

**Authority:** Item 7, Planning Committee  
Report: 16-001(PED16020)  
CM: January 20, 2016

**Bill No. 035**

## **CITY OF HAMILTON**

### **BY-LAW NO 16-035**

#### **To Amend Zoning By-law No. 87-57, Respecting Lands Located 1169 Garner Road East, 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 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 7 of Report 16-001 of the Planning Committee, at its meeting held on the 20<sup>th</sup> day of January, 2016, which recommended that Zoning By-law No. 87-57, be amended as hereinafter provided;

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Urban Hamilton Official Plan Amendment No. 44.

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

1. That Section 34: Exceptions of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by deleting and replacing the

provision of the Residential Multiple "RM6-611" Zone, Modified, with the following:

**"RM6-611"**

- (i) That in addition to Section 19.1, "Permitted Uses", of Section 19: Residential Multiple "RM6" Zone, the following additional uses shall be permitted:

- a) Multi-plex dwelling;
- b) Block Townhouse(s);
- c) Uses, buildings and structures accessory to a permitted use; and,
- d) Private roadways including parking and landscaping.

- (ii) That notwithstanding Paragraph 3.134 "Street" of Section 3, "Definitions" the following definition shall apply:

**3.134 "Street"**

For the purposes of this Zone, the private driveway(s) or condominium road(s) are deemed to be a street(s), and parking and landscaping are permitted within the street(s).

- (iii) That notwithstanding Paragraph 3.84 "Lot Line, Front"; Paragraph 3.85 "Lot Line, Side"; and Paragraph 3.86 "Lot Line, Rear", the following shall apply:

For the purposes of this Zone, the only front lot line shall be the lot line abutting Garner Road East, and the only rear lot line shall be the northerly lot line with a dimension of 12.089m and all other remaining lot lines shall be deemed to be side lot lines.

- (iv) That for the purpose of regulations contained in Sections 3, 5, 6, 7, 9 and 19 of the Ancaster Zoning By-law 87-57, the boundary of Block 65 of Draft Approved Plan of Subdivision 25T-200518 "Ancaster Woodlands" or the corresponding boundaries of this block as identified on any future Registered Plan of Subdivision shall be deemed to be the lot lines for this purpose and the regulations of the "RM6-611" Zone including but not limited to lot area, lot depth, lot frontage, lot coverage, density, building setbacks, separation distances, landscaped areas, parking requirements and accessory buildings, shall be from the boundaries of Block 65 of Draft Approved Plan of Subdivision 25T-200518 "Ancaster Woodlands" or the corresponding boundaries of this

block as identified on any future Registered Plan of Subdivision, and not from individual properties boundaries of dwelling units created by registration of a condominium plan or created by Part Lot Control.

- (v) That in addition to the provisions of subsection 7.14, “Parking and Loading”, of Section 7: General Provisions and notwithstanding Paragraph (a)(ii), (a)(iv) and (a)(xv) of subsection 7.14, “Parking and Loading”, of Section 7: General Provisions and Paragraph (i) of subsection 19.2, “Regulations”, of Section 19: Residential Multiple “RM6” Zone, the following special provisions shall apply to the lands zoned “RM6-611”, described as 1169 Garner Road East:

Parking

A minimum of 2 parking spaces, plus 0.5 visitor parking spaces for each dwelling unit shall be provided and maintained.

Tandem parking for parking spaces within a private garage and / or the associated driveway shall be permitted.

Where a parking area which is required to provide for more than four vehicles abuts a lot containing a dwelling comprising one or two dwelling units, a permanently maintained planting strip of a minimum width of 2.8 metres shall be provided.

- (vi) That notwithstanding Paragraph (a) of Section 7.11 “Maximum Building Height”; Paragraph (c) of subsection 7.13, “Special Setbacks”; and, Paragraphs (b), (f), (g), (h), (j), (k), (l), (n) and (o) of subsection 19.2, “Regulations”, of Section 19: Residential Multiple “RM6” Zone, the following special provisions shall apply to the lands zoned “RM6-611”, described as 1169 Garner Road East:

- |     |                      |              |
|-----|----------------------|--------------|
| (b) | Maximum Lot Area     | 1.7 hectares |
| (f) | Maximum Lot Coverage | 30%          |
| (g) | Minimum Front Yard   | 5.0 m        |

(h)	Minimum Side and Rear Yard	4.0 m for any side yard; and, 9.0 m for any rear yard.
(j)	Children's Outside Play Area	Not required.
(k)	Maximum Height	12.6 metres or 3 storeys.
(l)	Minimum Landscaping	35%
(n)	Building Separation	2.4 metres between buildings / blocks.
(o)	Accessory Buildings	The provisions of Subsection 7.18(a) shall 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 10<sup>th</sup> day of February, 2016.

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F. Eisenberger  
Mayor

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R. Caterini  
City Clerk

ZAC-15-008



This is Schedule "A" to By-law No. 16-

Passed the ..... day of ....., 2016

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Mayor

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Clerk

## Schedule "A"

Map Forming Part of  
By-law No. 16-\_\_\_\_\_

to Amend By-law No. 87-57

### Subject Property

1169 Garner Road East



Change in zoning by repealing and replacing the provisions of the Residential Multiple "RM6-611" Zone, Modified, Site Specific By-law No. 11-014

Scale:  
N.T.S.

File Name/Number:  
ZAC-15-008

Date:  
November 9, 2015

Planner/Technician:  
AC/AL



**Hamilton**

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT