 metres one attached garage shall have a minimum front yard of 2.5 metres and the other attached garage shall have a minimum front yard of 5.8m.

- (e) Minimum Side Yard 1.2 metres, except 0.6 metres on the side with an attached garage, and on a corner lot the minimum side yard abutting a street shall be 3.0 metres.
- (f) Minimum Rear Yard 7.0 metres.
- (g) Minimum Landscaping 30 percent of the front yard (except on a corner lot)
- (h) An unenclosed porch is permitted to encroach 2.0 metres into a required front yard and 2.0 metres into a required flankage yard, and the steps of a porch are permitted to encroach 0.6 metres in addition to the porch encroachment.
- (i) A chimney, belt courses, sills, cornices, chimney breasts, decorative brick facing, pilasters, alcoves, windows, fireplaces, or other architectural features, with or without foundations, are permitted to encroach 0.6 metres into a required yard, to a maximum of half the required yard.
- (j) Bay windows and other types of windows, with or without foundations, are permitted to encroach 2.0 metres into a required front, exterior side, or rear yard.
- (k) Balconies are permitted to encroach 2.0 metres into a required front, exterior side, or rear yard.

RM2-593 That notwithstanding the provisions of Subsection 15.1, and Paragraphs (a), (b), (c), (d), (e), (f), (g), and (h) of Subsection 15.2 "Regulations" of Section 15: Residential Multiple "RM2" Zone, Schedule "C", Definitions 3.49, 3.83, 3.84, 3.86 and 3.132, and the Provisions of Section 7.11(a), "Maximum Building Height", Section 7.12, "Yard Encroachments", and Section 7.13, "Special Setbacks", the following special provisions shall apply to the lands zoned "RM2-593":

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- (a) Minimum Lot Area 136 square metres.
- (b) Minimum Lot Frontage 5.5 metres on a condominium road.
- (c) Minimum Lot Depth 24 metres.
- (d) Maximum Lot Coverage 55 percent.
- (e) Minimum Front Yard 3.0 metres and 5.8 metres from a condominium road for an attached garage.
- (f) Minimum Side Yard 1.5 metres for a dwelling end unit not abutting a flanking street, and for a dwelling end unit abutting a flanking street the minimum side yard shall be 2.5 metres.
- (g) Minimum Rear Yard 7.0 metres.
- (h) Maximum Height 13 metres.
- (i) Minimum landscaping 30%.
- (j) Planting Strip N/A.
- (k) Notwithstanding any provisions or definitions to the contrary, legal frontage for a street townhouse shall be permitted on a common element condominium road.
- (l) An unenclosed porch is permitted to encroach 2.0 metres into a required front yard and 2.0 metres into a required flankage yard, and the steps of a porch are permitted to encroach 0.6 metres in addition to the porch encroachment.
- (m) Bay windows and other types of windows, with or without foundations, are permitted to encroach 2.0 metres into a required front, exterior side, or rear yard.
- (n) Balconies are permitted to encroach 2.0 metres into a required front, exterior side, or rear yard.

All other yard encroachments are subject to Subsection 7.12 of Zoning By-law No. 87-57.

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- (o) A minimum of 12 visitor parking spaces or 0.23 visitor parking spaces per unit, whichever is the greater, within a condominium driveway shall be provided and maintained.

RM2-594

That notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), (f), (g), (h) (i) and (j) of Subsection 15.2 "Regulations" of Section 15: Residential Multiple "RM2" Zone, Schedule "C", Definitions 3.49, 3.83, 3.84, 3.86 and 3.132, and the Provisions of Section 7.11(a), "Maximum Building Height", Section 7.12, "Yard Encroachments", and Section 7.13, "Special Setbacks", the following special provisions shall apply to the lands zoned "RM2-594":

- (a) Minimum Lot Area 130 square metres for an interior lot and 180 metres for a flankage lot.
- (b) Minimum Lot Frontage 5.5 metres.
- (c) Minimum Lot Depth 24.0 metres.
- (d) Maximum Lot Coverage N/A.
- (e) Minimum Front Yard 3.0 metres to the dwelling and 5.8 metres to an attached garage shall be provided.
- (f) Minimum Side Yard 1.2 metres for a dwelling end unit which does not abut a flanking street, and for a dwelling end unit abutting a flanking street the minimum side yard shall be 3.0 metres.
- (g) Minimum Rear Yard 7.0 metres.
- (h) Maximum Height 13 metres.
- (i) Minimum Landscaping 30% of the lot area.
- (j) Planting Strip N/A.
- (k) An unenclosed porch is permitted to encroach 2.0 metres into a required front yard and 2.0 metres into a required flankage yard, and the steps of a porch are permitted to encroach 0.6 metres in addition to the porch encroachment.

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- (l) Bay windows and other types of windows, with or without foundations, are permitted to encroach 2.0 metres into a required front, exterior side, or rear yard.
- (m) Balconies are permitted to encroach 2.0 metres into a required front, exterior side, or rear yard.

All other yard encroachments are subject to Subsection 7.12 of Zoning By-law No. 87-57.

R4-595

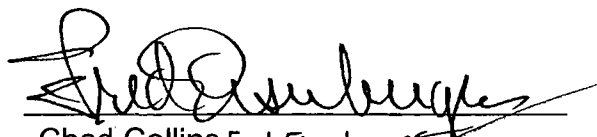
That notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e) and (f) of Subsection 12.2 "Regulations" of Section 12: Residential "R4" Zone, Schedule "C", and the Provisions of Section 7.12, "Yard Encroachments", and Section 7.13, "Special Setbacks", the following special provisions shall apply to the lands zoned "R4-595":

Regulations:

All special regulations of the Residential "R4-589" Zone shall apply except that:

- (a) A minimum lot frontage of 13.1 metres shall be provided and maintained.
3. That the amending By-law be added to Map 1 of Schedule B of Ancaster Zoning By-law No. 87-57.
 4. That By-law 08-147 be repealed in its entirety;
 5. 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.

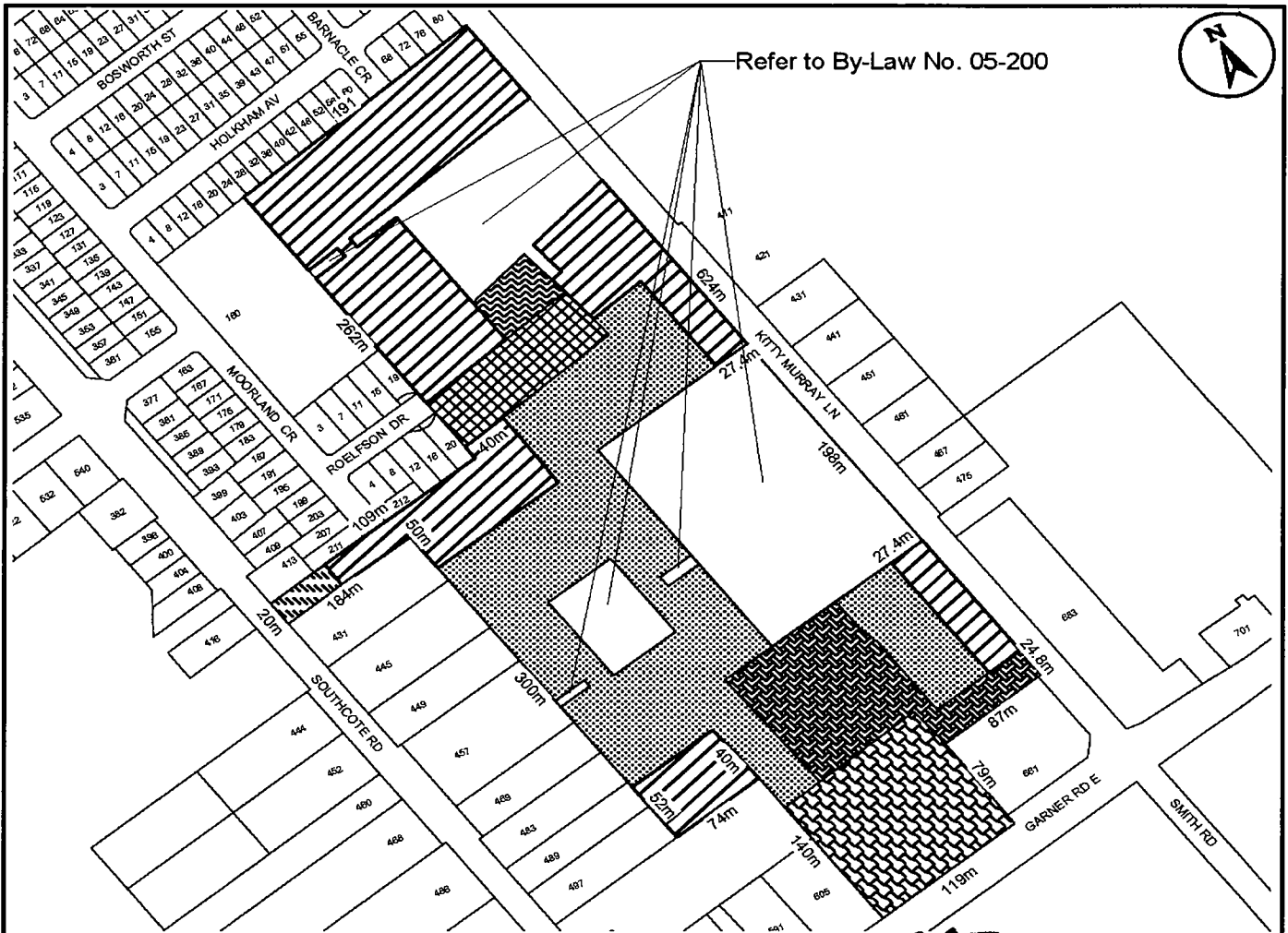
PASSED and ENACTED this 9th day of July, 2009


-Chad Collins Fred Eisenberger
-Acting Mayor


Kevin C. Christenson
City Clerk

ZAC-09-002/OPA-09-001/25T200711(R)

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This is Schedule "A" to By-Law No. 09-162

Passed the ...9th... day of ...July....., 2009

[Signature]
Clerk
[Signature]
Mayor








Schedule "A"

Map Forming Part of
By-Law No. 09-162

to Amend By-law No. 87-57

Subject Property

625 Garner Road East, Ancaster
Change in Zoning from the Public "P" and "P-391" Zones to:

-  Block 1 - Residential "R4-589" Zone
-  Block 2 - Residential "R4-590" Zone
-  Block 3 - Residential "R4-591" Zone
-  Block 4 - Residential "R4-592" Zone
-  Block 5 - Residential "RM2-593" Zone
-  Block 6 - Residential "RM2-594" Zone
-  Block 7 - Residential "R4-595" Zone

Scale:
N.T.S.

File Name/Number:
ZAC-09-002/OPA-09-001/25T-200711(R)

Date:
May 29, 2009

Planner/Technician:
EJ/NB



Hamilton