

Authority: Item 12, Economic Development
and Planning Committee
Report: 08-010 (PED08123)
CM: June 11, 2008

Bill No. 147

CITY OF HAMILTON

BY-LAW NO. 08-147

**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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 Section 12 of Report 08-010 of the Economic Development and Planning Committee at its meeting held on the 11th day of June, 2008, 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. 122 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:
 - (a) to the Residential "R4-572" Zone, the lands comprised in Block "1";

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- (b) to the Residential "R4-573" Zone, the lands comprised in Block "2";
- (c) to the Residential "R4-574" Zone, the lands comprised in Block "3";
- (d) to the Residential Multiple "RM2-575" Zone, the lands comprised in Block "4"; and,
- (e) to the Residential "R4-577" Zone, the lands comprised in Block "5".

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:

R4-572 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 "R4-572":

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. |
| (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. |

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- (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.

R4-573 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 “R4-573”:

Regulations:

All special regulations of the Residential “R4-572” Zone shall apply except that:

- (a) For a lot abutting 20 Roelfson Drive to the east, a minimum lot frontage of 13.7 metres, minimum front yard setback of 5 metres and 5.8 metres to an attached garage, and 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.

R4-574 That notwithstanding the provisions of Paragraph (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 “R4-574”:

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- (a) Minimum Front Yard 10.0 metres.

RM2-575 That notwithstanding the provisions of 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 “RM2-575”:

- (a) Minimum Lot Area 120 square metres for a lot abutting Garner Road East and 140 square metres for all other lots.
- (b) Minimum Lot Frontage 5.5 metres on a condominium road.
- (c) Minimum Lot Depth 20 metres for a lot abutting Garner Road East and 25 metres for all other lots.
- (d) Maximum Lot Coverage 55 percent.
- (e) Minimum Front Yard 0.6 metres from a condominium road for a lot abutting Garner Road East and 4.5 metres from a condominium road and 5.8 metres from a condominium road for an attached garage for all other lots.
- (f) Minimum Side Yard 2.2 metres.
- (g) Minimum Rear Yard 4.5 metres for a lot abutting Garner Road East and 7.0 metres for all other lots.
- (h) Maximum height 13 metres.
- (i) Notwithstanding any provisions or definitions to the contrary, legal frontage for a street townhouse shall be permitted on a common element condominium road.
- (j) For the purpose of this By-law, lot frontage and/or the front lot line for a lot abutting Garner Road East shall be the condominium road.

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- (k) For the purpose of this By-law, the westerly lot line abutting the property located at 605 Garner Road East and/or 509 Southcote Road shall be considered a rear lot line, and all other lot lines (excluding the front lot line) shall be considered side lot lines for a lot not abutting Garner Road East.
- (l) A balcony, and unenclosed porch and stairs on a lot that does not abut Garner Road East is permitted to encroach 3.6 metres into a required front yard. A balcony, and unenclosed porch and stairs on a lot that abuts Garner Road East, is permitted to encroach 1.5 metres into a required rear yard. All other yard encroachments are subject to Subsection 7.12 of Zoning By-law No. 87-57.
- (m) A minimum of 10 visitor parking spaces within a condominium driveway shall be provided and maintained.

R4-577

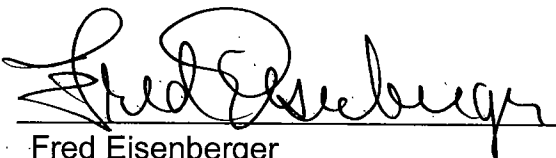
That notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e) and (f) of Subsection 12.2 "Regulations" of Section 12: Residential "R4" Zone, Schedule "C", and the Provisions of Section 7.12, "Yard Encroachments", and Section 7.13, "Special Setbacks", the following special provisions shall apply to the lands zoned "R4-577":

Regulations:

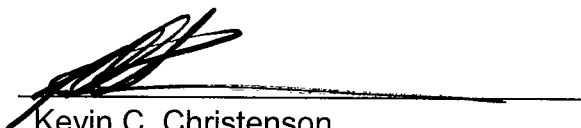
All special regulations of the Residential "R4-572" Zone shall apply except that:

- (a) A minimum lot frontage of 13.1 metres shall be provided.
3. That the amending By-law be added to Map 1 of Schedule B of Ancaster Zoning By-law No. 87-57.
 4. 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 11th day of June, 2008

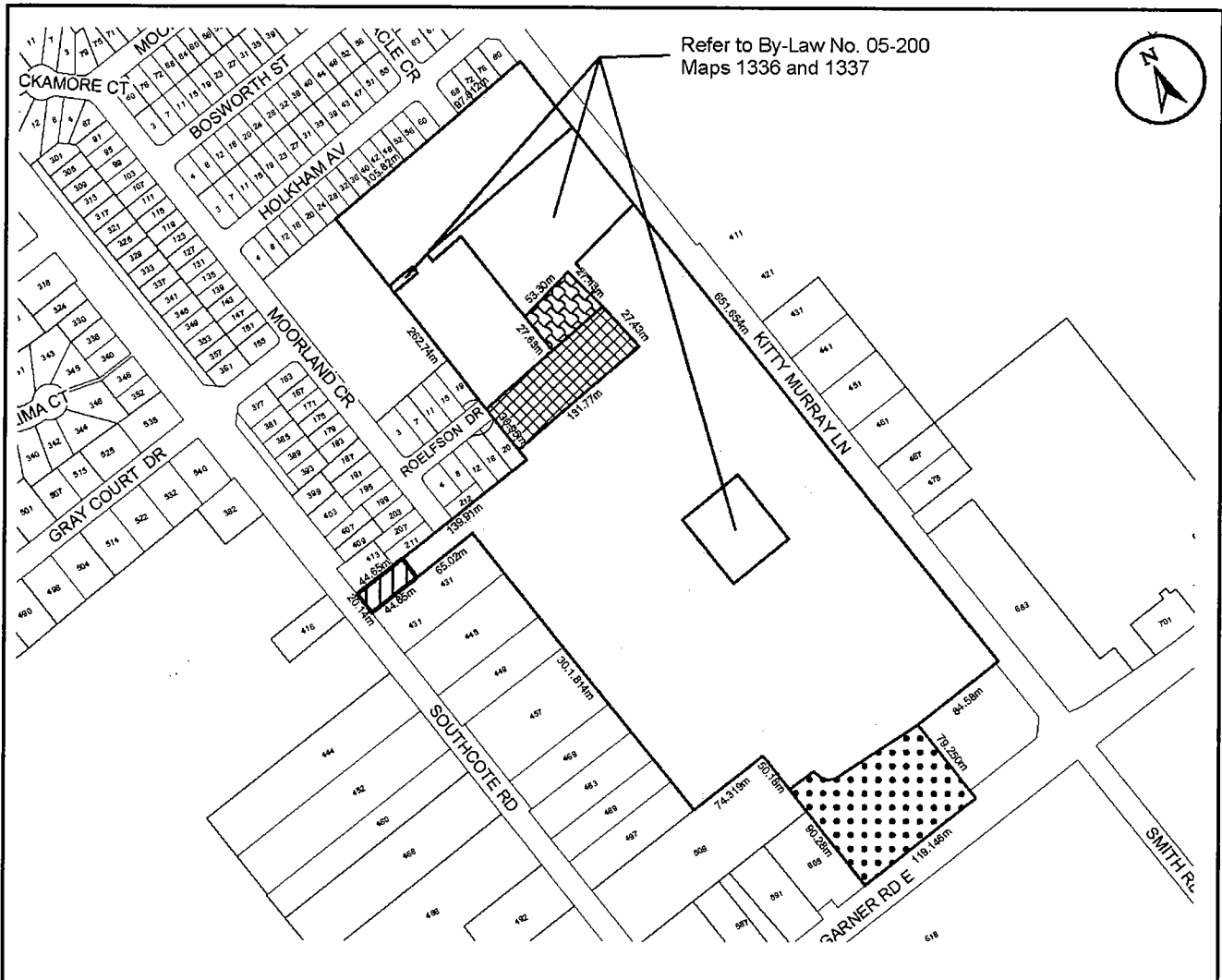


Fred Eisenberger
Mayor



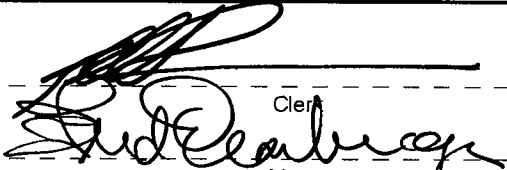
Kevin C. Christenson
City Clerk

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This is Schedule "A" to By-Law No. 08-147

Passed the ..11th. day ofJune....., 2008


 Clerk
 Mayor

Schedule "A"



Map Forming Part of
By-Law No. 08-147

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 "R4-572" Zone
-  Block 2 - Residential "R4-573" Zone
-  Block 3 - Residential "R4-574" Zone
-  Block 4 - Residential Multiple "RM2-575" Zone
-  Block 5 - Residential "R4-577" Zone

Scale:
N.T.S.

File Name/Number:
ZAC-07-072/OPA-07-018/25T-200711

Date:
April 2008

Planner/Technician:
GM/LC



Hamilton