TO: Chair and Members Planning Committee | WARD(S) AFFECTED: WARD 12

COMMITTEE DATE: July 5, 2011

SUBJECT/REPORT NO:
Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 71 Wilson Street East (Ancaster) (PED11117) (Ward 12)

SUBMITTED BY: Tim McCabe
General Manager
Planning and Economic Development Department

PREPARED BY: Kate Mihaljevic
(905) 546-2424, Ext. 4424

RECOMMENDATION:

(a) That approval be given to **Official Plan Amendment Application OPA-10-010, by Gerry Gatto, Owner**, for Official Plan Amendment No. [number], for a site-specific policy area to permit a professional office and a residential dwelling unit within the existing building, on lands located at 71 Wilson Street East (Ancaster), as shown on Appendix “A” to Report PED11117, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED11117, be adopted by City Council.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms with the Places to Grow Plan and the Hamilton-Wentworth Official Plan.
b) That approval be given to Zoning Application ZAC-10-033, by Gerry Gatto, Owner, for a change in zoning from the Existing Residential “ER” Zone to the Existing Residential “ER-632” Zone, Modified, with a Special Exception, to permit a professional office and residential dwelling unit within the existing single-detached dwelling, on lands located at 71 Wilson Street East (Ancaster), as shown on Appendix “A” to Report PED11117, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED11117, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Official Plan for the Town of Ancaster upon finalization of Official Plan Amendment No.

(c) That approval be given to Urban Hamilton Official Plan Amendment No. for a site-specific special policy to permit a professional office and residential dwelling unit within the existing single-detached dwelling, to be held in abeyance until a final decision has been made regarding the Urban Hamilton Official Plan, for lands known municipally as 71 Wilson Street East (Ancaster), as shown on Appendix “D” to Report PED11117.

EXECUTIVE SUMMARY

The purpose of these applications is to rezone the subject lands and amend the Town of Ancaster Official Plan in order permit a professional business office and residential dwelling unit. The proposed uses will be accommodated within the existing single-detached dwelling. A small addition to the west side of the dwelling will be constructed to facilitate the proposal. The existing driveway is to be removed, and a hard surface parking area will be constructed on the subject lands to the west of the existing dwelling, as shown on Appendix “E”.

The proposal can be supported as it is consistent with the Provincial Policy Statement, conforms with the Hamilton-Wentworth Official Plan, and maintains the general intent of the Ancaster Official Plan by providing for a small scale mixed-use building which maintains the character of the surrounding neighbourhood.

Alternatives for Consideration - See Page 12.
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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 applications for Amendments to the Official Plan and Zoning By-law.

HISTORICAL BACKGROUND

Proposal:

The subject lands are located on the north side of Wilson Street East, between Fiddlers Green Road and Jerseyville Road. The subject lands are approximately 823 square metres in area and contain an existing 2-storey, single-detached dwelling. The lands are located immediately east of an existing dental office and, in addition to the adjacent residential uses, the subject lands are in the vicinity of a doctor's office, a restaurant, and other low scale commercial uses.

The owner proposes to construct a small addition on the west side of the existing single-detached dwelling to facilitate the adaptive reuse of the dwelling for a professional business office and a residential dwelling unit. A proposed parking lot will be constructed to the west of the existing dwelling, which will abut the existing parking lot of the adjacent dental office (see Appendix “E”). The adaptive reuse of the existing single-detached dwelling will maintain the character of the neighbourhood and will mitigate any potential negative impacts to the surrounding residential properties.

Chronology of Events:

- **July 13, 2010:** Combined Local Official Plan and Zoning By-law Amendment applications were submitted.
- **August 6, 2010:** Applications deemed complete.
- **August 11, 2010:** Applications circulated to Agencies and Departments for comments.
- **August 18, 2010:** A notice of complete application mailed to all land owners within 120 metres of the subject property.
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Details of Submitted Application

**Location:** 71 Wilson Street East (Ancaster)
**Owner/Applicant:** Gerry Gatto
**Agent:** IBI Group (c/o John Ariens)

**Property Description:**
- Frontage: 36.58 metres
- Lot Depth: Irregular
- Area: 823.54 square metres

**EXISTING LAND USE AND ZONING:**

<table>
<thead>
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<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<td>Existing Residential “ER-224” Zone, Modified</td>
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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). The application is consistent with the policies that direct new growth to the built up areas, as per the policies contained in Sections 2.2.2 and 2.2.3 of the Places to Grow Plan. The proposal maintains the intent to develop and create compact and complete communities. Therefore, the applications conform to the Places to Grow Growth Plan for the Greater Golden Horseshoe.

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Policy 1.1.1 (b) states that:

“healthy, liveable, and safe communities are sustained by accommodating an appropriate range and mix of residential, employment (including industrial, commercial, and institutional uses), recreational, and open space uses to meet long-term needs.”

The subject lands are considered to be within a settlement area, as defined by the PPS. As such, in accordance with Policy 1.1.3.3, intensification and re-development shall be accommodated, taking into account existing building stock or areas. These applications will facilitate the adaptive reuse of the existing single-detached dwelling for a mixture of uses and, therefore, is consistent with the Provincial Policy Statement.

Hamilton-Wentworth Official Plan

The subject lands are designated as “Urban” on Map No. 1 Regional Development Pattern of the Hamilton-Wentworth Official Plan. In accordance with Policy C.3.1, the “Urban” area shall consist of compact urban form, including mixed-use areas and personal services. Policy C.3.1.7.4 states that the Region will encourage economic diversification through the Region, including a wide range of business uses in the appropriate locations in all area municipalities. Further, Policy 3.1.1 states that mixed forms of development is preferable to widespread low density residential development since growth can be accommodated on re-developed lands. The conversion of the existing single-detached dwelling for a mixed-use professional office and residential conforms to the Hamilton-Wentworth Official Plan.

Town of Ancaster Official Plan

The subject lands are designated “Residential” on Schedule “B” Land Use Urban Area of the Town of Ancaster Official Plan. Policy 4.4.1 states:
“The predominant use of lands designated Residential on Schedule B shall be for dwellings in areas which will be supplied with urban services (sanitary and storm sewers and watermains). Other uses which are considered necessary to serve the needs of the residents may also be permitted such as schools, parks, community centres, churches, day nurseries, and public utilities.”

The subject lands are located on the north side of Wilson Street East, between Fiddlers Green Road and Jerseyville Road. As such, Policy 4.4.16 also applies, which states:

“There shall be no further Commercial development within the Residential area bounded by Wilson Street, Fiddler’s Green Road, and Jerseyville Road with the exception of a medical centre at 3 Wilson Street East. The residence at 47 Wilson Street shall not be used as a doctor’s office or other professional or commercial use following the construction and completion of the subject medical centre.”

Notwithstanding a restriction for Commercial development on the subject lands, it is important to consider Section 2: General Goals and Objectives, and Section 3: Growth and Servicing Policies of the Official Plan. Policy 2.2.2 (vi) states that Council will:

“encourage the development of a commercial focal point in the vicinity of the intersection of Wilson Street and Fiddler’s Green Road, including the existing shopping centre developments, identified in Policy 5.7.1 iv).”

The existing Commercial designated area identified by Policy 5.7.1 iv) is primarily to the west of Fiddlers Green on Wilson Street. However, the objective of Policy 2.2.2 (vi) is that commercial development may occur in the vicinity of the existing commercial uses, where appropriate. The Policies of Section 3: Growth and Servicing Policies specifically detail how the goals and objectives may be realized. Policy 3.1.3 states:

“Residential development shall be permitted in specified areas to accommodate a range of lifestyles. The major portion of the residential growth shall be encouraged in the urban area offering development on full municipal services.”

Additionally, Policy 3.1.4 states:

“New residential development shall complement the established character of the Town, which is typified by a predominance of single-detached dwellings, a low building profile, and significant natural features such as the Niagara Escarpment. Residential development in the Urban Area shall be suitable for different income groups, age levels, and household structure. In this regard, a broad range and mix of residential units in terms of lot size, unit size, type, and tenure will be encouraged.”

Finally, Policy 3.1.5 states:
“Commercial facilities and institutional uses offering goods, services, and facilities to the local residential shall be integral components of the Urban Area and the Rural Settlement Areas.”

The proposal to provide for a mixture of uses within an existing single-detached dwelling meets the objective of the Town of Ancaster to provide commercial uses in the vicinity of an established commercial node, which are further implemented by establishing a service-based commercial use in conjunction with a residential use. By providing these uses within the existing single-detached dwelling, the Growth Policies are further employed to maintain the existing character, provide for a range of residential unit types within the neighbourhood, and promoting compact development in the Urban Area.

Although the professional office will serve the personal service needs of the area residents, an Official Plan Amendment is required, as the intent of Policy 4.4.1 is to permit civic and community uses that serve the area residents, in addition to residential uses. Further, the lands will not be re-designated to Commercial; therefore, an amendment to the Official Plan can be supported as the proposed professional business office and residential use maintain the general intent of the Official Plan.

**New Urban Hamilton Official Plan (Under Appeal)**

The Urban Hamilton Official Plan received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011, and, therefore, can no longer be modified.

The final decision on the Urban Hamilton Official Plan has been appealed. As such, Council-approved Official Plan Amendments made prior to the final decision will be held in abeyance until their incorporation into the Plan can be requested of the Ontario Municipal Board, or through a future housekeeping amendment.

It is prudent and part of natural justice to identify any changes to the Urban Hamilton Official Plan as part of the public notice in the staff report and notice of adoption.

The subject lands are designated as “Neighbourhoods” on Schedule E-1 of the Urban Hamilton Official Plan, and shall function as complete communities and include a full range of residential dwelling types, as well as supporting uses to serve the local residents. Additionally, the subject lands are also designated as Site-Specific Policy Area “UA-2” in Volume 3 Section B, which states:

“Notwithstanding the policies of Volume 1, Chapter E - Urban Systems and Designations, commercial uses, other than those existing as of the date of this Plan, shall not be permitted on the lands bounded by Fiddlers Green Road, Jerseyville Road, and Wilson Street shown as Area Specific UA-2 on Map A-1.”
It is noted that the function of Volume 3 Section B - Area Specific Policies is to provide more detailed direction for land use, infrastructure, transportation, environment, urban design, and/or similar issues beyond the general framework provided by Volume 1, or which cannot be addressed by secondary plans due to unique local circumstances. However, it is important to note that several of these area specific policies were contained in former, approved Official Plans. This Site-Specific Policy was carried forward from Policy 4.4.16 of the Town of Ancaster Official Plan.

The adaptive reuse of the existing single-detached dwelling for a professional business office and dwelling unit will have no negative impact on the existing character of the surrounding area, and will complement the adjacent dental office and small scale commercial uses in the vicinity. The proposal conforms to the Neighbourhoods designation, however, an amendment to the Official Plan is required to permit the professional business office in the lands contained within the Special Policy Area “UA-2”.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections:

- Infrastructure and Source Water Planning Section, Public Works Department.
- Parking and By-law Services Division.
- Union Gas.
- Hyrdo.
- Canada Post.
- Bell Canada.

Traffic Engineering Section (Public Works Department) staff has advised that issues pertaining to visibility triangles, access, and permits will be addressed through the Site Plan Control process.

Forestry and Horticulture Section (Public Works Department) staff advises there are no municipal assets within the road allowance, however, a landscape plan is required to be submitted through the Site Plan Control process.

PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and Council’s Public Participation Policy, 70 Notices of Complete Application and Preliminary Circulation were sent to property owners within 120 metres of the subject property on August 12, 2010, requesting public input on the application. To date, 1 comment has been received, and has been included as Appendix “F”.

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The concerns discussed in the letter received pertained to the nature of the proposal, and the impact to the neighbouring properties. 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 has merit and can be supported for the following reasons:
   
   (i) It conforms to the Places to Grow Plan and is consistent with the Provincial Policy Statement.
   
   (ii) It conforms to the Hamilton-Wentworth Official Plan.
   
   (iii) It is compatible with the existing and planned development in the area.

2. **Official Plan Amendment**

   The purpose of the amendment is to add a Site-Specific Policy to permit a Professional Business Office in conjunction with a residential dwelling unit within the existing detached dwelling. New Policy allows for minor addition to the existing building. The property is located on a major arterial road, abutting a dental office, and is in proximity to existing small scale commercial uses namely a restaurant, beauty salon, travel agency, veterinary clinic, and a doctor’s office, and is in the vicinity of the commercial node at Wilson Street West and Fiddlers Green Road. The proposed adaptive reuse of the existing single-detached dwelling for a business office and dwelling unit is compatible with these existing surrounding uses and maintains the character of the neighbourhood.

   Policy 4.4.16 of the Town of Ancaster Official Plan and Special Policy Area “UA-2” of the New Urban Hamilton Official Plan specifically restrict new commercial uses on lands bound by Wilson Street East, Jerseyville Road, and Fiddlers Green Road. It is the opinion of staff that the intent of this policy was to address concerns of large scale, strip plaza, and big box commercial development occurring adjacent to low density residential uses. This proposal for a small scale, personal service type of commercial use, which is intended to serve the daily needs of local residents, represents the current planning direction for compact re-development that is located in areas which can be adequately serviced, accessible by pedestrian traffic, and complements the existing character.
The effect of this amendment will establish a new site-specific policy area within the Residential designation to permit the professional office use in conjunction with a residential dwelling unit. By requiring the professional office to be in conjunction with a residential use, the primary use of the property for residential will be maintained. As the proposed uses will be contained within the existing single-detached dwelling, the integrity of the neighbourhood will be maintained.

3. Zoning By-law Amendment

The purpose of the amendment to change the zoning from the Existing Residential “ER” Zone to the Existing Residential “ER-632” Zone, Modified, is to permit a Professional Business Office in conjunction with a residential dwelling unit within the existing single-detached dwelling. There are existing small scale commercial and office uses in proximity to the subject lands which cater to the needs of the local residents. The proposal to accommodate a personal service type business in an existing building would increase access to a range of services for local residents and enhance the neighbourhood character and streetscape, and can be supported. To ensure that there are no negative impacts to the adjacent residential uses, the following site specific provisions will be included for the amending By-law:

Permitted Uses

The Existing Residential “ER-632” Zone, Modified, will permit a Professional Business Office in conjunction with a residential dwelling unit. The dwelling unit is to be provided above the commercial use. The design of the existing single-detached dwelling is a 2-storey, reverse walk-out style, whereby the garage is below the habitable dwelling space. The proposed addition to the west side of the dwelling is to accommodate an entrance feature and lobby area for the office use. The existing garage doors will be removed and sealed. The entrance for the second storey dwelling unit will be provided from the existing main entrance to the dwelling, as shown in Appendix “E”.

The internal function of the existing building will have a separate staff entrance leading to the basement where a staff lunch room and storage area will be located, the main floor will accommodate office space and a waiting area, and the second storey will accommodate one residential dwelling unit (see Appendix “E”). In accordance with the Zoning By-law, in mixed-use buildings a residential use is permitted above a commercial use. The design of the addition to accommodate the commercial use will be reviewed during the Site Plan Control process.
Planting Strips and Buffering

The subject lands abut a dental office to the west, single-detached dwellings to the north and east, and are across the street from single-detached dwellings to the south. The existing dwelling is located on the eastern portion of the subject lands, which is adjacent to an existing 1.8 metre high wooden privacy fence. The proposed adaptive reuse will not detract from the physical appearance of the dwelling and, therefore, provides no negative visual impact to the adjoining residential uses. Privacy fencing will be required to be provided and maintained along the side and rear lot lines.

The proposed parking area on the western portion of the subject lands will abut the parking area for the existing dental office to the east, and the rear yard of the residential uses to the north. In accordance with Sections 7.14(a)(xv) and 7.14(a)(xvi), a 3 metre planting strip is required where a parking area abuts a street and residential uses. However, due to the irregular shape of the lot, 3 metres cannot be maintained in certain areas, as shown on Appendix “E”. As such, the amending By-law will require appropriate visual barriers, including privacy fencing of 1.8 metres in height to be maintained along the side and rear lot lines, and vegetative screening of 2 metres in width along the portion of the parking area abutting the residential use and 1.5 metres in width adjacent to the dental office, as well as a planting strip of 3 metres where the parking area abuts the street to enhance the streetscape. Design of the planting strips and buffering will be reviewed during the Site Plan Control process.

Parking

The parking regulations of Section 7.14(b)(ii)(A) state that 1 parking space for every 25 square metres of floor area for a Business Office use is to be provided. The proposed gross floor area of the Professional Business Office is 135 square metres and, as such, 6 parking spaces are required. In addition, Section 7.14(b)(i)(A) states that 2 parking spaces for every residential dwelling unit shall be provided. The proposal for 1 residential dwelling unit above the commercial space will require 2 spaces, for a total of 8 required spaces. No visitor or loading spaces are required for this proposal. The applicant proposes 8 parking spaces, as shown on Appendix “E”, which meets the requirements of the By-law.

The proposed parking area will occupy 26 percent of the lands, with the remaining vacant portions being landscaped, inclusive of the private rear yard amenity space for the residential use. The driveway for the existing dwelling will be relocated to provide access to the parking lot and will be replaced with sod. It is important to note that the commercial uses in the vicinity contain parking areas which occupy the majority of the lands, in addition to any structures. As such, the proposed parking area will be sympathetic to the residential uses in the vicinity. 

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neighbourhood. Access permits are required to be obtained in the normal manner. Design of the parking lot will be reviewed during the Site Plan Control process.

Yard Requirements

The minimum required side and rear yard setbacks of the Existing Residential “ER” Zone are 1.5 metres for the side yard and 7.5 metres for the rear yard. Due to the irregular configuration of the lot, the location of the existing dwelling currently provides for a minimum rear yard of 2.0 metres. This reduced rear yard at the side of the building assists with providing privacy for the rear yard from the parking area to better accommodate amenity space for the residential dwelling unit (see Appendix “E”). The amending By-law will permit the adaptive reuse of the existing building in its current location, notwithstanding that additions may be made to the west side of the building not closer than 7.5 metres to the front street line, to maintain the required front yard setback.

4. Public Comments

Following the statutory circulation to the public for comments, one written comment was provided to staff for consideration (see Appendix “F”). The concerns raised were associated with maintaining the character of the neighbourhood. Staff is of the opinion that the proposal, being small in scale and utilizing the existing structure, maintains the integrity of the neighbourhood, will enhance the streetscape, and provide no negative impacts to the abutting residential uses.

**ALTERNATIVES FOR CONSIDERATION:**

If the application is denied, the applicant would have the option to utilize the lands in accordance with the provisions of the Existing Residential “ER” Zone.

**CORPORATE STRATEGIC PLAN**


**Healthy Community**

- Plan and manage the built environment.

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APPENDICES / SCHEDULES

- Appendix “A”: Location Map
- Appendix “B”: Draft Town of Ancaster Official Plan Amendment
- Appendix “C”: Draft Zoning By-law Amendment
- Appendix “D”: Draft New Urban Hamilton Official Plan Amendment
- Appendix “E”: Concept Plan
- Appendix “F”: Comments from the Public

:KM
Attachs. (6)
Draft Amendment No. [BLANK]

to the

Official Plan of the Former Town of Ancaster

The following text, together with Schedule “A” - Specific Policy Area, Schedule F, attached hereto, constitutes Official Plan Amendment No. [BLANK] to the Official Plan of the former Town of Ancaster.

**Purpose:**

The purpose of this Amendment is to add a site-specific policy in order to permit General Business/Professional Offices within the existing building at 71 Wilson Street East, in the former town of Ancaster.

**Location:**

The lands affected by this Amendment are located at 71 Wilson Street East, between Fiddlers Green Road and Jerseyville Road, in the former Town of Ancaster.

**Basis:**

The basis for permitting the proposal is as follows:

- The proposal is consistent with the Provincial Policy Statement and conforms to the former Region of Hamilton-Wentworth Official Plan.

- The property is located on a major arterial road, abutting a dental office and in proximity to existing commercial uses. The General Business/Professional Office use is compatible with these existing uses.
Actual Changes:

Text Changes:

1. Sub-section 5.7 be amended by adding an additional policy as follows:

   - “Specific Policy Area ___

   “Notwithstanding the Residential designation detailed in 4.4.1 and 4.4.16 a Professional Business Office, in conjunction with a Residential Dwelling unit, shall be permitted in the existing building and any minor additions on the lands at 71 Wilson Street East and identified as Specific Policy Area ___.”

Schedule Changes:

1. Schedule “F” - Special Policy Area - be revised by adding the subject lands as Specific Policy Area ___, as shown on the attached schedule “A” of this amendment.

Implementation:

A Zoning By-law Amendment and Site Plan Agreement will give effect to this Amendment.

This is Schedule "1" to By-law No. ____, passed on the ____ day of _____, 2011.

The City of Hamilton

______________________________    ______________________________
R. Bratina                         Rose Caterini
Mayor                             Clerk
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 87-57 Respecting Lands Located at 71 Wilson Street 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 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 ___ of Report 11-___ of the Planning Committee, at its meeting held on the ___ day of ___, 2011, recommended that Zoning By-law No. 87-57, be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Ancaster) upon approval of Official Plan Amendment No. ___ 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 1 of Schedule “B”, appended to and forming part of By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing the zoning from the Existing Residential “ER” Zone to the Existing Residential “ER-632” 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:

   ER-632 Notwithstanding the provisions of Section 10 of the Existing Residential “ER” Zone of Zoning By-law No. 87-57 (Ancaster), the lands zoned Existing Residential “ER-632”, shall be subject to the following provisions:

   (a) Notwithstanding the provisions of Section 10.1: Permitted Uses of the Existing Residential “ER” Zone, the following uses shall also be permitted:

      i) A Professional Business Office having a maximum floor area of 135 square metres in conjunction with a dwelling unit shall be permitted only within the single-detached dwelling, existing on the date of passing of this by-law, being the ______________ day of __________, 2011.

   (b) Notwithstanding Clause (a) above, an addition having a maximum gross floor area of 8 square metres shall be permitted to existing building.

   (c) Notwithstanding Sub-section 7.14(a)(xv) of the General Provisions Section, a planting strip having a minimum width of 1.5 metres along the westerly side lot line and 2.0 metres along the rear lot line shall be provided and maintained abutting the parking area.

   (d) A visual barrier measuring 1.8 metres in height shall be provided and maintained along the side and rear lot lines, and shall be permitted within a planting strip.
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.

__________________________________________  ____________________________
R. Bratina                                      Rose Caterini
Mayor                                          Clerk

ZAC-10-033/OPA-10-010
Schedule "A"

Map Forming Part of By-Law No. 11-____
to Amend By-law No. 87-57

Subject Property
- Change in zoning from the Existing Residential "ER" Zone to the Existing Residential "ER-32" Zone, modified, with a Special Exception
Urban Hamilton Official Plan
Amendment No.

The following text, together with:


1.0 Purpose and Effect:

The purpose and effect of this Amendment is to remove lands from an Area Specific Policy prohibiting commercial uses in order to permit a commercial use (professional office) in conjunction with a residential dwelling unit within the existing dwelling and any minor additions through a site-specific policy.

2.0 Location:

The lands affected by this Amendment are known municipally as 71 Wilson Street East, in the former Town of Ancaster.

3.0 Basis:

The basis for permitting this Amendment is as follows:

- The proposal is consistent with the Provincial Policy Statement and conforms to the former Region of Hamilton-Wentworth Official Plan.

- The property is located on a major arterial road, abutting a dental office and in proximity to existing commercial uses. The Professional Office use is compatible with these existing uses.

4.0 Actual Changes:

4.1 Text Changes:

Volume 3 - Special Policy Areas, Area Specific Policies and Site-Specific Policies

4.1.1 Volume 3, Chapter B - Ancaster Area Specific Policies is amended as follows:
4.1.2

a) Adding the words “(71 Wilson Street East excluded)” to UA-2 so that it reads:

“UA-2 Lands bounded by Fiddlers Green Road, Jerseyville Road, and Wilson Street (71 Wilson Street East excluded)”

4.1.3 Volume 3, Chapter C – Urban Site-Specific Policies; Ancaster – Neighbourhoods is amended by:

a) Adding the new Sub-section UAN-4 to read as follows:

“UAN-4 Notwithstanding Ancaster Area Specific Policy UA-2 – 1.0, a commercial, use in the form of a professional office, shall be permitted in conjunction with a residential dwelling unit within the existing residential dwelling and any minor additions.”

4.2 Mapping Changes

Volume 3 - Special Policy Areas, Area Specific Policies and Site-Specific Policies

4.2.1 Volume 3, Chapter B – Area Specific Policies; Map A-1 be amended by:

a) Removing the lands known as 71 Wilson Street East from UA-2 Area Specific Policy;

as shown on Schedule “A” attached to this amendment.

5.0 Implementation:

An implementing Zoning By-law Amendment and Site Plan will give effect to the intended uses on the subject lands.
Schedule “1”

This is Schedule “1” to By-law No. [blank] passed on the [blank] day of [blank], 2011.

The
City of Hamilton

______________________________  ________________________________
R. Bratina                      Rose Caterini
Mayor                           Clerk
Mihaljevic, Kate

From: June
Sent: Sunday, August 29, 2010 11:30 AM
To: Mihaljevic, Kate
Subject: Zoning Amendment 71 Wilson St E. Ancaster

Attn: Kate Mihaljevic:

Re: File No: OPA-10-010 and ZAC-10-033
Zoning By-Law Amendment from Gerry Gatto on Lands located at 71 Wilson St East, Ancaster.

I am writing in relation to the application of rezoning 71 Wilson St East, Ancaster to permit a business office in a residential designation. I have some concerns and questions.

My understanding is that a lawyer’s office is to be placed at this site. For adequate parking he is to use the land next to the building as a parking lot. I do not know how busy he will be and therefore how it will affect traffic on Wilson Street. We already know it is difficult to exit Jerseyville Road East turning east onto Wilson street. Does Ancaster want another home with a parking lot in the front backing onto a major street? Already the optometrist has to use a lot across the street for additional parking. The other businesses around there have been there for a long time. Will precedence be set by allowing this change so other homes can be changed? There is plenty of vacant commercial property already which could be used to house this office. Perhaps some consideration could be given to this project.

Do they plan on rebuilding this property, and if so how many stories? At present the plan is for a lawyer’s office. Once, if rezoned for business, what guarantee do we have that we have not opened a Pandora’s box? What safeguards are there that the business building could be sold later and another business such as a pizza store etc., set up? This could be another Upper James in the making and a complete eye sore. This is suppose to be residential with beautiful trees and peace and quiet which is fast disappearing.

I have lived in Ancaster for over 30 years. Our town core almost died with the planning department allowing the big box stores to come in. I would hate to see Wilson Street become a large parking lot for businesses. The planners should drive down Upper James or even HurOntario Street in Mississauga as an example of city planners. Once a beautiful quiet tree lined residential street turned into businesses forever changing the dynamics of that community. How will this affect the value of our properties? I built my home on a lovely quiet tree lined street; now we will be developed to live in a business area. There is no turning back, and we the tax payers seem to have no say in the matter. I for one do not choose to live in a house, surrounded by businesses, which is what you are making it.

Dr. Lorne & June Bando