

**Authority:** Item 10, Planning Committee  
Report 19-010 (PED19104)  
CM: June 26, 2019  
Ward: 12

**Bill No. 168**

## **CITY OF HAMILTON**

### **BY-LAW NO. 19-168**

#### **To Amend Zoning By-law No. 87-57 (Ancaster) Respecting Lands Located at 305 and 311 Garner Road West**

**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 municipality known as the “The Corporation of the City of Hamilton” 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 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 10 of Report 19-009 of the Planning Committee at its meeting held on the 26<sup>th</sup> day of June 2019, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided; and,

**AND WHEREAS** this By-law will be in conformity with the Urban Hamilton Official Plan upon adoption of UHOPA No. 124;

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

1. That Map No. 1-B to Schedule “B”, appended to and forming part of By-law No. 87-57 (Ancaster) is amended by changing the zoning from the Agricultural (Holding) “H-A-496” Zone, Modified, Agricultural “A-216” Zone, Modified and Rural Industrial “M5-262” Zone, Modified to the Residential Multiple “RM4-700” Zone, Modified (Block 1); from the Agricultural “A-216” Zone, Modified and Rural Industrial “M5-262” Zone, Modified to the Residential Multiple “RM4-701” Zone, Modified (Block 2); from the Agricultural (Holding) “H-A-496” Zone, Modified to the Residential Multiple “RM4-702” Zone, Modified (Block 3); from the Agricultural (Holding) “H-A-496” Zone, Modified and Rural Industrial “M5-262” Zone, Modified to the Residential Multiple “RM4-703” Zone, Modified (Block 4) and from the

Agricultural (Holding) "H-A-496" Zone, Modified to the Residential Multiple "RM4-704" Zone, Modified (Block 5) on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

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

"RM4 – 700" (Block 1)

That notwithstanding the provisions of Section 7.11, 7.12 (d), 7.14 (a)(xii), (b), 17.1, 17.2 (b), (e), (f), (g), (h), (i), (j), (k), (m), (n) and (p) the following special provisions shall apply to the lands zoned "RM4-700":

PERMITTED USES

- (a) Street Townhouse and Multi-plex dwellings and uses, buildings and structures accessory thereto shall also be permitted.

REGULATIONS

- |     |                             |  |
|-----|-----------------------------|--|
| (a) | Maximum Density:            | 44 dwelling units per hectare.   |
| (b) | Minimum Front Yard:         | 3.9 metres to the front façade from Garner Road West.  |
| (c) | Maximum Lot Coverage:       | 35 %   |
| (d) | Minimum Easterly Side Yard: | 2.0 metres.  |
| (e) | Maximum Height:             | 14 metres.   |
| (f) | Planting Strip:             | A planting strip of 2 metres shall be required adjacent to a commercial use and between an internal road and a side lot line.  |
| (g) | Minimum Landscaping:        | 20 %   |
| (h) | Minimum Privacy Area:       | 9 square metres per unit.  |
| (i) | Parking:                    | i. For each block townhouse and multi-plex dwelling there shall be a minimum of 2 parking spaces one of which must be contained within an attached garage, plus 0.26 visitor parking spaces. |

- ii. A parallel parking space shall have minimum width of 2.5 metres and a minimum length of 6.5 metres.

(j) Children’s Play Area: A curbed children’s outside play area that is a minimum of 800 square metres shall be provided and maintained on site.

(k) Building Separation: Any townhouse building shall be no closer to another townhouse building on the same lot in accordance with the following distance requirements:

	Front Façade	Rear Wall	End Wall
Front Façade	18.0 m	18.0 m	14.0 m
Rear Wall	18.0 m	0 m (multi-plex units) 15.0 m (Block townhouse units)	7.0 m
End Wall	14.0 m	7.0 m	2.7 m

(l) For the purpose of this By-law, the lot line abutting Garner Road West, shall be deemed to be the front lot line. The easterly side lot line shall be the lot line with the dimension of 252.90 metres in length and the westerly side lot line shall be the lot line with the dimension of 124.530 metres in length. All of the remaining lot lines are rear lot lines and have the following dimensions: 197.17 metres; 60.0 metres; 190.44 metres; 22.0 metres and 73.17 metres (northerly lot boundary).

(m) For the purpose of this By-law, the boundary of the Residential Multiple “RM4-700” Zone shall be deemed to be one lot the lot lines and the regulations of the “RM4-700” Zone shall be from the external boundaries of this zone, and not from the individual property boundaries of the dwelling units created by registration of a draft plan of subdivision / condominium plan or created by Part Lot Control.

“RM4-701” (Block 2)

REGULATIONS

That notwithstanding the provisions of Sections 9.3(a), 17.2 (g) and (j), and in addition to the regulations of the “RM4-700” Zone, the following special provisions shall apply to the lands zoned “RM4-701”:

- (a) Minimum setback for a central air conditioning unit, window air conditioning unit or heat pump from the front lot line: 1.5 metres.
- (b) Maximum permitted encroachment for front yard porch (along Garner Road West): 1.6 metres.
- (c) Minimum Westerly Side Yard: 12.0 metres.
- (d) Minimum Easterly Side Yard: 2.0 metres.

“RM4-702” (Block 3)

REGULATIONS

That notwithstanding the provisions of Section 17.2 (g) and in addition to the regulations of the “RM4-700” Zone, the following special provisions shall apply to the lands zoned “RM4-702”:

- (a) Minimum Rear Yard: 4 metres.

“RM4-703” (Block 4)

REGULATIONS

That notwithstanding the provisions of Section 17.2 (g) and in addition to the regulations of the “RM4-700” Zone, the following special provisions shall apply to the lands zoned “RM4-703”:

- (a) Minimum Rear Yard: 1.5 metres.

“RM4-704” (Block 5)

REGULATIONS

That notwithstanding the provisions of Sections 7.20, 17.2 (g) and in addition to the regulations of the “RM4-700” Zone, the following special provisions shall apply to the lands zoned “RM4-704”:

- (a) Minimum Rear Yard: 1.3 metres.
3. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Residential Multiple “RM4” Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.
  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*.

**PASSED** this 12th day of July, 2019.

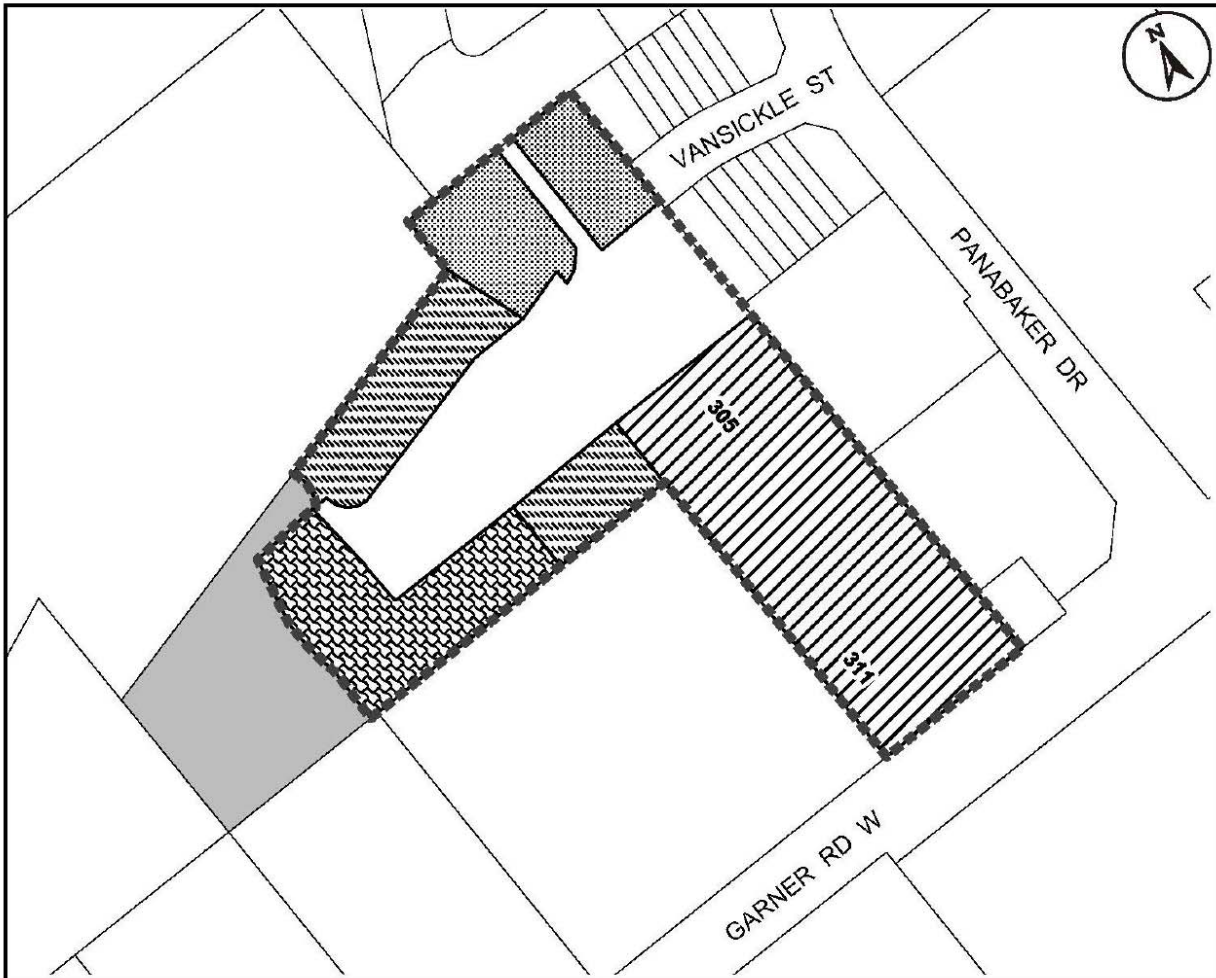
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F. Eisenberger  
Mayor

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J.Pilon  
Acting City Clerk

UHOPA-17-025  
ZAC-17-058



This is Schedule "A" to By-law No. 19-  
 Passed the ..... day of ....., 2019

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 Mayor

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 Clerk

**Schedule "A"**

Map Forming Part of  
 By-law No. 19-\_\_\_\_

to Amend By-law No. 87-57

**Subject Property**  
 305 and 311 Garner Road West

- Block 1 - Change in zoning from Agricultural (Holding) "H-A-496" Zone, Modified, Agricultural "A-216" Zone, Modified and Rural Industrial "M5-262" Zone, Modified to Residential Multiple "RM4-700" Zone, Modified
- ▨▨▨▨ Block 2 - Change in zoning from the Agricultural "A-216" Zone, Modified and Rural Industrial "M5-262" Zone, Modified to Residential Multiple "RM4-701" Zone, Modified
- ▨▨▨▨ Block 3 - Change in zoning from the Agricultural (Holding) "H-A-496" Zone, Modified to Residential Multiple "RM4-702" Zone, Modified
- ▨▨▨▨ Block 4 - Change in zoning from the Agricultural (Holding) "H-A-496" Zone, Modified and Rural Industrial "M5-262" Zone, Modified to Residential Multiple "RM4-703" Zone, Modified
- ▨▨▨▨ Block 5 - Change in zoning from the Agricultural (Holding) "H-A-496" Zone, Modified to Residential Multiple "RM4-704" Zone, Modified

■ Lands to be added to Zoning By-law No. 05-200

Scale: N.T.S.	File Name/Number: ZAC-17-058 & UHOPA-17-25
Date: April 30, 2019	Planner/Technician: GZ/NB
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	

