

Authority: Item 22, Economic Development
and Planning Committee
Report: 09-002 (PED09020)
CM: January 28, 2009

Bill No. 022

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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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:

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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

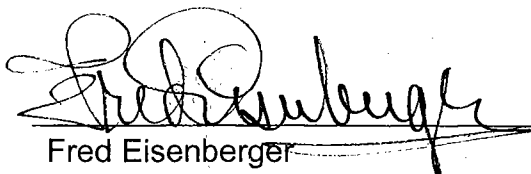
- (1) That notwithstanding the provisions of Subsection 6.3.6 of Zoning By-law No. 90-145-Z (Flamborough), the following special provisions shall apply to the lands zoned "R1-42":

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.



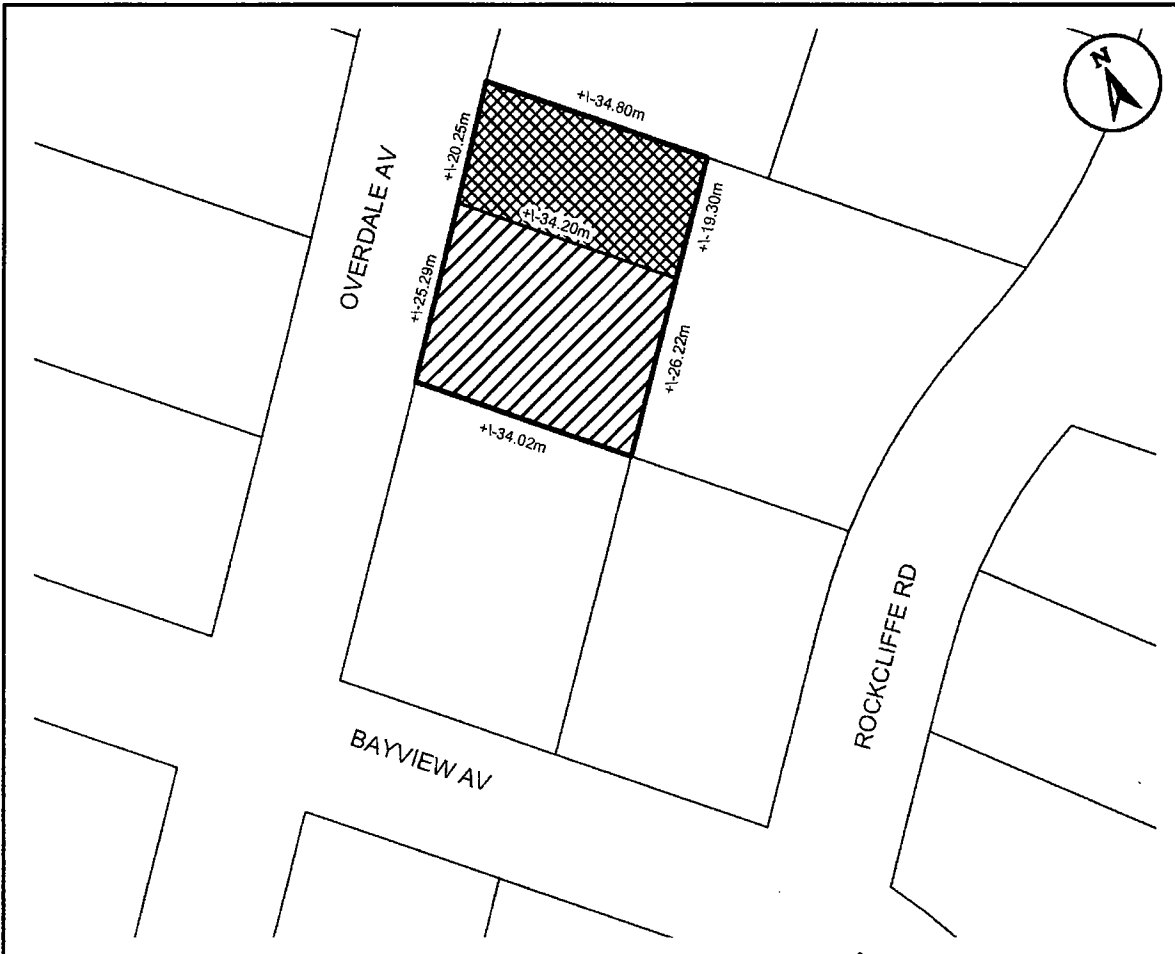
Fred Eisenberger
Mayor



Kevin C. Christenson
City Clerk

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

[Signature]
 Clerk
[Signature]
 Mayor

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.

Scale: N.T.S.	File Name/Number: ZAR-08-048	
Date: October 28, 2008	Planner/Technician: KM/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		Hamilton