

Authority: Item 14, Planning Committee
Report 21-011 (PED21113)
CM: July 9, 2021
Ward: 14

Bill No. 128

CITY OF HAMILTON

BY-LAW NO. 21-128

To Amend Zoning By-law No. 87-57 Respecting Lands located at 1269 Mohawk Road (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 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 22nd day of June, 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 14 of Report 21-011 of the Planning Committee, at its meeting held on the 9th day of July, 2021, recommended that Zoning By-law No. 87-57 (Ancaster) be amended as hereinafter provided; and,

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan of the City of Hamilton;

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

1. That Map No. 1 to Schedule "B", appended to and forming part of By-law No. 87-57 (Ancaster) as amended, is hereby further amended by changing the zoning from the Agricultural "A" Zone (Block 1) and the Residential "R4-666" Zone, Modified (Block 2) to the Holding Residential Multiple "H-RM6-708" 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 (Ancaster), as amended, is hereby further amended by adding the following sub-section:

“RM6-708”

- (i) That notwithstanding the permitted uses of Subsection 19.1 of the Residential Multiple “RM6” Zone, of Zoning By-law No. 87-57 of the Town of Ancaster, the following use shall be permitted:

a) Apartment building containing a maximum of 19 dwelling units in conjunction with the building existing at the date of the passing of this By-law.

- (ii) That notwithstanding the provisions of Subsections 19.2 (a), (c), (f), (g), (h), (i), (j), (k), (l), (m), of the Residential Multiple “RM6” Zone, Section 7.11, and the provisions of Section 7.14: Parking and Loading of Zoning By-law No. 87-57 of the Town of Ancaster, the following regulations shall apply:

Regulations:

a) Minimum Lot Area	0.19 ha
c) Maximum Density	100 units per hectare
f) Maximum Lot Coverage	40%
g) Minimum Front Yard	7.5m except for the building existing on day of the passing of this By-law.
h) Minimum Side and Rear Yard	7.5m (westerly side yard) except for the building existing at the date of the passing of this By-law. 2.0m (easterly side yard) 15.0m (rear yard)
i) Parking	Notwithstanding Sections 19.2(i) and 7.14(b) (i) (C), the required parking spaces shall be as follows: Dwelling Unit and Visitor Parking – 1.25 plus 0.25

visitor parking spaces per
dwelling unit.

j) Children's Outside Play Area Shall not apply.

k) Maximum Height

The building height may be equivalently increased as the westerly yard increases beyond the minimum yard requirement established in Section (h) above to a maximum of 13.0 metres. This provision shall not apply to the building existing at the date of the passing of this By-law.

l) Minimum Landscaping 25%

m) Planting Strip 3.0m wide planting strip
abutting the west side yard.

3.0m wide planting strip
abutting rear yard.

1.5m wide planting strip
abutting east side yard.

(iii) In addition to Subsection 7.14, "Parking and Loading" of Section 7 "General Provisions" the following shall apply:

a) Location of Parking or Loading Space Min. 6.0 m from
Front Lot Line

(iv) Notwithstanding Section 3.53, for the purposes of this By-law, "Existing" shall mean existing on the date of passing of this By-law, including the enlargement or extension thereof, and shall include the following:

- a) The original stone foundation of the c. 1883 farmhouse dwelling;
- b) The exterior brick facades of the original T-shaped c. 1883 farmhouse dwelling;
- c) The fenestration details of the c. 1883 farmhouse dwelling including the buff brick voussoirs with keystones, buff brick rounded arches and buff brick segmental arches and stone sills; and,
- d) The location of the building on the top of a slope overlooking Mohawk Road;

save and except for the rear 19th century addition and interior features.

3. 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' to the proposed Residential Multiple "RM6-708" Zone, Modified, with the 'H' symbol being eligible to be removed conditional upon:

- a) That the owner shall submit and receive approval of a Documentation and Salvage Report which further details their approach for removing, labelling, storing, and if required, reassembly of material salvaged from any portions of existing buildings on-site, to the satisfaction of the Director of Planning and Chief Planner.
 - b) That the owner shall submit and receive approval of a Stage 3 (and if required, Stage 4) archaeological assessment for site to the satisfaction of the Director of Planning and Chief Planner and the Ministry of Heritage, Sport, Tourism and Culture Industries.
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, 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 13th day of August, 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAC-19-006



This is Schedule "A" to By-law No. 21-

Passed the day of, 2021

Mayor

Clerk



Schedule "A"

Map forming Part of
By-law No. 21-_____

to Amend By-law No. 87-57

Subject Property

1269 Mohawk Road West, Ancaster, (Ward 14)

-  Block 1 - Change in Zoning from the Agricultural "A" Zone to the Holding Residential Multiple "H-RM6-708" Zone, Modified
-  Block 2 - Change in Zoning from the Residential "R4-666" Zone, Modified to the Holding Residential Multiple "H-RM6-708" Zone, Modified

Scale:
N.T.S

File Name/Number:
ZAC-19-006

Date:
June 1, 2021

Planner/Technician:
MD/NB



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT