

Authority: Item 2, Planning Committee
Report 20-008 (PED20132)
CM: August 21, 2020
Ward: 12

Bill No. 183

CITY OF HAMILTON

BY-LAW NO. 20-183

To Amend Zoning By-law No. 87-57 Respecting Lands Located at 527 Shaver Road and 629 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 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 2 of Report 20-008 of the Planning Committee at its meeting held on the 21st day of August 2020, 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. 136;

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 Modified to a Holding Residential Multiple “RM4” (H-RM4-710) 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:

RM4 – 710

That notwithstanding the provisions of Sections 7.11, 7.14 (a)(x), (b), 17.2 (a), (b), (e), (f), (g), (h), (i), (j), (k), (n) and (p) the following special provisions shall apply to the lands zoned “H-RM4-710”:

PERMITTED USES

- (a) Block townhouse dwellings, back to back townhouse dwellings and uses, buildings and structures accessory thereto.

REGULATIONS

- | | | |
|-----|--------------------------|--|
| (a) | Minimum Lot Area | 0.382 ha |
| (b) | Maximum Density: | 63 dwelling units per hectare |
| (c) | Maximum Lot Coverage: | 32.76% |
| (d) | Minimum Front Yard: | 2.2 metres to Garner Road West |
| (e) | i. Minimum Side Yard: | 1.25 metres – Easterly
1.80 metres – Westerly |
| | ii. Minimum Rear Yard: | 6.0 metres |
| (f) | Maximum Building Height: | 11.5 metres |
| (g) | Minimum Landscaping: | 29 % |
| (h) | Planting Strip: | 1.8 metres width along each lot line |
| (i) | Minimum Privacy Area: | i. 20 square metres
ii. That the minimum depth for at grade privacy areas shall be 6m |
| (j) | Children’s Play Area: | None shall be required |
| (k) | Building Separation: | Any townhouse dwelling shall be no closer to another townhouse dwelling on |

the same lot in accordance with the following distance requirements:

	Façade	Rear Wall	End Wall
Façade	19.70 m	19.5m	16.0 m
Rear Wall	19.5 m	15.0m	10.5m
End Wall	16.0m	7.0 m	2.4 m

- (l) Yard Encroachments: That a balcony shall be permitted to encroach 1.55m into any yard but shall not be closer than 4.45m from any lot line.
- (m) Parking: No parking space shall be located closer to the street line than 3.3m
- That parking spaces shall be provided at a rate of 2 per unit plus 0.25 visitor per unit.

4. In addition to the above noted modifications, notwithstanding any other provisions in this by-law, the following setback will also be required:

(a) Minimum Setback from a Daylighting Triangle: 4.3m

5. That the amending By-law apply the Holding Provision of section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol 'H' as a suffix to the proposed zoning.

The Holding Provision Residential Multiple (Holding) "H-RM4-710" Zone, Modified, shall be removed conditional upon:

- a) Payment of the outstanding servicing cost for the existing sanitary sewer on Garner Road adjacent to the site is received to the satisfaction of the Manager of Development Engineering.
 - b) That the applicant complete an Archaeological Assessment to the satisfaction of the Ministry of Heritage, Sport, Tourism and Culture.
6. 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 "RM4" Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.

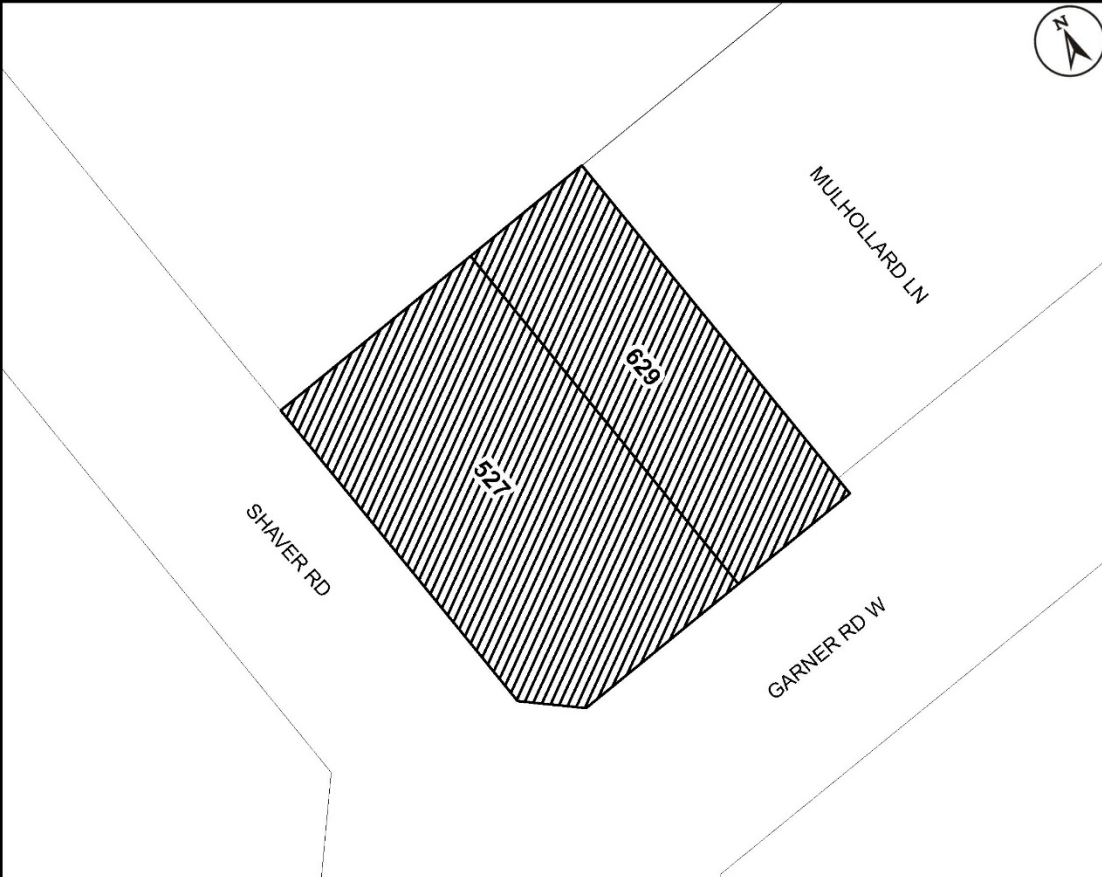

7. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

PASSED this 21st day of August, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

UHOPA-19-14
ZAC-19-010

		
<p style="text-align: center;">This is Schedule "A" to By-law No. 20-</p> <p style="text-align: center;">Passed the day of, 2020</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%;"> <p style="text-align: center; font-size: 1.2em; font-weight: bold;">Schedule "A"</p> <p style="text-align: center; font-weight: bold;">Map forming Part of By-law No. 20-_____</p> <p style="text-align: center; font-weight: bold;">to Amend By-law No. 87-57</p> </div> <div style="width: 50%;"> <p>Subject Property</p> <p>527 Shaver Road & 629 Garner Road West</p> <div style="display: flex; align-items: flex-start;"> <div style="width: 20px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); margin-right: 5px;"></div> <p>Change in zoning from the Agricultural "A-216" Zone to the Holding Residential Multiple "H-RM4-710" Zone, Modified</p> </div> </div> </div>		
<p>Scale: N.T.S</p> <p>Date: February 27, 2020</p>	<p>File Name/Number: ZAC-19-010</p> <p>Planner/Technician: EB/VS</p>	 Hamilton PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT