

**Authority:** Item 18, Economic Development  
and Planning Committee  
Report 07-003 (PED07040)  
CM: February 15, 2007

**Bill No. 052**

**CITY OF HAMILTON**

**BY-LAW NO. 07-052**

**To Amend Zoning By-law No. 6593  
Respecting Lands Located at 598 – 600 Upper Sherman Avenue**

**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 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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** 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 18 of Report 07-003 of the Economic Development and Planning Committee at its meeting held on the 15<sup>th</sup> day of February, 2007 recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

**AND WHEREAS** this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

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

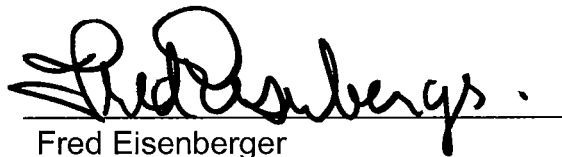
1. That Sheet Nos. E-25 and E-26 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), are hereby amended by:
  - a) changing **Block “1”** from the “H” (Community Shopping and Commercial, etc.) District to the “H/S-1572” (Community Shopping and Commercial, etc.) District, Modified;
  - b) changing **Block “2”** from the “C” (Urban Protected Residential, etc.) District to the “C/S-1572” (Urban Protected Residential, etc.) District, Modified; and,
  - c) changing **Block “3”** from the “DE” (Low Density Multiples) District to the “C/S-1572” (Urban Protected Residential, etc.) District, Modified;

the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.
2. That notwithstanding any provision to the contrary of Zoning By-law No. 6593, the “H” (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 and the parking regulations as contained in Section 18A of Zoning By-law No. 6593, be modified for Block “1” as described in Section 1 of this By-law to include the following special requirements:
  - a) A minimum lot width of 8.8 metres shall be provided and maintained.
  - b) A minimum lot area of 310 square metres shall be provided and maintained.
  - c) For the building, accessory structure and parking areas existing on the date of the passing of this by-law, being the 15<sup>th</sup> day of February, 2007, the following shall apply:
    - i) A minimum front yard setback of 5.5 metres to the building.
    - ii) A minimum southerly side yard setback of 0.0 metres to the window wells and the building.
    - iii) A minimum northerly side yard setback to the building of 0.1 metres.
    - iv) No landscaping shall be required.
    - v) A minimum rear yard setback of 0.0 metres to the accessory structure.
    - vi) A minimum northerly side yard setback of 0.0 metres to the accessory structure.

- vii) Four parking spaces shall be provided and maintained within the rear yard of the building, for the uses on Blocks “2” and “3” as described in Section 1 of this by-law.
  - viii) The parking areas shall be deemed to comply with the requirements of Section 18A of By-law No. 6593 with respect to the parking stall size, manoeuvring and aisle way width.
  - ix) Parking for the permitted uses may be provided on Blocks “2” and “3” as described in Section 1 of this by-law.
  - x) A two-way driveway access having a minimum width of 2.4 metres may be provided from Upper Sherman Avenue through Block “2” as described in Section 1 of this by-law.
  - xi) No landscape strip or planting strip containing a visual barrier shall be required to be provided.
3. That notwithstanding any provision to the contrary of Zoning By-law No. 6593, the “C” (Urban Protected Residential, etc.) District regulations as contained in Section 9 and the parking regulations as contained in Section 18A of Zoning By-law No. 6593, be modified for Blocks “2” and “3” as described in Section 1 of this By-law, to include the following special requirements for the building and parking area existing on the date of the passing of this by-law, being the 14<sup>th</sup> day of February, 2007:
- a) A three family dwelling shall be permitted only within the existing building.
  - b) Four parking spaces located in the front yard shall be provided for the uses on Block “1” as described in Section 1 of this by-law.
  - c) The parking area shall be deemed to comply with the requirements of Section 18A of this by-law with respect to the parking stall size and aisleway width.
  - d) A minimum northerly side yard setback of 1.0 metre to the building.
  - e) A minimum southerly side yard setback of 1.0 metre to the building.
  - f) A minimum rear yard setback of 2.2 metres to the building.
  - g) No landscape strip or planting strip containing a visual barrier shall be required.
  - h) A two-way access driveway having a minimum width of 2.4 metres shall be provided.
  - i) An access driveway for Block “1” as described in Section 1 of this by-law shall be provided.

- j) Parking for the permitted uses may be provided on Block "1" as described in Section 1 of this by-law.
4. 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 "H" (Community Shopping and Commercial, etc.) District and the "C" (Urban Protected Residential, etc.) District provisions, subject to the special requirements referred to in Sections 2 and 3 of this By-law.
  5. By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedules S-1572.
  6. Sheet Nos. W-25 and W-26 of the District Maps is amended by marking the lands referred in Section 1 of this by-law as S-1572.
  7. 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 15<sup>th</sup> day of February, 2007.

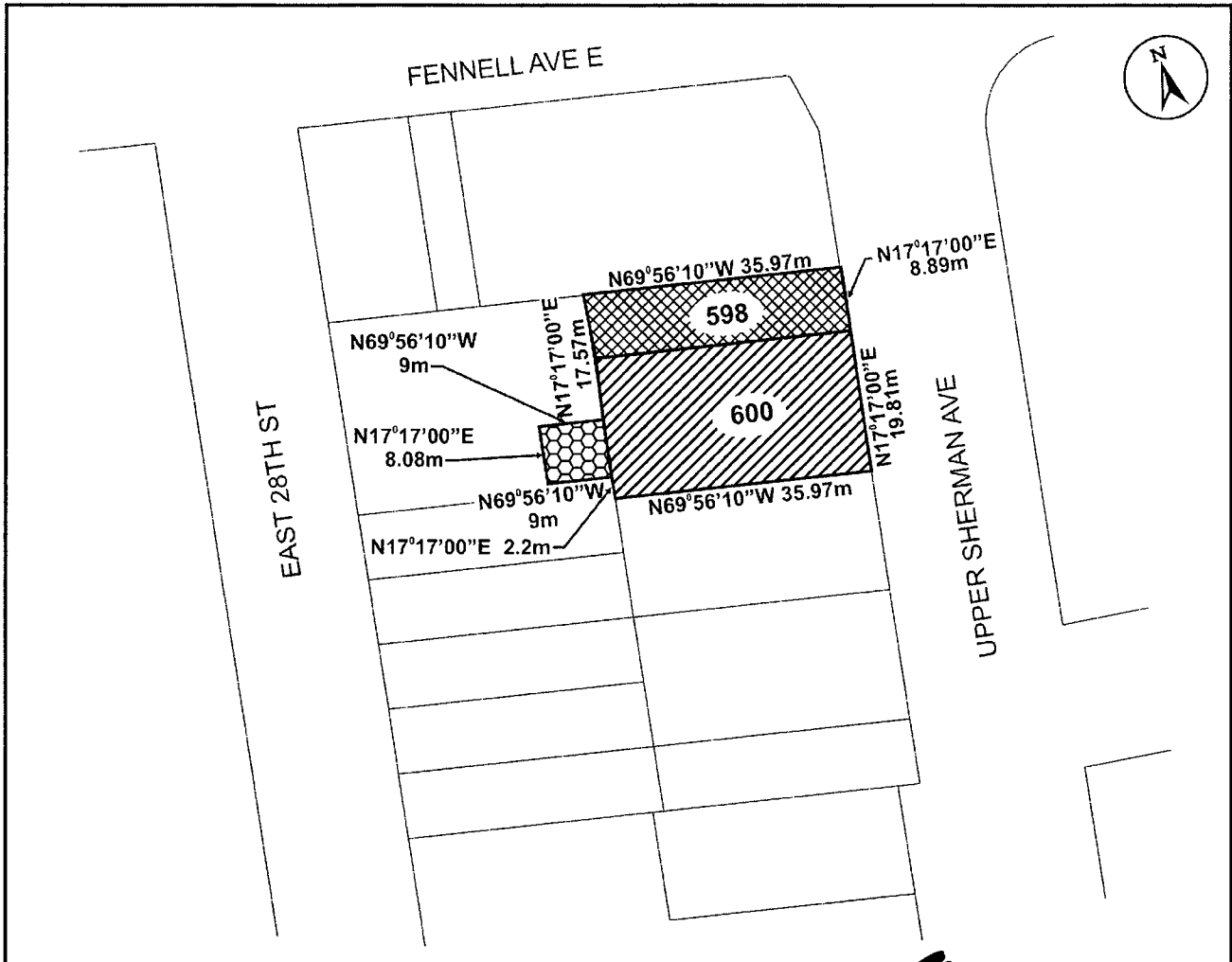


Fred Eisenberger  
Mayor



Kevin C. Christenson  
Clerk

ZAR-06-59



This is Schedule "A" to By-Law No. 07-052

Passed the 15th day of February, 2007

*Fred Osseberg*  
 Clerk  
 Mayor

# Schedule "A"

Map Forming Part of  
 By-law No. 07-052

to Amend By-law No. 6593

### Subject Property

598 and 600 Upper Sherman Avenue, Hamilton



**Block 1** - Change in Zoning from the "H" (Community Shopping and Commercial, etc.) District to the "H" (Community Shopping and Commercial, etc.) District, Modified



**Block 2** - Change in Zoning from the "C" (Urban Protected Residential, etc.) District to the "C" (Urban Protected Residential, etc.) District, Modified



**Block 3** - Change in Zoning from the "DE" (Low Density Multiples) District to the "C" (Urban Protected Residential, etc.) District, Modified

Scale:  
 Not to Scale

File Name/Number:  
 ZAR-06-59

Date:  
 July 25, 2006

Planner/Technician:  
 SB/NB



Hamilton