

**Authority:** Item 5, Planning Committee Report  
17-019 (PED17195)  
CM: November 22, 2017  
Ward: 12

**Bill No. 254**

**CITY OF HAMILTON**

**BY-LAW NO. 17-254**

**To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 357 Wilson Street East, Ancaster**

**WHEREAS**, the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the *City of Hamilton Act, 1999*, S.O. 1999, Chap. 14;

**WHEREAS**, the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

**WHEREAS**, the Council of the City of Hamilton, in adopting Item 5 of Report 17-019 of the Planning Committee, at its meeting held on the 22 day of November, 2017, which recommended that Zoning By-law No. 05-200 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 Nos. 1174 and 1175 of Schedule "A" – Zoning Maps, appended to and forming part of By-law 05-200, are amended as follows:
  - 1.1. by incorporating additional Conservation/Hazard Land (P5) Zone boundaries on the lands the extent and boundaries of which are shown as Block 1 on a plan hereto annexed as Schedule "A";
  - 1.2. by incorporating additional Community Institutional (I2, 644, H96) Zone, with Special Exception, boundaries on the lands the extent and boundaries of which are shown as Block 2 on a plan hereto annexed as Schedule "A".
2. That Schedule "C": Special Exceptions of By-law 05-200 is amended by adding the following Special Exceptions:
  - "644. Within the lands zoned Community Institutional (I2) Zone, identified on Map Nos. 1174 and 1175 of Schedule "A" – Zoning Maps and described as 357 Wilson Street East, Ancaster, the following special provisions shall apply:
    - a) For the purposes of Special Exception 644 the following definition shall apply:

Performing Arts Theatre

Shall mean a building or structure or part thereof, used for the presentation of musical, theatrical,

dance, or other live performances and may include lounges, dressing rooms, workshop rooms, storage areas, but shall not include a cinema.

- b) Section 4.23 d) shall not apply.
- c) In addition to the uses permitted in Section 8.2.1 of this By-law, the following uses shall also be permitted:

Multiple Dwelling  
Performing Arts Theatre  
Place of Assembly  
Artist Studio

- d) In addition to Section 8.2.3 the following special provisions shall apply:

**A. PERFORMING ARTS  
THEATRE, PLACE OF  
ASSEMBLY, STUDIO  
REGULATIONS**

- i) Minimum Yard
  - 1. 6.0 metres where property line abuts a Residential Zone property line.
  - 2. Notwithstanding 1. above, no building or part thereof shall be permitted between the building façade and Wilson Street East.
- ii) Minimum Rear Yard 7.0 metres;
- iii) Maximum Building Height
  - 1. 15.0 metres.
  - 2. Notwithstanding 1. above, the building shall not exceed 3 storeys.
- iv) Parking for Performing Arts Theatre
  - Notwithstanding Section 5 of this By-law, 1 parking space shall be provided for every 10

persons accommodated.

v) Accessory Building In accordance with the requirements of Section 4.8 of this By-law.

vi) Visual Barrier Shall be provided along that portion of a property lot line abutting a Residential Zone, in accordance with Section 4.19 of this By-law.

**B. MULTIPLE DWELLING REGULATIONS**

i) Minimum setback from a Residential Zone property line 2 metres;

ii) Maximum Building Height 10.5 metres;

iii) Visual Barrier Shall be provided along that portion of a property lot line abutting a Residential Zone, in accordance with Section 4.19 of this By-law.

iv) Parking i) In accordance with Section 5 of this By-law.

ii) In addition to i) above 1 parking space for each dwelling unit, except where a dwelling unit is 50 square metres in gross floor area or less, in which case parking shall be provided at a rate of 0.3 spaces for each such unit.

v) Accessory Building In accordance with the requirements of Section 4.8 of this By-law.

e) In addition to Section 8.2.3.8 and notwithstanding Section 4.28(a)(ii) of this By-law an Urban Farmers Market shall be permitted.

3. That Schedule “D”: Holding Provisions of By-law 05-200 is hereby amended by adding the following Holding Provision:
  - “96. Notwithstanding Section 8.2 and Special Exception No. 644 of this By-law, on those lands zoned Community Institutional (I2, 644) Zone, identified on maps 1174 and 1175 of Schedule “A” – Zoning Maps and described as 357 Wilson Street East, Ancaster, no development shall be permitted until such time as a the Stage 3 archaeological assessment of Findspot 1 (Ancaster 1: AhGx-718), as identified in the Stage 1 – 2 archaeological report P089-0072-2014, be completed, to the satisfaction of the Director of Planning and Chief Planner and the Ministry of Tourism, Culture and Sport.
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law in accordance with the *Planning Act*.
5. That this By-law No. 17-254 shall come into force and be deemed to have 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 provided by the said Subsection.

**PASSED** this 22<sup>nd</sup> day of November, 2017.

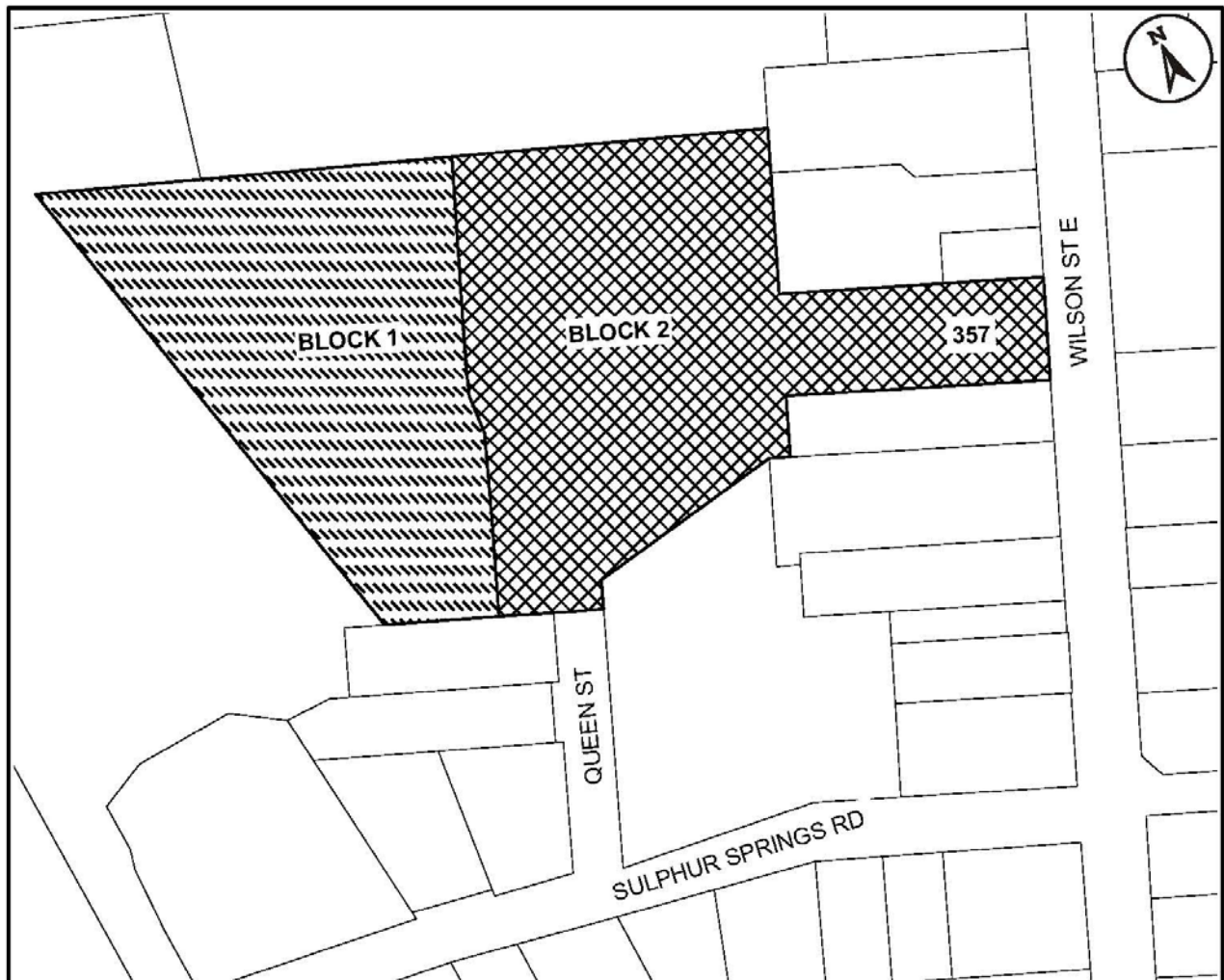
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F. Eisenberger  
Mayor

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R. Caterini  
City Clerk

CI-17-005



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> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 17-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Map 1174 &amp; 1175</p>		<p><b>Subject Property</b>                  357 Wilson Road East, Ancaster                  Lands to be added to Zoning By-law 05-200</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 30px; border: 1px solid black; text-align: center;"> </td> <td>Block 1 - Conservation/Hazard Lands (P5) Zone</td> </tr> <tr> <td style="border: 1px solid black; text-align: center;"> </td> <td>Block 2 - Community Institutional (I2, 644, H96) Zone</td> </tr> </table>		Block 1 - Conservation/Hazard Lands (P5) Zone		Block 2 - Community Institutional (I2, 644, H96) Zone
	Block 1 - Conservation/Hazard Lands (P5) Zone					
	Block 2 - Community Institutional (I2, 644, H96) Zone					
Scale: N.T.S.	File Name/Number: CI-17-005	<p><b>Hamilton</b></p>				
Date: October 19, 2017	Planner/Technician: SM/NB					
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT						