

Authority: Item 10, Economic Development
and Planning Committee
Report 08- 004(PED08044)
CM: February 27, 2008

Bill No. 062

CITY OF HAMILTON

BY-LAW NO. 08-062

**To Amend Zoning By-law No. 87-57 (Ancaster), as amended, Respecting Lands
Located at 1173 and 1203 Old Golf Links Road (Ancaster)**

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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 Item 11 of Report 08-004 of the Planning and Economic Development Committee at its meeting held on the 27th day of February, 2008, 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. 120, but not yet approved in accordance with the Planning Act.

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

1. Schedule "B", Map No. 1 of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing the zoning from the Public "P-242" Zone to the Holding - Shopping Centre Commercial "H-C2-551" Zone, on those

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lands the extent and boundaries of which are more particularly shown on Schedule "A" annexed hereto and forming part of this by-law.

2. That the 'H' symbol applicable to the lands referred to in Section 1 of this By-law shall be removed conditional upon,
 - i) The approval of a servicing study and posting of appropriate securities to ensure implementation of the study's recommendations, to the satisfaction of the Manager of Engineering Design and Construction.
 - ii) The approval of design drawings for the re-construction of Old Golf Links Road and the posting of appropriate securities to ensure implementation of the approved drawings, all to the satisfaction of the Manager of Engineering Design and Construction.
 - iii) The owner/applicant conducting an archaeological assessment of the entire development property and mitigating, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading or soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

City Council may remove the 'H' symbol and, thereby give effect to the Shopping Centre Commercial "C2-551" Zone, by enactment of an amending By-law once the above conditions have been fulfilled.

3. Section 34: Exceptions of Zoning By-law No. 87-57, as amended, is hereby further amended by adding the following subsection:

C2-551 Regulations:

1. Notwithstanding Regulations 1, 3, 4, 5, 6, 9, and 12 of Table 2: Regulations of Subsection 22.2, Regulations, of Section 22: NEIGHBOURHOOD COMMERCIAL "C1" ZONE, SHOPPING CENTRE COMMERCIAL "C2" ZONE, GENERAL COMMERCIAL "C3" ZONE, URBAN COMMERCIAL "C4" ZONE, RURAL COMMERCIAL "C5" ZONE AND VILLAGE AREA "VA" ZONE (Certain Uses Only) of Zoning By-law No. 87-57, on those lands Zoned "C2-551" the following provisions shall apply:

1. Minimum Lot Area:	11,196m ²
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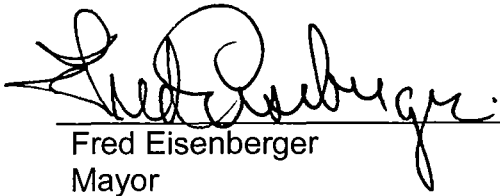
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2. Minimum Lot Depth: 44m
3. Maximum Lot Coverage: 60%
4. Minimum Front Yard Setback 15m, except 5m to a canopy, 1.5m to a Below-grade Parking Structure, and 1.5m to an Above-grade Parking Structure
5. Minimum Side Yard Setback: 1.5m, except 1.5m to a Below-grade Parking Structure, and 6.5m to an Above-grade Parking Structure
6. Minimum Rear Yard Setback: 1.5m, except 0.3m to a Below-grade Parking Structure, and 0.9m to an Above-grade Parking Structure
7. Maximum Height 22.0m and 6-storeys
8. Notwithstanding Regulations (A), (G) and (I) of Subsection 7.14 Parking and Loading, (b) Required Parking Spaces, (ii) Commercial Uses of Zoning By-law No. 87-57, a minimum of 301 parking spaces shall be provided and maintained for a Hotel containing a maximum 113 units and Offices with a maximum gross floor area of 7,397 square metres.
9. Notwithstanding Regulation (ix) 3 of Subsection 7.14 Parking and Loading, (a) General Provisions of Zoning By-law No. 87-57, no parking space shall be located closer to a street line or a lot line not abutting a street than 0.3m.

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10. Regulations (vii), (viii), and (xvi) of Subsection 7.14 Parking and Loading, (a) General Provisions of Zoning By-law No. 87-57, shall not apply.
4. 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 Shopping Centre Commercial "C2" provisions, subject to the special requirements referred to in Section 3, applicable to the lands described in Section 1.
5. 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 26th day of March, 2008.



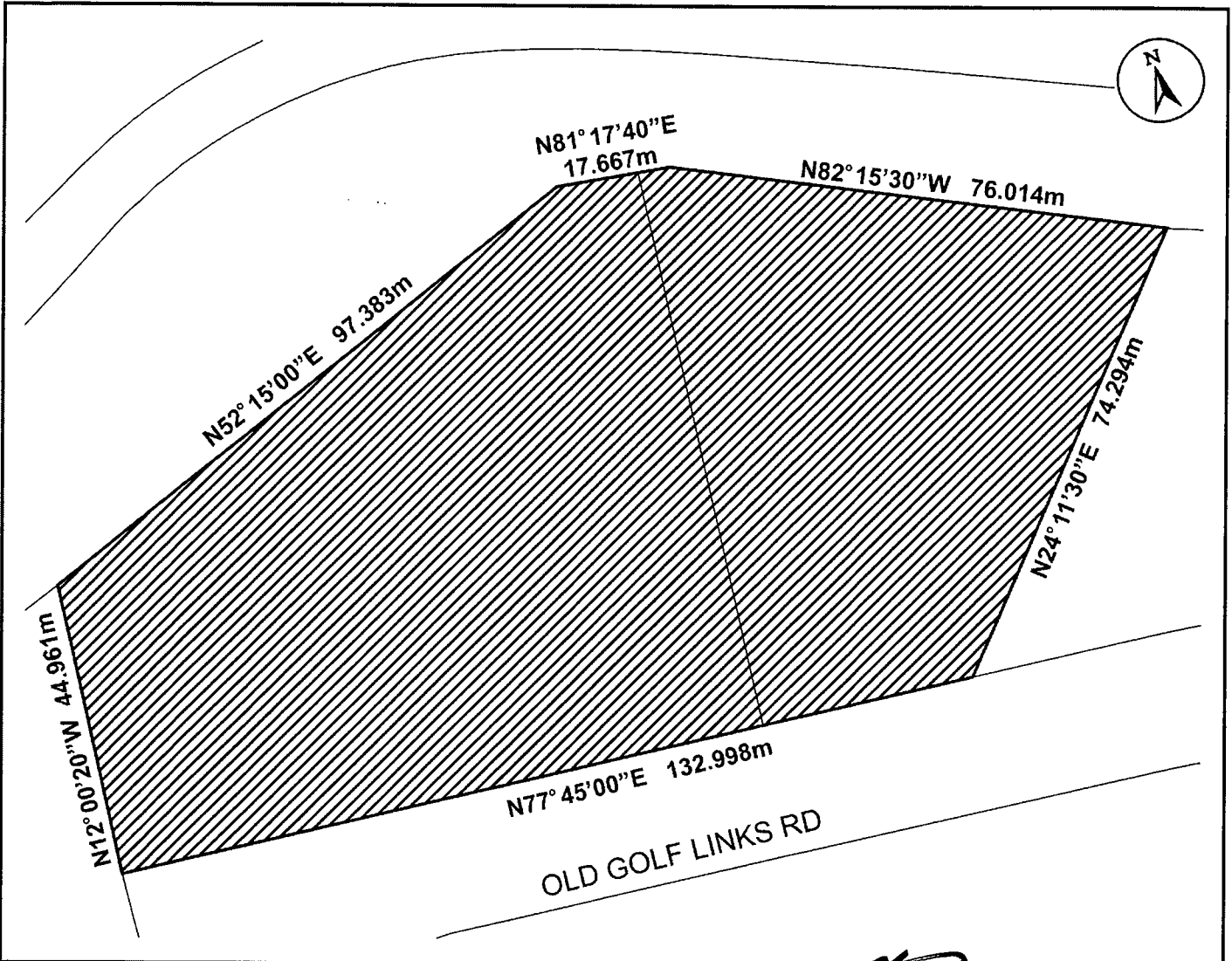
Fred Eisenberger
Mayor



Kevin C. Christenson
City Clerk

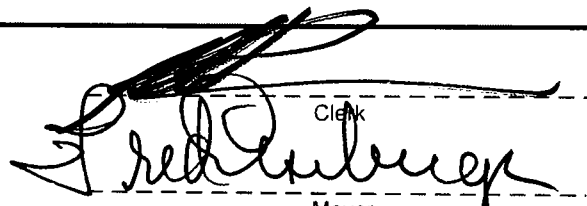
ZAC-06-047

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This is Schedule "A" to By-Law No. 08—062

Passed the 26th day of March, 2008


 Clerk
 Mayor

Schedule "A"

Map Forming Part of
By-law No. 08-062

to Amend By-law No. 87-57

Subject Property

1173 and 1203 Old Golf Links Road (Ancaster)



Change in Zoning from the Public "P-242" Zone to the Holding-Shopping Centre Commercial "H-C2-551" Zone.

Scale: Not to Scale	File Name/Number: ZAC-06-47
Date: January 2008	Planner/Technician: DF/MB



Hamilton