

Authority: Item 12, Economic Development
and Planning Committee
Report: 08-021 (PED08245)
CM: November 12, 2008

Bill No. 265

CITY OF HAMILTON

BY-LAW NO. 08-265

**To Amend Zoning By-law No. 87-57 Respecting Lands Located at 259 and 265
Wilson Street East, in the former Town of Ancaster, now in the City of Hamilton**

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 area 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 and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 12 of Report 08-021 of the Economic Development and Planning Committee at its meeting held on the 12th day of November, 2008, recommended that Zoning By-law No. 87-57, be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Ancaster), in accordance with the provisions of the Planning Act.

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

Zoning By- Respecting 259 and 265 Wilson Street East, Ancaster (Page 2 of 4)

1. That Map 2 of Schedule “B”, appended to and forming part of By-law No. 87-57 (Ancaster), as amended, is hereby further amended as follows:
 - (a) By incorporating lands into By-law No. 87-57 and zoning the lands Holding - Village Area “H-VA-579” Zone, which lands are comprised in Block “2”; and,
 - (b) By changing the zoning from the Village Area “VA” and Village Area “VA-503” Zones to the Holding - Village Area “H-VA-579” Zone, for lands comprised in Blocks “1” and “3”;

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 subsection:

H-VA-579

- (1) That notwithstanding the provisions of Paragraph (d) of Subsection 25.2 “Regulations for Uses Permitted in Clause (a) of Subsection 25.1” and the provisions of paragraph (d) of Subsection 7.12 “Yard Encroachments” and Paragraph (a)(viii); and (b)(ii)(A) of Subsection 7.14 “Parking and Loading” of Zoning By-law No. 87-57 (Ancaster), the following special provisions shall apply to the lands zoned “H-VA-579”:

Development Regulations:

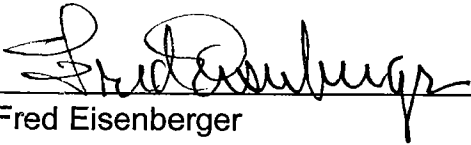
- a) Minimum Rear Yard: 1.0 metres
 - b) Unenclosed porches which are part of a commercial building may project not more than 0.5 metres into the required rear yard.
 - c) Minimum Required Parking Spaces: 1 space for each 30 square metres of floor area or 4 spaces, whichever is greater.
 - d) Any below-grade communal parking structure shall require a minimum rear yard and side yard setback of 1.0 metre, and shall be located no closer to any street line than the principal building.
- (2) That the ‘H’ symbol shall only be removed conditional upon:
 - (i) That final approval of Committee of Adjustment Applications AN/B-08:134 and AN/B-08:135 be received, to the satisfaction of the Director of Planning, City of Hamilton.

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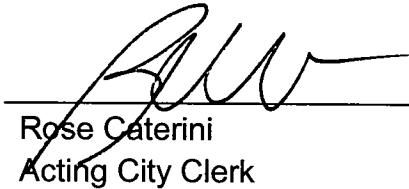
City Council may remove the 'H' symbol and, thereby give effect to the Village Area "VA-579" Zone, by enactment of an amending By-law once the above condition has been satisfied.

3. 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 and ENACTED this 12th day of November, 2008.

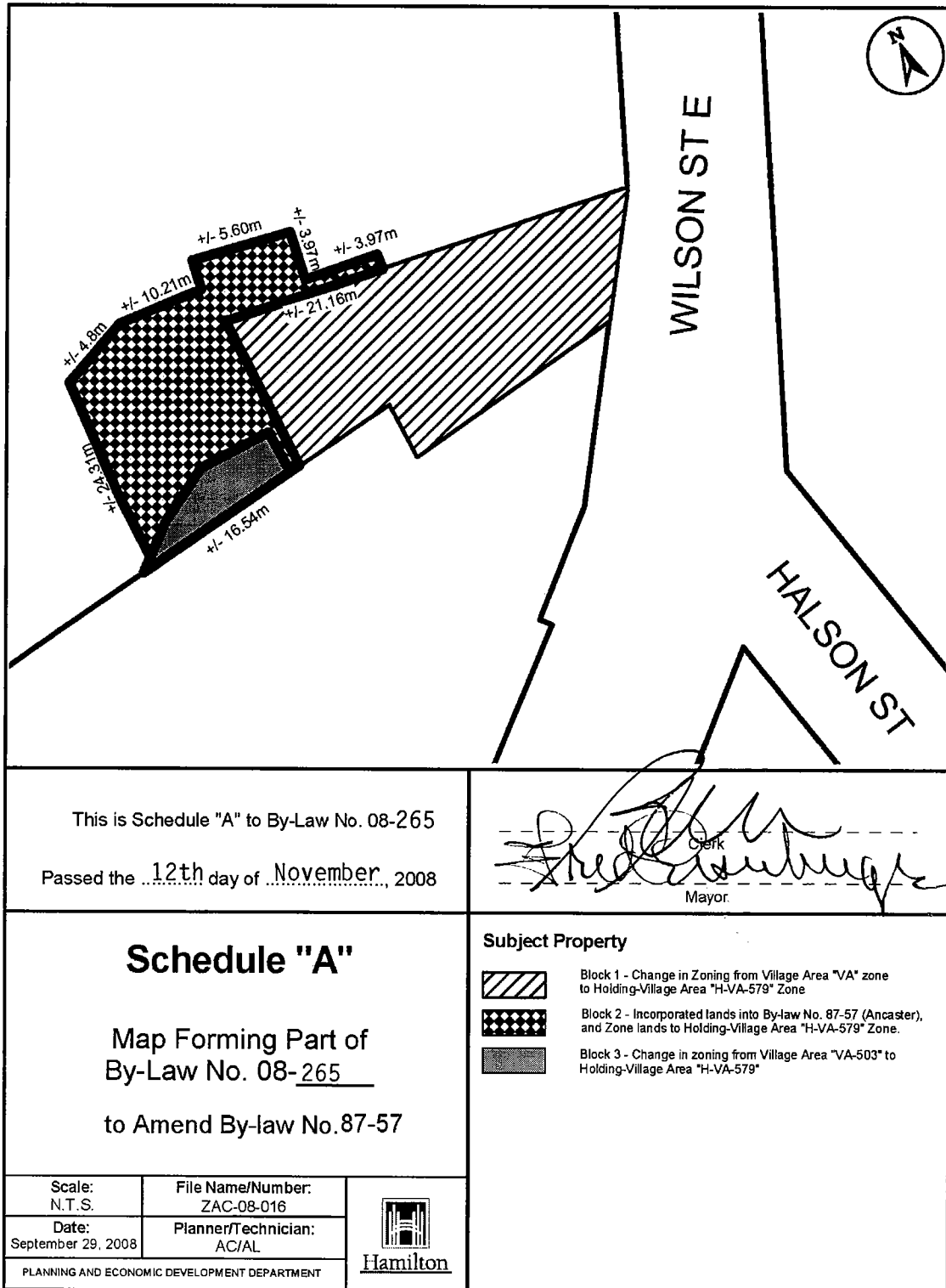


Fred Eisenberger
Mayor



Rose Caterini
Acting City Clerk

ZAC-08-016



This is Schedule "A" to By-Law No. 08-265
 Passed the 12th day of November, 2008




[Signature]
 Clerk
[Signature]
 Mayor

Schedule "A"

Map Forming Part of
 By-Law No. 08-265

to Amend By-law No.87-57

Subject Property

-  Block 1 - Change in Zoning from Village Area "VA" zone to Holding-Village Area "H-VA-579" Zone
-  Block 2 - Incorporated lands into By-law No. 87-57 (Ancaster), and Zone lands to Holding-Village Area "H-VA-579" Zone.
-  Block 3 - Change in zoning from Village Area "VA-503" to Holding-Village Area "H-VA-579"

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|--|---------------------------------|
| Scale: N.T.S. | File Name/Number: ZAC-08-016 |
| Date: September 29, 2008 | Planner/Technician: AC/AL |
| PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT | |

