

**Authority:** Item10,  
Economic Development and  
Planning Committee  
Report: 08- 008 (PED08103)  
CM: May 14, 2008

**Bill No. 111**

## **CITY OF HAMILTON**

### **BY-LAW NO. 08-111**

**To Amend Zoning By-law No. 87-57 (Ancaster), as amended, Respecting the Lands known as 471 Highway 52 South 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 1st, 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 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 22<sup>nd</sup> day of June 1987, and approved by the Ontario Municipal Board on the 23<sup>rd</sup> day of January, 1989;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 10 of Report 08-008 of the Economic Development and Planning Committee at its meeting held on the 14<sup>th</sup> day of May, 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) in accordance with the provisions of the Planning Act;

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

1. Map 1-A (East) to Schedule "A" of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended:
  - (a) by changing from the Agricultural "A" Zone to the Agricultural "A-569(H)" Holding Zone, Modified, the lands shown as Block 1; and,
  - (b) by changing from the Agricultural "A" Zone to the Private Open Space "O1-571" Zone, the lands shown as Block 2;

the extent and boundaries of which are shown on Schedule "A" hereto annexed and forming 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:

**"H-A-569"** That notwithstanding the provisions of Subsections 8.2 (c) and (d) of Zoning By-law No. 87-57, the following specific provisions shall apply:

8.2 Development Regulations

- |     |                      |                                         |
|-----|----------------------|-----------------------------------------|
| (a) | Maximum Lot Coverage | 1,100 square metres                     |
| (b) | Minimum Front Yard   | 70 metres for any building or structure |

3. That the 'H' symbol shall be removed conditional upon:

- (a) The owner completing a Tree Management Plan, to the satisfaction of the Director, Operations and Maintenance Division, Public Works Department.
- (b) The owner completing an archaeological assessment of the subject lands and mitigating, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other 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.
- (c) The owner addressing all issues relating to the servicing of the subject property for the proposed use, including a hydrogeological study of the groundwater quality and quantity and the subsurface sewage effluent plume, to ensure that neighboring wells will not be adversely affected, to the satisfaction of the Ministry of the Environment, the Director of

Zoning By-law respecting  
471 Highway 52 South, Ancaster

Development Engineering, and/or the Director of Public Health Services.

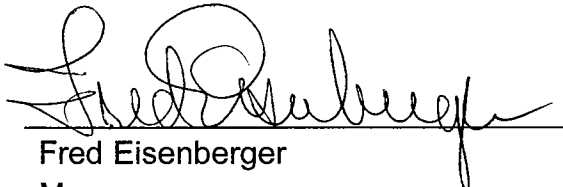
City Council may remove the 'H' symbol and, thereby give effect to the Agricultural "A-569" Exception Zone by enactment of an amending By-law once the above conditions have been satisfied.

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

**"O1-571"** That notwithstanding the provisions of Subsection 32.1, only conservation uses shall be permitted, and the provisions of Subsections 32.2 (a), (b), (c), (d), (e), 32.3, 32.4, 32.5 and 32.6 of Zoning By-law No. 87-57, shall not apply.

5. That the amending By-law be added to Map 1-A (East) to Schedule "A" of Ancaster Zoning By-law No. 87-57.
6. 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 14<sup>th</sup> day of May, 2008.



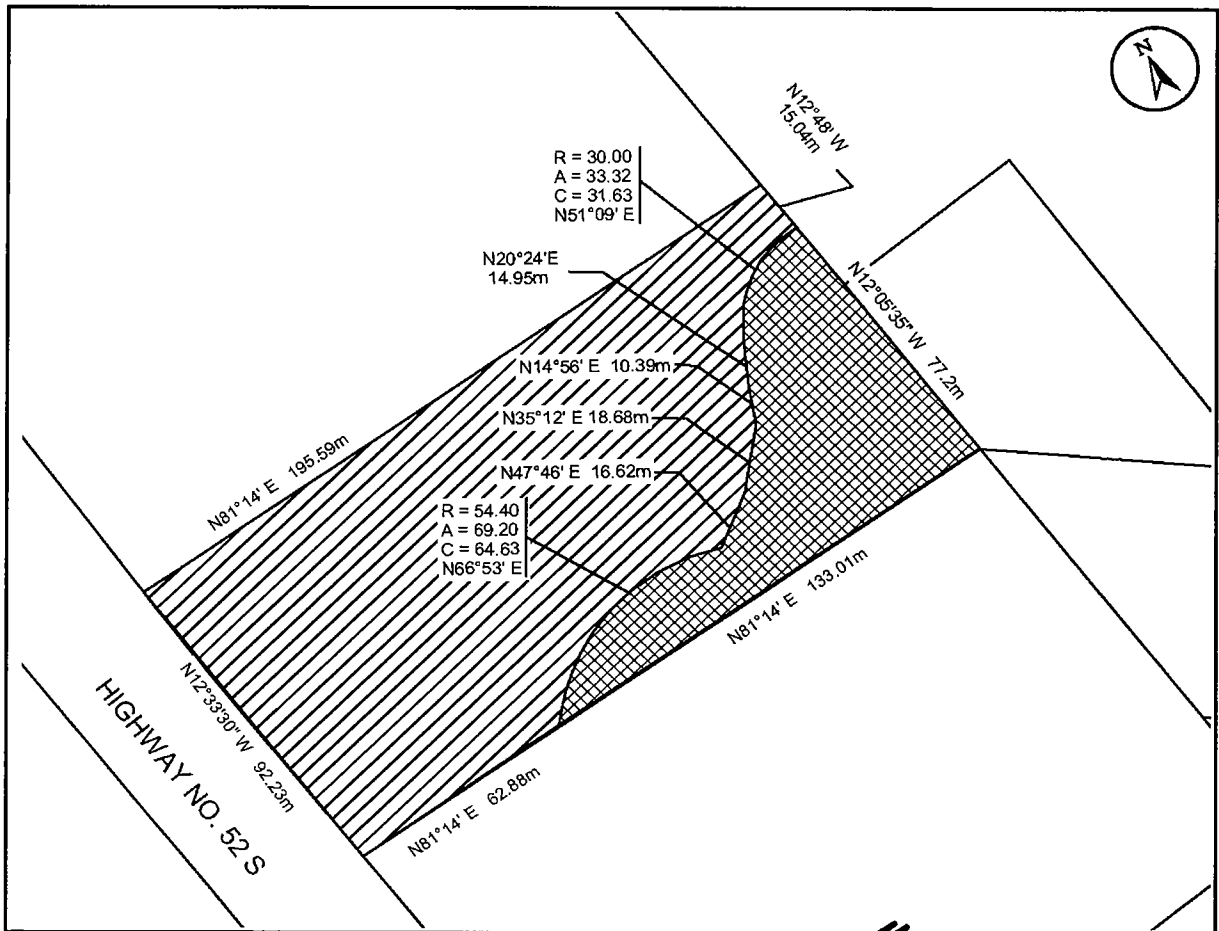
Fred Eisenberger  
Mayor



Kevin Christenson  
Clerk

ZAR-07-071

Zoning By-law respecting  
471 Highway 52 South, Ancaster





This is Schedule "A" to By-Law No. 08- 111  
Passed the 14th day of May, 2008


*[Signature]*  
Clerk  
Mayor

**Schedule "A"**  
  
Map Forming Part of  
By-Law No. 08- 111  
  
to Amend By-law No.87-57

**Subject Property**  
471 Highway No. 52 South

 **Block 1:** Change in zoning from the Agricultural "A" Zone to the Agricultural "A-569(H)" - Holding Zone, Modified.

 **Block 2:** Change in zoning from the Agricultural "A" Zone to the Private Open Space "O1-571" Zone, Modified.

Scale: N.T.S.	File Name/Number: ZAR-07-071	 <b>Hamilton</b>
Date: April 2008	Planner/Technician: CT / MB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		