

**Authority:** Item 25, Planning Committee  
Report 10-001 (PED10177(a))  
CM: December 15, 2010

**Bill No. 303**

## **CITY OF HAMILTON**

### **BY-LAW NO. 10-303**

#### **To Amend Zoning By-law No. 87-57 (Ancaster), as Amended Respecting Lands Located at 1061 Garner Road East, Part of Lots 52 and 53, Concession 3 (Ancaster)**

**WHEREAS** the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 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 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 25 of Report 10-001 of the Planning Committee, at its meeting held on the 15<sup>th</sup> day of December, 2010, recommended that Zoning By-law No. 87-57 (Ancaster) be amended as hereinafter provided;

**AND WHEREAS** the By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Ancaster) in accordance with the provisions of the Planning Act.

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

1. That Map 1 to Schedule "B" of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing from the Institutional "I" Zone to the following:

- (a) Residential “R5-525” Zone, Modified, the lands comprised of Block “1”;
- (b) Residential Multiple “RM2-615”, Modified, the lands comprised of Block “2”;
- (c) Residential “R5-618” Zone, Modified, the lands comprised of Block “3”;
- (d) Residential Multiple “RM2-616” Zone, Modified, the lands comprised of Block “4”;
- (e) Residential Multiple “RM2-617” Zone, Modified, the lands comprised of Block “5”; and,
- (f) Residential “R4” Zone, the lands comprised of Block “6”;

the extent and boundaries of which are shown on Schedule “A” annexed hereto and forming part of this By-law.

2. That Section 34: Exceptions of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following subsections:

**“RM2-615”** Notwithstanding any provisions to the contrary of Section 15.2, Regulations of Section 15: Residential Multiple “RM2” Zone and Section 9, General Provisions for Residential Zones of By-law No. 87-57 (Ancaster), the following special provisions shall apply to the lands zoned “RM2-615”.

Zone Provisions

- |     |                      |  |
|-----|----------------------|--|
| (a) | Minimum Lot Area     | 165 square metres per dwelling unit. Notwithstanding Section 15.2.a), the Total parcel area per dwelling shall not apply.  |
| (b) | Minimum Lot Frontage | 6.0 metres per dwelling unit, except, 6.7 metres for an end dwelling unit which does not abut a flanking street; and, 8.0 metres for an end dwelling unit which abuts a flanking street.<br><br>Notwithstanding Section 15.2b), the minimum Total Parcel Frontage per dwelling unit provision shall not apply. |

- (c) Maximum Lot Coverage 45% for a 1-storey dwelling unit and 42.5% for a 2-storey dwelling unit.
- (d) Minimum Front Yard 4.5 metres to a dwelling, except 6.0 metres to an attached garage.  
  
Notwithstanding Section 15.2(e), Schedule "C" requirements shall not apply.
- (e) Minimum Side Yard 1.2 metres for a dwelling end unit that abuts a dwelling end unit in which there are no habitable room windows; and, 2.1 metres for a dwelling unit abutting a flankage yard.
- (f) Yard Encroachments 1.5 metres for an enclosed porch or open stairways that project into any minimum front or rear yard and into any minimum side yard not more than 45 centimetres.
- (g) Dwelling Unit Placement (i) Not more than 10 units shall be attached in a continuous row.  
  
(ii) Section 15.2(k)(ii) shall apply.
- (h) Minimum Landscaping Section 15.2 (i) shall not apply, however, the minimum landscaped area for the front yard shall be 40%.
- (i) Driveways The minimum driveway width shall be 2.7m, and the maximum driveway width shall be 3.0m.
- (j) All other zone provisions of Subsection 15.2, Residential Multiple "RM2" Zone, and Section 9 shall apply.

**"R5-618"** Notwithstanding any provisions to the contrary of Section 13.1, Permitted Uses, and Section 13.2, Regulations of Section 13: Residential "R5" Zone and Section 9, General Provisions for Residential Zones of By-law No. 87-57 (Ancaster), the following special provisions shall apply to the lands zoned "R5-618".

#### Permitted Uses

Only semi-detached dwellings and uses, buildings, and structures accessory thereto.

Zone Provisions

- (a) Minimum Lot Area 201 square metres per unit and 308 square metres or corner lots.
- (b) Minimum Lot Frontage 6.7 metres for internal units and 8.5 metres for flankage units.
- (c) Maximum Lot Coverage 45% for 1-storey units and 42.5% for 2-storey units.
- (d) Minimum Front Yard 4.5m to a dwelling and 6.0 metres to an attached garage.
- (e) Minimum Side Yard In accordance with Section 13, except 3.0 metres for a flankage yard.
- (f) All other zone provisions of Subsection 13.2, Residential “R5” Zone, and Section 9, General Provisions for Residential Zones shall apply.

**“RM2-616”** Notwithstanding any provisions to the contrary of Section 15.1, Permitted Uses and Section 15.2, Regulations of Section 15: Residential Multiple “RM2” Zone and Section 9, General Provisions for Residential Zones of By-law No. 87-57 (Ancaster), the following special provisions shall apply to the lands zoned “RM2-616”.

Permitted Uses

Street townhouse dwellings along a condominium “Window” road and uses, buildings, and structures accessory thereto.

Zone Provisions

- (a) Minimum Lot Area 187 square metres per dwelling unit.  
  
Notwithstanding Section 15.2.a), the Total Parcel area per Dwelling shall not apply.
- (b) Minimum Lot Frontage 6.0 metres per dwelling unit, except 6.7 metres for an end dwelling unit which does not abut a flanking street.  
  
8.25 metres for an end dwelling unit which abuts Robertson Road.  
  
8.4 metres for an end dwelling unit which

- abuts Raymond Road.
- Notwithstanding Section 15.2b), the minimum Total Parcel Frontage per dwelling unit provision shall not apply.
- (c) Maximum Lot Coverage 45% for a dwelling unit.
- (d) Minimum Front Yard 4.5 metres to a dwelling, except 6 metres to an attached garage.
- Notwithstanding Section 15.2(e), Schedule "C" requirements shall not apply.
- (e) Minimum Side Yard 1.15 metres for a dwelling end unit that abuts a dwelling end unit in which there are no habitable room windows;
- 2.7 metres for a dwelling unit with a flankage yard abutting Robertson Road; and,
- 3.0 metres for a dwelling unit with a flankage yard abutting Raymond Road.
- (f) Yard Encroachments 1.5 metres for an enclosed porch or open stairways that project into any minimum front or rear yard and into any minimum side yard not more than 45 centimetres.
- (g) Dwelling Unit Placement (i) Not more than 8 units shall be attached in a continuous row.
- (ii) Section 15.2(k)(ii) shall apply.
- (h) Minimum Landscaping Section 15.2 (i) shall not apply, however, the minimum landscaped area for the front yard shall be 40%.
- (i) Window Road A minimum 6 metre wide interior road shall be provided along the frontage of the townhouse block to provide driveway access to the individual dwelling units. For the purposes of this by-law, the window road shall be used to determine minimum lot frontage, setbacks and lot area requirements for dwelling lots.

- (j) Landscaping Strip A minimum 3 metre wide landscaping strip shall be provided in conjunction with window roads that are required along Garner Road East and Raymond Road.
- (k) Site Plan Approval All street townhouses to be developed along a window road shall be subject to Site Plan Approval.
- (l) Driveways The minimum driveway width shall be 2.7m and the maximum driveway width shall be 3.0m.
- (m) All other zone provisions of Subsection 15.2, Residential Multiple "RM2" Zone and Section 9, General Provisions for Residential Zones shall apply.

**"RM2-617"** Notwithstanding any provisions of Section 15.2, Regulations of Section 15: Residential Multiple "RM2" Zone and Section 9, General Provisions for Residential Zones of By-law No. 87-57 (Ancaster), the following special provisions shall apply to the lands zoned "RM2-617".

#### Permitted Uses

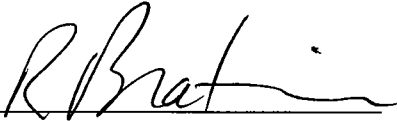
In accordance with Subsection 15.1

#### Zone Provisions

- (a) In accordance with the provisions of the Residential Multiple "RM2-616" Zone, with the following exceptions:
- (b) Minimum Lot Frontage 8.5 metres for an end dwelling unit abutting a Neighbourhood Park "P1" Zone or a Residential "R5" Zone.
- (c) Minimum Side Yard 3.0 metres for an end dwelling unit abutting a Neighbourhood Park "P1" Zone or a Residential "R5" Zone.

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 15<sup>th</sup> day of December, 2010.

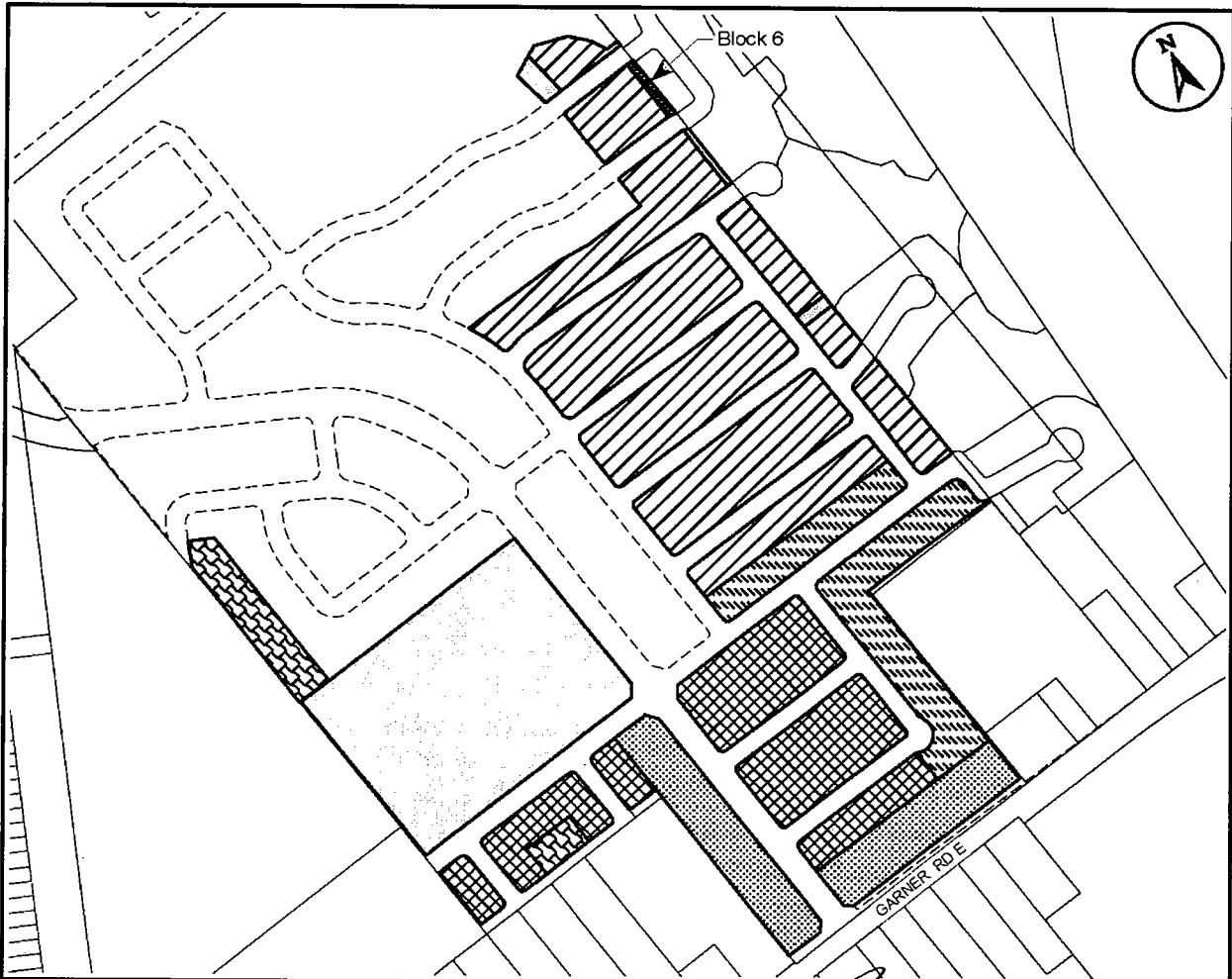


R. Bratina  
Mayor



R. Caterini  
City Clerk

25T-200601 / ZAC-06-02



This is Schedule "A" to By-Law No. 10- 303  
 Passed the 15..... day of .....December, 2010








*R. Bratina*  
 Clerk  
 Mayor

### Schedule "A"

Map Forming Part of  
 By-Law No. 10- 303  
 to Amend By-law No. 87-57

#### Subject Property

1061 Garner Road East

-  Refer to By-law 05-200
-  **Block 1** - Change in Zoning from Institutional "I" Zone to Residential "R5-525" Zone, Modified
-  **Block 2** - Change in Zoning from Institutional "I" Zone to Residential Multiple "RM2-615" Zone, Modified
-  **Block 3** - Change in Zoning from Institutional "I" Zone to Residential "R5-618" Zone, Modified
-  **Block 4** - Change in Zoning from Institutional "I" Zone to Residential Multiple "RM2-616" Zone, Modified
-  **Block 5** - Change in Zoning from Institutional "I" Zone to Residential Multiple "RM2-617" Zone, Modified
-  **Block 6** - Change in Zoning from Institutional "I" Zone to Residential "R4" Zone

Scale: N.T.S.	File Name/Number: Ancaster Meadows P11 2 25T-20060 1
Date: August 18, 2010	Planner/Technician: CT/AL
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

