

Authority: Item 11, Economic Development
and Planning Committee
Report: 10-004 (PED10030)
CM: February 24, 2010

Bill No. 036

CITY OF HAMILTON

BY-LAW NO. 10-036

To Amend Zoning By-law No. 87-57 Respecting Lands Located at 250, 262, and 270 Springbrook Avenue, in the former Town of Ancaster, now in the City of Hamilton

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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 11 of Report 10-004 of the Economic Development and Planning Committee, at its meeting held on the 24th day of February, 2010, recommended that Zoning By-law No. 87-57, be amended as hereinafter provided;

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).

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

1. That Map 1 of Schedule "B" of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended as follows:

- (a) By changing the zoning from the Agricultural "A" Zone to the Residential "R4-598" Zone, Modified, the lands comprised of Block 1;
 - (b) By changing the zoning from the Agricultural "A" Zone to the Holding Residential "H-R4-598" Zone, Modified, the lands comprised of Block 2;
 - (c) By changing the zoning from the Agricultural "A" Zone to the Holding Residential "H-R5-599" Zone, Modified, the lands comprised of Blocks 3 and 4; and,
 - (d) By changing the zoning from the Agricultural "A" Zone to Residential "R5-600" Zone, Modified, the lands comprised of Block 5.
2. That Section 34: Exceptions of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following subsections:

R4-598 and R4-598(H)

- (1) That notwithstanding the provisions of Subsection 12.2 "Regulations" of Zoning By-law No. 87-57 (Ancaster), the following special provisions shall apply to the lands zoned "R4-598":

Development Regulations:

- a) Minimum Lot Frontage: 12.0 metres for an interior lot.
13.0 metres for a corner lot.
- b) Minimum Lot Area: 400m² for an interior lot.
420m² for a corner lot.
- c) Minimum Front Yard: 3.0 metres to dwelling unit and 6.0 metres to an attached garage.
- d) Minimum Exterior Side Yard: 1.2 metres.
- e) Maximum Lot Coverage: 45%.
- f) Notwithstanding anything to the contrary, the location of any buildings or structures existing as of the date of the passing of this By-law, being the 24th day of February, 2010, shall be deemed to comply with the relevant regulations of By-law 87-57.
- g) All other provisions of the Residential "R4" Zone shall continue to apply.

- (2) On those lands zoned R4-598(H) by this By-law, the (H) symbol may be removed by a further amendment to this By-law at such time as road access has been provided to Springbrook Avenue, to the satisfaction of the Manager of Engineering Design and Construction and the Director of Planning.

City Council may remove the (H) symbol, and thereby give effect to the “R4-598” Zone, by enactment of an amending By-law once the above condition has been fulfilled.

R5-599(H)

- (1) That notwithstanding the provisions of Subsection 13.2 “Regulations” of Zoning By-law No. 87-57 (Ancaster), the following special provisions shall apply to the lands zoned “R5-599(H)”:

Development Regulations:

- a) Minimum Front Yard: 3.0 metres to dwelling unit and 6.0 metres to an attached garage.
 - b) Minimum Exterior Side Yard: 1.2 metres.
 - c) Maximum Lot Coverage: 45%.
 - d) All other provisions of the Residential “R5” Zone shall continue to apply.
- (2) On those lands zoned R5-599(H) by this By-law, the (H) symbol may be removed by a further amendment to this By-law at such time as road access has been provided to Springbrook Avenue, to the satisfaction of the Manager of Engineering Design and Construction and the Director of Planning.

City Council may remove the (H) symbol, and thereby give effect to the “R5-599” Zone, by enactment of an amending By-law once the above condition has been fulfilled.

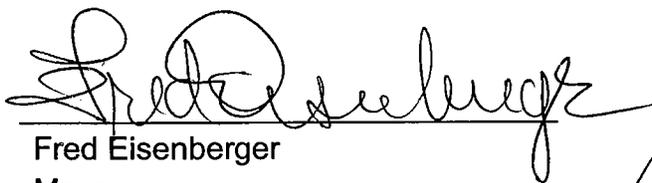
R5-600

- (1) That notwithstanding the provisions of Subsection 3.132 “Street” and Subsection 13.2 “Regulations” of Zoning By-law No. 87-57 (Ancaster), the following special provisions shall apply to the lands zoned “R5-600”:

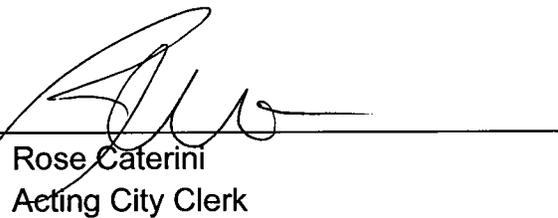
Development Regulations:

- a) For the purposes of this By-law, a common element condominium road shall be deemed to be a street, as defined by Subsection 3.132 "Street".
 - b) Minimum Front Yard: 4.5 metres to dwelling unit and 6.0 metres to an attached garage.
 - c) Minimum Exterior Side Yard: 1.2 metres.
 - d) Maximum Lot Coverage: 45%.
 - e) All other provisions of the Residential "R5" Zone shall continue to apply.
3. 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 24th day of February, 2010.



Fred Eisenberger
Mayor



Rose Caterini
Acting City Clerk

ZAC-07-061

By-law Respecting 250, 262, and 270 Springbrook Avenue, in the former Town of Ancaster (Page 5 of 5)



This is Schedule "A" to By-Law No. 10-036
 Passed the 24th day of February, 2010

[Signature]
 Clerk
 Mayor

Schedule "A"

Map Forming Part of
 By-Law No. 10-036
 to Amend By-law No.87-57

Subject Property

250, 262, and 270 Springbrook Avenue, Ancaster

-  Block 1: Change in Zoning from the Agricultural "A" Zone to the Residential "R4-598" Zone
-  Block 2: Change in Zoning from the Agricultural "A" Zone to the Holding Residential "H-R4-598" Zone
-  Block 3 and 4: Change in Zoning from the Agricultural "A" Zone to the Holding Residential "H-R5-599" Zone
-  Block 5: Change in Zoning from the Agricultural "A" Zone to the Residential "R5-600" Zone
-  Refer to By-Law 05-200

Scale: N.T.S.	File Name/Number: ZAC-07-061 / 25T200710
Date: December 17, 2009	Planner/Technician: CB / MB

