



**Authority:** Item 3  
Planning Committee  
Report: 14-007 (PED14075)  
CM: May 14, 2014  
**Bill No. 129**

**CITY OF HAMILTON**

**BY-LAW NO. 14-129**

**To Amend Zoning By-law No. 87-57 (Ancaster),  
Respecting Lands Located at 1117 Garner Road East (Ancaster)**

**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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 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 5 of Report 14-007 of the Planning Committee, at its meeting held on the 14th day of May, 2014, 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 Urban Hamilton Official Plan upon approval of Official Plan Amendment No. 20, 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 Map 1 to Schedule "B" of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by:

- (a) Changing from the Motor Vehicle Service "C6-271" Zone, Modified to the Holding-Residential Multiple "H-RM6-658" Zone, Modified, the lands comprised in Block 1;
- (b) Changing from the Agricultural "A" Zone to the Holding-Residential Multiple "H-RM6-658" Zone, Modified, the lands comprised in Block 2;

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 Sub-section:

**H-RM6-658** That notwithstanding the provisions of Subsection 19.1 and 19.2 of the Residential Multiple "RM6" Zone and the provisions of Sections 3.0: Definitions and 7.14: Parking and Loading of Zoning By-law No. 87-57 of the Town of Ancaster, the following special provisions shall apply to the lands zoned "H-RM6-658", described as 1117 Garner Road East:

1.0 (A) Permitted Uses

Notwithstanding Section 19.1, on the lands zoned H-RM6-658, the following additional uses shall be permitted on the ground floor of an apartment building:

Business Office  
 Professional Office  
 Clinic, Medical

The maximum gross floor area for each Business Office, Professional Office or Clinic, Medical use shall not exceed 500 square metres.

The maximum number of medical practitioners permitted to operate within the building shall not exceed 7.

2.0 Regulations

Notwithstanding Sections 19.2 and 7.14, the following provisions apply:

- (a) Maximum Density 82 dwelling units per hectare
- (b) Maximum Lot Coverage 32 percent
- (c) Minimum East Side Yard 7.5 metres

- |     |                              |  |
|-----|------------------------------|--|
| (d) | Minimum West Side Yard       | 9.0 metres, and an apartment building may be located a minimum of 17.5 metres from a dwelling on an adjacent lot.  |
| (e) | Minimum Rear Yard            | 13.0 metres.   |
| (f) | Children's Outside Play Area | Shall not be required.   |
| (g) | Minimum Landscaping          | 37% of the lot area, and shall include rooftop amenity area.   |
| (h) | Planting Strip               | Notwithstanding Sections 19.2(m) and 7.14(a), (xv), and (xvi), a planting strip of a minimum width of 2.0 metres shall be provided along the south and west lot lines.   |
| (i) | Parking                      | <p>Notwithstanding Sections 19.2(i) and 7.14(b)(i)(E) and (H), the required parking spaces shall be as follows:</p> <p>Dwelling Unit in a Commercial Building - 1.25 spaces per unit</p> <p>Business Office, Professional Office or Medical Clinic – 1 space for each 25 square metres gross floor area.</p> |
| (j) | At Grade Parking Area        | Notwithstanding Section 7.14(a)(x), the at-grade parking area may occupy a maximum of 58% of the lot area.   |

3.0 Definitions

Notwithstanding Section 3.0, the following special provisions apply:

“Landscaping”

- (a) means an area not built upon and not used for any purpose other than as a landscaped area which may include grass shrubs, flowers, trees, and similar types of vegetation, paths, walks, patios, fences, and similar features, and may include rooftop amenity area; but
- (b) does not include parking areas, parking lots, driveways, ramps or manoeuvring areas.

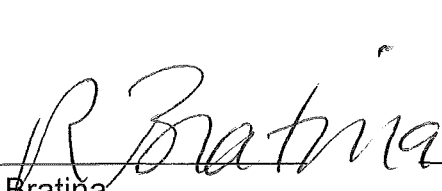
4.0 The 'H' Holding prefix shall be lifted from the “**H-RM6-658**” Zone once the following condition has been completed:

- i) A suitable storm sanitary sewer outlet is extended to the subject lands to provide sanitary drainage for the site, to the satisfaction of the Manager of Engineering Approvals, Growth Management; and,
- ii) The applicant builds or secures their proportionate share of the extension of a storm sewer for the full frontage of the property to a suitable outlet, to the satisfaction of the Manager of Engineering Approvals, Growth Management.

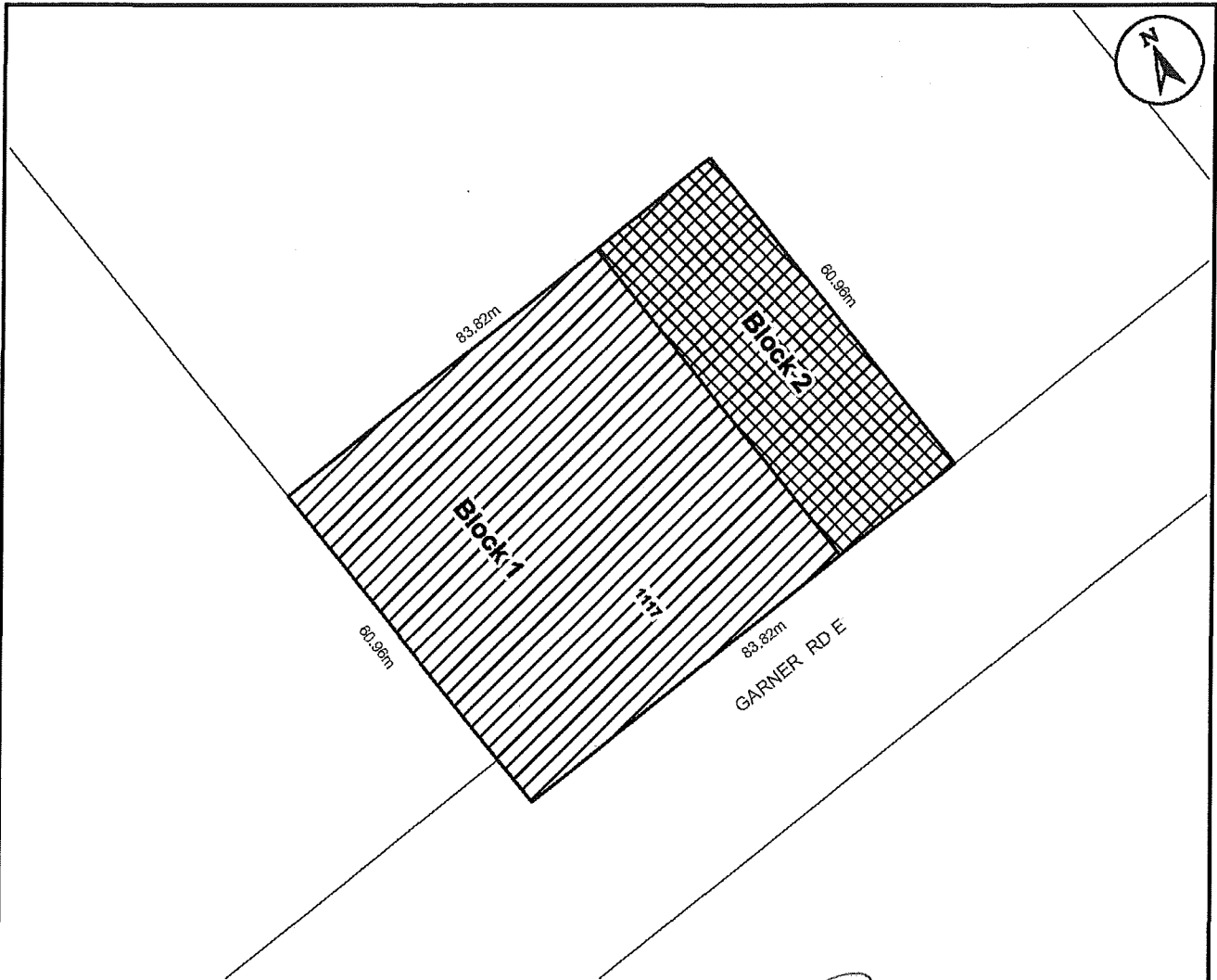
5.0 That the amending by-law be added to Map 1 of Schedule “B” of Ancaster Zoning By-law No. 87-57.

6.0. 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 28th day of May, 2014.

  
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R. Bratina  
Mayor

  
\_\_\_\_\_  
R. Caterini  
Clerk



This is Schedule "A" to By-Law No. 14- 129

Passed the 8<sup>th</sup>..... day of ....May....., 2014

*R. Bortina*  
 Mayor  
*[Signature]*  
 Clerk

## Schedule "A"

Map Forming Part of  
 By-Law No. 14- 129

to Amend By-law No. 87-57

### Subject Property

1117 Garner Road East



**Block 1** - Change in Zoning from the Motor Vehicle Service "C6-271" Zone, Modified to the Holding - Residential Multiple "H-RM6-658" Zone, Modified



**Block 2** - Change in Zoning from the Agricultural "A" Zone to the Holding - Residential Multiple "H-RM6-658" Zone, Modified

Scale:  
 N.T.S.

File Name/Number:  
 ZAC-12-036 / OPA-13-009

Date:  
 March 8, 2014

Planner/Technician:  
 HT/AL



**Hamilton**

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT