

Authority: Item 11, Planning Committee
Report 23-011 (PED23122)
CM: July 14, 2023
Ward: 12

Bill No. 136

CITY OF HAMILTON
BY-LAW NO. 23-136
To Amend Zoning By-law No. 87-57, Respecting Lands Located
at 140 Wilson Street West, 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”;

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”;

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

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;

WHEREAS the Council of the City of Hamilton, in adopting Item 11 of Report 23-011 of the Planning Committee at its meeting held on the 11th day of July, 2023, which recommended that Zoning By-law No. 87-57, be amended as hereinafter provided;

WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan.

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

1. That Map No. 1280 of Schedule “A”, appended to and forming part of By-law No. 87-57, as amended, is further amended by changing the zoning from the Existing Residential “ER” Zone to the Holding Residential Multiple “H-RM6-714” 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 of Zoning By-law No. 87-57, as amended, is hereby further amended by adding the following subsection:

H-RM6-714

That notwithstanding the provisions of paragraph (a) of Subsection 7.11 “Maximum Building Height”, paragraph (a) (x) and (b) of Subsection 7.14 “Parking and Loading”, and paragraphs (a), (c), (d), (f), (g), (h), (i), (j), (k), and (l)

of subsection section 19.2 “Regulations” of Zoning By-law No. 87-57, the following special provisions shall apply to the lands zoned “H-RM6-714”:

Regulations

- | | |
|--|---|
| (a) Minimum Lot Area | 1,330 square metres. Notwithstanding the definition of “Lot Area” in Section 3.76, Lot Area shall not include the area within Block 1 – Future Right of Way Dedication on Figure 3: 140 Wilson Street West, Ancaster of Section 39: Special Figures. |
| (b) Maximum Density | 70 dwelling units per hectare. |
| (c) Minimum Lot Frontage | 24 metres. |
| (d) Maximum Lot Coverage | 41 percent. Notwithstanding the definition of “Lot Coverage” in Section 3.78, the area of the lot shall not include the area within Block 1 – Future Right of Way Dedication on Figure 3: 140 Wilson Street West, Ancaster of Section 39: Special Figures. |
| (e) Minimum Front, Side, and Rear Yard | In accordance with Block 2 – Extent of Building Envelope on Figure 3: 140 Wilson Street West, Ancaster of Section 39: Special Figures. |
| (f) Parking | 1.33 plus 0.22 visitor parking spaces per dwelling unit. |
| (g) Children’s Play Area | Children’s play area provision shall not apply. |
| (h) Maximum Height | 11.25 metres. |
| (i) Minimum Landscaping | 26 percent of the lot area per Subsection (a) hereof. In addition to the definition of “Landscaping” in Section 3.73, landscaping shall include a minimum of 13 trees with a minimum 50 mm caliper planted on site. The minimum landscaping requirement shall not be provided within Block 1 – Future Right of Way Dedication on Figure 3: 140 Wilson Street West, Ancaster of Section 39: Special Figures. |

- (j) Maximum Parking Coverage The at-grade parking area shall not occupy more than 45 percent of the total lot area. In addition to the requirements of Section 7.14 (a) (xiii), the surface of a parking area may include permeable pavers.
- (k) Future Right-of-Way Dedication No development, other than access and landscaping but not including a required planting strip, shall occur on Block 1 – Future Right-of-Way Dedication on Figure 3: 140 Wilson Street West, Ancaster of Section 39: Special Figures.

That the amending By-law apply the Holding Provision of section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol 'H' as a suffix to the proposed zoning.

The Holding Residential Multiple "H-RM6-714" Zone, Modified, shall be removed conditional upon:

- a) That the applicant complete an Archaeological Assessment to the satisfaction of the Ministry of Citizenship and Multiculturalism and the Director of Planning and Chief Planner.
 - b) That the Owner prepare and receive approval of a Landscape Plan, including providing for 1 for 1 compensation for 22 privately owned trees (10 cm diameter at breast height (DBH) or greater) that are removed from private property through replanting trees on site and/or payment of cash-in-lieu, to the satisfaction of the Director of Planning and Chief Planner.
 - c) That the Owner shall investigate the noise levels and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended noise control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner.
3. That SECTION 39: SPECIAL FIGURES, be amended by adding Figure 3: 140 Wilson Street West, Ancaster, appended to this By-law as Schedule "B".
 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.

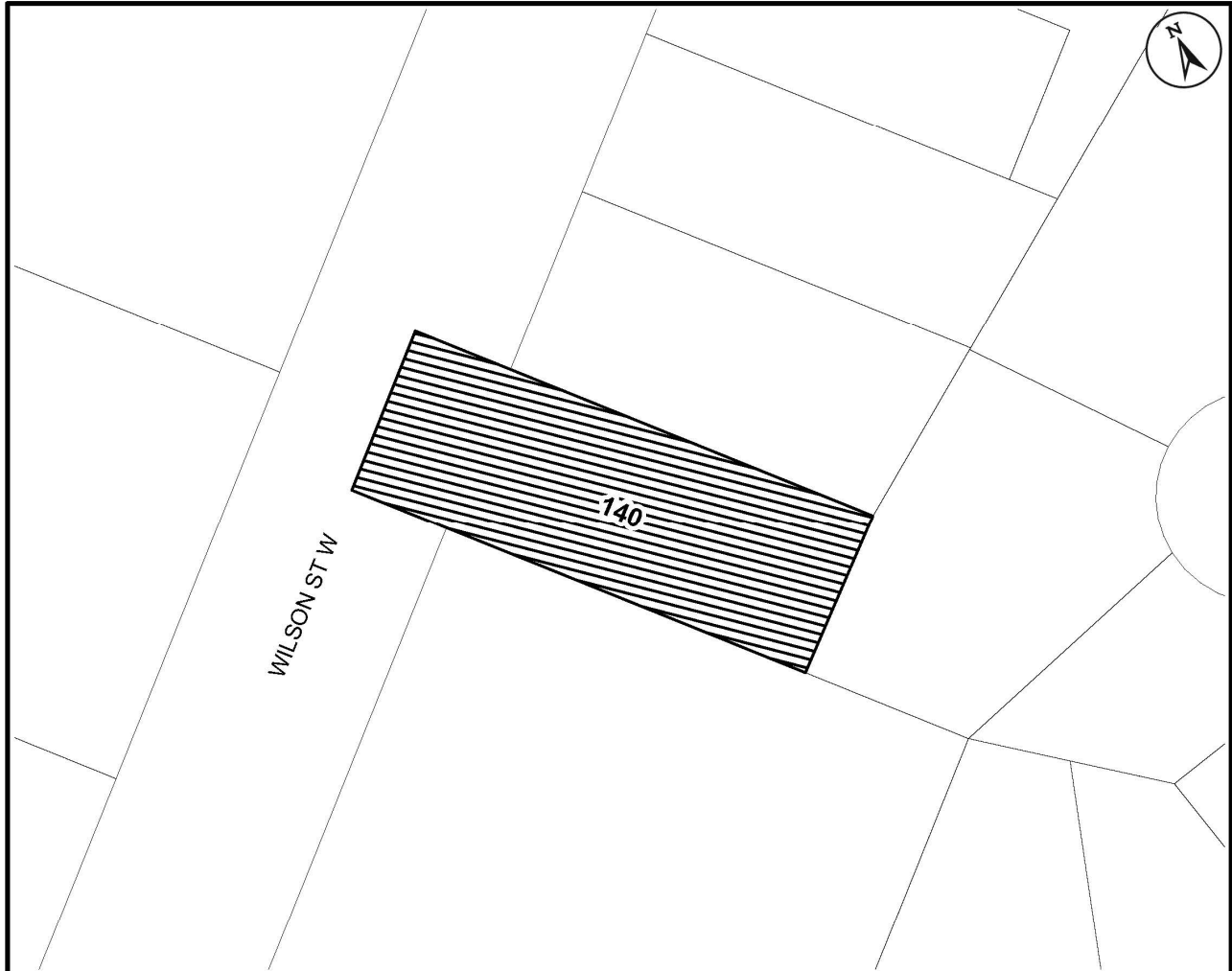
5. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this 14th day of July, 2023.

T. Hwang
Acting Mayor

A. Holland
City Clerk

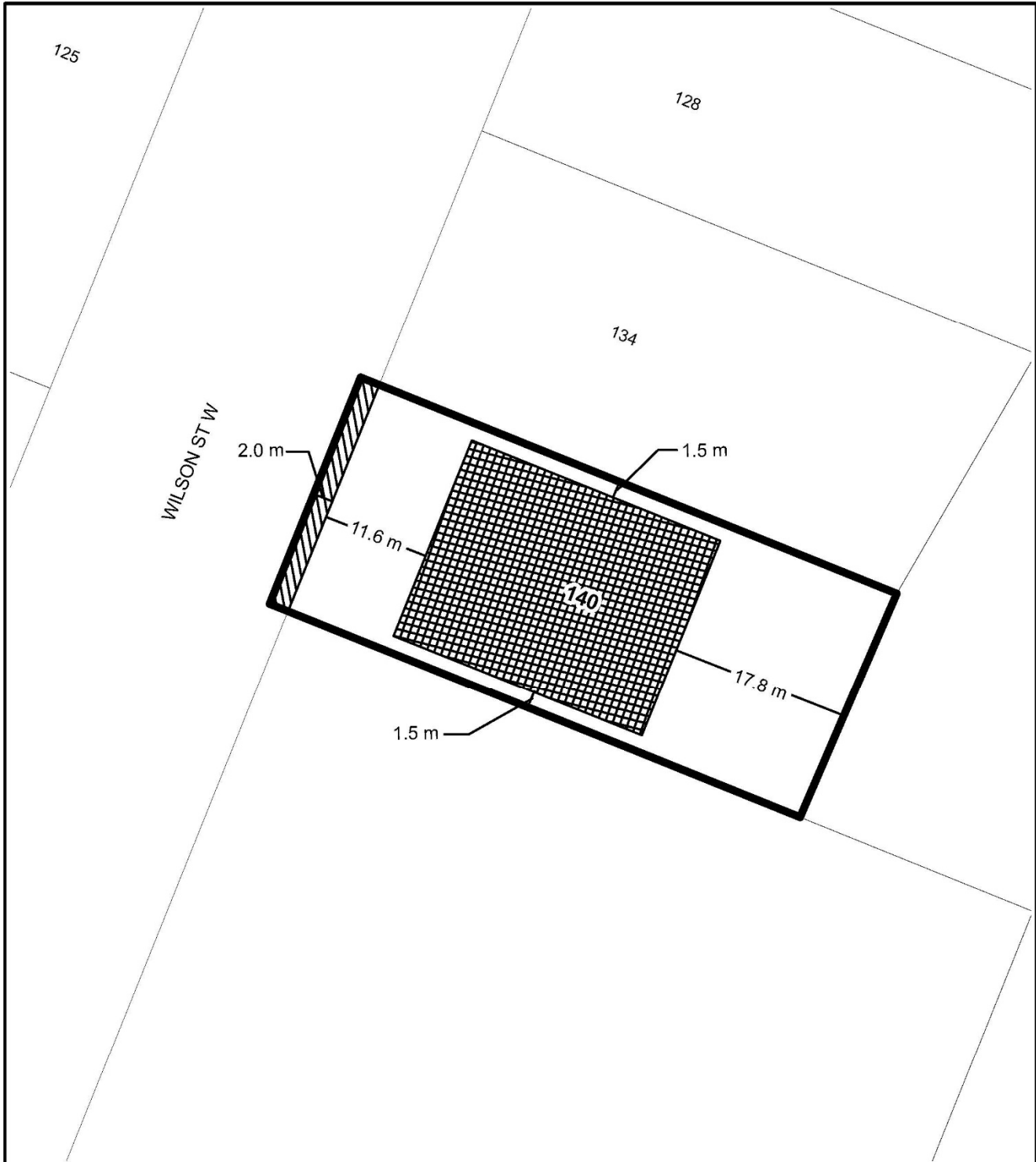
ZAC-20-024



<p>This is Schedule "A" to By-law No. 23-</p> <p>Passed the day of, 2023</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. 23-_____</p> <p>to Amend By-law No. 87-57</p>	<p>Subject Property</p> <p>140 Wilson Street West</p> <p> Change in Zoning from the Existing Residential "ER" Zone to the Holding Residential Multiple "H-RM6-714" Zone, Modified</p>
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Date: April 14, 2023	Planner/Technician: TV/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		



Special Figure 3: 140 Wilson Street West, Ancaster

Date:
April 28, 2023

Legend

-  Subject Area - Special Exception 714
-  Block 1 - Future Right-of-Way Dedication
-  Block 2 - Extent of Building Envelope

