

Authority: Item 10, Planning Committee
Report: 12-002 (PED11202)
CM: February 8, 2012

Bill No. 030

CITY OF HAMILTON

BY-LAW NO. 12-030

**To Amend Zoning By-law No. 87-57 (Ancaster),
respecting lands located at 587 and 591 Garner
Road East, 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 Township of Ancaster" and is the successor of 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council or the City of Hamilton;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 8 of Report 11-002 of the Planning Committee, at its meeting held on the 8th day of February, 2011, recommended that Zoning By-law No. 87-57 (Ancaster) be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Ancaster Official Plan in accordance with the provisions of the Planning Act.

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

1. That Map 1 to Schedule "B", appended to and forming part of By-law No. 87-57 (Ancaster), as amended, is hereby further amended:
 - (a) by changing the zoning on the lands shown as Block 1 from the Agricultural "A" Zone to the Neighbourhood Commercial "H-C1-636" Holding Zone, Modified; and,
 - (b) by changing the zoning on the lands shown as Block 2 from the Rural Commercial "C5-269" Zone, Modified, to the Neighbourhood Commercial "C1-631" Zone, Modified;

the extent and boundaries of which are shown on Schedule "A", annexed hereto and forming part of this By-law.

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

"H-C1-636"

Notwithstanding any provisions to the contrary of Section 22.1, Table 1 Permitted Uses, and Section 22.2, Table 2 Regulations of Neighbourhood Commercial "C1" Zone, of By-law 87-57 (Ancaster), the following special provisions shall apply to the lands zoned "H-C1-636" Holding Zone:

- | | |
|--|---|
| <ol style="list-style-type: none">(a) Permitted Uses | <p>Until the Holding Provision 'H' is removed, the "H-C1-636" Zone shall only be used for an access driveway, landscaping, and private sanitary system in association with a pool and spa business located at 591 Garner Road East.</p> |
|--|---|

The 'H' Holding prefix shall be lifted from the "**H-C1-636**" Zone once the following conditions have been completed, to the satisfaction of the Director of Planning:

- (i) The assembly of 581, 587, and 591 Garner Road East, incorporating all of the affected parcels; and,
- (ii) Site Plan approval for 581, 587, and 591 Garner Road East has occurred on the assembled parcels for comprehensive development and access driveways onto Garner Road East are minimized and properly sited.

City Council may remove the (H) symbol, and thereby give effect to

the "C1-636" Zone, by enactment of an amending By-law once the above conditions have been fulfilled.

"C1-631"

Notwithstanding any provisions to the contrary of Section 22.1, Table 1 Permitted Uses, and Section 22.2, Table 2 Regulations of Neighbourhood Commercial "C1" Zone, of By-law 87-57 (Ancaster), the following permitted uses and special provisions shall apply to the lands zoned "C1-631" Zone:

Permitted Uses

The following additional use shall be permitted:


A retail showroom for a spa and pool business with accessory offices and storage areas.

Zone Provisions

- | | | |
|-----|--|---|
| (a) | Maximum Floor Area | 610 square metres. |
| (b) | Accessory Buildings | Notwithstanding Table 2 of Section 22.2, accessory buildings existing on the day of passing of the By-law, being the 8th day of February, 2011, shall be permitted. |
| (c) | All other zone provisions of Section 22 and Section 7 shall apply. | |

3. 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.

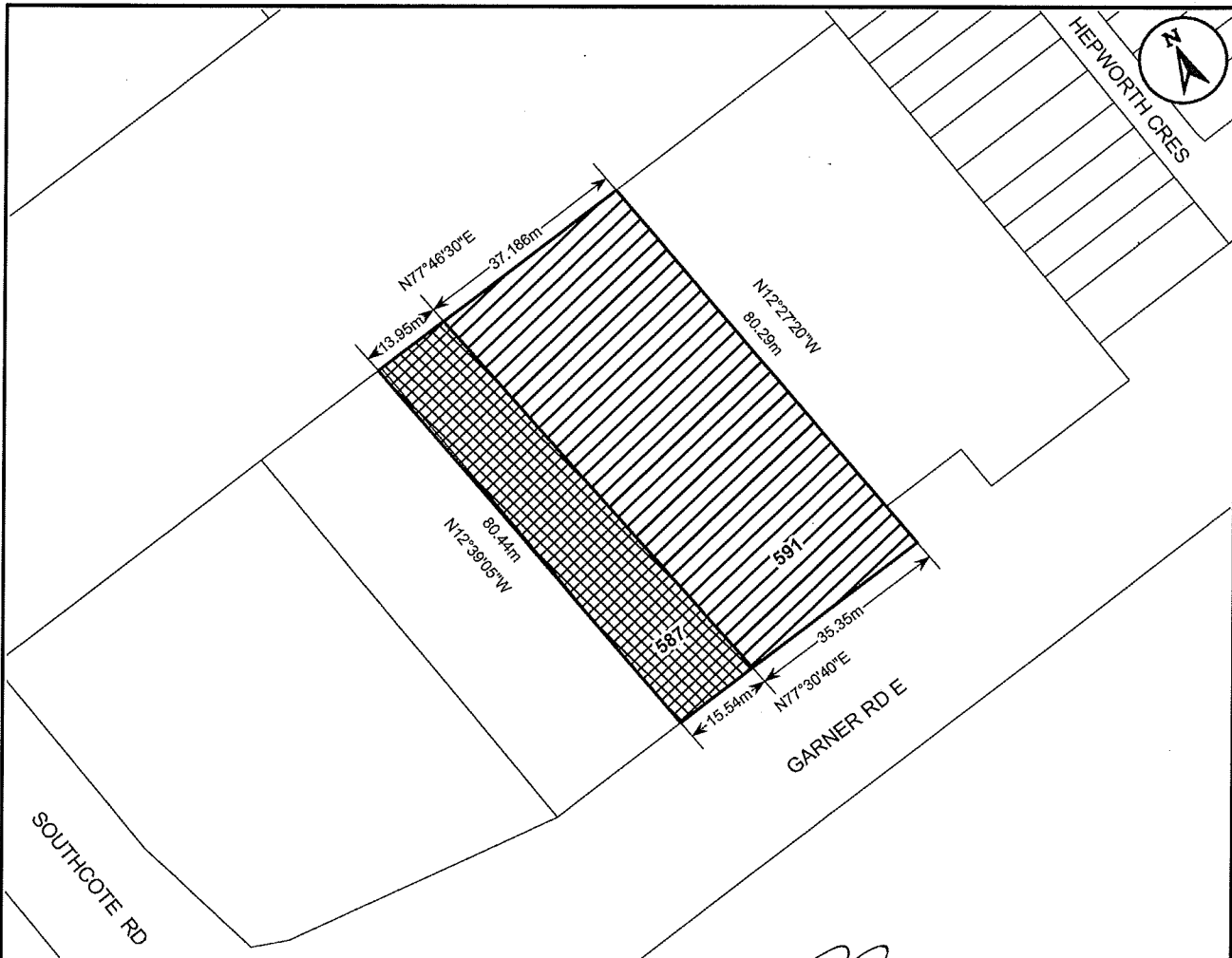
PASSED this 8th day of February, 2012.



R. Bratina
Mayor



R. Caterini
City Clerk



This is Schedule "A" to By-Law No. 12-030
 Passed the 8th..... day ofFebruary, 2012

[Signature]
 Clerk
[Signature]
 Mayor

Schedule "A"

Map Forming Part of
 By-Law No. 12-030

to Amend By-law No. 87-57

Subject Property

587 & 591 Garner Road East



Block 1- Change in Zoning from the Agricultural "A" Zone to the Neighbourhood Commercial "H-C1-636" Holding Zone, Modified



Block 2 - Change in Zoning from the Rural Commercial "C5-269" Zone to the Neighbourhood Commercial "C1-631" Zone, Modified

Scale:
 N.T.S.

File Name/Number:
 ZAC-11-011

Date:
 Sep. 28, 2011

Planner/Technician:
 CT/NB



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT