

Authority: Item 8, Planning Committee Report 24-010 (PED24107)
CM: July 12, 2024 Ward: 2
Written approval for this by-law was given by Mayoral Decision MDE-2024-16
Dated July 12, 2024

Bill No. 132

CITY OF HAMILTON
BY-LAW NO. 24-132

**To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 259 and
265 Wilson Street East, Ancaster**

WHEREAS Council approved Item 8 of Report 24-010 of the Planning Committee, at its meeting held on July 12, 2024;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of the Official Plan Amendment No. 214 ;

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

1. That Schedule “A” – Zoning Maps, Map Nos. 1228, 1229, 1174 and 1175 are amended by:
 - a) changing the zoning from the Neighbourhood Institutional (I1, 16) Zone to the Mixed Use Medium Density – Pedestrian Focus (C5a, 903) Zone, the extent and boundaries of which are shown as Block 2 on Schedule “A” to this By-law; and,
 - b) changing the zoning from the Commercial Mixed Use Medium Density – Pedestrian Focus (C5a, 570) Zone to the Commercial Mixed Use Medium Density – Pedestrian Focus (C5a, 903) Zone for the lands known as 259 Wilson Street East the extent and boundaries of which are shown as Block 3 on Schedule “A” to this By-law.
2. That Schedule “C”: Special Exceptions is amended as follows:
 - a) That Special Exception No. 16 be deleted in its entirety and replaced with the following:
 - “16. Within the lands zoned Neighbourhood Institutional (I1) Zone, identified on Map Nos. 1228, 1229, 1174 and 1175, of Schedule “A” – Zoning Maps and described as 265 Wilson Street East, Ancaster, the following special provisions shall apply:

- a) That in addition to Section 3, as it relates to a “Landscape Parking Island”, for a parking area existing on the date of the passing of this By-law, the following definition shall apply:

Landscape Parking Island	Shall mean a portion of land for the growing of ornamental shrubs or trees, flowers, grass, and other vegetation, suitable to the soil and climatic conditions of the area of land for the purpose of landscaping within a parking lot, and shall include walkways, fire hydrants, decorative walls, or features, and light standards, and shall not form part of a Planting Strip or Landscaped Area.
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- b) Notwithstanding Section 4.6 a) as it relates to the usual projections of chimney breasts, the following regulations shall apply:

i) Permitted Yard Encroachments	The chimney existing on the date of the passing of this By-law may encroach 0.45 metres into the required side yard.
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- c) Notwithstanding Sections 5.2 b), f), and 5.6 c) as it relates to a Place of Worship and in addition to Section 5.2 c) the following regulations shall apply:

i) Design Standards	A) The parking spaces existing on the date of the passing of this By-law shall be a minimum width of 2.6 metres in width and 5.5 metres in length.
	B) The barrier-free parking spaces existing on the date of the passing of this By-law shall have a minimum width of 4.4 metres and a minimum length of 5.5 metres.
ii) Parking Schedule for all Zones, except the Downtown Zones	A) A minimum of 58 parking spaces shall be provided and maintained for a Place of Worship existing on

the date of the passing of this By-law.

B) Notwithstanding Section c) ii) A) above, Section 5.6 c) shall apply, for all other uses and all new buildings, additions, or expansions.

d) Notwithstanding Sections 8.1.3.1 d), e) and h), the following regulations shall apply:

i) Minimum Front Yard A) A minimum front yard of 0.0 metres shall be required for any portion of a building existing on the date of the passing of this By-law.

B) Notwithstanding Section d) i) A) above, Section 8.1.3.1 d) shall apply to all new buildings, additions, or expansion.

ii) Minimum Side Yard A) A minimum side yard of 0.6 metres shall be required for any portion of a building existing on the date of the passing of this By-law.

B) Notwithstanding Section d) ii) A) above, Section 8.1.3.1 e) shall apply to all new buildings, additions, or expansions.

iii) Maximum Building Height A) The building height of the building existing on the date of the passing of this By-law.

B) Notwithstanding Section d) iii) A) above, Section 8.1.3.1 h) shall apply to all new buildings, additions, or expansions.

b) That the following new Special Exception be added:

“903. Within the lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, identified on Map Nos. 1228 and 1229 of Schedule “A” – Zoning Maps and described as 259 Wilson Street East, Ancaster, the following special provisions shall apply:

a) Notwithstanding Section 5.1 a) v) b), and 5.2 b), f), the following regulations shall apply:

- i) Design Standards
 - A) The parking spaces existing on the date of the passing of this By-law shall be a minimum width of 2.6 metres in width and 5.5 metres in length.
 - B) The barrier-free parking spaces existing on the date of the passing of this By-law shall have a minimum width of 4.4 metres and a minimum length of 5.5 metres.

b) Notwithstanding Section 10.5a.3 a) i), c), d) ii), i) and j), the following regulations shall apply:

- i) Maximum Building Setback from a Street Line
 - A) 9.34 metres shall be required for any portion of a building existing on the date of the passing of this By-law.
 - B) Notwithstanding Section b) i) A) above, Section 10.5a.3 a) i) shall apply to any new building or any addition to an existing building.
- ii) Minimum Side Yard
 - A) 1.0 metres abutting a Residential or Institutional Zone or lot containing a residential use shall be required for any portion of a building.
 - B) Notwithstanding Section b) ii) A) above, Section 10.5a.3 c) shall apply to all new buildings, additions, or expansions.

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| iii) Maximum Building Height | A) The building height of the building existing on the date of the passing of this By-law shall be permitted.

B) Notwithstanding Section B) iii) A) above, a maximum Building Height of 9.0 metres shall apply to all new buildings, additions, or expansions. |
| iv) Planting Strip Requirements | Shall not apply along the northerly lot line. |
| iv) Visual Barrier Requirement | Shall not apply along the northerly lot line. |

3. 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 Institutional (I1, 16) Zone and Commercial Mixed Use Medium Density – Pedestrian Focus (C5a, 903) Zone subject to the special requirements referred to in Section Nos. 1 and 2 of this By-law.
4. 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 12th day of July, 2024

A. Horwath
Mayor

M. Trennum
City Clerk

ZAC-24-013



<p>This is Schedule "A" to By-law No. 24-</p> <p>Passed the day of, 2024</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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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. 24-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Maps 1228, 1229, 1174 & 1175</p>		<p>Subject Property 259 & 265 Wilson Street East</p> <ul style="list-style-type: none"> <li style="margin-bottom: 10px;"> Block 1 - Lands also subject to the application <li style="margin-bottom: 10px;"> Block 2 - Change in zoning from the Neighbourhood Institutional (I1, 16) Zone to the Mixed Use Medium Density – Pedestrian Focus (C5a, 903) Zone Block 3 - Change in zoning from Mixed Use Medium Density – Pedestrian Focus (C5a, 570) Zone to the Mixed Use Medium Density – Pedestrian Focus (C5a, 903) Zone
<p>Scale: N.T.S</p>	<p>File Name/Number: ZAC-24-013 & UHOPA-24-006</p>	<p style="margin: 0;">Hamilton</p>
<p>Date: June 18, 2024</p>	<p>Planner/Technician: DB/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		