

Authority: Item 3, Planning Committee
Report 17-011 (PED17099)
CM: June 28, 2017
Ward: 12
Bill No. 132

CITY OF HAMILTON
BY-LAW NO. 17-132

**To Amend Ancaster Zoning By-law No. 87-57
Respecting Lands Located at 393 Wilson Street 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 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 3 of Report 17-011 of the Planning Committee, at its meeting held on the 28th day of June, 2017, which recommended that Zoning By-law No. 87-57 (Ancaster) be amended as hereinafter provided;

AND 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. 2 to Schedule "B", appended to and forming part of By-law No. 87-57 (Ancaster), as amended, is further amended by changing the zoning from the Village Area "VA" Zone to the Village Area "VA-684" Zone, Modified, on the lands the extent and boundaries of which are more particularly shown on Schedule "A" annexed hereto and forming part of this By-law.
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:

"VA-684"

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Notwithstanding any provisions to the contrary of Subsection 22.1 – PERMITTED USES OF SECTION 22: VILLAGE AREA “VA” ZONE, SECTION 25: VILLAGE AREA “VA” ZONE, SECTION 3 – DEFINITIONS, SECTION 7 – GENERAL PROVISIONS of Zoning By-law No. 87-57 of the Town of Ancaster, the lands zoned VA-684, described as 393 Wilson Street East, shall be subject to the following:

1.0 Permitted Uses

In addition to Subsection 25.1, a mixed use commercial / residential building, consisting of:

One (1) commercial ground floor unit having a maximum gross floor area of 54 square metres, pursuant to those commercial uses permitted within the Village Area “VA” Zone of Section 22.1; and,

A maximum of six (6) dwelling units above the ground floor,

shall be permitted.

2.0 That notwithstanding Section 1.0 above, clubs (private or commercial), medical and dental laboratories, and medical clinics shall be prohibited.

That notwithstanding the provisions of Subsections 25.2 and 25.3 of the Village Area “VA” Zone of Zoning By-law No. 87-57 of the Town of Ancaster, the following regulations shall apply:

1.0 Regulations

- | | |
|--------------------------------|--|
| (a) Maximum Lot Coverage | 62% |
| (b) Minimum Front Yard | 3 metres |
| (c) Minimum Rear Yard | 12 metres |
| (d) Maximum Height | 10.8 metres |
| (e) Minimum Landscape Coverage | 30% |
| (f) Accessory Buildings | The provisions of Subsection 7.18 (b) shall apply. |

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In addition to Section 1.0 of this By-law, access, parking areas, accessory office and utility areas for the residential uses may be provided at ground level.

That notwithstanding Paragraph 3.73 “Landscaping” of Section 3 “Definitions”, the following definition shall apply:

1.0 For the purposes of this Zone, “Landscaping”

- (a) Means an area not built upon and not used for any purpose other than as a landscaped area, which may include grass, shrubs, flowers, trees and similar types of vegetation, paths, walks, patios, fences and similar features, and a transformer pad; but,
- (b) Does not include parking areas, parking lots, driveways, ramps or maneuvering areas.

That notwithstanding Section 7.12 (b) “Encroachments into Yards”, eaves and gutters may project into any minimum side yard a distance of not more than 70 centimetres, or into any minimum front or minimum rear yard a distance of not more than 1.5 metres.

That the regulations of Subsection 7.14: Parking and Loading of Zoning By-law No. 87-57 of the Town of Ancaster shall apply, with the following exceptions:

1.0 A minimum of 2 parking spaces per dwelling unit and 3 parking spaces for the commercial unit shall be required.

2.0 Each required commercial parking space shall:

- 2.1 Be maintained for the shared use between the commercial use and the residential visitor use;
- 2.2 Have a sign erected and legibly marked that the parking spaces are for the use of both commercial and residential visitor parking; and,
- 2.3 Be maintained readily accessible for either use, free and clear of all obstructions.

3. That the amending By-law be added to Map 2 of Schedule "B" of Ancaster Zoning By-law 87-57.

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,

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except in accordance with the Village Area "VA" Zone, subject to the special requirements referred to in Section 2 of this By-law.

5. That this By-law No. shall come into force and be deemed to come into force in accordance with Subsection 34(21) of the *Planning Act*, either upon the date of passage of this By-law or as otherwise provided by the said subsection.
6. 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 28th day of June, 2017.

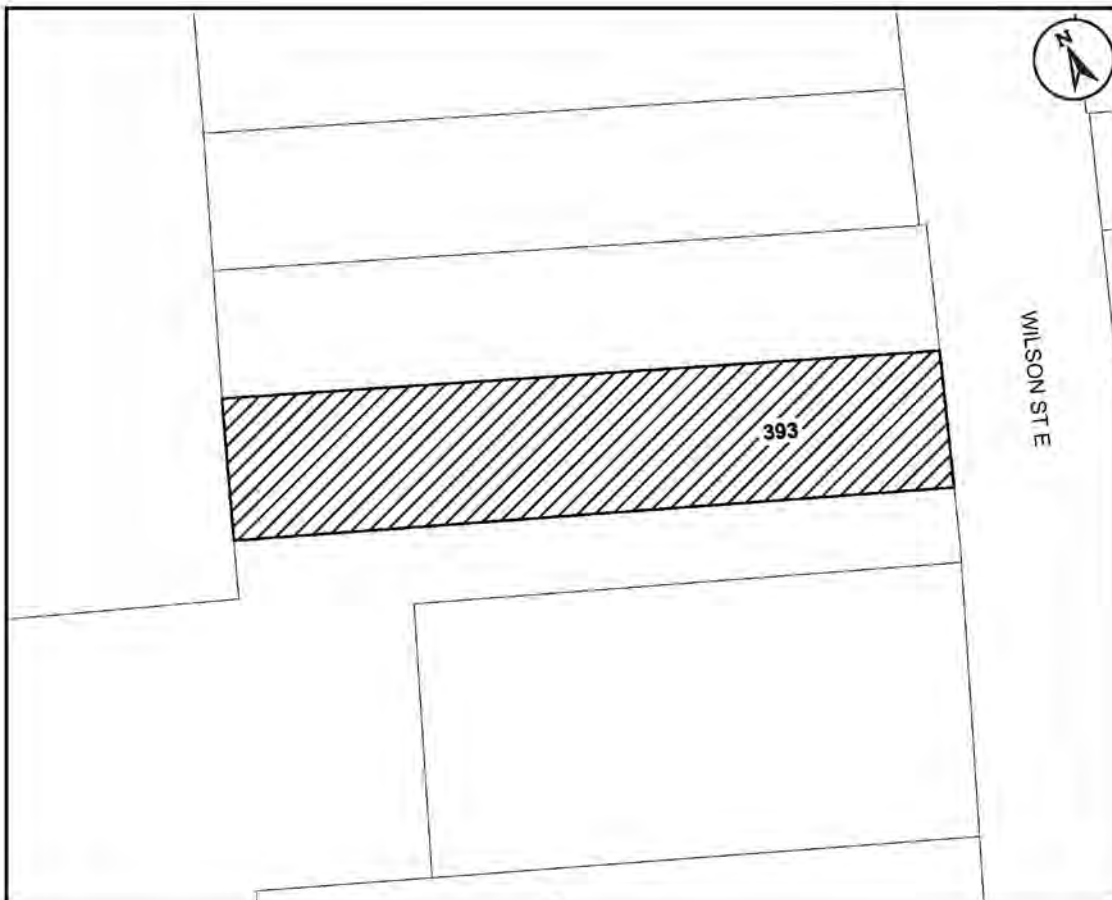
D. Skelly
Acting Mayor

J. Pilon
Acting City Clerk

ZAR-15-042

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This is Schedule "A" to By-law No. 17- Passed the day of, 2017	_____ Mayor _____ Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <h3 style="margin: 0;">Map Forming Part of By-law No. 17-_____</h3> to Amend By-law No. 87-57	Subject Property 393 Wilson Street East Change in Zoning from the Village Area "VA" Zone to the Village Area "VA-684" Zone, Modified.
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Scale: N.T.S.	File Name/Number: ZAR-15-042	
Date: Dec. 15, 2016	Planner/Technician: DM/V.S.	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		