

**Authority:** Item 16, Economic Development  
and Planning Committee  
Report: 10-018 (PED10186)  
CM: September 29, 2010

**Bill No. 285**

**CITY OF HAMILTON**

**BY-LAW NO. 10-285**

**To Amend Zoning By-law No. 87-57 (Ancaster),  
Respecting Lands Located at 435 Garner Road East**

**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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 16 of Report 10-018 of the Economic Development and Planning Committee, at its meeting held on the 29<sup>th</sup> day of September, 2010, 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. 134, 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 Schedule "B" of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing from the Agricultural "A-216" Zone:
  - (a) to the Residential "R4" Zone, the lands comprised in Block "1";

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- (b) to the Residential "R4-608" Zone, the lands comprised in Block "2";
- (c) to the Residential Multiple "RM2-604" Zone, the lands comprised in Block "3";
- (d) to the Residential Multiple "RM2-602" Zone, the lands comprised in Block "4";
- (e) to the Residential "R5" Zone, the lands comprised in Block "5";
- (f) to the Residential "R5-601" Zone, the lands comprised in Block "6";
- (g) to the Residential "H-R5-601" Zone, the lands comprised in Block "7";
- (h) to the Residential Multiple "H-RM2-609" Zone, the lands comprised in Block "8";
- (i) to the Residential "H-R5-622" Zone, the lands comprised in Block "9";
- (j) to the Residential Multiple "H-RM6-603" Holding Zone, the lands comprised in Blocks "10" and "11"; and,
- (k) to the General Commercial "H-C3-610" Holding Zone, the lands comprised in Block "12",
- (l) to the Residential "R4-621" Zone, the lands comprised in Block "13";

the lands, 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 subsections:

**R4-608** That notwithstanding the provisions of Paragraphs (f), and (i) of Subsection 12.2 "Regulations" of Section 12: Residential "R4" Zone, Schedule "C", and Section 7.13, "Special Setbacks", the following special provisions shall apply to the lands zoned "R4-608":

Regulations

- |     |                   |  |
|-----|-------------------|--|
| (f) | Minimum Rear Yard | 7.5 metres, except where the rear yard abuts the Ministry of Transportation right-of-way the minimum rear yard setback for all buildings and structures shall be 14 metres in conjunction with a berm. |
|-----|-------------------|--|

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- (i) Accessory Building Accept as provided in Paragraph (f) above, the provisions of Subsection 7.18 (a) shall apply.

**RM2-604** That notwithstanding the provisions of Subsection 15.1, and Paragraphs (a), (b), and (g) of Subsection 15.2 “Regulations” of Section 15: Residential Multiple “RM2” Zone, Schedule “C”, and Section 7.13, “Special Setbacks”, the following special provisions shall apply to the lands zoned “RM2-604”:

### Regulations

- (a) Minimum Lot Area 1,850 square metres of total parcel area and, 213 square metres for an interior dwelling unit, and 270 square metres for all other dwelling units.
- (b) Minimum Lot Frontage 7 metres for an interior lot and, 9 metres for all other lots.
- (g) Minimum Rear Yard 7.5 metres, except where the rear yard abuts the Ministry of Transportation right-of-way the minimum rear yard setback for all buildings and structures shall be 14 metres in conjunction with a berm.

**RM2-602** That notwithstanding the provisions of Subsection 15.1, and Paragraph (a), and (b) of Subsection 15.2 “Regulations” of Section 15: Residential Multiple “RM2” Zone, Schedule “C”, the following special provisions shall apply to the lands zoned “RM2-602”:

### Regulations

- (a) Minimum Lot Area 1,850 square metres of total parcel area and, 213 square metres for an interior dwelling unit, and 270 square metres for all other dwelling units.
- (b) Minimum Lot Frontage 7 metres for an interior lot and, 9 metres for all other lots.

**R5-601** That notwithstanding the provisions of Subsection 13.1 only single detached dwellings, uses, buildings and structures accessory thereto shall be permitted and of Paragraphs (b), (f), and (i) of Subsection 13.2 “Regulations” of Section 12: Residential “R5” Zone, Schedule “C”, and the Provisions of Section 7.12, “Yard Encroachments”, and Section 7.13, “Special Setbacks”, the following special provisions shall apply to the lands zoned “R5-601”:

### Regulations

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- (b) Minimum Lot Frontage 12 metres for a single detached dwelling.
- (f) Minimum Rear Yard 7.5 metres, except where the rear yard abuts the Ministry of Transportation right-of-way the minimum rear yard setback for all buildings and structures shall be 14 metres in conjunction with a berm.
- (i) Accessory Building Accept as provided in Paragraph (f) above, the provisions of Subsection 7.18 (a) shall apply.

**H-R5-601** That notwithstanding the provisions of Subsection 13.1 only single detached dwellings, uses, buildings and structures accessory thereto shall be permitted and of Paragraphs (b), (f), and (i) of Subsection 13.2 "Regulations" of Section 12: Residential "R5" Zone, Schedule "C", and the Provisions of Section 7.12, "Yard Encroachments", and Section 7.13, "Special Setbacks", the following special provisions shall apply to the lands zoned "H-R5-601":

Regulations

The provisions of the "R5-601" shall apply.

The 'H' Holding prefix shall be lifted from the "H-R5-601" Zone once the following conditions have been completed, to the satisfaction of the Director of Development Engineering:

- i) Stage 2 upgrades to Sanitary Sewer Pumping Station HC061 have been implemented;
- ii) The downstream gravity system north of Gray Court Drive has been upgraded, as per the recommendation of the Southcote Woodlands Pumping Station Design Brief, dated September, 2007;
- iii) A sanitary sewer outlet is identified, designed/constructed to service the subject lands; and,
- iv) The downstream creek restoration works have been completed in accordance with the Garner Neighbourhood Master Drainage Plan and supplementary investigation.

**R4-621** That notwithstanding the provisions of Paragraph (b) of Subsection 12.2 "Regulations" of Section 12: Residential "R4" Zone, Schedule

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“C”, the following special provision shall apply to the lands zoned “R4-621”:

### Regulations

- (b) Minimum Lot Frontage 15 metres, except on a corner lot, the minimum lot frontage shall be 16 metres.

**H-R5-622** That notwithstanding the provisions of Subsection 13.1 only single detached dwellings, uses, buildings and structures accessory thereto shall be permitted and Paragraphs (b) (f), and (i) of Subsection 13.2 “Regulations” of Section 12: Residential “R5” Zone, Schedule “C”, and the Provisions of Section 7.12, “Yard Encroachments”, and Section 7.13, “Special Setbacks”, the following special provisions shall apply to the lands zoned “H-R5-622”:

### Regulations

The provisions of the “R5-601” shall apply.

The ‘H’ Holding prefix shall be lifted from the “H-R5-601” Zone once the following conditions have been completed, to the satisfaction of the Director of Development Engineering:

- i) Stage 2 upgrades to Sanitary Sewer Pumping Station HC061 have been implemented;
- ii) The downstream gravity system north of Gray Court Drive has been upgraded, as per the recommendation of the Southcote Woodlands Pumping Station Design Brief, dated September, 2007;
- iii) A sanitary sewer outlet is identified, designed/constructed to service the subject lands; and,
- iv) The downstream creek restoration works have been completed in accordance with the Garner Neighbourhood Master Drainage Plan and supplementary investigation.

**H-RM2-609** That notwithstanding the provisions of Subsection 15.1, and Paragraph (a), and (b) of Subsection 15.2 “Regulations” of Section 15: Residential Multiple “RM2” Zone, Schedule “C”, the following special provision shall apply to the lands zoned “H-RM2-609”:

### Regulations

- (a) Minimum Lot Area 1,850 square metres of total parcel area and, 213 square

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- |                          |   |
|--------------------------|---|
|                          | metres for an interior dwelling unit, and 270 square metres for all other dwelling units. |
| (b) Minimum Lot Frontage | 7 metres for an interior lot and 9 metres for all other lots.                             |

The 'H' Holding prefix shall be lifted from the "H-RM2-609" Zone once the following conditions have been completed, to the satisfaction of the Director of Development Engineering:

- i) Stage 2 upgrades to Sanitary Sewer Pumping Station HC061 have been implemented;
- ii) The downstream gravity system north of Gray Court Drive has been upgraded, as per the recommendation of the Southcote Woodlands Pumping Station Design Brief, dated September, 2007;
- iii) A sanitary sewer outlet is identified, designed/constructed to service the subject lands; and,
- iv) The downstream creek restoration works have been completed in accordance with the Garner Neighbourhood Master Drainage Plan and supplementary investigation.

### H-RM6-603

That notwithstanding the provisions of Subsection 19.1, and Paragraphs (a), (b), (c), (e), and (j) of Subsection 19.2 "Regulations" of Section 19: Residential Multiple "RM6" Zone, Schedule "C", and the Provisions of Section 7.12, "Yard Encroachments", and Section 7.13, "Special Setbacks", the following special provisions shall apply to the lands zoned "H-RM6-603":

#### Regulations

- |                                    |  |
|------------------------------------|--|
| (a) Minimum Lot Area               | 0.3 hectares.  |
| (c) Maximum Density                | For the lands Zoned H-RM6-603 shall be 100 uph combined. |
| (d) Minimum Lot Frontage           | 15 metres (flankage along proposed John Fredrick Drive). |
| (h) Minimum Yard Abutting a Street | 2.0 metres.  |
| (d) Maximum Height                 | 10.5 metres (3 storeys).                                 |
| (i) Minimum Landscaping            | 30% of the Lot Area.                                     |
| (j) Planting Strip                 | N/A.   |

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- (m) Setback from Detached Dwelling N/A.
- (p) Canopies A canopy attached to an apartment building may project not more than 1.5 metres into any minimum yard facing a street.

The 'H' Holding prefix shall be lifted from the from the "H-RM6-603" Zone once the following conditions have been completed, to the satisfaction of the Manager, Traffic Engineering, Public Works Department and the Director of Development Engineering:

- i) Stage 2 upgrades to Sanitary Sewer Pumping Station HC061 have been implemented;
- ii) The downstream gravity system north of Gray Court Drive has been upgraded, as per the recommendation of the Southcote Woodlands Pumping Station Design Brief, dated September, 2007;
- iii) A sanitary sewer outlet is identified, designed/constructed to service the subject lands, inclusive;
- iv) A road connection through Block 186 to the east, from John Frederick Drive, has been determined and deeded to the City of Hamilton; and,
- v) The downstream creek restoration works have been completed in accordance with the Garner Neighbourhood Master Drainage Plan and supplementary investigation.

### H-C3-610

That notwithstanding the provisions of Subsection 22.1 "Permitted Uses", and Paragraphs (a), (b), (c), (e), and (j) of Subsection 22.2 "Regulations" of Section 22: General Commercial "C3" Zone, Schedule "C", and the Provisions of Section 7.12, "Yard Encroachments", and Section 7.13, "Special Setbacks", the following special provisions shall apply to the lands zoned "H-C3-610":

#### Permitted Uses

Only the following uses shall be permitted in the "C3-610" Zone:

- a) Bank and Financial Institutions;  
Business and Professional Offices;  
Dry Cleaning Depot;  
Home Business;  
Laboratory;  
Medical Offices;  
Medical Clinics;  
Personal Service Shops;

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Restaurants, including a drive thru;  
Retail stores; and,  
A maximum of 94 Apartment Dwelling Units.

### Regulations

- i) Commercial uses shall only be permitted in conjunction with residential units above the ground floor.
- ii) Maximum Yard Abutting a Street 2.0 metres.
- iii) Minimum Rear Yard 6.0 metres.
- iv) Minimum Side Yard 3.0 metres.
- v) Maximum Building Height 10.5 metres (3 storeys).
- vi) Visual Buffer  
Shall be required only in the form of a board-on-board fence in conjunction with a 2.0 metre planting strip, along any lot line abutting a Residential Zone.
- vii) Outdoor Display for Sale and Open Storage of Goods and Materials  
No outdoor storage of goods, materials, or equipment shall be permitted in any front yard or flankage yard.  
  
This shall not include the display of goods or materials for retail purposes.
- viii) Minimum Parking Requirements  
In addition to the provisions of Section 7.14, the following special regulations shall also apply:  
  
The parking space size shall have a minimum width of 2.6 metres and have a minimum length of 5.5 metres.  
  
Visitor Parking may be



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shared with the commercial parking area. However, one parking space per residential unit shall be provided, and 1 parking space per 33 square metres of non-residential GFA shall be provided.

One loading space shall be required and shared for the residential and commercial uses.

- |     |   |   |
|-----|---|---|
| ix) | Maximum Gross Floor Area for Commercial | 1,200 square metres.  |
| x)  | Minimum Landscaping Requirements        | Not less than 10% of the lot area shall be landscaped area. |

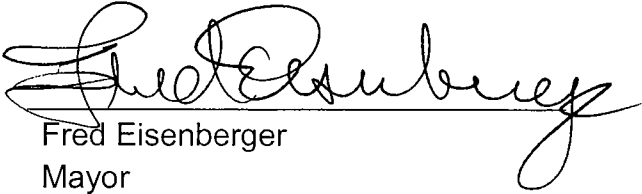
The 'H' Holding prefix shall be lifted from the "H-C3-610" Zone once the following conditions have been completed, to the satisfaction of the Director of Development Engineering:

- i) Stage 2 upgrades to Sanitary Sewer Pumping Station HC061 have been implemented;
- ii) The downstream gravity system north of Gray Court Drive has been upgraded, as per the recommendation of the Southcote Woodlands Pumping Station Design Brief, dated September, 2007;
- iii) A sanitary sewer outlet is identified, designed/constructed to service the subject lands, inclusive; and,
- iv) The downstream creek restoration works have been completed in accordance with the Garner Neighbourhood Master Drainage Plan and supplementary investigation.

- 3. That the amending By-law be added to Map 1 of Schedule B of Ancaster Zoning By-law No. 87-57.
- 4. 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.

**By-law Respecting 435 Garner Road East (Page 10 of 11)**

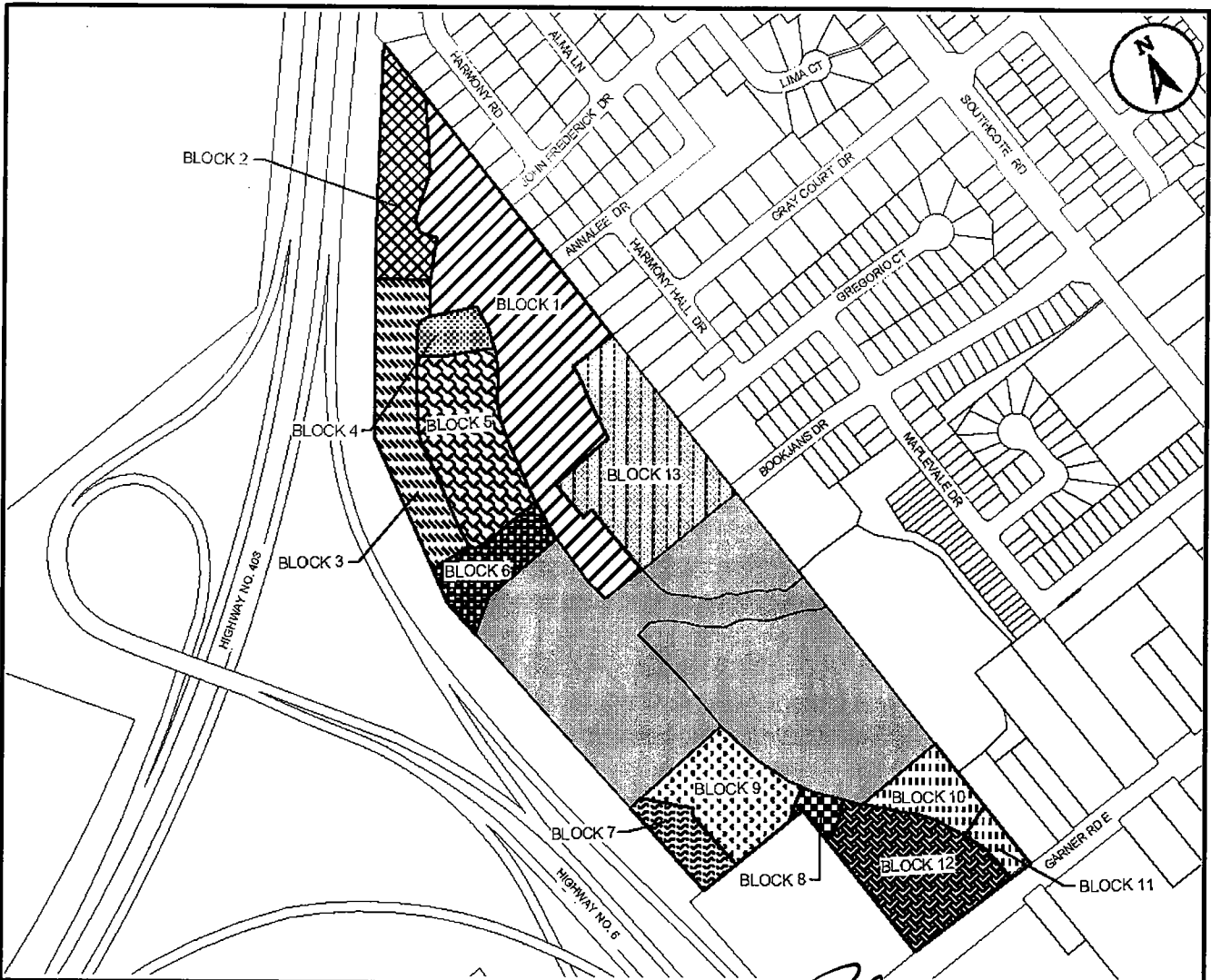
**PASSED** this 13<sup>th</sup> day of October, 2010



Fred Eisenberger  
Mayor  
ZAC-07-105  
OPA-07-031  
25T-200725



Rose Caterini  
City Clerk



This is Schedule "A" to By-Law No. 10-285

Passed the .13th.... day of October....., 2010














*[Signature]*  
Clerk  
*[Signature]*  
Mayor

## Schedule "A"

Map Forming Part of  
By-Law No. 10- 285

to Amend By-law No. 87-57

**Subject Property** 435 Garner Road East

-  Block 1 - Change in Zoning from the Agricultural "A-216" Zone to the Residential "R4" Zone
-  Block 2 - Change in Zoning from the Agricultural "A-216" Zone to the Residential R4-608" Zone
-  Block 3 - Change in Zoning from the Agricultural "A-216" Zone to the Residential Multiple "RM2-604" Zone
-  Block 4 - Change in Zoning from the Agricultural "A-216" Zone to the Residential Multiple "RM2-602" Zone
-  Block 5 - Change in Zoning from the Agricultural "A-216" Zone to the Residential "R5" Zone
-  Block 6 - Change in Zoning from the Agricultural "A-216" Zone to the Residential "R5-601" Zone
-  Block 7 - Change in Zoning from the Agricultural "A-216" Zone to the Residential "H-R5-601" Holding Zone
-  Block 8 - Change in Zoning from the Agricultural "A-216" Zone to the Residential Multiple "H-RM2-609" Holding Zone
-  Block 9 - Change in Zoning from the Agricultural "A-216" Zone to the Residential "H-R5-622" Holding Zone
-  Blocks 10 & 11 - Change in Zoning from the Agricultural "A-216" Zone to the Residential Multiple "H-RM3-603" Holding Zone
-  Block 12 - Change in Zoning from the Agricultural "A-216" Zone to the General Commercial H-C3-610 Holding Zone
-  Block 13 - Change in Zoning from the Agricultural "A-216" Zone to the Residential "R4-621" Zone
-  Refer to By-law 05-200

Scale:  
N.T.S.

File Name/Number:  
ZAC-07-105/OPA-07-031/25T-200725

Date:  
Sep. 23, 2010

Planner/Technician:  
JM/NB



**Hamilton**

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT