

**Authority:** Item 7 of Planning Committee  
Report 18-012 (PED18185)  
CM: August 17, 2018  
Ward: 12

**Bill No. 233**

## **CITY OF HAMILTON**

### **BY-LAW NO. 18-233**

#### **To Amend Zoning By-law No. 05-200 Respecting Lands Located at 70 Garner Road East (Ancaster)**

**WHEREAS** Council approved Item 7 of Report 018 of the Planning Committee, at the meeting held on August 17, 2018;

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. 111.

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

1. That Maps 1386, 1387, 1437, and 1438 of Schedule “A” – Zoning Maps to Zoning By-law No. 05-200 are amended by:

(a) For a change in zoning from the Major Institutional (I3, 39, H37) Zone to Airport Prestige Business (M11, 697, H37, H104) Zone on lands described as Block 1, boundaries for the applicable lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That Schedule “C” - Special Exceptions of Zoning By-law No. 05-200, is hereby amended by passing the following site specific Airport Prestige Business (M11, 697) Zone:

“697. Within the lands zoned Airport Prestige Business (M11, 697) Zone, identified on Maps 1386, 1387, 1437 and 1438 of Schedule “A” – Zoning Maps and described as 70 Garner Road East, the following special provisions shall apply:

a) In addition to the uses permitted in Section 9.11.1, the following uses shall be permitted:

Funeral Home only in conjunction with all of the following uses:

- i) Motor vehicle service station;
- ii) Motor vehicle collision repair;
- iii) Conference or convention centre;
- iv) Catering service; and,
- v) Office.

**REGULATIONS**

- l) Visual Barrier For the purposes of this By-law, a visual barrier will not be required for a funeral home abutting an Institutional Zone property line.

In addition to Section 5.6 c)iv) the following special provision shall also apply:

- Funeral Home 1 for each 20.0 metres of gross floor area with accommodates such use.

3. That Schedule “D” – Holding Provisions of By-law No. 05-200, be amended by adding an additional Holding Provision as follows:

(a) Notwithstanding Section 9.11 of this By-law, within the lands zoned Airport Prestige Business (M11, 697, H104) Zone identified on Maps 1386, 1387, 1437, and 1438 of Schedule “A” and described as 70 Garner Road East, the (H104) symbol may be removed by further amendment to this By-law at such time as the following conditions have been satisfied:

- i) The applicant completes an updated Functional Servicing Report (FSR) with Storm Water Management, to the satisfaction of the Manager of Development Approvals which outlines:
- o Pre and post development conditions;
  - o Low impact developments (LID’s);
  - o Drainage Area Plan which also includes external drainage areas;
  - o On site grading control;
  - o Self-contained drainage control of the subject property;
  - o Stormwater quality and quantity control to pre-development conditions; and,
  - o A suitable storm outlet.
- ii) The applicant provides a professional Legal opinion on the riparian rights for the drainage outlet through the culvert on private property. The opinion must conclude that the owner has rights to use the private culvert as a formal outlet for the development, in accordance with common drainage law / *Drainage Act*, to the satisfaction of the Manager of Development Approvals.
- iii) The applicant addresses comments from the Development Engineering Section, outlined in the memorandum dated November 17, 2017, to the satisfaction of the Manager of Development Approvals.
- iv) The applicant completes a Transportation Impact Study to the satisfaction of the Manager of Transportation Planning.

4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law, in accordance with the *Planning Act*.

**PASSED** this 17<sup>th</sup> day of August, 2018.

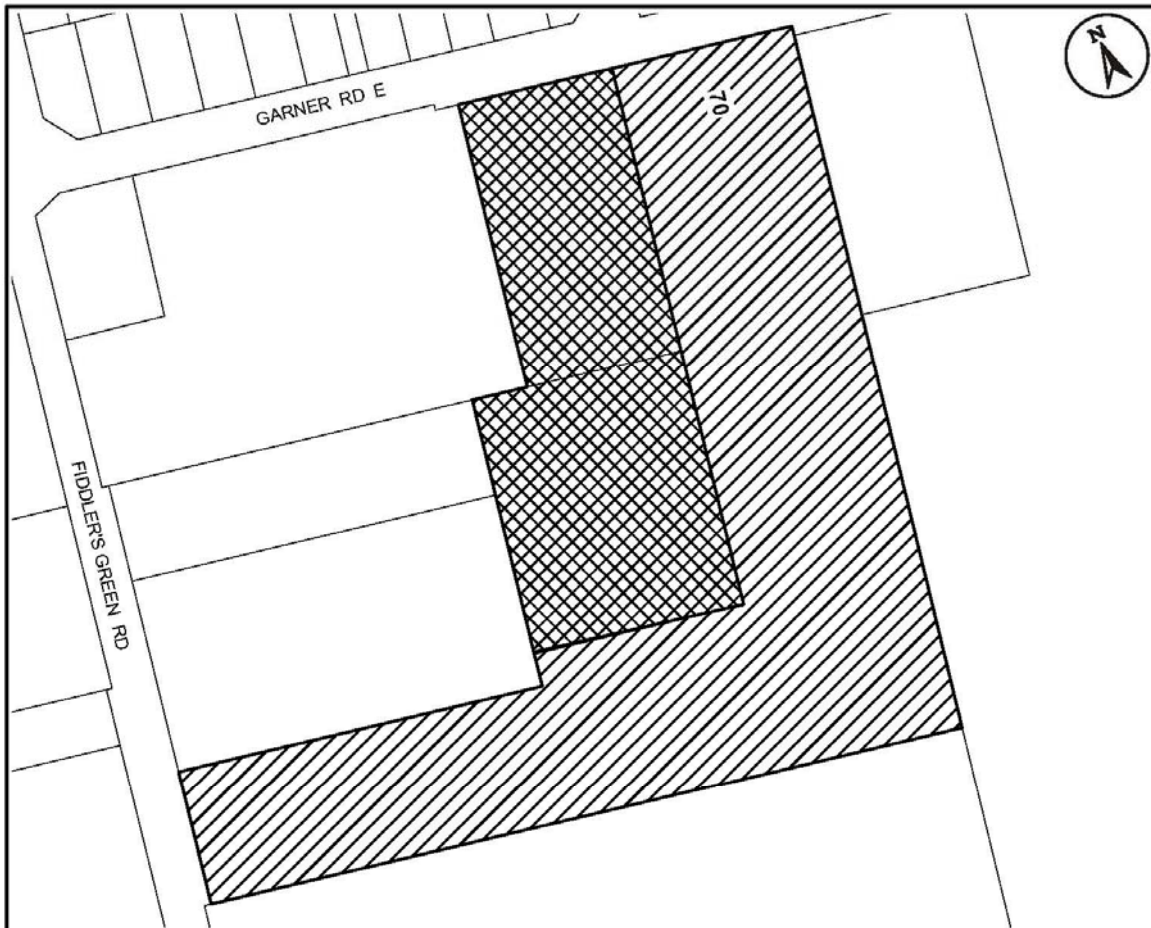
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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

ZAC-17-068/ZAH-17-069/UHOPA-17-030



This is Schedule "A" to By-law No. 18-  Passed the ..... day of ....., 2018	----- Mayor  ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2>  <h3 style="margin: 0;">Map Forming Part of By-law No. 18-_____</h3>  <h4 style="margin: 0;">to Amend By-law No. 05-200 Maps 1386, 1387, 1437 &amp; 1438</h4>	<b>Subject Property</b> 70 Garner Road East <div style="margin-top: 5px;"> <b>Block 1</b> - Change in zoning from Major Institutional (I3, 39, H37) Zone to Airport Prestige Business (M11, 697, H37, H104) Zone                 </div> <div style="margin-top: 5px;"> <b>Block 2</b> - Lands to remain under Major Institutional (I3, 39, H37) Zone                 </div>
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Scale: N.T.S.	File Name/Number: ZAC-17-068/ZAH-17-069/UHOPA-17-030	
Date: July 13, 2018	Planner/Technician: MS/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		