

**Authority:** Item 11, Economic Development  
and Planning Committee  
Report: 08-004 (PED08047)  
CM: February 27, 2008

**Bill No. 060**

**CITY OF HAMILTON**

**BY-LAW NO. 08-060**

**To Amend Zoning By-law No. 87-57 (Ancaster),  
respecting lands located at 591 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<sup>st</sup>, 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 Township of Ancaster" and is the successor of 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council or the City of Hamilton;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 11 of Report 08-004 of the Economic Development and Planning Committee at its meeting held on the 27<sup>th</sup> day of February, 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. 119 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. Map 1 to Schedule "B" of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing from the Rural Commercial "C5-261" Zone to the modified Holding Residential Multiple H-RM6-570" Zone, the lands composed of Block 1, and from the Agricultural "A-216" Zone to the modified Holding Residential Multiple

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“H-RM6-570” Zone, the lands comprised of Block 2, the extent and boundaries of which are shown on Schedule “A” annexed hereto and forming part of this By-law.

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

**“H-RM6-570”** Notwithstanding the provisions of Section 19.2 (b), (c), (d), (f), (h), (i), (j), (k), and (l), Section 3.109, Section 7.12 (c), Section 7.14 a)(xv) and b)(i)(C) of By-law No. 87-57 (Ancaster), the following special provisions shall apply to the lands zoned “RM6-570”:

19.2 Development Regulations

(b)	Maximum Lot Area	1.7 hectares
(c)	Maximum Density	105 dwelling units per hectare
(d)	Minimum Front Yard	9 metres
(f)	Maximum Lot Coverage	35 percent
(h)	Minimum Side Yard	4.0 metres, including a 1.0 metre planting strip
	Minimum Rear Yard	3.0 metres, including a 1.0 metre planting strip
(k)	Maximum Height	4½ storeys and 17 metres, except 3½ storeys and 14 metres within 40 metres of the Garner Road West frontage
(l)	Minimum Landscaping	32 percent

Section 3.109 Planting Strip For the purposes of this By-law, a Planting Strip shall also include fencing to provide a solid and effective screen (except within a required front yard setback), and/or a retaining wall and curbing.

Section Balconies or open stairways are permitted to encroach

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7.12 c) into any minimum front or side yard a distance of not more than 2.0 metres.

Section  
7.14 a)(xv) Where a parking area which is required to provide for more than four vehicles abuts a lot containing a dwelling comprising of one or two dwelling units, a permanently maintained planting strip of a minimum width of 1 metre shall be provided and shall include fencing to provide a solid and effective screen (except within a required front yard setback).

7.14 b)(i)(C) Parking 2.1 spaces per dwelling unit, including visitor parking, and except as otherwise stated, the provisions of Section 7.14 shall apply

3. That the 'H' symbol shall only be removed conditional upon:

- (a) The owner conducting an archaeological assessment of the entire development property and mitigating, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found, to the satisfaction of the Ministry of Culture, and the City of Hamilton, Director, Planning Division.
- (b) The owner investigating the noise levels on the site and determining the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment's recommended sound level limits. An acoustical report, prepared by a qualified Professional Engineer containing the recommended control measures, shall be submitted, to the satisfaction of the City of Hamilton, Director, Planning Division.
- (c) The owner submitting a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE). The RSC must be to the satisfaction of the City of Hamilton, Director, Planning Division, including an acknowledgment of receipt of the RSC by the MOE, and submission of the City of Hamilton's current administration fee.
- (d) The owner entering into a Development Agreement with the City of Hamilton for the extension of the sanitary sewer at the intersection of Shaver Road and

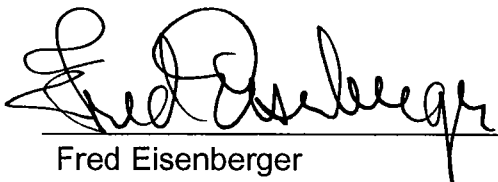
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Garner Road West, to the east limit of the lands, to the satisfaction of the City of Hamilton, Director, Development Engineering.

- (e) The owner paying their fair share for the existing sanitary sewer constructed within the intersection of Garner Road West and Shaver Road, based on as-constructed costs, to the satisfaction of the City of Hamilton, Director, Development Engineering.
- (f) The owner dedicating to the City by deed, sufficient lands for road allowance widening purposes to establish the property line 18.29m (60 ft) from the centreline of the Garner Road West allowance, to the satisfaction of the City Of Hamilton, Director, Development Engineering.
- (g) The owner entering into a Development Agreement to allow the temporary connection and provide for future re-routing of the sanitary sewer, to the satisfaction of the City of Hamilton, Director, Development Engineering.
- (h) The owner verifying the sightlines from all driveways to Garner Road West, looking easterly, to the satisfaction of the City of Hamilton, Manager of Traffic. If acceptable sightlines are not available given the existing road profile, then road elevation modifications may be required at the expense of the applicant.

4. 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 26<sup>th</sup> day of March, 2008.

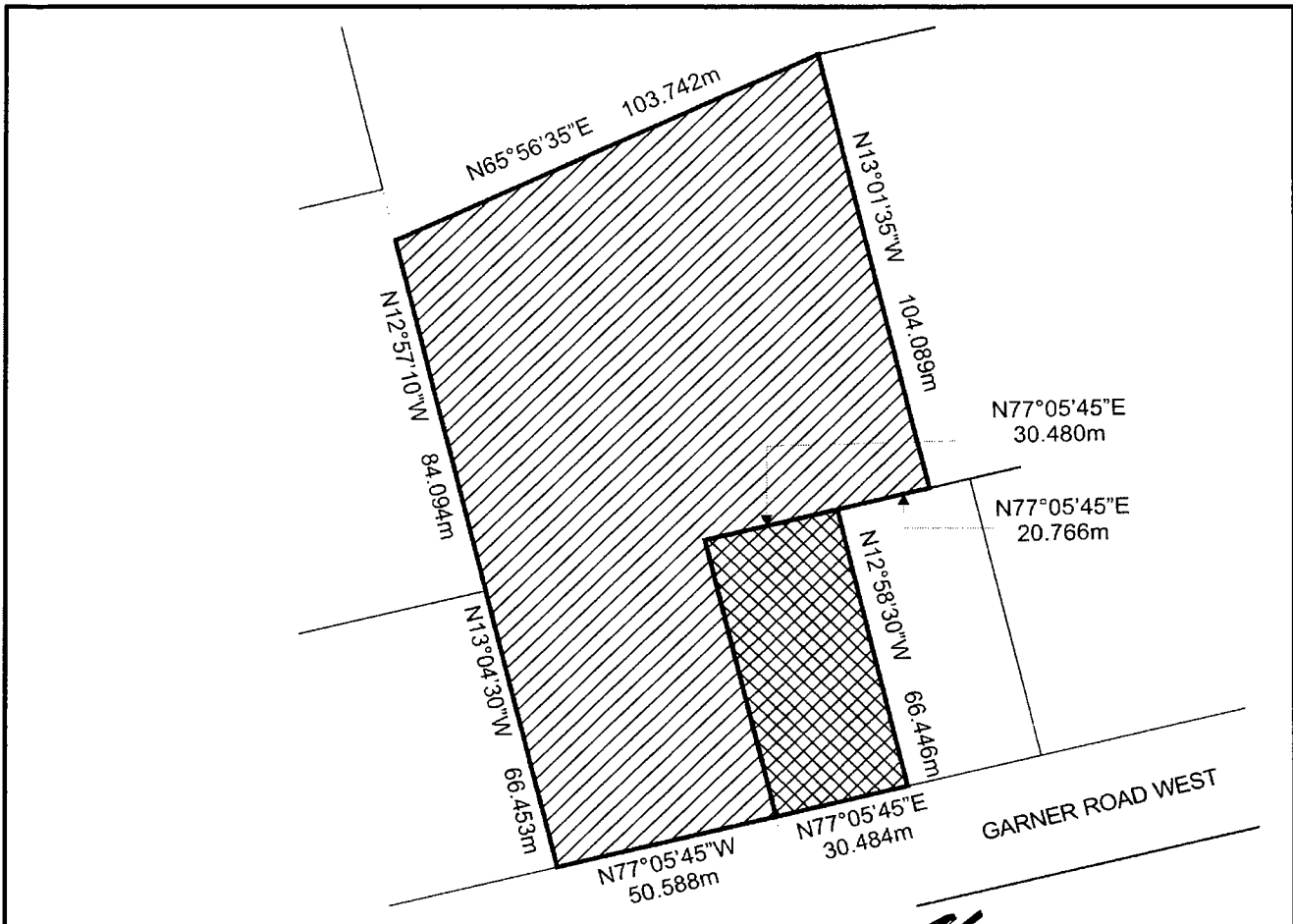


Fred Eisenberger  
Mayor



Kevin C. Christenson  
Clerk

OPA-06-023 & ZAC-06-87



This is Schedule "A" to By-Law No. 08060

Passed the ...26th day of ...Mar.ch....., 2008


*[Signature]*  
 Clerk  
 Mayor


# Schedule "A"

## Map Forming Part of By-Law No. 87-57

### Subject Property

591 Garner Road West

 **Block 1** - Change in Zoning from the Rural Commercial "C5-261" Zone, Modified to the Holding Multiple Residential "H-RM6-570" Zone, Modified

 **Block 2** - Change in Zoning from the Agricultural "A-216" Zone, Modified to the Holding Multiple Residential "H-RM6-570" Zone, Modified

Scale:  
N.T.S.

File Name/Number:  
ZAC-06-87, OPA-06-23

Date:  
January 31, 2008

Planner/Technician:  
KW/MF

