

**Authority:** Item 3, Planning Committee  
Report: 17-008 (PED17063)  
CM: May 10, 2017  
Ward: 1

**Bill No. 085**

## **CITY OF HAMILTON**

### **BY-LAW NO. 17-085**

#### **To Amend Zoning By-law No. 6593 Respecting the Lands Located at 390 Aberdeen 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”;

**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”;

**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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**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);

**WHEREAS**, the Council of the City of Hamilton, in adopting Item 3 of Report 17-008 of the Planning Committee at its meeting held on the 10<sup>th</sup> day of May, 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. W14 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), as amended, is further amended by changing from the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District to the “D/S-1745” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District provisions, as contained in Sections 4, 10, 18, 18A and 19 of Zoning By-law No. 6593, be modified with the following special requirements:
  - a. Notwithstanding Subsections 4(3)(a) and 19(1) of Zoning By-law No. 6593, an accessory building on the same lot as a single detached dwelling may be converted to contain one dwelling unit provided that such accessory building is located within the building footprint existing on the date of the passing of this by-law.
  - b. Notwithstanding Subsection 18(3)(vi)(b)(iii) the eaves and gutters of the accessory building may encroach a maximum of 0.3 metres into the westerly side yard.
  - c. Notwithstanding Subsection 18(4)(iii) an accessory building located on the building foot print existing on the date of the passing of this by-law shall have a maximum height of 4.3 metres.
  - d. Notwithstanding Subsections 18(14)(i), 18A(14a) and 18A(14b)(ii) a minimum of 45% landscape area shall be provided in the front yard.
  - e. Notwithstanding Subsection 18A(1)(a), one parking space per dwelling unit shall be provided.
  - f. Notwithstanding Subsection 19(1)(ii), an accessory building converted to contain a dwelling unit shall comply with the requirements of Subsections 18(4)(iv) and 18(4)(v).
  - g. Subsection 19(1)(iii) shall not apply.
3. 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 “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, provisions, subject to the special requirements referred to in Section 2 of this By-law.
4. That Sheet No. W14 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as “D/S-1745”.
5. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1745.
6. 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*.

To Amend Zoning By-law No. 6593  
Respecting the Lands Located at 390 Aberdeen Avenue, Hamilton

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**PASSED** this 10<sup>th</sup> day of May, 2017.

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F. Eisenberger  
Mayor

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R. Caterini  
City Clerk


ZAR-16-045



This is Schedule "A" to By-law No. 17-  
 Passed the ..... day of ....., 2017

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 Mayor  
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 Clerk

**Schedule "A"**  
  
 Map Forming Part of  
 By-law No. 17-\_\_\_\_\_  
  
 to Amend By-law No. 6593

**Subject Property**  
 390 Aberdeen Avenue  
 Modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District

Scale:  
 N.T.S.  
 Date:  
 January 30, 2016

File Name/Number:  
 ZAR-16-045  
 Planner/Technician:  
 GT/AL

