

**Authority:** Item 5, Planning Committee  
Report 17- 003 (PED17015)  
CM: February 22, 2017

**Bill No. 033**

## **CITY OF HAMILTON**

### **BY-LAW NO. 17-033**

#### **To Amend Zoning By-law No. 6593, Respecting Lands located at 942 Upper Gage Avenue (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 municipality known as the “The Corporation of the City of Hamilton” 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 5 of Report 17-003 of the Planning Committee at its meeting held on the 22<sup>nd</sup> day of February 2017, which recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan;

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

1. That Sheet No. E-49 of the District Maps is amended to and forming part of By-law No. 6593 (Hamilton), is amended as follows:

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- (a) By changing the zoning from the “C” (Urban Protected Residential, etc.) District to the “DE/S-1743” – ‘H’ (Low Density Multiple Dwellings - Holding) District, Modified.
2. That the “DE” (Low Density Multiple Dwellings) District regulations as contained in Section 10A of Zoning By-law No. 6593, applicable to the lands known municipally as 942 Upper Gage Avenue are further modified to include the following special requirements:
- (a) Notwithstanding Section 10A(1), only a single family dwelling, two family dwelling, or a three family dwelling shall be permitted;
  - (b) Notwithstanding Sections 10A(3)(ii)(b) a side yard along the northerly lot line, of a width of at least 0.6 metres shall be provided and maintained;
  - (c) Notwithstanding Section 10A(3)(iii), a rear yard of a depth of at least 7.0 metres shall be provided and maintained;
  - (d) Notwithstanding Section 18(4)(iv), an accessory building (garage) shall be permitted provided the following minimum yard setbacks are provided and maintained:
    - i) A southerly side yard setback of 0.0 metres;
    - ii) A northerly side yard setback of 12.0 metres;
    - iii) A rear yard setback of 2.0 metres; and,
    - iv) A front yard setback of 40.0 metres.
  - (e) Notwithstanding Section 18A(1)(f) and Table 6, a manoeuvring space abutting upon and accessory to each required parking space, having an aisle width of at least 5.1 metres shall be provided and maintained for parking spaces with a 90° parking angle.
  - (f) That notwithstanding Section 18A(7) of Zoning By-law No. 6593:
    - i) every required parking space, other than a parallel parking space, shall have dimensions not less than 2.6 m wide and 5.5 m long for a standard parking space;
3. That the 'H' symbol applicable to the lands referred to in Sections 1 shall be removed conditional upon:
- (i) That the Owner apply for and obtain the necessary Building Permits, to the satisfaction of the City’s Chief Building Official (CBO) to legalize the conversion of the existing dwelling to a three family dwelling;

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City Council may remove the “H” symbol, and thereby give effect to the “DE/S-1743”, (Low Density Multiple Dwellings) District, Modified, as amended by the special requirements of Section 2 as stipulated in this By-law, by enactment of an amending By-law once the above conditions have been fulfilled.

4. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1743.
5. That Sheet No. E-49 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1743.
6. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the “DE/S-1743” (Low Density Multiple Dwellings) District, Modified, subject to the special requirements referred to in Sections 2, 3 and 4 of this By-law.
7. 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** this 22<sup>nd</sup> day of February, 2017.

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F. Eisenberger  
Mayor

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R. Caterini  
City Clerk

ZAR-16-038

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This is Schedule "A" to By-law No. 17-  Passed the ..... day of ....., 2017	----- Mayor  ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 17-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 6593</p>	<p><b>Subject Property</b> 942 Upper Gage Avenue</p> <p> Change in Zoning from "C" (Urban Protected Residential, etc ) District to the "DE/S-1743" - "H" (Low Density Multiple Dwellings - Holding) District, Modified.</p>
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Scale: N.T.S.	File Name/Number: ZAR-16-038	
Date: Jan 16, 2017	Planner/Technician: RC/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		