

Authority: Item 6
Planning Committee
Report: 14-006 (PED14057)
CM: April 23, 2014
Bill No. 112

CITY OF HAMILTON

BY-LAW NO. 14-112

**To Amend Zoning By-law No. 87-57 (Ancaster),
Respecting Lands Located at 1125, 1143 and 1185 Wilson Street West (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 area 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 6 of Report 14-006 of the Planning Committee, at its meeting held on the 23 day of April, 2014, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided;

AND WHEREAS this by-law will be in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. 18, proposed by the City of Hamilton, but not yet approved in accordance with the provisions of the Planning Act;

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

1. That Map 5 to Schedule "A" of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by:

- (a) further modifying the Holding-Shopping Centre Commercial "H-C2-629" Zone, the lands comprised in Block 1;
- (b) Changing from the Holding-Shopping Centre Commercial "H-C2-629" Zone to the General Commercial "C3-656" Zone, the lands comprised in Block 2;
- (c) Changing from the Agricultural "A" Zone to the General Commercial "C3-656" Zone, the lands comprised in Block 3;
- (d) Changing from the Urban Commercial "C4-130" Zone to the General Commercial "C3-656" Zone, the lands comprised in Block 4;
- (e) Changing from the Holding-Shopping Centre Commercial "H-C2-635" Zone to the General Commercial "C3-656" Zone, the lands comprised in Block 5;
- (f) Changing from the Holding-Shopping Centre Commercial "H-C2-634" Zone to the Holding-General Commercial "H-C3-657" Zone, the lands comprised in Block 6; and,
- (g) Changing from the Holding-Shopping Centre Commercial "H-C2-630" Zone to the Holding-General Commercial "H-C3-657" Zone, the lands comprised in Block 7;

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Section 34: Exceptions of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by deleting the text of the H-C2-629 Zone and replacing it with the following:

C2-629 That notwithstanding the provisions in Sections 22.1 and 22.2 of the Shopping Centre Commercial "C2" Zone and the provisions of Sections 3.0: Definitions and 7.14: Parking and Loading of Zoning By-law No. 87-57 of the Town of Ancaster, the following special provisions shall apply to the lands zoned "C2-629", described as 1125 Wilson Street West:

1.0 (A) Permitted Uses

Notwithstanding Section 22.1, only the following uses shall be permitted. These uses shall be permitted to a maximum aggregate total of 10,525 square metres of Gross Floor Area on the lands zoned under this Sub-section.

Animal Hospital
 Animal Hospital with outside runs
 Building Supply Sales
 Building Supply Sales in wholly enclosed buildings

Convenience Retail Store in conjunction with and accessory to a
Motor vehicle service station
Caterers
Conference or Convention Centre
Craft and custom workshops
Home Furnishing Retail Establishment
Home Improvement Supply Establishment
Hotels
Motels, and may include one dwelling unit
Motor vehicle service stations
New and/or used motor vehicle sales establishments
Nurseries, garden centres and landscaping establishments
Parking areas or structures
Places of entertainment or recreation within wholly enclosed
buildings, but shall not include a movie theatre
Recreational areas or uses, miniature golf courses and golf driving
ranges
Recreational vehicle sales, service and rental
Rental establishments but not including establishments for the
rental or repair of motor vehicles and trailers
Rental establishments or service shops
Restaurants
Restaurants, Fast Food

Uses, buildings, and structures accessory to permitted uses,
including open storage

(B) Restricted Uses

In addition to the foregoing, the following uses shall be permitted to
a maximum aggregate Gross Floor Area of 2,807 sq.m provided the
permitted uses contained in 1.0(A) and 1.0(B) shall not exceed an
aggregate Gross Floor Area of 10,525 sq.m.:

Banks and Financial Institutions
Business and Professional Offices
Brewers Retail stores
Drugstores
Gymnasiums or health clubs excluding body rub parlours
Liquor Control Board of Ontario stores
Personal Service Shops
Movie Theatres
Retail Stores excluding a Supermarket
Travel Agencies

2.0

Regulations

Notwithstanding Sections 22.2 and 7.14, the following provisions apply:

- (a) Minimum Front Yard 1.5 metres, except as provided in (e) below.
- (b) Minimum Side Yard 1.5 metres, except where an interior side yard abuts a private vehicular turnaround, a 0.0 metre side yard shall be permitted.
- (c) Minimum Rear Yard 10.0 metres.
- (d) Minimum Frontage 30 metres.
- (e) Minimum Landscaping Strip 3.0 metres adjacent each lot line which abuts a public street or lot containing a dwelling comprising one or two dwelling units (but shall permit the location of principal buildings, walkways/sidewalks, retaining walls, curbs, signs, and light standards within required landscaping strip).
- (f) Parking for all uses shall be provided at a rate of 3.5 spaces for each 93 square metres of Gross Floor Area or part thereof.

3.0

Definitions

Notwithstanding Section 3.0, the following provisions apply:

- (a) "Supermarket" means a store in which various kinds of food and non-food items are offered or kept for sale, including fresh meats and fresh produce, provided that the area devoted to food items is predominant, and the non-food items may include but are not limited to flowers, hardware, patent medicines, toiletries, household supplies, garden supplies, wine, photofinishing, magazines and videos.

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

C3-656 That notwithstanding the provisions of Subsection 22.1 and 22.2 of the General Commercial “C3” Zone and the provisions of Sections 3.0: Definitions and 7.14: Parking and Loading of Zoning By-law No. 87-57 of the Town of Ancaster, the following special provisions shall apply to the lands zoned “C3-656”, described as 1143 and 1185 Wilson Street West:

1.0 (A) Permitted Uses

Notwithstanding Section 22.1, on the lands zoned C3-656, a Supermarket with a maximum Gross Floor Area of 4,725 sq.m. is also permitted.

Notwithstanding Section 22.1, on the lands zoned C3-656, the following uses shall also be permitted.

Convenience retail stores
Farmer’s market
Gymnasiums or health clubs excluding body rub parlours
Insurance office
Libraries, museums and art galleries
Liquor Control Board of Ontario Stores

All uses other than the permitted Supermarket shall be permitted to a maximum aggregate total of 4,975 square metres of Gross Floor Area on the lands zoned under this Sub-section.

(B) Restricted Uses

Notwithstanding Section 22.1, on the lands zoned C3-656, a Department Store shall be prohibited.

2.0 Regulations

Notwithstanding Sections 22.2 and 7.14, the following provisions apply:

- | | | |
|-----|--------------------|--|
| (a) | Minimum Front Yard | 1.5 metres, except as provided in (e) below. |
| (b) | Minimum Side Yard | 1.5 metres, except where an interior side yard abuts a private vehicular turnaround, a 0.0 |

metre side yard shall be permitted.

- (c) Minimum Rear Yard 10.0 metres.
- (d) Minimum Frontage 30 metres.
- (e) Minimum Landscaping Strip 3.0 metres adjacent each lot line which abuts a public street or lot containing a dwelling comprising one or two dwelling units (but shall permit the location of principal buildings, walkways/sidewalks, retaining walls, curbs, signs, and light standards within required landscaping strip).
- (f) Parking for all uses shall be provided at a rate of 3.5 spaces for each 93 square metres of Gross Floor Area or part thereof.
- (g) In addition to the regulations detailed above, the following shall also apply:

Within 20 metres of the Wilson Street West lot line, the minimum façade shall be equal to 40% or more of the measurement of the Wilson Street Lot Line, excluding access driveways to Wilson Street West and enhanced bioswale areas, and shall be subject to the following:

- 1) A maximum building set back of 6.0 metres;
- 2) A minimum of 40% of the area of the ground floor façade facing Wilson Street West shall be composed of windows and doors except that 80 metres of façade facing the Wilson Street frontage shall be exempt from this requirement; and,
- 3) No parking, driveways, drive through lanes, stacking lanes, or aisles shall be located between the building façade facing Wilson Street and Wilson Street.

- (h) The lands zoned C3-656 shall be deemed to be one lot for zoning purposes notwithstanding any division of such land into separate parcels.
- (i) A maximum of 2,000 sq.m. of office uses shall be permitted on the lands zoned C3-656.

3.0

Definitions

Notwithstanding Section 3.0, the following provisions apply:

- (a) “Façade” shall mean a building or series of building walls facing a street; and
- (b) “Supermarket” means a store in which various kinds of food and non-food items are offered or kept for sale, including fresh meats and fresh produce, provided that the area devoted to food items is predominant, and the non-food items may include but are not limited to flowers, hardware, patent medicines, toiletries, household supplies, garden supplies, wine, photofinishing, magazines and videos.

C3-657

That notwithstanding the provisions of Subsection 22.1 and 22.2 of the General Commercial “C3” Zone and the provisions of Sections 3.0: Definitions and 7.14: Parking and Loading of Zoning By-law No. 87-57 of the Town of Ancaster, the following special provisions shall apply to the lands zoned “C3-657”, described as 1143 and 1185 Wilson Street West:

1.0

(A) Permitted Uses

Notwithstanding Section 22.1 or any other provision contained in this by-law, on the lands zoned C3-657, a two-storey building containing office uses on both the first and second floor is also permitted.

Notwithstanding Section 22.1, on the lands zoned C3-657, the following uses shall also be permitted.

Convenience retail stores
Farmer’s market
Gymnasiums or health clubs excluding body rub parlours
Insurance office
Libraries, museums and art galleries
Liquor Control Board of Ontario Stores

Notwithstanding Section 22.1 or any other provision contained in this by-law, on the lands zoned C3-657, a Supermarket is not permitted.

The permitted uses shall be permitted to a maximum aggregate total of 3,300 square metres of Gross Floor Area on the lands zoned under this Sub-section.

(B) Restricted Uses

Notwithstanding Section 22.1, on the lands zoned C3-657, a Department Store shall be prohibited.

2.0 Regulations

Notwithstanding Sections 22.2 and 7.14, the following provisions apply:

- | | | |
|-----|---------------------------|---|
| (a) | Minimum Front Yard | 1.5 metres, except as provided in (e) below. |
| (b) | Minimum Side Yard | 1.5 metres, except where an interior side yard abuts a private vehicular turnaround, a 0.0 metre side yard shall be permitted. |
| (c) | Minimum Rear Yard | 10.0 metres. |
| (d) | Minimum Frontage | 30 metres. |
| (e) | Minimum Landscaping Strip | 3.0 metres adjacent each lot line which abuts a public street or lot containing a dwelling comprising one or two dwelling units (but shall permit the location of principal buildings, walkways/sidewalks, retaining walls, curbs, signs, and light standards within required landscaping strip). |

(f) Parking for all uses shall be provided at a rate of 3.5 spaces for each 93 square metres of Gross Floor Area or part thereof.

(g) In addition to the regulations detailed above, the following shall also apply:

Within 20 metres of the Wilson Street West lot line, the minimum façade shall be equal to 40% or more of the measurement of the Wilson Street Lot Line, excluding access driveways to Wilson Street West and enhanced bioswale areas, and shall be subject to the following:

4) A maximum building set back of 6.0 metres;

5) A minimum of 40% of the area of the ground floor façade facing Wilson Street West shall be composed of windows and doors; and,

6) No parking, driveways, drive through lanes, stacking lanes, or aisles shall be located between the building façade facing Wilson Street and Wilson Street.

(j) The lands zoned C3-657 shall be deemed to be one lot for zoning purposes notwithstanding any division of such land into separate parcels.

(k) A maximum of 2,000 sq.m. of office uses shall be permitted on the lands zoned C3-657.

3.0 Definitions

Notwithstanding Section 3.0, the following provisions apply:

(c) “Façade” shall mean a building or series of building walls facing a street; and

(d) “Supermarket” means a store in which various kinds of food and non-food items are offered or kept for sale, including fresh meats and fresh produce, provided that the area devoted to food items is predominant, and the non-food items may include but are not limited to flowers, hardware, patent medicines, toiletries, household supplies, garden supplies, wine, photofinishing, magazines and videos.

4. That the amending by-law be added to Map 5 of Schedule “A” of Ancaster Zoning By-law No. 87-57.

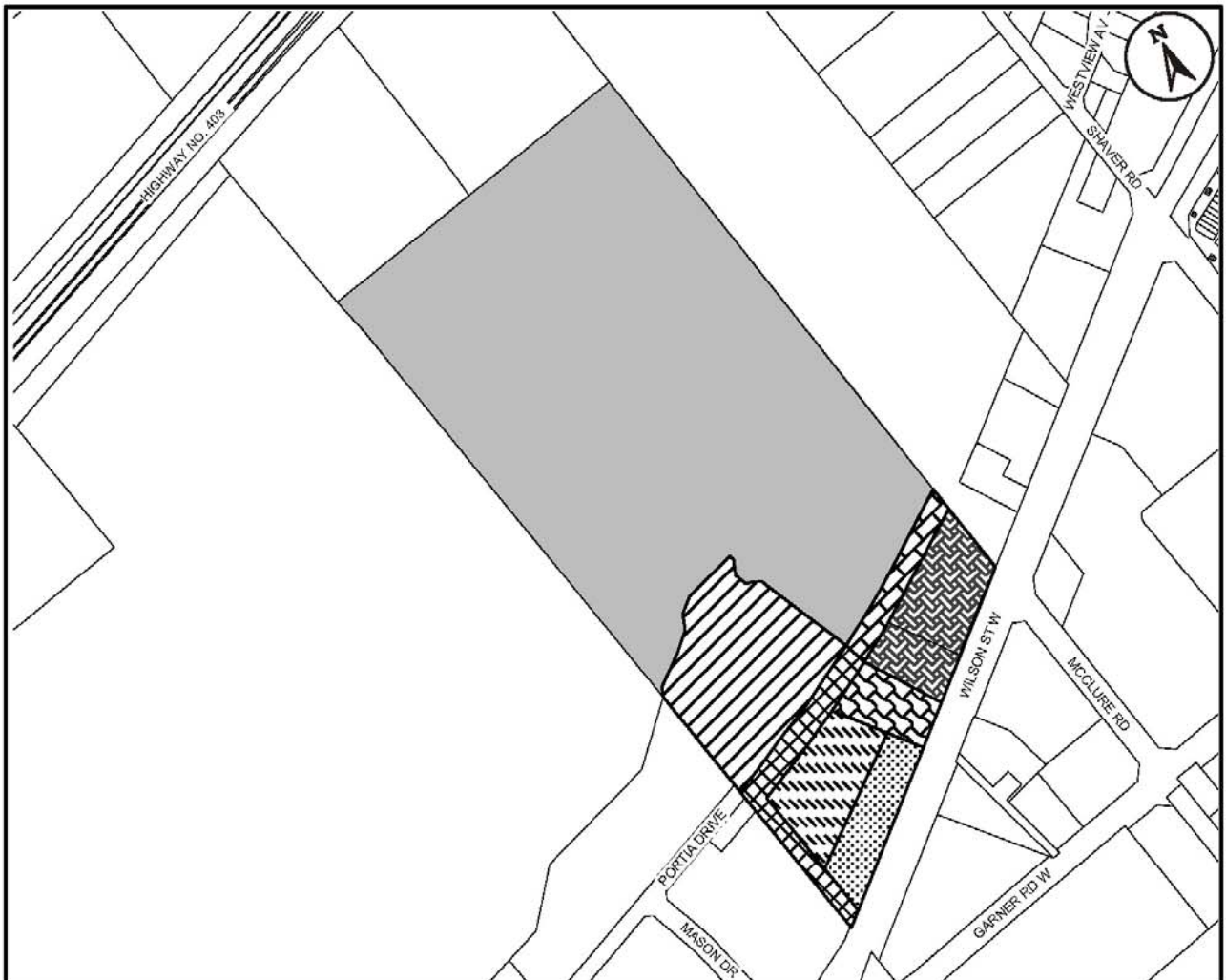
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 14th day of May, 2014.

R. Bratina
Mayor

R. Caterini
City Clerk

ZAC-13-044 / OPA-13-012



This is Schedule "A" to By-law No. 14-

Passed the day of, 2014

Mayor

Clerk









Schedule "A"

Map Forming Part of
By-law No. 14-_____

to Amend By-law No. 87-57

Subject Property

1125, 1143 and 1185 Wilson Street West

-  **Block 1** - Modification to the Holding-Shopping Centre Commercial "H-C2-629" Zone
-  **Block 2** - Change in Zoning from the Holding-Shopping Centre Commercial "H-C2-629" Zone to the General Commercial "C3-656" Zone
-  **Block 3** - Change in Zoning from the Agricultural "A" Zone to the General Commercial "C3-656" Zone
-  **Block 4** - Change in Zoning from the Urban Commercial "C4-130" Zone to the General Commercial "C3-656" Zone
-  **Block 5** - Change in Zoning from the Holding-Shopping Centre Commercial "H-C2-635" Zone to the General Commercial "C3-656" Zone
-  **Block 6** - Change in Zoning from the Holding-Shopping Centre Commercial "H-C2-634" Zone to the General Commercial "C3-657" Zone
-  **Block 7** - Change in Zoning from the Holding-Shopping Centre Commercial "H-C2-630" Zone to the General Commercial "C3-657" Zone
-  **Additional Lands of Owner**

Scale:
N.T.S.

File Name/Number:
ZAC-13-044/OPA-13-012

Date:
March 20, 2014

Planner/Technician:
GM/NB



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT