

Authority: Item ,
Report (PED25093)
CM:
Ward: 12

Bill No.

**CITY OF HAMILTON
BY-LAW NO.**

**To Amend Zoning By-law No. 87-57
Respecting Lands Located at 559 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 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 22nd day of June 1987, and approved by the Ontario Municipal Board on the 23rd day of January 1989;

AND WHEREAS Council approved Item__ of Report _____ of the Planning Committee, at its meeting held on _____, 2025;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. X;

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 Zoning By-law No. 87-57 (Ancaster), is amended by changing the zoning from the Agricultural “A” Zone to the Holding Residential Multiple “H-RM6-719” Zone, Modified, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.
2. That Section 34: Exceptions, to Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following Subsection:

“RM6-719”

- a) That notwithstanding Section 7.11 a), the maximum building height shall be 14.0 metres and 24.5 metres and in accordance with Special Figure #4.
- b) That notwithstanding Section 7.12 c), balconies shall be permitted to project into a required rear yard to a maximum distance of 2.0 metres.
- c) That notwithstanding Section 7.14 a) vii) and viii), the minimum side yard and rear yard setback to a below grade communal parking structure shall be 0.5 metres, or 0.0 metres when abutting a daylight triangle.
- d) That notwithstanding Section 7.14 a) xv), a planting strip shall not be required abutting the northerly rear lot line.
- e) That notwithstanding Section 7.14(b)(i)(C), 1.3 parking spaces per dwelling unit shall be provided and shall be inclusive of visitor parking.
- f) Notwithstanding Sections 3.84, 3.85, and 3.86:
 - i) The shortest lot line abutting Garner Road East measuring 5.25 metres shall be considered the front lot line;
 - ii) The hypotenuse of the daylight triangle and the longest lot line abutting Garner Road East shall be considered side lot lines; and,
 - iii) All remaining lot lines shall be considered rear lot lines.
- g) Notwithstanding the provisions of Paragraphs (a), (c), (d), (g), (h), (j), (k) and (l) of Section 19.2 of Zoning By-law No. 87-57, the following special provisions shall apply to the lands zoned "RM6-719":

REGULATIONS

(a) Minimum Lot Area	0.37 hectares
(d) Minimum Lot Frontage	5.25 metres
(g) Minimum Front Yard	2.0 metres
(h) Minimum Side and Rear Yard	<ul style="list-style-type: none">i. 3.0 metres to the side lot line abutting Garner Road East;ii. 0.0 metres to the hypotenuse of the daylight triangle;

- iii. 3.0 metres to the rear lot line abutting Southcote Road;
 - iv. 19.0 metres abutting the northerly rear lot line;
 - v. 25.0 metres to the easterly rear lot line to the portion of the multiple dwelling as shown on Special Figure #4; and,
 - vi. 3.0 metres to the easterly rear lot line to the portion of the multiple dwelling as shown on Special Figure #4.
- (k) Maximum Height 14.0 metres and 24.5 metres and in accordance with Special Figure #4.
- (l) Minimum Landscaping 25 percent.

In addition to the regulations of Subsection 19.2 of Zoning By-law No. 87-57, the following special provisions shall apply to the lands zoned "RM6-719":

- (a) Percentage of Multiple Bedroom Units Within a Multiple Dwelling
 - i. A minimum of 25 percent of the Dwelling Unit(s) shall be units with two or more bedrooms.
 - ii. Where the application of subsection i. above results in a numeric fraction, the fraction shall be rounded up to the nearest whole number of dwelling units.
 - (b) That for the purposes of this By-law, no vehicular ingress or egress shall be provided from Garner Road East.
3. That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act, R.S.O. 1990* to the subject lands by introducing the Holding "H" symbol to the proposed Holding Residential Multiple "H-RM6-719" Zone, Modified.

The Holding Provision is to be removed conditional upon:

- (1) That the Owner submit for review and approval, a revised Functional Servicing Report, and related drawings to demonstrate:
 - i. That suitable storm and sanitary outlets are provided for the subject site, including extension of any municipal sewers, as required, in accordance with City standards to accommodate the proposed development, all to the satisfaction of the the Director of Growth Management and Chief Development Engineer; and,
 - ii. To enter into and register on title of the lands, an External Works Agreement with the City for the design and construction of any required improvements to the municipal infrastructure at the owner's cost, in accordance with the Functional Servicing Report accepted by the Director, Growth Management and Chief Development Engineer.
4. 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 "RM6" Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.
5. 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 _____ day of _____, 2025.

A. Horwath
Mayor

M. Trennum
City Clerk



<p>This is Schedule "A" to By-law No. 25-</p> <p>Passed the day of, 2025</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2>Schedule "A"</h2> <p>Map forming Part of By-law No. 25-_____</p> <p>to Amend By-law No. 87-57</p>	<p>Subject Property</p> <p>559 Garner Road East, Ancaster</p> <p> Change in zoning from the Agricultural "A" Zone to the Holding Residential Multiple "H-RM6-719" Zone, Modified</p>
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<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-21-047 & UHOPA-21-022</p>	<p>Hamilton</p>
<p>Date: January 30, 2025</p>	<p>Planner/Technician: MF/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		



Special Figure 4: 559 Garner Road East

Date:
February 7, 2025

Legend

-  Maximum Building Height 24.5 metres
-  Maximum Building Height 14.0 metres

