

Authority: Item 10, Planning and Economic
Development Committee
Report; 05-007 (PD05070)
CM: March 23, 2005

Bill No. 062

CITY OF HAMILTON

BY-LAW NO. 05-062

To Amend Zoning By-law No. 87-57 Respecting Lands Located at 314 Wilson Street East

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 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 Section 10 of Report 05-007 of the Planning and Economic Development Committee at its meeting held on the 23rd day of March, 2005, recommended that Zoning By-law No. 87-57 (Ancaster), 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), approved by the Minister under the Planning Act on July 6, 1984, as amended by Official Plan Amendment No. 102 (Town of Ancaster) proposed by the City of Hamilton as By-law No 05-061, but not yet approved in accordance with the provisions of the Planning Act.

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

1. Schedule 'B', Map 2 of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing the zoning of the lands that are known municipally as 314 Wilson Street East, from the Public "P" Zone to the Village Area "VA-522" Zone, those lands being Part of Lot 45, Concession 2, former geographic Township of Ancaster and more particularly shown on Schedule "A" which forms part of this by-law.
2. Section 34: Exceptions of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following subsection:

VA-522 Permitted Uses:

1. Notwithstanding Sections 22.1 and 25 or any other provision to the contrary of Zoning By-law No. 87-57, only a restaurant, excluding a fast food restaurant, with a maximum of 45 seats for patrons, shall be permitted within the building existing on the day of the passing of this by-law.
2. Notwithstanding Section 25.1 or any other provision to the contrary of Zoning By-law No. 87-57, no enlargement or extension shall be permitted to the building existing on the day of the passing of this by-law.

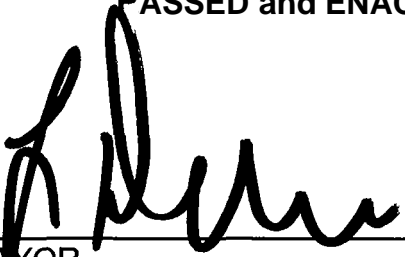
Regulations:

1. Notwithstanding any regulation to the contrary of Zoning By-Law No. 87-57, the building existing on the day of the passing of this by-law shall be deemed to comply with the provisions of this by-law.
2. Notwithstanding Section 7.14 (b) (ii) (I) of Zoning By-law No. 87-57, a minimum of 7 parking spaces shall be provided and maintained on the lands zoned "VA-522" Zone and a minimum of 16 parking spaces shall be provided and maintained to the rear of the former Ancaster Town Hall building, municipally known as 300 Wilson Street East, for a restaurant on the lands zoned "VA-522" Zone.
3. Notwithstanding Section 7.14 (a)(xvi) of Zoning By-Law No. 87-57, a permanently maintained planting

strip of a minimum width of 2.0 metres wide shall be provided and maintained along the Church Street streetline adjacent a parking area, and it shall be continuous except for aisles or driveways required for access to such parking area.

4. All other provisions of Zoning By-law No. 87-57, as applicable, shall continue to apply.
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 23rd day of March, 2005.

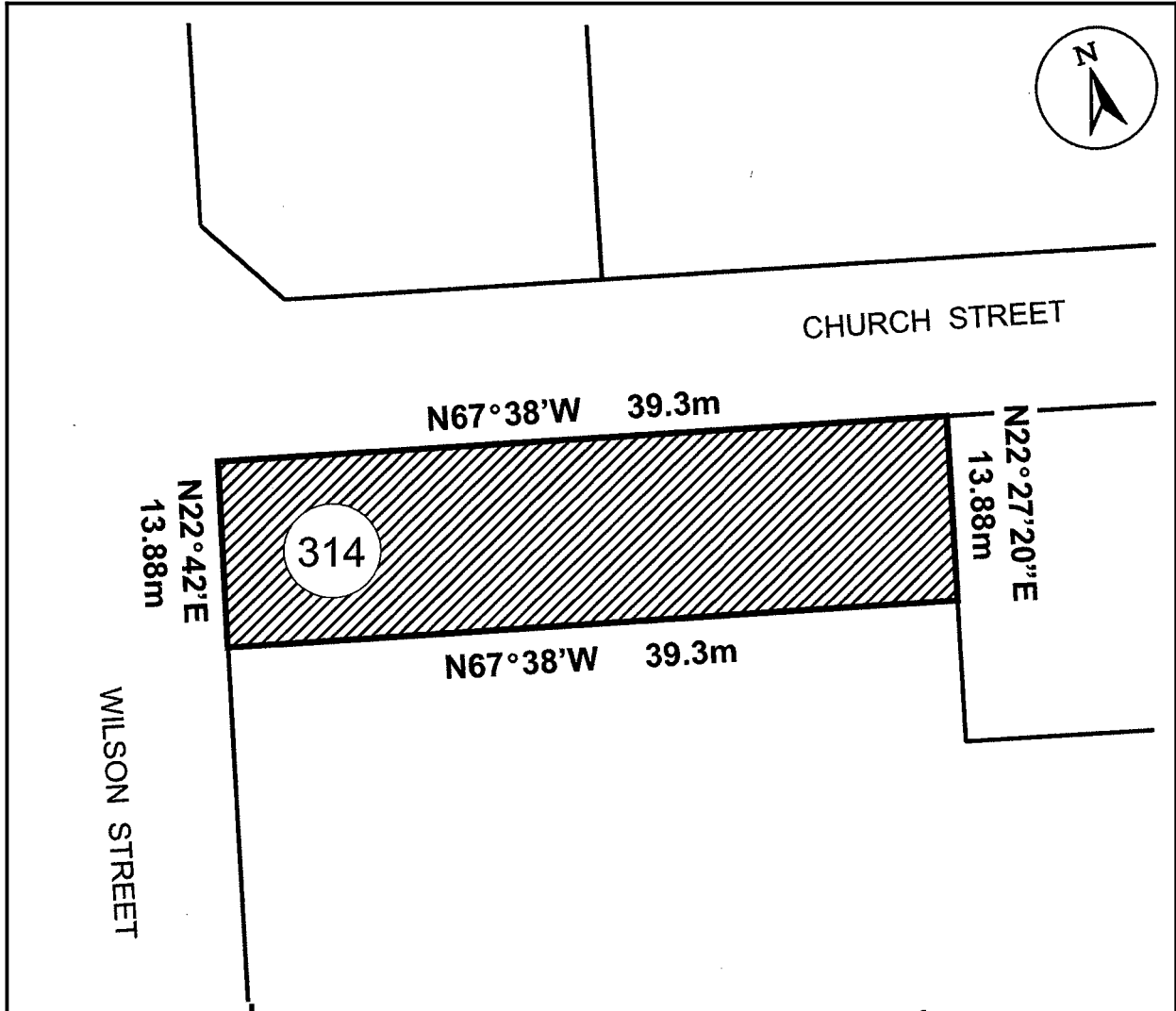


MAYOR



CLERK

OPA-04-18
CI-04-J



This is Schedule "A" to By-Law No. 05— 062

Passed the 23rd day of March, 2005

[Signature]
Clerk
[Signature]
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 05-062
to Amend By-Law No. 87-57

Subject Property

314 Wilson Street East



Block 1 - To be rezoned from " P (Public) Zone
to modified "VA-522 (Village Area) Zone