



**CITY OF HAMILTON**

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT  
Planning Division**

<b>TO:</b> Chair and Members Planning Committee	<b>WARD(S) AFFECTED:</b> WARD 12
<b>COMMITTEE DATE:</b> June 7, 2011	
<b>SUBJECT/REPORT NO:</b> Application for Amendment to the Town of Ancaster Zoning By-law 87-57 for Lands Located at 1541 Fiddlers Green Road (Ancaster) (PED11010(a)) (Ward 12)	
<b>SUBMITTED BY:</b> Tim McCabe General Manager Planning and Economic Development Department	<b>PREPARED BY:</b> Kate Mihaljevic (905) 546-2424, Ext. 4424
<b>SIGNATURE:</b>	

**RECOMMENDATION:**

That approval be given to **Amended Zoning Application ZAR-10-034, Leanne Dekaneas, Owner**, for a temporary change in zoning for a period of three years from the Agriculture “A” Zone to the Agriculture “A-625” Zone Modified, with a Special Exception, to permit the existing unlit Golf Driving Range and to permit a new outdoor, unlit, soccer field, on lands known as 1541 Fiddlers Green Road, in the former Town Ancaster, as shown on Appendix “A” to Report PED11010(a), on the following basis:

- (a) That the draft By-law, attached as Appendix “C” to Report PED11010(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (b) That the proposal conforms to the Places to Grow Plan, and is consistent with the Provincial Policy Statement.
- (c) That the proposal conforms to the “Rural” Land Use policies of the Hamilton-Wentworth Official Plan.

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- (d) That the proposal conforms to the “Agriculture” policies of the Town of Ancaster Official Plan.
- (e) That Report PED11010 respecting Application for a Change in Zoning for the Lands Located at 1541 Fiddlers Green Road be received.

**EXECUTIVE SUMMARY**

Staff Report PED11010 (see Appendix “D”) was presented to the Planning Committee at its meeting of February 15, 2011, to consider an application to permit an air-structure containing an indoor soccer field and golf driving range on a temporary basis for a period of three years. The original application was not supported by staff, as an air-structure is not considered to be temporary in light of the applicable policy documents. The statutory Public Meeting was held, and one member of the public spoke to the Planning Committee. At the request of the applicant, and supported by the Committee, this matter was deferred in order to allow the applicant to prepare and submit a revised concept to address the uses on the subject lands, which would involve the removal of the air-structure.

A revised proposal was submitted by the applicant on March 14, 2011 (see Appendix “B”). The revised proposal shows an unlit outdoor soccer field and golf driving range, along with an unlit extension of the existing parking area and larger pro-shop/trailer. Based on a review of the amended application, staff is now in a position to present a revised Recommendation that supports the proposal.

*Alternatives for Consideration - See Page 12.*

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS**

**Financial:** N/A.

**Staffing:** N/A.

**Legal:** As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a change in zoning. The requisite Public Meeting was held on February 15, 2011.

## **HISTORICAL BACKGROUND**

### **Chronology:**

- July 16, 2010: Submission of Application ZAR-10-034 by Leanne Dekaneas (Owner)
- August 9, 2010: Application ZAR-10-034 deemed complete.
- August 17, 2010: Circulation of Notice of Complete Application and Preliminary Circulation for Application ZAR-10-034 to all residents within 120 metres of the subject lands.
- November 19, 2010: Owner retains Fothergill Planning & Development Inc. as the Agent on file.
- January 20, 2011: Circulation of Notice of Public Meeting to all residents within 120 metres of the subject lands.
- February 15, 2011: Public Meeting held, and decision of the Planning Committee deferred at the request of the Agent.
- March 14, 2011: Revised concept plan received for review by staff (see Appendix "B").

### **Council Direction:**

The Planning Committee, at its meeting of February 15, 2011, on a motion, referred the item back to staff to allow discussions to take place with the applicant respecting the proposed uses.

A revised proposal was submitted to staff on March 14, 2011 (see Appendix "B"). The amended zoning application was circulated to the applicable departments and evaluated by staff. The original Report has been attached as Appendix "D".

## **POLICY IMPLICATIONS**

The original proposal was not supported by staff as it was not considered to be consistent with the applicable policy documents (see Pages 4 to 9 of Appendix "D"). The amended application is to legalize the golf driving range and permit the proposed soccer pitch, but the proposed temporary dome has been deleted. The amended application is considered to maintain the temporary nature of the proposed uses, and is more sympathetic to the character of the surrounding agricultural area and more in

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keeping with provincial and municipal policy documents. The new Rural Hamilton Official Plan will designate the portion of the subject lands containing the golf driving range and soccer pitch as “Open Space”.

**Provincial Growth Plan for the Greater Golden Horseshoe**

The application has been reviewed with respect to the Provincial Growth Plan for the Greater Golden Horseshoe (Places to Grow). Staff notes that the subject lands are located within a designated Prime Agricultural Area, as defined by Places to Grow, and that the subject lands are not in the Greenbelt Plan. Policy 4.2.2.1 indicates that provincial ministries, in consultation with municipalities and other stakeholders, will develop additional policies for the protection of Prime Agricultural Areas. As explained below, the proposed uses are in conformity with the Town of Ancaster Official Plan. Additionally, the New Rural Hamilton Official Plan will designate a portion of the subject lands as “Open Space”, which will permit a golf driving range and outdoor soccer field. Therefore, the proposed outdoor recreational uses in the rural area conforms to the Places to Grow Plan.

Further, Section 1.4 states that the policies of the Growth Plan are to be read in conjunction with the Provincial Policy Statement (PPS). The PPS provides further policies relating to permitted uses in Prime Agricultural Areas, as discussed below.

**Provincial Policy Statement**

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Policy 2.3.3.1 states that the permitted uses in the Prime Agricultural Area are agricultural uses, secondary uses, and agriculture-related uses. Furthermore, secondary uses shall be compatible with, and shall not hinder, surrounding agricultural operations.

For the purposes of permitting the temporary operation of a seasonal commercial recreational use, a golf driving range and outdoor soccer field on a portion of the subject lands can be considered secondary and compatible with the existing and surrounding agricultural uses. By restricting the uses to open area uses, and requiring the parking area to be unpaved, the implementing By-law reinforces the temporary use of the subject lands and, therefore, does not preclude these lands from reverting back to agricultural uses. Therefore, the proposal for a Temporary Use By-law is consistent with the Provincial Policy Statement.

### **Hamilton-Wentworth Official Plan**

The subject lands are designated as “Rural Area” on Map No. 1 and “Prime Agricultural Area” on Map No. 2 within the Hamilton-Wentworth Official Plan (HWOP). The subject lands are proposed to be removed from Special Policy Area No. 9 upon finalization of OPA No. 41 (Airport Employment Growth District), which was adopted by Council on October 13, 2010, but is not final and binding. Policy C-2.1.1.2 of the HWOP directs non-farm development to Urban Areas, Rural Settlement Areas, and existing Business Parks.

Policy C-3.2 states that the Rural Area contains a mix of sub-designations (Prime Agricultural Lands, Rural Settlements, Environmentally Significant Areas, and Mineral Aggregate Areas), as well as a variety of existing land uses and activities including residential, commercial, rural industrial, and the primary activity of farming. Further, Policy C-3.2.2 explains that although Agriculture will continue to be the predominant use in the Rural Area, there are limited uses which may be considered that would not interfere with farming or agricultural lands. These uses can be considered where they require land extensive holdings and are not suited for locations in the Urban Areas. Through the criteria established in the Town of Ancaster Official Plan for approving Temporary Use By-laws, permitting a golf driving range and outdoor soccer field as a temporary use can be supported.

Additionally, it is important to note that the subject lands are located within the Influence Area of the John C. Munro International Airport, as noted on Map No. 7 of the Regional Official Plan and identified as Special Policy Area (SPA) No. 9. The policies of Section C-3.1.4 apply to the development of lands within the vicinity of the Airport. More specifically, these policies outline criteria for permitting sensitive land uses within the Influence Area. Commercial or passive recreational uses are not considered to be sensitive lands uses and, therefore, are permitted.

Based on the aforementioned policies, the proposal for a Temporary-Use By-law for a golf driving range and soccer field conforms to the Hamilton-Wentworth Official Plan.

### **Town of Ancaster Official Plan**

The subject lands are designated “Agricultural” on the Schedule “A” Land Use-Rural Area of the Town of Ancaster Official Plan. The intent of the “Agricultural” Policies in the Official Plan is to protect lands for agricultural uses only. However, in accordance with Policy 4.1.3(vii), low intensity, passive Recreational uses are permitted where the use is compatible with agriculture operations and only requires small scale ancillary buildings. Policy 4.1.6 further directs that non-agricultural uses shall be located to minimize the negative effects on surrounding uses and will not interfere with the expansion of farming operations. Additionally, when considering the appropriateness of non-agricultural uses, regard shall be had for the following:

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- “(i) The necessity of the proposed use to serve the needs of the rural community and the suitability of the land for agricultural purposes, further whether the use can be directed towards lands less suited for agriculture;*
- ii) The availability of alternate suitable locations within the Urban Area and Rural Settlements, and the appropriateness of the proposed use to the Agricultural Area;*
- iii) The physical suitability of the site for the proposed use;*
- iv) The compatibility of the proposed use with the existing and proposed adjacent uses and with the agricultural, very low density land use character of the area;*
- v) The adequacy of facilities to service the proposed use and the cost of provision of necessary services;*
- vi) The cumulative long term impact of the proposed development on the natural capability of the land to provide a potable source of water and to safely accommodate the disposal of sanitary sewage;*
- vii) The potential for environmentally based conflicts with existing and proposed uses in the area or other environmentally sensitive land use areas.”*

The subject lands have been used for a golf driving range since 1996, as noted in the previous Report attached as Appendix “D”. The applicant proposes to reconfigure the uses on the subject lands to accommodate the soccer field, golf driving range, and expansion of the parking area. Therefore, no additional land will be required to accommodate the additional recreational use. The proposed uses will continue to be serviced by portable sanitary facilities, and there will be no permanent structures to facilitate the uses including bleachers and post lighting. A larger pro-shop will be accommodated within a mobile office trailer, but this is also considered to be a temporary structure and can be easily removed.

Furthermore, in accordance with Policy 7.14.1, Council may adopt a Temporary Use By-law without an amendment to the Official Plan provided the proposal is consistent with the following criteria:

- “(i) Alterations to the topography and/or soils shall be limited so that it is possible and viable to revert back to the previous use and/or use(s) for which the property is designated and zoned;*
- (ii) Residential usage shall be prohibited unless already in existence and/or permitted by this Plan and by the Zoning By-law provisions applicable to the subject lands;*

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- (iii) Capital investment toward the construction of new buildings and structures which are not easily removable shall be limited so as not to discourage a reversion to the previous use and/or conversion to uses for which the property is designated and zoned;*
- (iv) The proposed temporary use shall be compatible with uses on adjacent and nearby properties;*
- (v) The proposed temporary use does not constitute a danger to surrounding uses and persons by virtue of its hazardous nature, and does not pollute air and water to the extent of interfering with the ordinary enjoyment of the property;*
- (vi) The proposed temporary use shall comply with the Minimum Distance Separation requirements of the Agricultural Code of Practice;*
- (vii) The proposed temporary use shall conform to the policies and development criteria of the Niagara Escarpment Plan, if within the area of the Niagara Escarpment Plan; and,*
- (viii) Services such as roads, stormwater drainage, water supply, and sanitary sewage systems shall be sufficient to accommodate the proposed temporary use. “*

The revised proposal does not require major alterations to the existing topography and is compatible with the surrounding uses. Similar to the criteria set out by Policy 4.1.6 noted above, the revised proposal will have no negative impact to the character of the surrounding agricultural area. Further, the proposal will accommodate an additional commercial recreational use within the existing limits of the lands occupied by the golf driving range. Therefore, Minimum Separation Distance does not apply. As the lands are not within the Niagara Escarpment Plan area, the proposal is not subject to NEC criteria. Additionally, portable sanitary services will continue to be provided for the proposed uses and, as such, there are sufficient services available to accommodate the proposal.

Further, it is important to note that the subject lands are located in the Specific Policy Area (SPA) Nos. 57 and 57a, which refers to Section C-3.1.4 ‘Airport Business Park’, and Section C-4.3.5 ‘Transportation Systems - Air’ of the Regional Official Plan as follows:

- “5.12 In addition to the existing applicable policies in this Plan, this Section sets out additional policies for the lands identified on Schedule “F-1” as Specific Policy Areas 57 and 57a.*

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- 5.12.1 *The area identified as Specific Policy Area 57 on Schedule “F-1” shall be subject to Policies C.4.3.5.3 and C.4.3.5.4 of the Regional Official Plan.*
- 5.12.2 *The area identified as Specific Policy Area 57a on Schedule “F-1” shall be subject to Policies C.3.1.4.6, C.3.1.4.7, C.3.1.4.8, C.3.1.4.9, C.3.1.4.10, and C.3.1.4.11 of the Regional Official Plan.”*

The City’s Growth Management Division has undertaken a secondary planning process for SPA Nos. 57 and 57a. The Secondary Plan and associated Official Plan Amendment for the Airport Employment Growth District (AEGD) were approved by Council on October 13, 2010 (not yet in effect), which removed SPA No. 57a. The subject lands will remain within the Airport Influence Area, outside of the AEGD Secondary Plan area, as it relates to the Hamilton-Wentworth Official Plan. More specifically, the policies referenced above outline criteria for permitting sensitive land uses within the Influence Area. Commercial or passive recreational uses are not considered to be sensitive lands uses and, therefore, would not be subject to these criteria.

As the revised proposal is consistent with Policy 4.6.1 noted above, and meets the criteria for a Temporary Use By-law noted in Policy 7.14.1, it conforms with the Town of Ancaster Official Plan.

**New Rural Hamilton Official Plan (Council Adopted)**

The New Rural Hamilton Official Plan was adopted by Council on September 27, 2006. The Plan has been approved by the Ministry of Municipal Affairs and Housing, but is currently under appeal and not yet in effect. The subject lands are designated as “Agriculture” and “Open Space” within the Rural Hamilton Official Plan. The “Open Space” designation is applied only to the lands which contain the existing golf driving range. The lands are also within Special Policy Area C - Airport Employment Growth District (AEGD), as noted on Volume 3, Map A, and within the Airport Influence Area, as noted on Volume 1, Schedule F. The City’s Growth Management Division has undertaken a secondary planning process for the AEGD, for which a Secondary Plan was adopted by Council on October 13, 2010, but is not yet in effect. An Official Plan Amendment will be required for the New Rural Official Plan to include the new Secondary Plan. However, as the New Rural Official Plan is also not in full force and effect, a pending Official Plan Amendment has been prepared to include the new Secondary Plan and will remove Special Policy Area C.

The subject lands have not been included in the new Secondary Plan, but remain in the Airport Influence Area. Policy C.4.1.2 of the ‘Transportation - Airport’ Section outlines criteria for permitting sensitive land uses within the Influence Area. Commercial or passive recreational uses are not considered to be sensitive lands uses and, therefore, would not be subject to these criteria.



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In accordance with Policy C.3.3.1 in Volume 1, Lands designated as “Open Space” on Schedule D - Rural Land Use Designations are public or private areas where the predominant use of or function of the land is for recreational activities, conservation management, and other open space uses. These uses include, but are not limited to, parks for both active and passive recreational activities. In accordance with Parkland Policy B.3.5.1.5 in Volume 1, there are two open space categories not considered as parks, but which contribute to the City’s Open Space and Parks System, being General and Natural Open Space. General Open Space shall include golf courses, community gardens, pedestrian and bicycle trails, walkways, picnic areas, beaches, remnant parcels of open space lands and urban plazas, squares and core spaces. These areas do not function as parks, but are used for both active and passive recreational activities.

The existing golf driving range and proposed soccer field would fall within the range of uses permitted in the “Open Space” designation. Further, the Temporary Use By-law criteria outlined by Section 1.11 states:

*“1.11 At times it is in the public interest to permit lands to be used for a particular use on a temporary basis even though it may not comply with the Zoning By-law. The Planning Act authorizes a municipality to pass a Temporary Use By-law, which defines the area and duration of the use.*

*1.11.1 Council may adopt Temporary Use By-laws without having to amend this Plan, to permit the temporary use of land, buildings, or structures for a purpose that is prohibited by the Zoning By-law.*

*1.11.2 A Temporary Use By-law may allow a use that is clearly of a temporary nature and the proposed use shall contain buildings or structures that can be easily removed after the expiry date of the Temporary Use By-law.*

*1.11.3 The proposed temporary use shall:*

- a) Be compatible with uses on adjacent and nearby properties;*
- b) Not have adverse impact on the traffic, transportation, or parking facilities in the area;*
- c) Comply with the Minimum Distance Separation requirements established by the Province; and,*
- d) Have sufficient services such as roads, stormwater drainage, water supply and sanitary sewage systems to accommodate the proposed temporary use.”*

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The proposal is compatible with adjacent uses and will have no negative impacts on existing uses in the surrounding area. Further, the proposal will accommodate an additional commercial recreational use within the existing limits of the lands occupied by the golf driving range. Therefore, Minimum Separation Distance does not apply. Additionally, portable sanitary services will continue to be provided for the proposed uses and, as such, there are sufficient services available to accommodate the proposal. The revised proposal conforms to the “Open Space” designation and is consistent with the Temporary Use By-law policies.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

1. The amended application for a Temporary Use By-law for the existing golf driving range and new outdoor soccer field can be supported on the following basis:
  - (i) The proposal conforms to the Places to Grow Plan and is consistent with the Provincial Policy Statement;
  - (ii) The proposal conforms to the Hamilton-Wentworth Official Plan and the Town of Ancaster Official Plan;
  - (iii) The proposal conforms to the New Rural Hamilton Official Plan; and,
  - (iv) The proposal is sympathetic to the character of the surrounding agricultural area.
  
2. Staff was presented with a revised proposal to permit an outdoor golf driving range and soccer field on a temporary basis (see Appendix “B”). To accommodate the revised proposal, additional parking has also been proposed, along with replacing the existing pro-shop with a mobile office trailer, as shown on Appendix “B”. The lands will be subject to Site Plan Control for the installation of the new pro-shop/office trailer and the expansion of the existing parking area.

To maintain the temporary nature of the proposed uses, no structure which would entrench the use on the lands will be permitted, such as bleachers and post lighting for the soccer field. This will also be addressed through the aforementioned Site Plan Application. The revised proposal, which does not include an air-structure, can be supported by staff as the outdoor soccer field and golf driving range do not negatively impact the agricultural character of the surrounding area.

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3. In order to facilitate the revised proposal, a site-specific zoning should be applied to the portion of lands which will be occupied by the proposed uses, as noted on Schedule "A" of Appendix "C". Since there have been three previous Temporary Use By-laws for the subject lands, similar provisions will be in effect for the proposed site-specific zone as follows:

Permitted Uses

The Agriculture "A" Zone does not permit outdoor commercial recreational uses. As such, the proposed By-law will permit the golf driving range and outdoor soccer field. Additionally, the regulations of the Private Open Space "O1" Zone shall apply as they have been applied for the previous Temporary Use By-laws for the subject lands.

A golf driving range is not considered to be a recreational use according to the definition of 'Recreational Uses' in the Zoning By-law. As such, the Temporary Use By-law will include a golf driving range as a Recreational Use, to facilitate implementation of the Private Open Space "O1" Zone for the proposal.

Parking

The existing parking area has a gravel surface in order to better facilitate the existing golf driving range use on a temporary basis. The applicant has identified that gravel will be maintained for the proposed expansion of the parking area to ensure adequate drainage of stormwater without the requirement of onerous lot grading and ditching to accommodate a paved surface. Therefore, the proposed By-law will ensure that a permeable surface type, such as gravel, is maintained for the extension of the parking area, whereas a hard, stable surface such as asphalt is required.

Additionally, in accordance with the general provisions of the Zoning By-law, parking areas greater than 4 spaces shall be lighted for public safety. Both the soccer field and golf driving range are intended for day-time use only. Therefore, it is appropriate to have no lighting on the parking area, which further ensures the temporary nature of the proposal.

Parking is not required for outdoor recreational facilities, as there is no way to calculate occupancy/capacity. However, the concept plan (see Appendix "B") includes 58 parking spaces for both the golf driving range and the soccer field. The quantity of parking spaces will be addressed through the Site Plan Control process.

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4. The proposed By-law (see Appendix “C”) will be in effect for a period of three years from the date of passing. Upon expiration of the By-law, the uses will no longer be permitted. The owner will be responsible for receiving an approved renewal of the Temporary Use By-law or approval of a permanent Zoning By-law amendment prior to the date of expiry, at which time, the merits of the proposal will be assessed based on the relevant and in force policy documents.

**ALTERNATIVES FOR CONSIDERATION:**

1. If the application is denied, then the applicant has the option of utilizing the subject lands as prescribed by the Agricultural “A” Zone.
2. Consideration could be given to permitting the temporary use of only the existing golf driving range.

**CORPORATE STRATEGIC PLAN**

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

**Healthy Community**

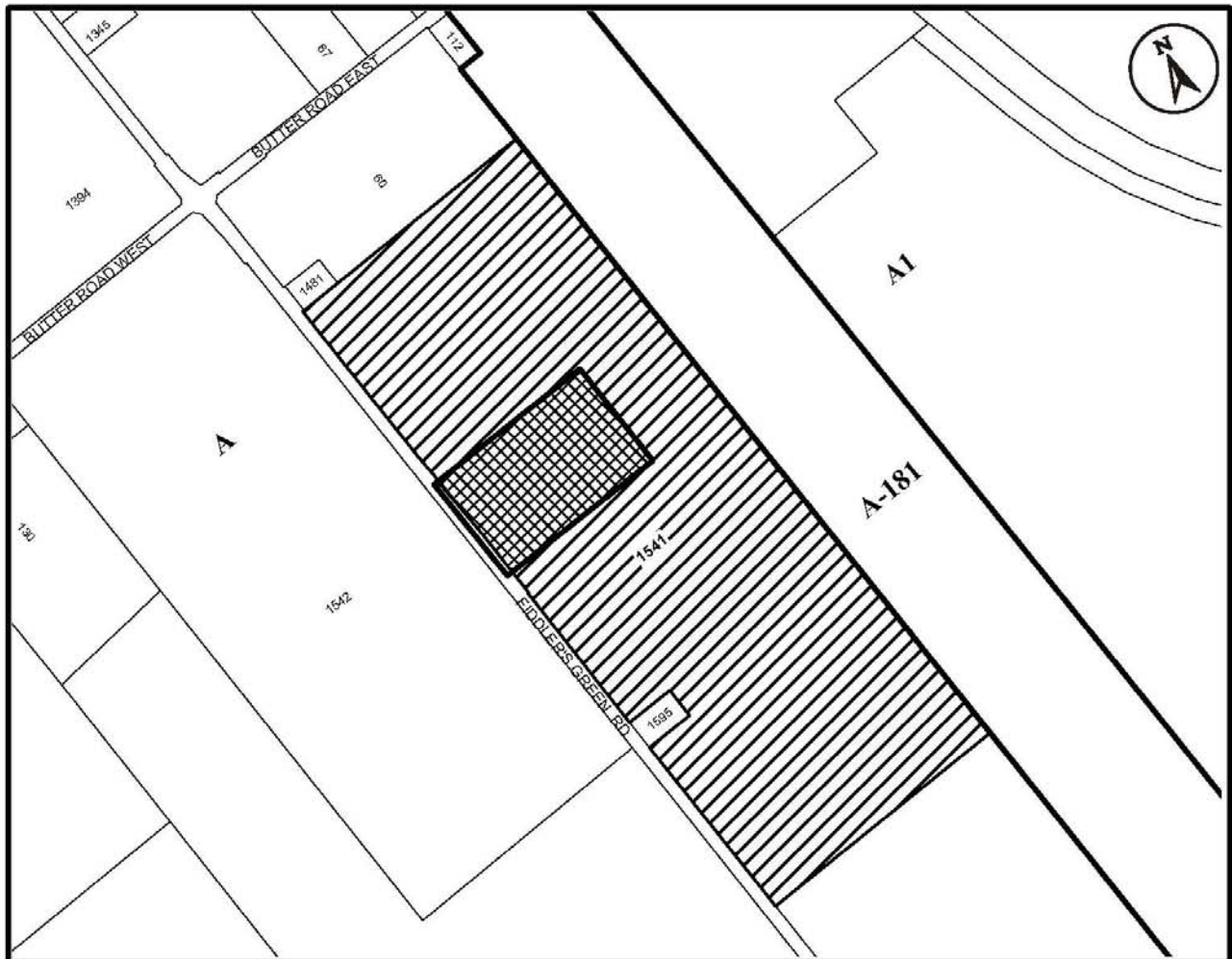
- ◆ Plan and manage the built environment.

**APPENDICES / SCHEDULES**

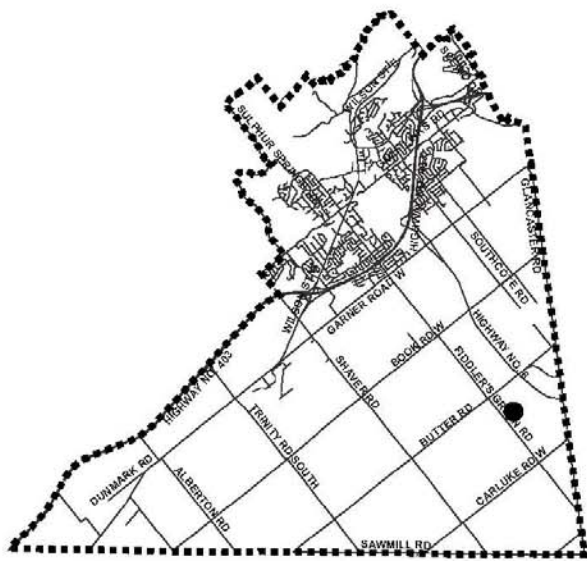
- Appendix “A”: Location Map
- Appendix “B”: Revised Proposal
- Appendix “C”: Draft By-law
- Appendix “D”: Report PED11010

:KM

Attachs. (4)



● Site of the Application



Ward 12 Key Map

N.T.S.

## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAR-10-034

Date:  
October 19, 2010

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
KM/SW

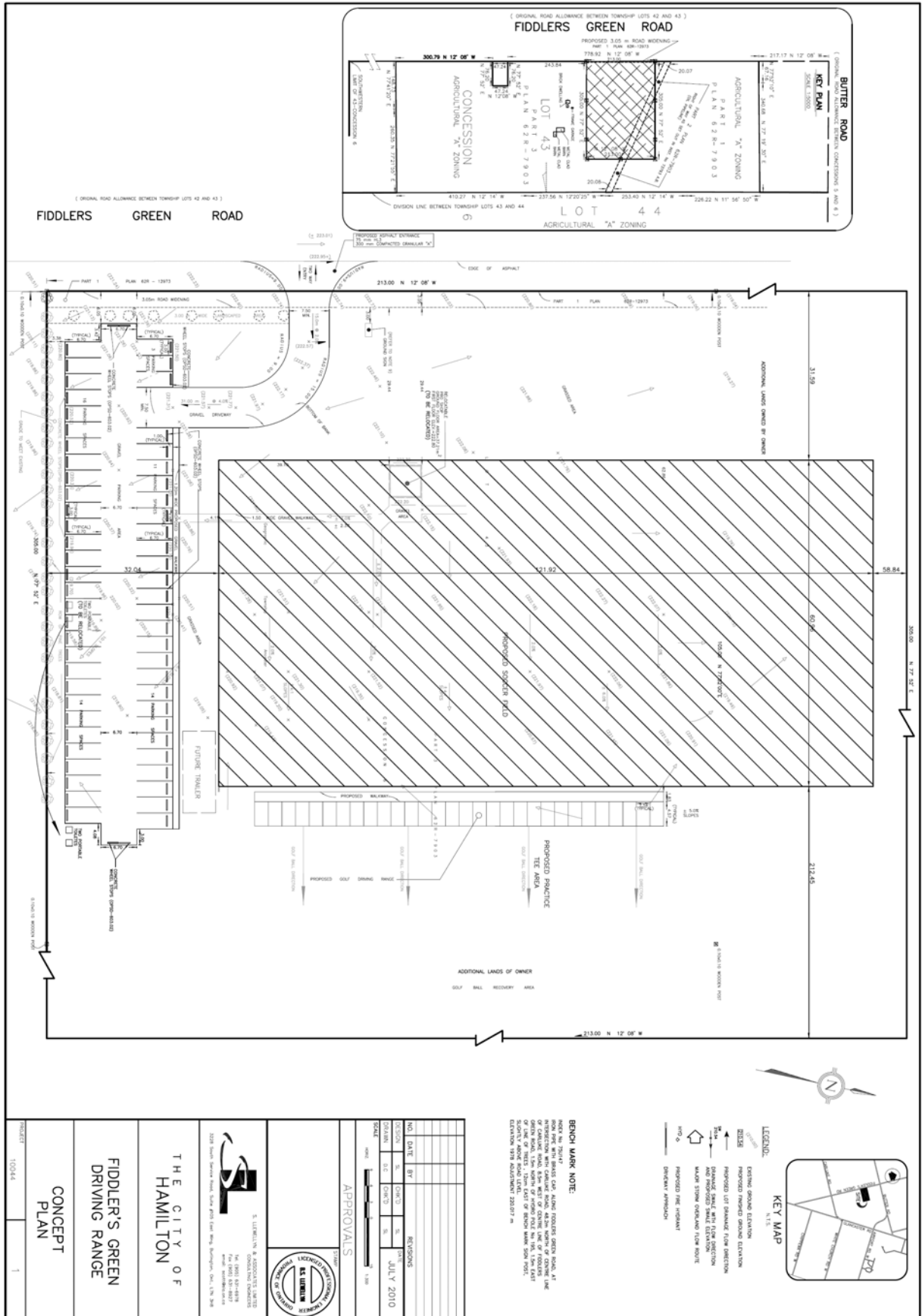
### Subject Property



1541 Fiddlers Green Road



Portion of 1541 Fiddlers Green Road subject to application.



**THE CITY OF HAMILTON**  
**FIDDLER'S GREEN DRIVING RANGE**  
**CONCEPT PLAN**

S. LUTHELIN & ASSOCIATES LIMITED  
 14, 1901 6th Street  
 Hamilton, Ontario L8N 3M9  
 TEL: (905) 576-4817  
 FAX: (905) 576-4817  
 WWW: www.sluthe.com

**APPROVALS**

NO.	DATE	BY	REVISIONS
1	14 JULY 2010	S.L.	DESIGN

**BENCH MARK NOTE:**  
 BENCH MARK IS LOCATED AT THE CORNER OF THE GREEN ROAD AND BUTTER ROAD. THE BENCH MARK IS A 100MM DIAMETER CONCRETE PIPER WITH A 100MM DIAMETER STEEL ROD THROUGH THE CENTER. THE BENCH MARK IS LOCATED AT THE CORNER OF THE GREEN ROAD AND BUTTER ROAD. THE BENCH MARK IS A 100MM DIAMETER CONCRETE PIPER WITH A 100MM DIAMETER STEEL ROD THROUGH THE CENTER. THE BENCH MARK IS LOCATED AT THE CORNER OF THE GREEN ROAD AND BUTTER ROAD.

SYMBOL	DESCRIPTION
(Elevation symbol)	EXISTING GROUND ELEVATION
(Elevation symbol)	PROPOSED GROUND ELEVATION
(Arrow symbol)	PROPOSED DRIVE FLOOR ELEVATION
(Arrow symbol)	PROPOSED LOT GRADE FLOOR ELEVATION
(Arrow symbol)	PROPOSED DRIVE FLOOR ELEVATION
(Arrow symbol)	PROPOSED LOT GRADE FLOOR ELEVATION
(Arrow symbol)	PROPOSED DRIVE FLOOR ELEVATION
(Arrow symbol)	PROPOSED LOT GRADE FLOOR ELEVATION



**Authority:** Item [REDACTED],  
Planning Committee  
Report: 11-[REDACTED] (PED11010(a))  
CM: [REDACTED]

**Bill No.** [REDACTED]

## CITY OF HAMILTON

### BY-LAW NO. [REDACTED]

#### To Amend Zoning By-law No. 87-57 Respecting Lands Located at 1541 Fiddlers Green Road, 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 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 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 [REDACTED] of Report 11-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2011, recommended that Zoning By-law No. 87-57, 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. That Map 2 of Schedule "A", appended to and forming part of By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing the zoning from the Agriculture "A" Zone to the Agriculture "A-625" Zone, Modified, with a Special Exception, on the 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 Section 34: Exceptions of Zoning By-law 87-57 (Ancaster), as amended, is hereby further amended by adding the following:

A-625           As permitted under the temporary use provisions of Section 39 of the Planning Act, R.S.O. 1990 for a period of three (3) years from the date of the passing of this by-law, on the lands zoned Agriculture "A-625", the following special provisions shall apply:

- (a) Notwithstanding the provisions of Section 8.1 of the Agricultural "A" Zone, the following uses shall also be permitted:
  - i) outdoor golf driving range; and,
  - ii) outdoor soccer field.
- (b) Notwithstanding the provisions of Section 8.2: Regulations of the Agricultural "A" Zone, the provisions of Section 32.2: Regulations of Section 32: Private Open Space "O1" Zone shall apply to both the outdoor golf driving range and the outdoor soccer field.
- (c) Notwithstanding Sub-section 3.120 of the Definitions Section, an outdoor golf driving range shall be considered a Recreational Use.
- (d) Notwithstanding Sub-section 7.14(a)(xiii) of the General Provisions Section, the parking area for an outdoor golf driving range and outdoor soccer field shall be constructed with a permeable surface.
- (e) Notwithstanding Sub-section 7.14(a)(xiv) of the General Provisions Section, lighting shall not be provided for the parking area, the outdoor golf driving range, or the outdoor soccer field.



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 and ENACTED** this [ ] day of [ ], 2011.

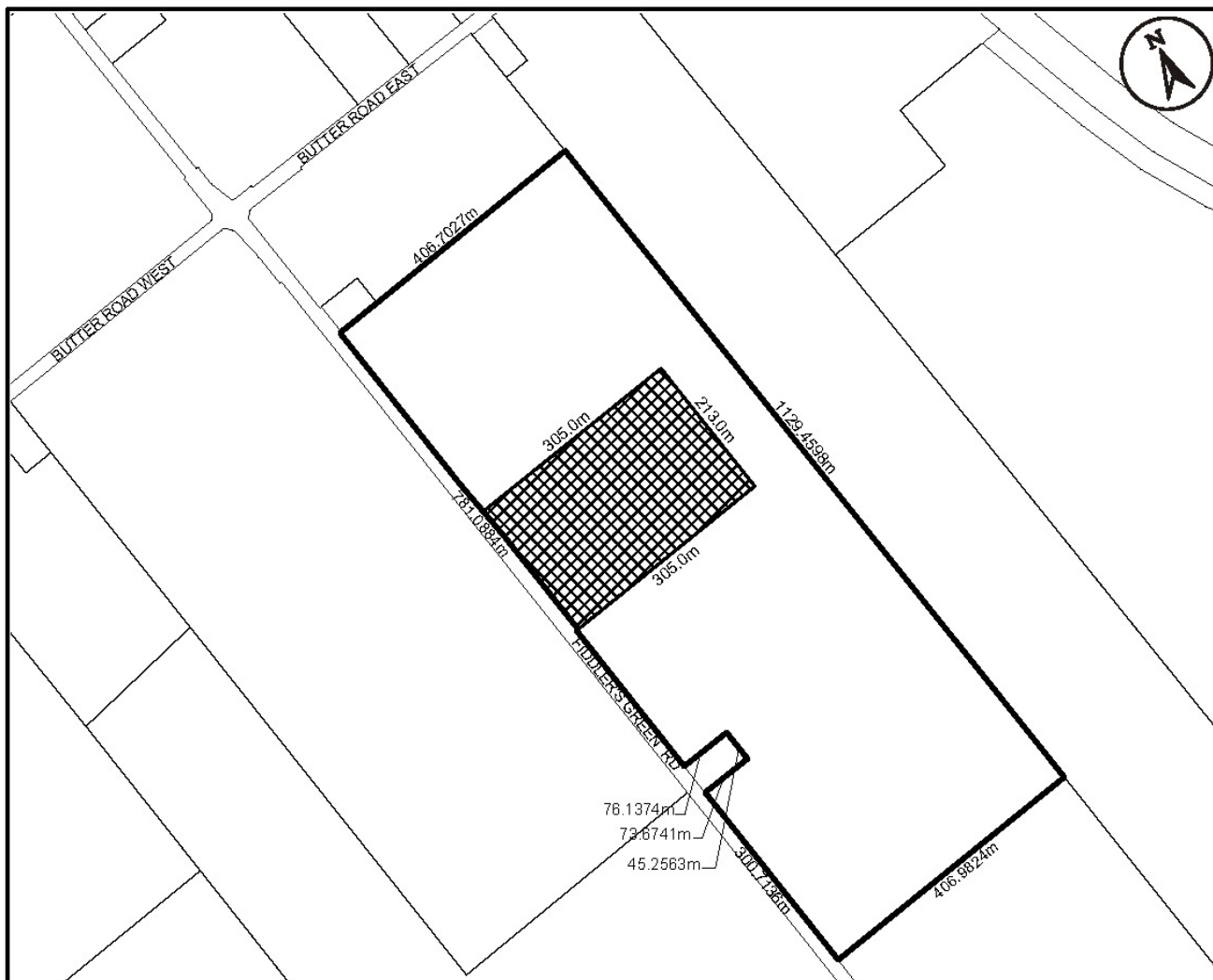
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R. Bratina  
Mayor

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Rose Caterini  
Clerk

ZAR-10-034



This is Schedule "A" to By-Law No. 11-  Passed the ..... day of ....., 2011	----- Clerk  ----- Mayor
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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. 11-_____</p> <p style="margin: 0 0 0 0;">to Amend By-law No.87-57</p>	<p><b>Subject Property</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 30px; border: 1px solid black; height: 15px;"></td> <td>1541 Fiddlers Green Road</td> </tr> <tr> <td style="width: 30px; border: 1px solid black; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); height: 15px;"></td> <td>Change in Zoning from the Agricultural "A" Zone to the Agricultural "A-625" Zone Modified, with a Special Exception</td> </tr> </table>		1541 Fiddlers Green Road		Change in Zoning from the Agricultural "A" Zone to the Agricultural "A-625" Zone Modified, with a Special Exception
	1541 Fiddlers Green Road				
	Change in Zoning from the Agricultural "A" Zone to the Agricultural "A-625" Zone Modified, with a Special Exception				



**CITY OF HAMILTON**

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT  
Planning Division**

<b>TO:</b> Chair and Members Planning Committee	<b>WARD(S) AFFECTED:</b> WARD 12
<b>COMMITTEE DATE:</b> February 15, 2011	
<b>SUBJECT/REPORT NO:</b> Application for Amendment to the Town of Ancaster Zoning By-law 87-57 for Lands Located at 1541 Fiddlers Green Road (Ancaster) (PED11010) (Ward 12)	
<b>SUBMITTED BY:</b> Tim McCabe General Manager Planning and Economic Development Department	<b>PREPARED BY:</b> Kate Mihaljevic (905) 546-2424, Ext. 4424
<b>SIGNATURE:</b>	

**RECOMMENDATION:**

That **Zoning Application ZAR-10-034, Leanne Dekaneas, Owner**, for a modification to the Agriculture "A" Zone for a temporary change in zoning for a period of three years, to permit the continued operation of the existing Golf Driving Range and to permit a new air-structure to facilitate the year-round operation of the existing Golf Driving Range and a proposed in-door soccer centre, on lands known as 1541 Fiddlers Green Road, in the former Town of Ancaster, as shown on Appendix "A" to Report PED11010, be **Denied** on the following basis:

- (a) That the proposal does not conform to the Places to Grow Plan, and is not consistent with the Provincial Policy Statement.
- (b) That the proposal does not conform to the "Rural" Land Use policies of the Region of Hamilton-Wentworth Official Plan.

**SUBJECT: Application for Amendment to the Town of Ancaster Zoning By-law 87-57 for Lands Located at 1541 Fiddlers Green Road (Ancaster) (PED11010) (Ward 12) - Page 2 of 13**

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(c) That the proposal does not conform to the "Agricultural" policies of the Town of Ancaster Official Plan.

**EXECUTIVE SUMMARY**

The purpose of this application is to allow for the continued operation of the existing Golf Driving Range and permit the installation of a new air-structure (dome), which will contain the Driving Range and a proposed in-door soccer field to facilitate year-round operations on the subject lands on a three (3) year temporary basis. The passage of By-laws for a prescribed period of time is permitted by the Town of Ancaster Official Plan. The proposed air-structure to facilitate permanent commercial recreational uses on the subject lands is not consistent with the Provincial Policy Statement and does not conform with the Places to Grow Plan, the Hamilton-Wentworth Regional Official Plan, and the Town of Ancaster Official Plan. As such, staff does not support the application, as submitted. However, consideration could be given to the approval of a Temporary Use By-law only for the existing Golf Driving Range.

*Alternatives for Consideration - See Page 12.*

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS**

**Financial:** N/A.

**Staffing:** N/A.

**Legal:** As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a change in zoning.

**HISTORICAL BACKGROUND**

A rezoning application has been submitted for the purpose of granting a Temporary Use By-law to allow the continued use of the subject lands as a Golf Driving Range for a maximum of three years, and to expand the range of permitted uses to include an inflatable dome to allow for year round golf and soccer related activities. Three previous Temporary Use By-laws for the Golf Driving Range were approved by past Committees and Councils. The By-laws expired June 27, 1997, September 15, 2000, and June 26, 2004, respectively. The previous temporary zoning permitted the use of a Golf Driving Range, to which the regulations of Section 31: Private Open Space "O1" of Ancaster Zoning By-law 87-57 were applied. However, the subject lands were exempt from the

**SUBJECT: Application for Amendment to the Town of Ancaster Zoning By-law 87-57 for Lands Located at 1541 Fiddlers Green Road (Ancaster) (PED11010) (Ward 12) - Page 3 of 13**

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requirement of the parking area being constructed of a stable surface of concrete or asphalt.

Following the owner's submission of this application, he retained the services of a Planning Consultant. A Planning Justification Report, dated January 18, 2011, was submitted in support of the application. Draft of the "Summary" is attached as Appendix "D"

As the previous Temporary Use By-law expired in June, 2004, a new Temporary Use By-law is required for the continued operation of the existing Golf Driving Range, and to add an air-structure to accommodate the year-round operation of the Golf Driving Range and an in-door soccer facility.

**Details of Submitted Application:**

**Location:** 1541 Fiddlers Green Road (Ancaster)

**Owner/Applicant:** Leanne Dekaneas

**Agent:** Fothergill Planning & Development Inc.

**Property Description:** Frontage: 213 metres  
Depth: 305 metres  
Area: 6.5 hectares

**EXISTING LAND USE AND ZONING:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Agriculture and Golf Driving Range	Agriculture "A" Zone
<b><u>Surrounding Lands:</u></b>		
<b>West</b>	Agriculture	Agriculture "A" Zone
<b>North</b>	Agriculture and Single-Detached Dwelling	Agriculture "A" Zone

**SUBJECT: Application for Amendment to the Town of Ancaster Zoning By-law 87-57 for Lands Located at 1541 Fiddlers Green Road (Ancaster) (PED11010) (Ward 12) - Page 4 of 13**

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<b>East</b>	Agriculture and Single-Detached Dwelling	Agriculture “A” Zone
<b>South</b>	Agriculture and Single-Detached Dwelling	Agriculture “A” Zone

**POLICY IMPLICATIONS**

**Provincial Growth Plan for the Greater Golden Horseshoe**

The application has been reviewed with respect to the Provincial Growth Plan for the Greater Golden Horseshoe (Places to Grow). Staff notes that the subject lands are located within a designated Prime Agricultural area, as defined by Places to Grow, and that the subject lands are not in the Greenbelt Plan. Policy 4.2.2.1 indicates that provincial ministries, in consultation with municipalities and other stakeholders, will develop additional policies for the protection of Prime Agricultural areas. As explained below, the Town of Ancaster Official Plan does not support the proposed uses in an air-structure on a year round basis. Additionally, the New Rural Hamilton Official Plan will designate a portion of the subject lands as Open Space, which will only permit a Golf Driving Range or other active recreational use. An air-structure for the purposes of indoor soccer and golf uses is considered commercial recreational, which is not contemplated to be established in the Rural Area. Therefore, the proposal for an air-structure does not conform to the policies of the Growth Plan.

Further, Section 1.4 advises that the policies of the Growth Plan are to be read in conjunction with the Provincial Policy Statement (PPS). The PPS provides further policies relating to permitted uses in Prime Agricultural Areas, as discussed below.

**Provincial Policy Statement**

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Policy 2.3.3.1 states that the permitted uses in the Prime Agricultural Area are agricultural uses, secondary uses, and agriculture-related uses. Furthermore, secondary uses shall be compatible with, and shall not hinder, surrounding agricultural operations.

For the purposes of permitting the temporary operation of a seasonal recreational use, a Golf Driving Range on a portion of the subject lands can be considered secondary and compatible with the existing and surrounding agricultural uses. However, construction

**SUBJECT: Application for Amendment to the Town of Ancaster Zoning By-law 87-57 for Lands Located at 1541 Fiddlers Green Road (Ancaster) (PED11010) (Ward 12) - Page 5 of 13**

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of an air-structure, which will permit year-round operation of the existing recreational use and provide for other recreational opportunities, cannot be viewed as secondary or compatible with existing agricultural operations. Therefore, only the proposal for a Temporary Use By-law to permit the continued operation of the existing Golf Driving Range is consistent with the Provincial Policy Statement. Establishing a year round commercial recreational operation on Prime Agricultural lands is not consistent with the Provincial Policy Statement.

**Hamilton-Wentworth Regional Official Plan**

The subject lands are designated as "Rural Area" on Map No. 1 and "Prime Agricultural Area" on Map No. 2 within the Hamilton-Wentworth Regional Official Plan (HWOP). The subject lands are proposed to be removed from Special Policy Area No. 9 upon finalization of OPA No. 41 (Airport Employment Growth District), which was adopted by Council on October 13, 2010, but is not final and binding. Policy C-2.1.1.2 of the HWOP directs non-farm development to Urban Areas, Rural Settlement Areas, and existing Business Parks.

Policy C-3.2 states that the Rural Area contains a mix of sub-designations (Prime Agricultural Lands, Rural Settlements, Environmentally Significant Areas, and Mineral Aggregate Areas), as well as a variety of existing land uses and activities including residential, commercial, rural industrial, and the primary activity of farming. Further, Policy C-3.2.2 explains that although Agriculture will continue to be the predominant use in the Rural Area, there are limited uses which may be considered that would not interfere with farming or agricultural lands. These uses can be considered where they require land extensive holdings and are not suited for locations in the Urban Areas. An enclosed commercial recreational structure, temporary or otherwise, is more commonly found and can be accommodated in the Urban Area or within a Rural Settlement Area.

The proposed air-structure will permit commercial recreational uses on the subject lands on a year round basis. Further, establishing foundations for the air structure implies that the structure would also be in place beyond the 3-year limit of the By-law. As such, the proposal does not conform to the Regional Official Plan. However, through the criteria established in the Town of Ancaster Official Plans for approving Temporary Use By-laws, permitting a Golf Driving Range as a temporary use can be an alternative for consideration.

Additionally, it is important to note that the subject lands are located within the Influence Area of the John C. Munro International Airport, as noted on Map No. 7 of the Regional Official Plan and identified as Special Policy Area (SPA) No. 9. The policies of Section C-3.1.4 apply to the development of lands within the vicinity of the Airport. More specifically, these policies outline criteria for permitting sensitive land uses within the

**SUBJECT: Application for Amendment to the Town of Ancaster Zoning By-law 87-57 for Lands Located at 1541 Fiddlers Green Road (Ancaster) (PED11010) (Ward 12) - Page 6 of 13**

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Influence Area. Commercial or passive recreational uses are not considered to be sensitive lands uses and, therefore, would not be subject to these criteria.

Based on the aforementioned policies, only the proposal for a Temporary-Use By-law for a Golf Driving Range conforms to the Regional Official Plan.

**Town of Ancaster Official Plan**

The subject lands are designated "Agricultural" on the Schedule "A" Land Use-Rural Area of the Town of Ancaster Official Plan. The intent of the "Agricultural" Policies in the Official Plan is to protect lands for agricultural uses only. However, in accordance with Policy 4.1.3(vii), low intensity, passive Recreational uses are permitted where the use is compatible with agriculture operations and only requires small scale ancillary buildings. Policy 4.6.1 further directs non-agricultural uses to be provided where they serve the needs of the rural community; where it is appropriate to be located in the Rural Area and not in an urban or rural settlement area; where the land is physically suitable for the use; it is compatible with the surrounding area; and services and the environment are not negatively impacted. Furthermore, in accordance with Policy 7.14.1, Council may adopt a Temporary Use By-law without an amendment to the Official Plan provided the proposal is consistent with the following criteria:

- "(i) Alterations to the topography and/or soils shall be limited so that it is possible and viable to revert back to the previous use and/or use(s) for which the property is designated and zoned;*
- (ii) Residential usage shall be prohibited unless already in existence and/or permitted by this Plan and by the Zoning By-law provisions applicable to the subject lands;*
- (iii) Capital investment toward the construction of new buildings and structures which are not easily removable shall be limited so as not to discourage a reversion to the previous use and/or conversion to uses for which the property is designated and zoned;*
- (iv) The proposed temporary use shall be compatible with uses on adjacent and nearby properties;*
- (v) The proposed temporary use does not constitute a danger to surrounding uses and persons by virtue of its hazardous nature, and does not pollute air and water to the extent of interfering with the ordinary enjoyment of the property;*



**SUBJECT: Application for Amendment to the Town of Ancaster Zoning By-law 87-57 for Lands Located at 1541 Fiddlers Green Road (Ancaster) (PED11010) (Ward 12) - Page 7 of 13**

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- (vi) *The proposed temporary use shall comply with the Minimum Distance Separation requirements of the Agricultural Code of Practice;*
- (vii) *The proposed temporary use shall conform to the policies and development criteria of the Niagara Escarpment Plan, if within the area of the Niagara Escarpment Plan; and,*
- (viii) *Services such as roads, stormwater drainage, water supply, and sanitary sewage systems shall be sufficient to accommodate the proposed temporary use. "*

The proposed air-structure to contain an Indoor Soccer Centre and Golf Driving Range measures approximately 91 metres by 61 metres, and will require a solid concrete foundation and site alterations to ensure the structure is surrounded by hard surface material. As such, the proposal does not meet the intent of the temporary use criteria, whereby the lands can be easily reverted back to its original condition and would be compatible with adjacent uses.

Further, it is important to note that the subject lands are located in the Specific Policy Area (SPA) Nos. 57 and 57a, which refers to Section C-3.1.4 'Airport Business Park', and Section C-4.3.5 'Transportation Systems - Air' of the Regional Official Plan as follows:

- "5.12 In addition to the existing applicable policies in this Plan, this Section sets out additional policies for the lands identified on Schedule "F-1" as Specific Policy Areas 57 and 57a.*
- 5.12.1 The area identified as Specific Policy Area 57 on Schedule "F-1" shall be subject to Policies C.4.3.5.3 and C.4.3.5.4 of the Regional Official Plan.*
- 5.12.2 The area identified as Specific Policy Area 57a on Schedule "F-1" shall be subject to Policies C.3.1.4.6, C.3.1.4.7, C.3.1.4.8, C.3.1.4.9, C.3.1.4.10, and C.3.1.4.11 of the Regional Official Plan."*

The City's Industrial Parks and Airport Development Division has undertaken a secondary planning process for SPA Nos. 57 and 57a. The Secondary Plan and associated Official Plan Amendment for the Airport Employment Growth District (AEGD) were approved by Council on October 13, 2010 (not yet in effect), which removed SPA No. 57a. The subject lands will remain within the Airport Influence Area, outside of the AEGD Secondary Plan area, as it relates to the Regional Official Plan. More specifically, the policies referenced above outline criteria for permitting sensitive land

**SUBJECT: Application for Amendment to the Town of Ancaster Zoning By-law 87-57 for Lands Located at 1541 Fiddlers Green Road (Ancaster) (PED11010) (Ward 12) - Page 8 of 13**

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uses within the Influence Area. Commercial or passive recreational uses are not considered to be sensitive lands uses and, therefore, would not be subject to these criteria.

Establishing a year-round commercial recreational use in the Rural Area is not contemplated by the "Agricultural" designation of the Town of Ancaster Official Plan therefore, the proposal does not conform with the Plan. However, the existing Golf Driving Range would be consistent with the above noted Temporary Use By-law criteria and, therefore, could be supported.

**New Rural Hamilton Official Plan (Council Adopted)**

The New Rural Hamilton Official Plan was adopted by Council on September 27, 2006. The Plan has been approved by the Ministry of Municipal Affairs and Housing, but is currently under appeal and not yet in effect. The subject lands are designated as "Agriculture" and "Open Space" within the Rural Hamilton Official Plan. The lands are also within Special Policy Area C - Airport Employment Growth District (AEGD), as noted on Volume 3, Map A, and within the Airport Influence Area, as noted on Volume 1, Schedule F. The City's Industrial Parks and Airport Development Division has undertaken a secondary planning process for the AEGD, for which a Secondary Plan was adopted by Council on October 13, 2010, but is not yet in effect. An Official Plan Amendment will be required for the New Rural Official Plan to include the new Secondary Plan. However, as the New Rural Official Plan is also not in full force and effect, a pending Official Plan Amendment has been prepared to include the new Secondary Plan and will remove Special Policy Area C.

The subject lands have not been included in the new Secondary Plan, but remain in the Airport Influence Area. Policy C.4.1.2 of the 'Transportation - Airport' Section outlines criteria for permitting sensitive land uses within the Influence Area. Commercial or passive recreational uses are not considered to be sensitive lands uses and, therefore, would not be subject to these criteria.

Section D.2.0 provides the land use policies for Agriculture areas and Section B.3.5.1.5 provides land use policies for the Open Space areas. More specifically, Policy D.2.1 states that uses permitted in the Agriculture designation are limited to agricultural uses, agricultural-related commercial, agricultural-related industrial, and on-farm secondary uses. Policy B.3.5.1.5 states that General Open Space shall include golf courses, community gardens, pedestrian and bicycle trails, walkways, picnic areas, beaches, remnant parcels of open space lands and urban plazas, squares, and core spaces.

The proposal for a Golf Driving Range and an air-structure for an Indoor Soccer and Driving Range is not permitted within those lands designated "Agriculture" or "Open

**SUBJECT: Application for Amendment to the Town of Ancaster Zoning By-law 87-57 for Lands Located at 1541 Fiddlers Green Road (Ancaster) (PED11010) (Ward 12) - Page 9 of 13**

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Space”. However, the existing Golf Driving Range would fall within the range of uses permitted in the “Open Space” designation. Further, the Temporary Use By-law criteria outlined by Policies F.1.11.2 and F.1.11.3 states:

*“1.11.2 A Temporary Use By-law may allow a use that is clearly of a temporary nature and the proposed use shall contain buildings or structures that can be easily removed after the expiry date of the Temporary Use By-law.*

*1.11.3 The proposed temporary use shall:*

- a) Be compatible with uses on adjacent and nearby properties;*
- b) Not have adverse impact on the traffic, transportation, or parking facilities in the area;*
- c) Comply with the Minimum Distance Separation requirements established by the Province; and,*
- d) Have sufficient services such as roads, stormwater drainage, water supply and sanitary sewage systems to accommodate the proposed temporary use.”*

The proposed air-structure to contain a year round Indoor Soccer Centre and Golf Driving Range measures approximately 91 metres by 61 metres, and will require a solid concrete foundation and site alterations to ensure the structure is surrounded by hard surface material. As such, the proposal does not meet the intent of the Temporary Use criteria, whereby the proposal is temporary in nature, can be easily removed, and is compatible with adjacent uses.

Therefore, the proposal does not conform with the new Rural Official Plan. However, the existing Golf Driving Range would be consistent with the policies of the Open Space designation and, therefore, conforms to the Official Plan.

<b>RELEVANT CONSULTATION</b>
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The following Departments and Agencies had no concerns or objections:

- Infrastructure and Source Water Protection Section, Public Works Department.
- Traffic Engineering Section, Public Works Department.
- Forestry and Horticulture Section, Public Works Department.
- Halton Conservation Authority.

**SUBJECT: Application for Amendment to the Town of Ancaster Zoning By-law 87-57 for Lands Located at 1541 Fiddlers Green Road (Ancaster) (PED11010) (Ward 12) - Page 10 of 13**

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**PUBLIC CONSULTATION**

In accordance with the new provisions of the Planning Act and Council's Public Participation Policy, 27 Notices of Complete Application and Preliminary Circulation were sent to property owners within 120 metres of the subject property on August 17, 2010, requesting public input on the application. To date, 1 comment has been received, and has been included in Appendix "B".

The concerns discussed in the letter received pertained to the nature of the proposal, the affect of the proposed Temporary Use By-law, and the impact to the neighbouring properties and the environment. These concerns are discussed in the Analysis/Rationale for Recommendation section of this Report.

Further, a Public Notice sign was posted on the property on October 24, 2010, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

1. The proposal for a Temporary Use By-law for the existing Golf Driving Range and an air-structure to contain a year round indoor soccer and driving range cannot be supported on the following basis:
  - (i) The proposal is not consistent with the Provincial Policy Statement, and does not conform to the Places to Grow Plan;
  - (ii) The proposal does not conform to the Region of Hamilton-Wentworth Official Plan or the Town of Ancaster Official Plan;
  - (iii) The proposal does not conform to the New Rural Hamilton Official Plan; and,
  - (iv) The size and construction requirements of the proposed air-structure do not conform to the Temporary Use By-law Policies of the Town of Ancaster Official Plan and the New Rural Hamilton Official Plan.

However, consideration could be given to an amended application for only the existing Golf Driving Range as a temporary use for three (3) years.

**SUBJECT: Application for Amendment to the Town of Ancaster Zoning By-law 87-57 for Lands Located at 1541 Fiddlers Green Road (Ancaster) (PED11010) (Ward 12) - Page 11 of 13**

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2. Staff has reviewed the application and found that the subject lands meet 5 of the 10 criteria used by the City of Hamilton and the Ministry of Tourism and Culture for determining archaeological potential. Staff has identified that an Archaeological Assessment is required to be prepared, prior to the passage of any By-law. The proposal is for permitting a Temporary Use By-law for the continued operation of the existing Golf Driving Range, and to permit a new air-structure for year-round operation of the Golf Driving Range and in-door Soccer Complex.

The site works involved with installing an air-structure would require excavation to establish the foundation for the structure. Should the proposal to permit an air-structure be approved, staff recommends placing the subject lands into an ‘H’ Holding Provision, to be lifted only when the applicant has demonstrated that an Archaeological Assessment has been completed, to the satisfaction of the Director of Planning and the Ministry of Tourism and Culture. However, a Temporary Use By-law for only the existing driving range would not require an Archaeological Assessment.

3. Section 39 of the Planning Act states that the Council of a municipality may pass a By-law under Section 34 to authorize the temporary use of land, buildings, or structures otherwise prohibited for a prescribed term of 3 years. Council may also approve subsequent By-laws for the extension of said use following the expiry of a By-law, on the same basis. The existing Golf Driving Range has been subject to three previous Temporary Use By-laws. Under the Town of Ancaster Zoning By-law the definition of “Recreational Use” specifically excludes, among other uses, a Golf Driving Range. A Golf Driving Range is only permitted in the Urban Commercial “C4” Zone. Accordingly, such use would not be permitted in the Agricultural Zone or the Open Space Zones. Staff cannot support the proposal of a Golf Driving Range and Soccer Field within an air-structure for year-round recreational uses. However, as an alternative for consideration, the portion of the subject lands occupied by the existing Driving Range could be re-zoned from the Agricultural “A” Zone to the Agricultural Zone, Modified, with a Special Exception. This modification would apply the regulations of the Private Open Space “O1” Zone, with a further exception extended to the parking area to permit a surface other than concrete or asphalt, and to permit the Golf Driving Range as a Recreational Use as done in the previous By-laws.
4. Staff received one letter in response to the preliminary circulation of the application, which identified a number of concerns regarding the proposal. They included the size of the proposed structure, potential for accidents due to increased traffic to and from the property, the expiry of the Temporary Use By-law, surface type and drainage of the parking lot, and environmental implications

**SUBJECT: Application for Amendment to the Town of Ancaster Zoning By-law 87-57 for Lands Located at 1541 Fiddlers Green Road (Ancaster) (PED11010) (Ward 12) - Page 12 of 13**

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(see Appendix "B"). The concerns raised specifically highlight potential impacts should an air-structure be erected on the subject lands. The letter did not identify any concerns with the existing conditions. The proposed structure measures 91 metres by 61 metres, and the existing driving range has a gravel parking area, as shown on Appendix "C". Should the application be approved, the structure would be subject to Site Plan Control where matters such as drainage, grading, and traffic impacts would be reviewed, in detail.

5. A Planning Justification Report, dated January 18, 2011, and prepared by Fothergill Planning & Development Inc., was submitted to Planning staff for review. The detailed Report reflects the agent's professional planning opinion of the proposal and its conformity with the Places to Grow Plan, the Provincial Policy Statement, the Regional Official Plan, the Town of Ancaster Official Plan, and the new Rural Hamilton Official Plan. Due to the size of the Report, only a copy of the Summary has been appended (see Appendix "D"). A full copy is available for review upon request to Development Planning.

As outlined in the Policy Implications section above, staff is of the opinion that a structure, temporary or otherwise, which will contain a use that is not contemplated to exist in the rural area as prescribed by the above noted policy document, is not consistent with said documents. Therefore, staff is unable to support the application, as submitted, to erect an air-structure to cover the existing temporary Golf Driving Range and proposed Soccer Field.

**ALTERNATIVES FOR CONSIDERATION:**

1. If the application is denied, then the applicant has the option of utilizing the subject lands as prescribed by the Agricultural "A" Zone.
2. Consideration could be given to permitting the temporary use of only the existing Golf Driving Range.

**CORPORATE STRATEGIC PLAN**

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

**Healthy Community**

- ◆ Plan and manage the built environment.

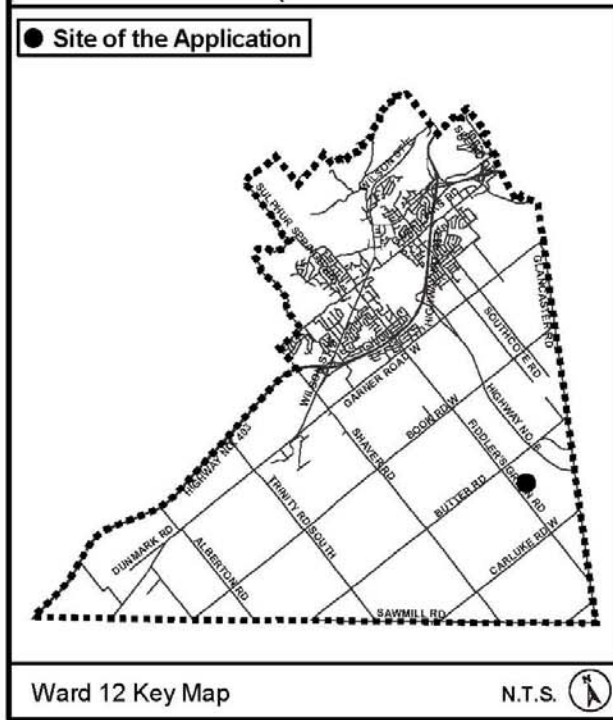
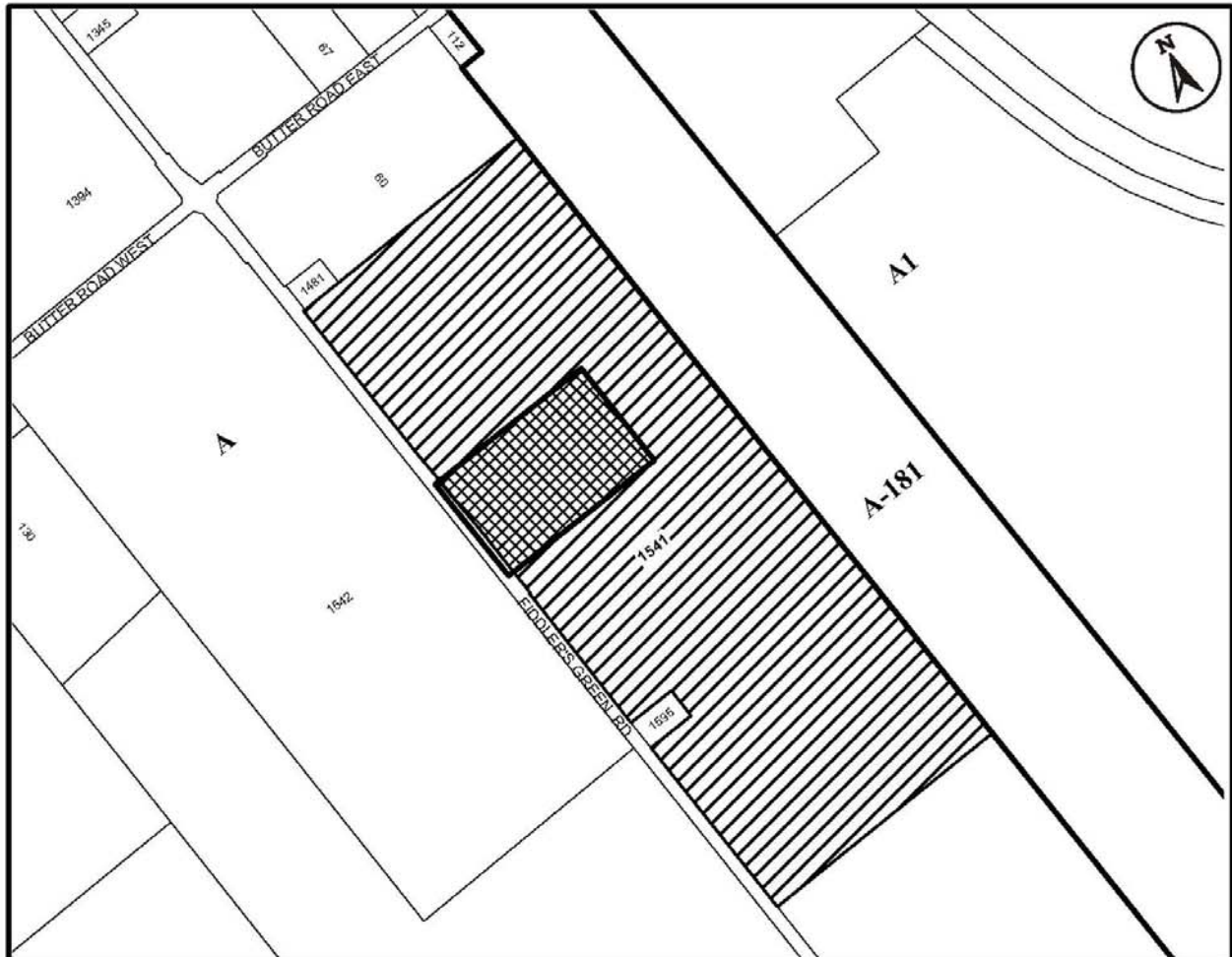
**SUBJECT: Application for Amendment to the Town of Ancaster Zoning By-law 87-57 for Lands Located at 1541 Fiddlers Green Road (Ancaster) (PED11010) (Ward 12) - Page 13 of 13**

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**APPENDICES / SCHEDULES**

- Appendix "A": Location Map
- Appendix "B": Public Comments
- Appendix "C": Concept Plan
- Appendix "D": "Summary" from Planning Justification Report, prepared by Fothergill Planning & Development, January 18, 2011.

:KM  
Attachs. (4)





## Location Map


  
**Hamilton**

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAR-10-034	Date: October 19, 2010
Appendix "A"	Scale: N.T.S.
Planner/Technician: KM/SW	

**Subject Property**

-  1541 Fiddlers Green Road
-  Portion of 1541 Fiddlers Green Road subject to application.

N.T.S. 



**Mihaljevic, Kate**

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**From:** Mark Comley  
**Sent:** Thursday, September 09, 2010 6:15 PM  
**To:** Mihaljevic, Kate  
**Subject:** File No: ZAR-10-034

Hello Kate,

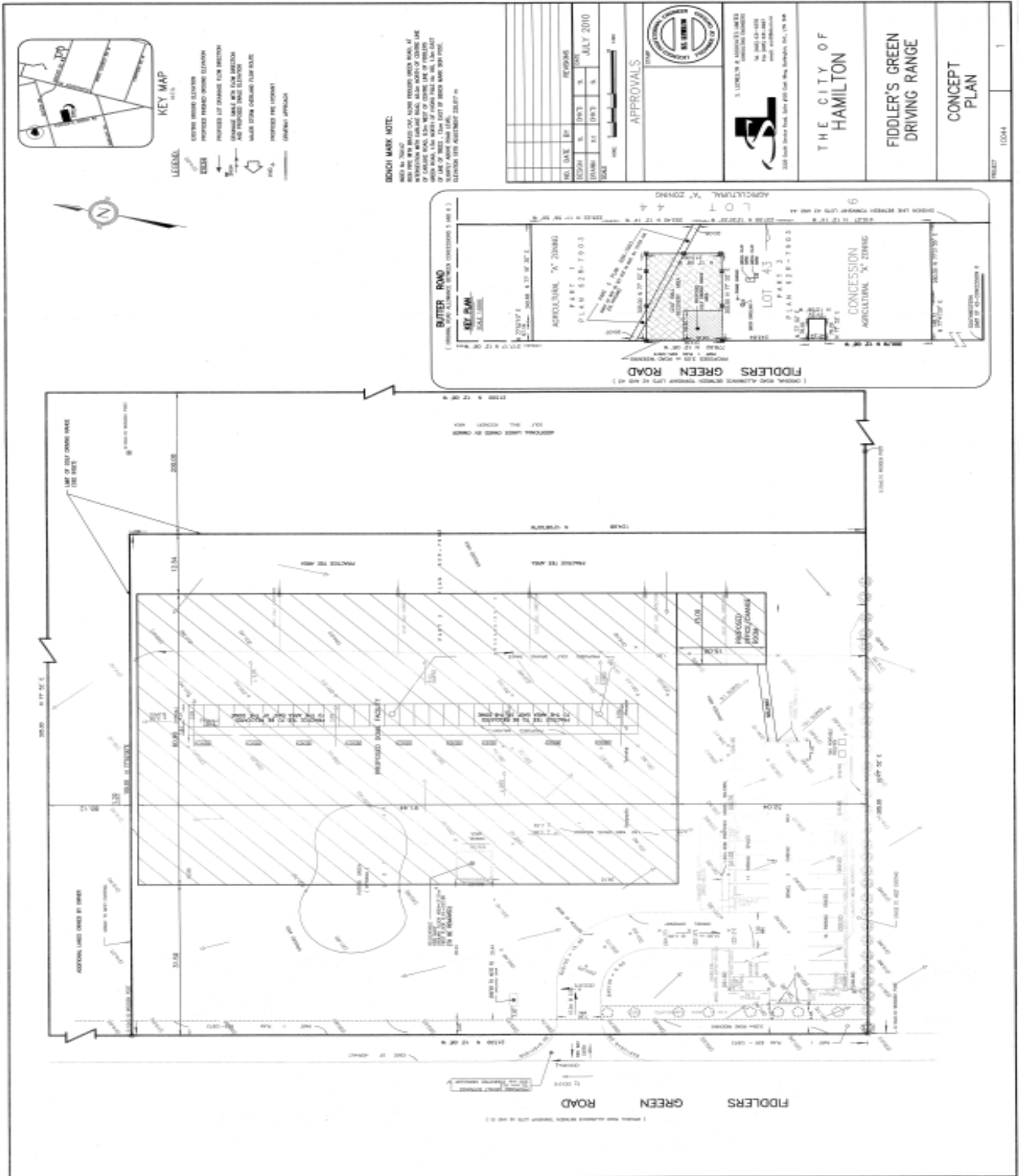
We are owners of a 200 acre farm around the corner from this proposed site. We farm the land directly across the street from the driving range on Fiddler's Green Rd. We would like to see this structure not built in this location and have several questions/comments.

1. How much land will the structure and parking area involve?
2. Having people enter and exit onto Fiddler's Green Rd. at the point of the structure will impact traffic and is sure to involve potential accidents. As it is the golf area is at the top of a steep hill and with the speeds travelled on Fiddlers we can only imagine the potential accidents.
3. What is the guarantee to the community surrounding that after the three years proposed it will definitely be removed?
4. Will the parking lot be paved or stone? If paved, what is going to be done about potential water run-off?
5. Will there be an environmental study done both before and after this proposal?

We farm hundreds of acres in the immediate area of this proposed facility and are concerned with potential drainage issues. How will this be addressed with respect to field drainage into other farms around the site? Is this something that is going to be included in an environmental study. We really hope this application does not pass, the location is poor at best for such a facility.

Regards,

--  
Mark and/or Kari Comley



**Planning Report**  
**Temporary Use By-law**

**1541 Fiddlers Green Road, City of Hamilton (Former Town of Ancaster)**

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activity. However, notwithstanding the small scale of the proposed development, the standards in Policy 4.3.6(i) to (v) have merit and can be assessed in design elements associated with this proposal.

### **3.0 Summary**

In summary, the operative planning policy document is the Town of Ancaster Official Plan. As was the case in the preparation of the staff report of March 30, 2001, the relevant policy foundation for the consideration of the application is Section 7.14.1, which sets out criteria for temporary use by-laws. The use of a golf driving range complied with the intent in 2001. In my opinion, the addition of a soccer field as a permitted use similarly complies with the provisions of Section 7.14.1.

In order to ensure that temporary uses do not become permanent fixtures, subsection (iii) places two restrictions on the consideration of temporary uses, including the addition of buildings and structures which are clearly contemplated in this section. The proposal complies with both of the provisions with respect to limited capital investment and easily removable buildings. In this case, there are no buildings to be removed, but simply a covered protection for the permitted uses. Not only is this protection easily removable at the end of the period for the temporary use by-law, but this covering will be removed on an annual basis, thus providing a greater level of assurance of complying with subsection (iii).

The proposed covering of the permitted uses does not offend any upper tier planning policy document, including the new City of Hamilton Official Plan, the existing Regional Official Plan, or Provincial policy documents. These broader level documents seek to strike a balance between economic development, the preservation of agricultural land, and protection of important natural features. This proposal, as a private open space, enhances economic development potential for the community. It does not take up any additional land, nor does it have any impact on significant natural features. The protective cover is simply to allow the extension of an appropriate use through a longer time period, to enhance the viability of the proposed use, and to allow for a more efficient use of land, while not adversely affecting agricultural operations.

**Planning Report**  
*Temporary Use By-law*  
**1541 Fiddlers Green Road, City of Hamilton (Former Town of Ancaster)**

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It is therefore my opinion that the proposal represents good planning.

Respectfully submitted,

**FOTHERGILL PLANNING & DEVELOPMENT INC.**

E. J. Fothergill, MCIP, RPP  
President

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