

Authority: Item 22, Economic Development
and Planning Committee
Report: 10-016 (PED10158)
CM: August 9, 2010

Bill No. 213

CITY OF HAMILTON

BY-LAW NO. 10-213

**To Amend Zoning By-law No. 87-57 Respecting Lands Located at 713 and Part of
777 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 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 6.8 of Report 10-016 of the Economic Development and Planning Committee, at its meeting held on the 9th day of August, 2010, recommended that Zoning By-law No. 87-57, 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 the approval of Official Plan Amendment No. 131.

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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 Institutional "I" Zone to the Multiple Residential "RM4-613" Zone, Modified, the lands comprised of Block 1;
 - (b) By changing the zoning from the Agricultural "A" Zone to the Multiple Residential "RM4-613" Zone, Modified, the lands comprised of Block 2;
 - (c) By changing the zoning from the Agricultural "A" Zone to the Institutional "I" Zone, the lands comprised of Block 3; and,
 - (d) By changing the zoning from the Agricultural "A" Zone to the Institutional "I-614" Zone, the lands comprised of Block 4.
2. That Section 34: Exceptions of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following subsections:

RM4-613

That the provisions of Subsections 7.14 "Parking and Loading", 9.10 (a) "Decks", 17.1 "Permitted Uses" and 17.2 "Regulations" of Zoning By-law No. 87-57 (Ancaster) shall be replaced in their entirety, and the following special provisions shall apply in lieu thereof to the lands zoned "RM4-613":

1. PERMITTED USES
 - (a) Bungalow townhouse dwelling units with optional lofts.
 - (b) Use, buildings, and structures accessory to the uses described in the above Subsection (a).
2. GENERAL PROVISIONS PERTAINING TO ALL DEVELOPMENT
 - (a) For the purpose of this By-law, the front lot line is defined along Kitty Murray Lane. The rear lot line is defined as the eastern most property line. The remaining lot lines are defined as side lot lines.
 - (b) Minimum Lot Area: 0.4 hectares.

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- (c) Minimum Lot Frontage: 20.0 metres along Kitty Murray Lane.
- (d) Maximum Density: 27 units per hectare.
- (e) Maximum Lot Coverage: 40%.
- (f) Minimum Landscaping: 35% of total lot area (including required privacy areas).
- (g) Minimum Common Element Landscaped Area: 7.0m²/unit.
Fencing: Privacy fencing is to be provided around the exterior property boundary except along lot lines abutting road frontages where perimeter screening will be permitted to consist of a combination of fencing and/or landscaping.
- (h) Minimum Parking Spaces: 2 spaces per dwelling unit, plus 0.3 spaces per dwelling for visitors.
- (i) Minimum Parking Space Size: 2.6 metres in width by 5.5 metres in length.
- (j) Parking areas shall be a minimum of 1.8 metres from a street line.
- (k) Where a visitor parking area abuts a public street or a lot containing a dwelling unit, a permanently maintained 1.0 metre wide landscaping strip shall be required.

3. REGULATIONS FOR RESIDENTIAL DWELLING UNITS

- (a) Maximum Height: 1.5 storeys, and shall not exceed 9.0 metres.
- (b) Minimum Setbacks from Perimeter Lot Line:
 - (i) To the rear wall of a dwelling 6.0 metres
 - (ii) To the end wall of a dwelling 4.0 metres
 - (iii) To the front wall of a dwelling 6.0 metres

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- (c) Minimum Distance Between Dwelling Units:
- | | | |
|-------|--------------------------|-------------|
| (i) | Front wall to front wall | 17.0 metres |
| (ii) | Rear wall to rear wall | 13.5 metres |
| (iii) | Side wall to side wall | 3.0 metres |
| (iv) | Front wall to rear wall | 19.5 metres |
| (v) | Side wall to front wall | 15.0 metres |
| (vi) | Side wall to rear wall | 10.5 metres |
- (d) Minimum Setback from Private Internal Roadway: 3.5 metres to dwelling unit and 6.0 metres to an attached garage.
- (e) Minimum Privacy Area: 25.0m² per dwelling unit.
- (f) Unit Placement: No more than 8 dwelling units shall be attached in a continuous row.
- (g) Accessory Buildings: The provisions of Subsection 7.18(a) shall apply, except that an above-grade communal parking structure or building shall be deemed a principal building.
- (h) Decks shall be permitted in any unit privacy area to a maximum of 3.5 metres from the rear wall.

I-614

That notwithstanding the provisions of Subsections 30.1 and 30.2(h) of Zoning By-law No. 87-57 (Ancaster), the following special provisions shall apply to the lands zoned "I-614":

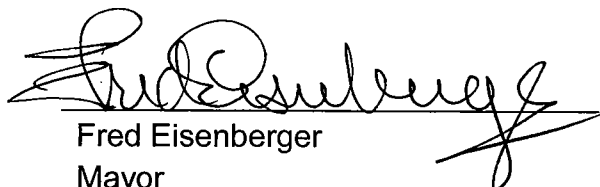
1. PERMITTED USES
 - (a) Uses permitted in Section 30.1.
 - (b) One dwelling unit.

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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 15th day of September, 2010.



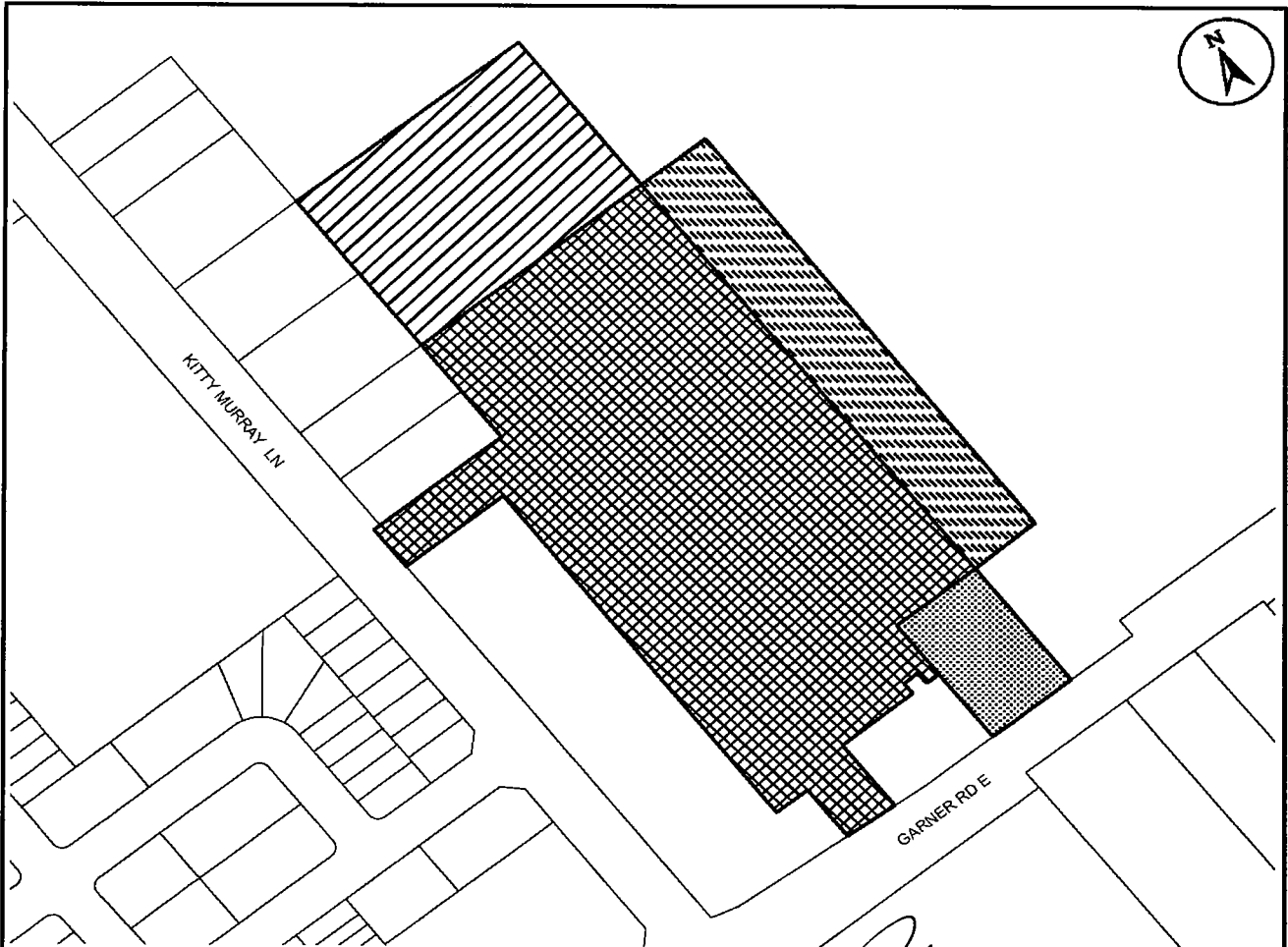
Fred Eisenberger
Mayor



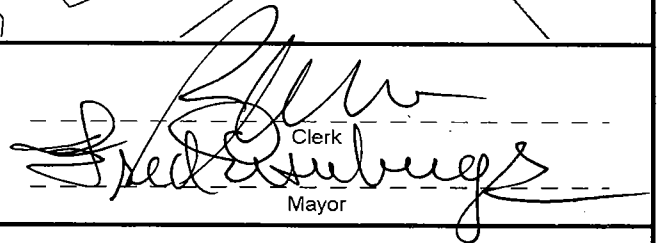
Rose Caterini
City Clerk

ZAC-10-009

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This is Schedule "A" to By-Law No. 10-213
Passed the .15th... day of September....., 2010






 Clerk
 Mayor

Schedule "A"

Map Forming Part of
By-Law No. 10- 213

to Amend By-law No.87-57

Subject Property

-  **Block 1** - Change in Zoning from the Institutional "I" Zone to the Multiple Residential "RM4-613" Zone, Modified.
-  **Block 2** - Change in Zoning from the Agricultural "A" Zone to the Multiple Residential "RM4-613" Zone, Modified.
-  **Block 3** - Change in Zoning from the Agricultural "A" Zone to the Institutional "I" Zone.
-  **Block 4** - Change in Zoning from the Agricultural "A" Zone to the Institutional "I-614" Zone, Modified.

Scale: N.T.S.	File Name/Number: ZAC-10-009 / OPA-10-003
Date: June 23, 2010	Planner/Technician: CB/AL

