

Authority: Item XX, Planning Committee
Report (PED23093)
CM:
Ward: 12

Bill No.

CITY OF HAMILTON
BY-LAW NO. 23-

**To Amend Zoning By-law No. 05-200 Respecting Lands Located at 111 and 115
Fiddler’s Green Road, Ancaster**

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at its meeting held on July 11, 2023;

AND WHEREAS this By-law conforms to the Urban Hamilton Official Plan;

NOW THEREFORE Council amends Zoning By-law No. 05-200 as follows:

1. That Map No. 1281 of Schedule “A” – Zoning Maps is amended by adding the Neighbourhood Commercial (C2, 852, H150) Zone for the lands known as 111 and 115 Fiddler’s Green Road as shown on Schedule “A” to this By-law;
2. That Schedule “C” – Special Exception is amended by adding the following new Special Exception:

“852. Within the lands zoned Neighbourhood Commercial (C2) Zone, identified on Map 1281 of Schedule “A” – Zoning Maps and described as 111 and 115 Fiddler’s Green Road, the following special provisions shall apply:

- a) Notwithstanding Section 5.6 c) iv. as it relates to Medical Clinic, and 5.7 c) and 5.7 e), the following special provisions shall apply:
 - i) Medical Clinic 1 parking space per 22.0 square metres of gross floor area shall be required.
 - ii) Bicycle Parking
 1. Minimum 0.50 Long-term bicycle parking spaces per unit; and,
 2. Minimum 5 Short-term bicycle parking spaces.

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- b) Notwithstanding Section 10.2.1, 10.2.1.1 ii) and 10.2.3 h) and in addition to Section 10.2.1, 10.2.1.1, 10.2.2 and 10.2.3, the following shall apply:
- i) The following uses shall also be permitted:
 - Multiple Dwelling
 - Street Townhouse Dwelling
 - ii) The following uses shall also be prohibited:
 - Catering Service
 - Financial Establishment
 - Motor Vehicle Service Station
 - Repair Services
 - Restaurant
 - Retail
 - iii) Maximum Gross Floor Area for commercial uses within new standalone commercial buildings on the lot
 - 1. 500.0 square metres.
 - 2. Section 1. above shall not apply to any buildings existing as of July 11, 2014 and which are converted to commercial uses.
 - iv) Within a building containing Dwelling Unit, Mixed Use, the following uses shall be limited to the ground floor of a building:
 - Artist Studio
 - Commercial School
 - Day Nursery
 - Emergency Shelter
 - Medical Clinic
 - Office
 - Personal Services
 - Social Services Establishment
 - Veterinary Service
 - v) Minimum density 20 units per hectare.
 - vi) Maximum density 60 units per hectare.

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vii) The following regulations apply to Multiple Dwellings:

- | | |
|---|---|
| a) Building Setback from a Street Line | <ol style="list-style-type: none">1. Minimum 3.0 metres.2. Maximum 4.5 metres, except where a visibility triangle is required for a driveway access.3. Notwithstanding Section 2. above, minimum 6.0 metres setback for that portion of a building providing an access driveway to a garage.4. Section 2. above shall not apply for any portion of a building that exceeds the requirement of Section f) 2. below. |
| b) Minimum Lot Area | 360.0 square metres. |
| c) Minimum Landscaped Area for Multiple Dwellings | 10% of the lot area shall be landscaped area. |
| d) Minimum Amenity Area for Multiple Dwellings | <p>On a lot containing more than 10 dwelling units, the following Minimum Amenity Area requirements shall be provided:</p> <ol style="list-style-type: none">1. An area of 4.0 square metres for each dwelling unit less than 50 square metres.2. An area of 6.0 metres for each dwelling unit more than 50 square metres.3. In addition to the definition of Amenity Area, an Amenity |

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Area located outdoors shall be unobstructed and shall be at or above the surface, and exposed to light and air and may include balconies and patios.

4. In addition to the definition of Amenity Area, the required Amenity Area shall be provided exclusively for the residential component and shall be functionally separated from public areas associated with any commercial component.

viii) The following regulations apply to Street Townhouse Dwellings:

- | | |
|-------------------------------|---|
| a) Minimum Lot Area Per Unit | 145.0 square metres. |
| b) Minimum Lot Width per Unit | 5.5 metres. |
| c) Setback from a Street Line | <ol style="list-style-type: none">1. Minimum 3.0 metres.2. Maximum 4.5 metres except where a visibility triangle is required for a driveway access.3. Notwithstanding 2. above, minimum 6.0 metres for that portion of a building providing an access driveway to a garage. |
| d) Minimum Side Yard | <ol style="list-style-type: none">1. 1.2 metres except for the side yard related to the common wall of the dwelling unit, which shall have a 0 metre side yard. |

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2. 3.0 metres for a flankage yard.

ix) Section 10.2.1.1 shall not apply.

3. That Schedule “D” – Holding Provisions be amended by adding the following new Holding Provision:

“150. Notwithstanding Section 10.2 of this By-law, within lands zoned Neighbourhood Commercial (C2, 852) Zone, identified on Map 1281 of Schedule “A” – Zoning Maps and described as 111 and 115 Fiddler’s Green Road, no development shall be permitted until such time as:

- a) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and the submission of the City of Hamilton’s current RSC administration fee.”

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 provisions of the Neighbourhood Commercial (C2, 852, H150) Zone, subject to the special requirements referred to in Sections No. 2 and 3 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 _____, 2023

A. Horwath
Mayor

A. Holland
City Clerk

ZAC-22-058

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<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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<p>Schedule "A"</p> <p>Map forming Part of By-law No. 23-___</p> <p>to Amend By-law No. 05-200 Map 1281</p>	<p>Subject Property</p> <p>111 and 115 Fiddler's Green Road, Ancaster (Ward 12)</p> <p> Lands to be added as Neighborhood Commercial (C2, 852, H150) Zone</p>
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Scale: N.T.S	File Name/Number: ZAC-22-058	
Date: May 4, 2023	Planner/Technician: MM/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		