

Authority: Item 15, Economic Development and
Planning Committee
Report: 09-004 (PED09035)
CM: February 11, 2009

Bill No. 027

CITY OF HAMILTON

BY-LAW NO. 09-027

To Amend Zoning By-law No. 05-200

Respecting Lands Located at 99 Ferguson Avenue North

(Dr. Edgar Davey Elementary School)

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law 05-200;

AND WHEREAS the first stage of the new Zoning By-law, being By-law 05-200, came into force on May 25, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 15 of Report 09-04 of the Economic Development and Planning Committee at its meeting held on the 11th day of February, 2009, recommended that Zoning By-law No. 05-200 be amended as hereinafter provided;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map 953 of Schedule "A" of By-law 05-200 be amended as follows:
 - a) by changing the zoning from the Downtown Multiple Residential (D6) Zone to the Downtown Multiple Residential (D6-18) Zone, the lands comprised of "Block 1"; and,
 - b) by changing the zoning from the Community Park (P2) Zone to the Downtown Multiple Residential (D6-18) Zone, the lands comprised of "Block 2";

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

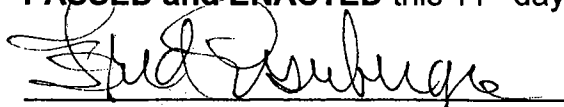
2. That Schedule "C" of By-law 05-200 is amended by adding an additional special exception as follows:

**By-law Respecting Lands Located at 99 Ferguson Avenue North
(Dr. Edgar Davey Elementary School)**

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- “18. Within the lands zoned Downtown Multiple Residential (D6) Zone, identified on Map 953 of Schedule “A” and described as 99 Ferguson Avenue North (Dr. Edgar Davey Elementary School), the following special provisions shall apply:
- a) That notwithstanding Section 6.6.1 of this By-law, a Community Centre shall also be permitted;
 - b) That Section 6.6.2.1c) and Section 6.6.2.1d) of this By-law shall not apply;
 - c) That notwithstanding Section 3 of this By-law, the definition of the Front Lot Line shall mean the lot line abutting Ferguson Avenue North;
 - d) That Section 5.1a)v) and Section 5.1a)vi) of this By-law shall not apply;
 - e) That Section 5.2a) of this By-law shall not apply; and,
 - f) That notwithstanding Section 5.6a)iii.a) of this By-law, a minimum of 39 parking spaces shall be provided and maintained for an Elementary School and Community Centre.”
3. That the Clerk is authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.
4. That this By-law No. 09-027 shall come into force and be deemed to come into force in accordance with Subsection 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Subsection.

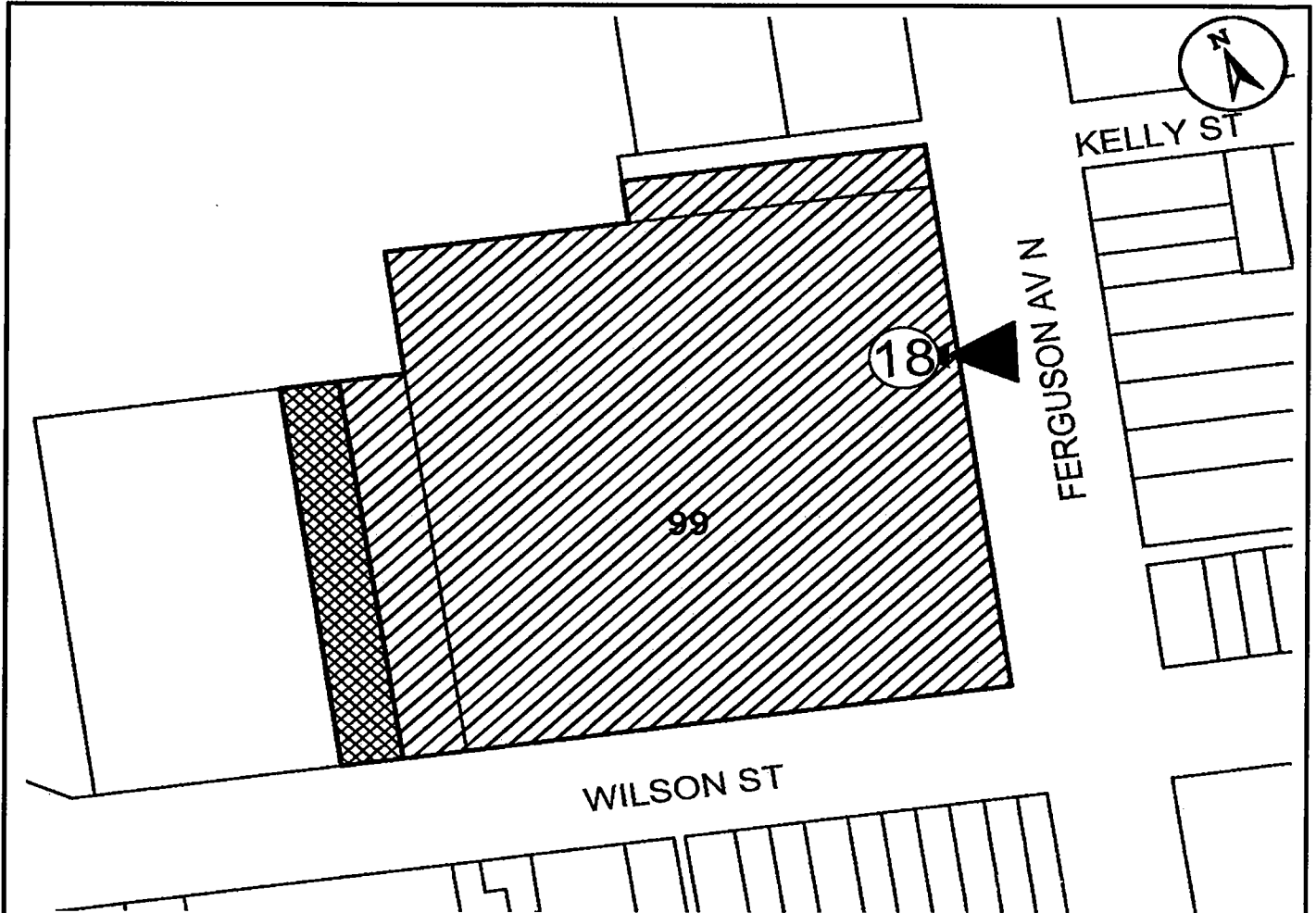
PASSED and ENACTED this 11th day of February, 2009.


Fred Eisenberger
Mayor


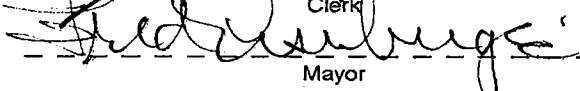

Kevin C. Christenson
City Clerk

ZAR-08-055

**By-law Respecting Lands Located at 99 Ferguson Avenue North
(Dr. Edgar Davey Elementary School)**



This is Schedule "A" to By-Law No. 09- 027
 Passed the11th day ofFebruary....., 2009



 Clerk

 Mayor


Schedule "A"

Map Forming Part of
 By-Law No. 09- 027

to Amend By-law No.05-200

Subject Property
 99 Ferguson Ave. N (Dr. Davey Elementary School)

 Block 1 - Change in Zoning from the Downtown Multiple Residential (D6) Zone to the Downtown Multiple Residential (D6-18) Zone.

 Block 2 - Change in Zoning from the Community Park (P2) Zone to the Downtown Multiple Residential (D6-18) Zone.

Scale: N.T.S.	File Name/Number: ZAR-08-055
Date: October 21, 2008	Planner/Technician: TH/AL

