Economic Development and Planning Committee  
REPORT 09-010  
Tuesday, May 5, 2009  
9:30 am  
Albion Room  
Hamilton Convention Centre  
1 Summer’s Lane, Hamilton  

Present:  
Chair M. Pearson  
Vice Chairs, Councillors: B. Bratina, L. Ferguson,  
Councillors: B. Clark, S. Duvall, D. Mitchell, R. Pasuta,  
T. Whitehead  

Absent  
with Regrets:  
Councillor B. McHattie – Vacation  

Staff Present:  
T. McCabe, General Manager  
P. Mallard T. Sergi, B. Janssen, J. Spolnik, M. Hazell, N. Everson,  
M. Blevins – Planning and Economic Development Department  
Stephanie Paparella, Legislative Assistant, Office of the City Clerk  

THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS  
REPORT 09-010 AND RESPECTFULLY RECOMMENDS:  

1. Barton Village Business Improvement Area (B.I.A.) Revised Board of  
Management (PED07029(b)) (Ward 2 & 3) (Item 5.1)  
That Victor Duarte be appointed to the Barton Village B.I.A. Board of  
Management.  

2. Oil Sands Mission to Edmonton, Alberta – National Buyer/Seller Forum,  
February 10-12, 2009 (PED09072) (City Wide) (Item 5.2)  
That Report PED09072, Oil Sands Mission to Edmonton, Alberta – National  
Buyer/Seller Forum, February 10-12, 2009, be received for information.  

Council – May 13, 2009
3. **Demolition Permit – 334 Fruitland Road (Stoney Creek) (PED09111) (Ward 11) (Item 5.3)**

That the Director of Building Services be authorized and directed to issue a demolition permit for 334 Fruitland Road (Stoney Creek) in accordance with By-law 08-226 pursuant to Section 33 of The Planning Act, as amended.

4. **Demolition Permit – 40 Douglas Road (Ancaster) (PED09112) (Ward 12) (Item 5.4)**

That the Director of Building Services be authorized and directed to issue a demolition permit for 40 Douglas Road (Ancaster) in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended, subject to the following conditions:

(a) That the applicant has applied for and received a building permit for a replacement building on this property;

(b) That the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property;

(c) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of $20,000;

(d) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (e)) in a form satisfactory to the Director of Building Services and to the City Solicitor; and,

(e) That if the said replacement building is not erected, as required, the City Clerk be authorized and directed to add the said sum, until payment thereof, as a lien or charge upon the property until paid.

5. **Demolition Permit – 357 East 43rd Street (Hamilton) (PED09113) (Ward 6) (Item 5.5)**

That the Director of Building Services be authorized and directed to issue a demolition permit for 357 East 43rd Street (Hamilton) in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended, subject to the following conditions:

**Council – May 13, 2009**
(a) That the applicant has applied for and received a building permit for a replacement building on this property;

(b) That the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property;

(c) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of $20,000;

(d) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (e)) in a form satisfactory to the Director of Building Services and to the City Solicitor; and,

(e) That if the said replacement building is not erected as required, the City Clerk be authorized and directed to add the said sum, until payment thereof, as a lien or charge upon the property until paid.

6. Demolition Permit – 122 Whitney Avenue (PED09115) (Ward 1) (Item 5.6)

That the Director of Building Services be authorized and directed to issue a demolition permit for 122 Whitney Avenue in accordance with By-Law 08-226 pursuant to the demolition control provisions of Section 33 of The Planning Act, as amended, subject to the following conditions:

(a) That the applicant has applied for and received a building permit for a replacement building on this property;

(b) That the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property;

(c) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of $20,000;

(d) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (e)) in a form satisfactory to the Director of Building Services and to the City Solicitor; and,
(e) That if the said replacement building is not erected as required, the City Clerk be authorized and directed to add the said sum, until payment thereof, as a lien or charge upon the property until paid.

7. Demolition Permit – 752 Roxborough Avenue (PED09116) (Ward 4) (Item 5.7)

That the Director of Building Services be authorized and directed to issue a demolition permit for 752 Roxborough Avenue in accordance with By-Law 08-226 pursuant to the demolition control provisions of Section 33 of The Planning Act, as amended, subject to the following conditions:

(a) That the applicant has applied for and received a building permit for a replacement building on this property;

(b) That the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property;

(c) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of $20,000;

(d) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (e)) in a form satisfactory to the Director of Building Services and to the City Solicitor; and,

(e) That if the said replacement building is not erected as required, the City Clerk be authorized and directed to add the said sum, until payment thereof, as a lien or charge upon the property until paid.

8. Demolition Permit – 1809 Rymal Road East (Stoney Creek) (PED09120) (Ward 9) (Item 5.8)

That the Director of Building Services be authorized and directed to issue a demolition permit for 1809 Rymal Road East (Stoney Creek) in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act, as amended.
9. **Acquisition of Land from Parkside Hills Inc. for a Water Tower on Lands North West of the Corner of Centre Road and Parkside Drive, Being Part of 619 Centre Road, Waterdown (PED09119) (Ward 15) (Item 5.9)**

(a) That an Option to Purchase executed by Parkside Hills Inc. on March 24, 2009 and scheduled to close on or before June 24, 2009, for the purchase of a 0.63 ha (1.56 ac.) parcel of land to accommodate a water tower, at a purchase price of $780,000, described as Part of Lot 8, Concession 4, formerly in the geographic Township of East Flamborough, being part of municipal address 619 Centre Road, Waterdown and forming part of Part 1, Plan 62R-17878 within PIN 17511-0172, as shown on Appendix “A” to Report 09-010, be approved and completed.

(b) That the cost of purchase plus any related disbursements be funded from Account 5140580582.

(c) That the Mayor and City Clerk be authorized and directed to execute any necessary documents in a form satisfactory to the City Solicitor.

(d) That the sum of $25,000, be funded from Account No. 5140580582 and credited to Account HAMTN 57780-3560150200 (Capital Property Purchases and Sales) being the costs incurred for real estate services.

10. **Potential City Loans Program for Films Made in Hamilton (PED09118) (City Wide) (Item 5.10)**

That the item respecting Potential City Loans Program for Films Made in Hamilton, be identified as completed and removed from the Economic Development and Planning Committee's Outstanding Business List.

11. **Township of South Stormont Resolution Respecting the Provincial Animal Welfare Act (PED09122) (City Wide) (Item 5.11)**

(a) That no further action be taken respecting the correspondence from Township of South Stormont, Dated November 19, 2008, respecting Bill 50.

(b) That the item entitled *Provincial Animal Welfare Act – letter from Township of South Stormont, referred from Council on January 12, 2009,* be designated as completed and deleted as Outstanding Business from the agenda of the Economic Development and Planning Committee.
12. **Snow and Ice Removal By-Law 03-296 (PED09123) (City Wide) (Item 5.12)**

That Report PED09123, Snow and Ice Removal by-law 03-296, be received for information.

13. **Option to Purchase, 95 King Street West, Stoney Creek, from Rhonda Barry and Robert Barry (PED09117/CS09033) (Ward 9) (Item 5.13)**

(a) That an Option to Purchase, executed by Rhonda Barry and Robert Barry on March 19, 2009, and scheduled to close on or before July 22, 2009, for the purchase of the lands described as: Part of Lot 26, Concession 4, in the geographic Township of Saltfleet, also known as Parcel 35, Block H 262A Section 1, formerly in the City of Stoney Creek, now in the City of Hamilton, known municipally as 95 King Street West, as shown on Appendix “B” to Report 09-010, be approved and completed, for the purchase price of $499,999, plus disbursements. That $398,688.85 of the purchase price be charged to Capital Project No. 8200703602 and $101,311.15 to Capital Project No. 8200803602 (Taro Royalties - Olde Stoney Creek Urban Design Plan).

(b) That as consideration the amount of $2, paid to the owner pursuant to the agreement, be deducted from the purchase price.

(c) That the Director of Fleet and Facilities Division be authorized and directed to make the necessary applications for the demolition of 95 King Street West in the former City of Stoney Creek. In this regard, Council shall be considered as approving the demolition of the building under the City’s Demolition Control By-law.

(d) That the costs for the demolition of 95 King Street West, estimated between $10,000 and $15,000, be funded from Account No. 7100958707 (Nash-Jackson House).

(e) That land appraisal and administration costs related to the transaction, in the amount of $9,500 plus legal disbursements be charged to Account No. 7100958707 (Nash-Jackson House) and said amount be credited to Account No. 45409 3560150200 (Capital – Property Purchases and Sales) being the costs incurred for Real Estate services.

(f) That the Mayor and Clerk be authorized and directed to execute the necessary documents, in a form satisfactory to the City Solicitor.

(a) That the Council of the City of Hamilton endorse the resolutions by the Heritage Canada Foundation and the Federation of Canadian Municipalities (FCM) and requests the Federal Ministers of Finance and the Environment to establish tax incentives, which would encourage private sector investment in the rehabilitation of heritage properties;

(b) That this motion be forwarded to local Members of the Legislative Assembly, local members of Parliament, and area municipalities for their support;

(c) That the Association of Ontario Municipalities be requested to support the work of the Heritage Canada Foundation and the Federation of Canadian Municipalities by endorsing this resolution at its Annual Convention.

15. Application for a Change in Zoning for the Lands Located at 658 Fiddlers Green Road (Ancaster) (PED09124) (Ward 12) (Item 6.1)

That approval be given to Zoning Application ZAC-08-046, by Alan Fair, Owner, for a change in zoning from the Extractive Industrial “M6-215” Zone, Modified, to the Agricultural “A” Zone (Block 1) and the Extractive Industrial “M6-586” Zone, Modified (Block 2), on lands located at 658 Fiddlers Green Road, as shown on Appendix “C” to Report 09-010, on the following basis:

(a) That the draft By-law, attached as Appendix “D” to Report 09-010, as amended by Committee on May 5, 2009, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the Ancaster Official Plan.

16. Application for a Change in Zoning for Lands Municipally Known as 1061 Garner Road East (Ancaster) (PED09129) (Ward 12) (Item 6.2)

That approval be given to Zoning Application ZAC-09-003, by Rosehaven Homes, Applicant, for a change in zoning from the Residential “R5-526” Zone, Modified, to the Residential “R5-525” Zone, Modified, in order to permit 14 single detached dwellings, instead of 18 semi-detached dwellings, on a portion of the lands located at 1061 Garner Road East, as shown on Appendix “E” to Report 09-010, on the following basis:
(a) That the draft By-law, attached as Appendix “F” to Report 09-010, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Town of Ancaster Official Plan.

17. **Parkland Dedication / Cash-in-Lieu: Official Plan Amendment, New Implementing By-law and Policy (PED09028(a)) (City Wide) (Item 6.3)**

That Item 9 of the Economic Development & Planning Committee Report 09-008, respecting Parkland Dedication, be amended, by adding recommendation (i) to read as follows:

(i) That in order to provide economic stimulus to high density residential development, at or greater than 120 units per hectare, the Parkland Dedication Rate be reduced from 0.5 ha/300 units to 5% of the land area, conditional on a Building Permit being issued in 2009 or 2010 and until June 30, 2011.

18. **Correspondence from The Honourable George Smitherman, Deputy Premier, Minister of Energy and Infrastructure respecting amendments to official plans to conform to the policies in the Growth Plan for the Greater Golden Horseshoe – deadline of June 16, 2009 for municipalities (Item 11.1)**

That the correspondence from the Honourable George Smitherman, Deputy Premier, Minister of Energy and Infrastructure respecting amendments to official plans to conform to the policies in the Growth Plan for the Greater Golden Horseshoe – deadline of June 16, 2009 for municipalities, be received.

FOR THE INFORMATION OF COMMITTEE:

(a) **CHANGES TO THE AGENDA (Item 1)**

The Committee Clerk advised of the following changes to the agenda:

(i) Added Item 4.2, a delegation request made by Carlo Di Gioacchino, respecting Item 6.3, Parkland Dedication/Cash-in-lieu (PED09028(a), has been withdrawn by Mr. Gioacchino.
(i) Item 6.1, Appendix B to Report PED09124 has been amended, and a revised copy has been provided to Committee for their consideration.

The agenda for the May 5, 2009, meeting of the Economic Development & Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES (Item 3)

The Minutes of the April 21, 2009 Economic Development and Planning Committee meeting were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

4.2 David Thompson, 335 Herkimer Street, regarding proposal to amend City By-law 084-191, to allow keeping of backyard chickens

The delegation request, made by David Thompson, 335 Herkimer Street, regarding a proposal to amend City By-law 084-191, to allow keeping of backyard chickens, was denied.

(e) Snow and Ice Removal By-Law 03-296 (PED09123) (City Wide) (Item 5.12)

Councillor Whitehead directed Marty Hazell to review the fees and fines for snow removal in Ward 8 and to prepare a costing analysis (for Ward 8), and provide the Councillor with that information.

(f) Hamilton Municipal Heritage Committee Report 09-001 (Item 5.14)

The entire recommendation, which is shown as Item 1 of the Hamilton Municipal Heritage Committee Report 09-001, read as follows:

WHEREAS according to the Heritage Canada Foundation, Canada has lost more than 20% of its pre-1920 heritage buildings to demolition over the past 30 years;
AND WHEREAS the Heritage Canada Foundation has stated that urgent action is needed to stop the demolition of Canadian Landmarks, to restore and re-use them, and to acknowledge their value as a reminder of our origins and cultures;

AND WHEREAS heritage buildings are also a valuable economic development resource, supporting re-urbanization initiatives and tourism, stimulating adjacent development, increasing property values, as well as providing environmental benefits by way of reducing landfill, preserving natural resources and promoting sustainability;

AND WHEREAS there are currently no federal financial incentives to encourage private sector investment in the rehabilitation of heritage properties;

NOW THEREFORE BE IT RESOLVED

(a) That the Council of the City of Hamilton endorse the resolutions by the Heritage Canada Foundation and the Federation of Canadian Municipalities (FCM) and requests the Federal Ministers of Finance and the Environment to establish tax incentives which would encourage private sector investment in the rehabilitation of heritage properties;

(b) That this motion be forwarded to local Members of the Legislative Assembly, local members of Parliament, and area municipalities for their support;

(c) That the Association of Ontario Municipalities be requested to support the work of the Heritage Canada Foundation and the Federation of Canadian Municipalities by endorsing this resolution at its Annual Convention.

(g) Hamilton Municipal Heritage Committee Minutes for March 26, 2009 (Item 5.15(a))

The Minutes of the March 26, 2009 Hamilton Municipal Heritage Committee meeting were received for information.

(h) Application for a Change in Zoning for the Lands Located at 658 Fiddlers Green Road (Ancaster) (PED09124) (Ward 12) (Item 6.1)

Chair Pearson advised the meeting of the following, in accordance with the provisions of the Planning Act:

(a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the Zoning By-law is passed, the person or public body is not
entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

(b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the Zoning By-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Committee dispensed with the Planner’s presentation respecting Item 6.1 – Application for a Change in Zoning for the Lands Located at 658 Fiddlers Green Road (Ancaster) (PED09124).

Matthew Blevins, Development Planner, was present to assist Committee.

The applicant’s agent, John Ariens of IBI Consulting, advised that his client was satisfied with the staff recommendation.

No members of the public came forward to address Committee.

Committee approved the staff recommendation, as amended.

(i) Application for a Change in Zoning for Lands Municipally Known as 1061 Garner Road East (Ancaster) (PED09129) (Ward 12) (Item 6.2)

Chair Pearson advised the meeting of the following, in accordance with the provisions of the Planning Act,

(a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the Zoning By-law is passed, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

(b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the Zoning By-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.
Committee dispensed with the Planner’s presentation respecting Item 6.2 – Application for a Change in Zoning for Lands Municipally Known as 1061 Garner Road East (Ancaster) (PED09129).

Matthew Blevins, Development Planner, was present to assist Committee.

The applicant’s agent, Diana Vlasic of Metropolitan Consulting, advised that her client, Joe Laronga of Rosehaven Homes, was satisfied with the staff recommendation.

No members of the public came forward to address Committee.

Committee approved the staff recommendation.

(j) Motions (Item 9)

None.

(k) Notices of Motion (Item 10)

None.

(l) General Information (Item 11)

11.1 Correspondence from The Honourable George Smitherman, Deputy Premier, Minister of Energy and Infrastructure respecting amendments to official plans to conform to the policies in the Growth Plan for the Greater Golden Horseshoe – deadline of June 16, 2009 for municipalities (Item 11.1)

T. McCabe, General Manager of the Planning and Economic Development Department, recommended that Committee receive the correspondence, from Minister Smitherman, as these matters will be addressed in June as part of the Official Plan.

11.2 News from the General Manager

• The upcoming month of June will be very busy in preparation for the Official Plan. There will be three public meetings held in June (June 10th, 11th and 16th) to receive comments from the public, as well as 2 full Economic Development & Planning Committee meetings for
Committee to deliberate upon the proposed Official Plan and any amendments that are brought forward.

- Staff reports respecting building fee increases, the Economic Development Division’s Annual Report and the Tourism Division’s Annual Report will be brought forward to the May 19th ED&P meeting.
- Smart Centre on Rymal Road in Stoney Creek – June 2nd ED&P meeting.
- Mattamy Homes – Ancaster matter will come before Committee in June or July 2009.
- Members of Committee were advised of the Graffiti Awareness Campaign at Waterdown Memorial Park on May 19, 2009 at 1:00 p.m.
- The Planning and Economic Development Department currently has 27 unfilled staff vacancies.
- Mr. McCabe provided Committee with a handout and a verbal update respecting the 2009 Development Activity and Revenue for the first quarter of 2009 (January 1 to March 27, 2009).

(m) Private and Confidential (Item 12)

None.

(n) ADJOURNMENT (Item 13)

There being no further business, the Economic Development and Planning Committee adjourned at 10:45 a.m.

Respectfully submitted,

Maria Pearson, Chair
Economic Development and Planning Committee

Stephanie Paparella
Legislative Assistant
May 5, 2009
95 King Street West - Acquisition

Planning & Economic Development Department
Real Estate Section

CITY OF HAMILTON

LEGEND

SUBJECT LAND

SCALE
NOT TO SCALE
2009-05-08
Appendix "C" to Item 15 of ED&P Report 09-010

Location Map

Subject Property

658 Fiddlers Green Road, Ancaster

- **Block 1** - Change from Extractive Industrial "M6-215" Zone to the Agricultural "A" Zone.
- **Block 2** - Change from Extractive Industrial "M6-215" Zone to the Extractive Industrial "M6-586" Zone, Modified.
Appendix “D” to Item 15 of ED&P Report 09-010
Page 1 of 3

Authority: Item 15, Economic Development and Planning Committee
Report: 09-010 (PED09124)
CM: May 13, 2009

Bill No. ______

CITY OF HAMILTON

BY-LAW NO. _________

To Amend Zoning By-law No. 87-57 Respecting Lands Located at 658 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 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 15 of Report 09-010 of the Economic Development and Planning Committee at its meeting held on the 5 day of May, 2009, 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 1 of Schedule “B”, appended to and forming part of By-law No. 87-57 (Ancaster), as amended, is hereby further amended as follows:

(a) By changing the zoning from the Extractive Industrial “M6-215” Zone, Modified, to the Agricultural “A” Zone, for lands comprised in Block “1”; and,

(b) By changing the zoning from the Extractive Industrial “M6-215” Zone, Modified, to the Extractive Industrial “M6-586” Zone, Modified, for lands comprised in Block “2”;

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 No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following subsection:

“M6-586” (a) That notwithstanding the provisions of Subsection 28.2 - Permitted uses of Section 28: Extractive Industrial “M6” Zone of Zoning By-law No. 87-57 (Ancaster) the following additional uses shall also be permitted:

(i) The Transportation Depot and Truck Terminal existing on the date of passing of this by-law being the 13 day of May, 2009; and,

(ii) The operations and equipment storage of an excavation contractor and uses, buildings and structures accessory thereto.

(b) That all other provisions of the Extractive Industrial “M6” Zone shall continue to apply.

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

PASSED and ENACTED this 13 day of May, 2009.

__________________________________________________________
Fred Eisenberger
Mayor

__________________________________________________________
Kevin C. Christenson
Clerk

ZAC-08-046
This is Schedule "A" to By-Law No. 09-
Passed the .......... day of ...................., 2009

Clerk
Mayor

Schedule "A"

Map Forming Part of By-Law No. 09-____
to Amend By-law No.87-57

Subject Property

658 Fiddlers Green Road, Ancaster

Block 1 - Extractive Industrial "M6-215" to Agricultural "A"

Block 2 - Extractive Industrial "M6-215" to Extractive Industrial "M6-586" Zone, Modified
CE CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 87-57 Respecting Lands Located at 1061 Garner Road East, in the former Town of Ancaster, now in the City of Hamilton

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 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 16 of Report 09-010 of the Economic Development and Planning Committee at its meeting held on the 5 day of May, 2009, 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 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 Residential “R5-526” Zone, Modified, to the Residential “R5-525” Zone, Modified, 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 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 13 day of May, 2009.

________________________________________  __________________________________________
Fred Eisenberger                                      Kevin C. Christenson
Mayor                                                    Clerk

ZAC-09-003
Appendix "F" to Item 16 of ED&P Report PED09129
Page 3 of 3

This is Schedule "A" to By-Law No. 09-
Passed the .......... day of ......................, 2009

Schedule "A"
Map Forming Part of By-Law No. 09-______
to Amend By-law No. 87-57

Subject Property

1061 Garner Road East, Ancaster
Change in Zoning from the Residential "R5-526" Zone, Modified, to the Residential "R5-526" Zone, Modified.