CITY OF HAMILTON

BY-LAW NO. 09-022

To Amend Zoning By-law No. 90-145-Z Respecting Lands Located at 75 Overdale Ave, in the former Town of Flamborough, 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 Flamborough” 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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. 90-145-Z (Flamborough) was enacted on the 5th day of November 1990, and approved by the Ontario Municipal Board on the 21st day of December, 1992;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 22 of Report 09-002 of the Economic Development and Planning Committee at its meeting held on the 28th day of January, 2009, recommended that Zoning By-law No. 90-145-Z, 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 Flamborough), in accordance with the provisions of the Planning Act.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:
1. That Schedule A-30 of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by changing the zoning from the Urban Residential (R1-6) Zone Modified to the following:

(a) the Urban Residential (R1-41) Zone, Modified, for lands comprised in Block "1"; and,

(b) the Urban Residential (R1-42) 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 6: Urban Residential (Single Detached) Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding the following subsections:

R1-41

(1) That notwithstanding the provisions of Subsection 6.3.6 of Zoning By-law No. 90-145-Z (Flamborough), the following special provisions shall apply to the lands zoned "R1-41":

Development Regulations:

a) Lot Area (minimum).................................................. 835 square metres

b) Lot Frontage (minimum).............................................. 25.0 metres

c) Front Yard (minimum)............................................... 7.5 metres

d) Interior Side Yard (minimum)..................................... 3.0 metres

e) Height (maximum).................................................... 8.2 metres

f) Floor Space (maximum)

   i. 1 Storey.......................................................... 186 square metres

   ii. 1-1/2 Storeys.................................................. 186 square metres on main floor

   iii. 2 Storeys....................................................... 372 square metres

g) Lot Coverage (maximum)........................................ 25%

h) A maximum of one required parking space shall be permitted within the required front yard.
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i) All other zone provisions of Subsection of 6.2 of Zoning By-law No. 90-145-Z (Flamborough) shall apply.

R1-42

(1) That notwithstanding the provisions of Subsection 6.3.6 of Zoning By-law No. 90-145-Z (Flamborough), the following special provisions shall apply to the lands zoned "R1-42":

Development Regulations:

a) Lot Area (minimum).................................................680 square metres
b) Lot Frontage (minimum)..............................................20.0 metres
c) Front Yard (minimum)...................................................9.0 metres
d) Interior Side Yard (minimum).................................3.0 metres
e) Height (maximum)......................................................10.5 metres
f) Floor Space (maximum)
   i. 1 Storey..............................................................186 square metres
   ii. 1-1/2 Storeys....................................................186 square metres on main floor
   iii. 2 Storeys..........................................................385 square metres
g) Lot Coverage (maximum)...........................................30%
h) All other zone provisions of Subsection of 6.2 of Zoning By-law No. 90-145-Z (Flamborough) shall apply.

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

PASSED and ENACTED this 28th day of January, 2009.

Fred Eisenberger
Mayor

Kevin C. Christenson
City Clerk

ZAR-08-048
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This is Schedule "A" to By-Law No. 09-022
Passed the 28th. day of January, 2009

Schedule "A"

Map Forming Part of
By-Law No. 09-022
to Amend By-law No. 90-145-Z

Subject Property
75 Overdale Avenue

Block 1 - Change in Zoning from the "R1-6" (Urban Residential) Modified Zone to the "R1-41" (Urban Residential) Modified Zone.

Block 2 - Change in Zoning from the "R1-6" (Urban Residential) Modified Zone to the "R1-42" (Urban Residential) Modified Zone.