

**Authority:** Item 7, Planning Committee  
Report: 12-012 (PED12101)  
CM: September 12, 2012

**Bill No. 204**

**CITY OF HAMILTON**

**BY-LAW NO. 12-204**

**To Amend Zoning By-law No. 6593 (Hamilton)  
Respecting Lands Located at 1531, 1545, 1551, 1575,  
1577, 1591, and 1605 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25<sup>th</sup> day of July 1950, which By-law was approved by the Ontario Municipal Board by Order dated the 7<sup>th</sup> day of December 1951, (File No. P.F.C. 3821);

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 7 of Report 12-012 of the Planning Committee, at its meeting held on the 16th day of August, 2012, 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 City of Hamilton;

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

1. That Sheet No. E38d of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing the zoning as follows:
  - (a) That Blocks 1 and 2 be rezoned from the "C" (Urban Protected Residential, Etc.) District to the "C/S-1658" (Urban Protected Residential Etc.) District, Modified;

- (b) That Block 3 be rezoned from the "C" (Urban Protected Residential, Etc.) District to the "RT-30/S-1658" (Street Townhouse) District, Modified;
- (c) That Block 4 be rezoned from the "C" (Urban Protected Residential Etc.) District to the "R-4/S-1658" (Small Lot Single Family Dwelling) District, Modified;
- (d) That Block 5 be rezoned from the "AA" (Agricultural) District to the "C" (Urban Protected Residential, Etc.) District;
- (e) That Block 6 be rezoned from the "AA" (Agricultural) District to the "R-4/S-1658" (Small Lot Single Family Dwelling) District, Modified;
- (f) That Blocks 7 and 8 be rezoned from the "AA" (Agricultural) District to the "RT-30/S-1658" (Street Townhouse) District, Modified; and,
- (g) That Block 9 be rezoned from the "AA" (Agricultural) District to the "C"/S-1658" (Urban Protected Residential, Etc.) District, Modified;

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

- 2. That the "C" (Urban Protected Residential, Etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to Block 1 be modified to include the following special requirement:
  - (a) That all garages and driveways be constructed and maintained to accommodate two parking spaces side by side.
- 3. That the "C" (Urban Protected Residential, Etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to Block 2, be modified to include the following special requirement:
  - (a) That notwithstanding Sub-section 9(4), no lot or tract of land within the "C" District for a single family dwelling shall have a width less than 11.3 metres.
- 4. That the "R-4" (Small Lot Single Family Dwelling) District regulations, as contained in Section 9A of Zoning By-law No. 6593, applicable to Blocks 4 and 6, be modified to include the following special requirements:
  - (a) That notwithstanding Sub-section 9A(2)(b)(1)(i), a front yard having a depth of not less than 4.5 metres to the main wall of a dwelling unit; and a front yard having a depth of not less than 6.0 metres to the attached garage shall be provided and maintained.

(b) That notwithstanding Sub-section 9A(2)(b)(1)(ii), the following shall apply:

- 1) In the case of an interior lot, having a side yard setback of not less than 1.2 metres on the garage side and 0.6 metres on the non-garage side, subject to a maintenance easement registered on title for any minimum side yard that is less than 1.2 metres, with said maintenance easement permitting encroachment for maintenance purposes only, for no more than 0.6 metres into the side yard of the lot adjacent the yard with a side yard setback less than 1.2metres. A 0.6 metre side yard setback shall not be permitted adjacent to any side lot line less than 1.2 metres.
- 2) In the case of a corner lot, having a side yard setback of not less than 2.4 metres from a flankage lot line, and a side yard setback from the interior lot line of not less than 1.2 metres on the garage side and 0.6 metres on the non-garage side, subject to a maintenance easement registered on title for any minimum side yard that is less than 1.2 metres, with said maintenance easement permitting encroachment for maintenance purposes only, for no more than 0.6 metres into the side yard of the lot adjacent the yard with a side yard setback less than 1.2metres. A 0.6 metre side yard setback shall not be permitted adjacent to any side lot line less than 1.2 metres.

5. That the "RT-30" (Street Townhouse) District regulations, as contained in Section 10F of Zoning By-law No. 6593, applicable to Blocks 3, 7, and 8, be modified to include the following special requirements.

(a) That notwithstanding Sub-section 10F(4)(a), the following shall apply:

- 1) A front yard having a depth of not less than 4.5 metres to the main wall of a dwelling unit; and,
- 2) A front yard having a depth of not less than 6.0 metres to the attached garage shall be provided and maintained.

(b) That notwithstanding Sub-section 10F(4)(b), the minimum rear yard for Blocks 3 and 8 shall not be less than 7.0 metres in depth.

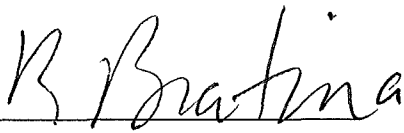
(c) That notwithstanding Sub-section 10F(4)(c)(ii), the following shall apply:

- 1) In the case of an interior lot, having a side yard setback of not less than 1.2 metres.

- 2) In the case of a corner lot, having a side yard setback of not less than:
    - i) 5.8 metres from a flankage lot line along Upper Sherman Avenue; and,
    - ii) 2.4 metres from all other flankage lot lines.
  - (d) That notwithstanding Sub-section 10F(5)(b), there shall be a distance between buildings not exceeding two storeys in height of not less than 2.4 metres; and,
  - (e) That notwithstanding Sub-section 10F(6)(i), the minimum lot area shall not be less than 160.0 square metres for each dwelling unit.
6. That the "C" (Urban Protected Residential, Etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to Block 9, be modified to include the following special requirements:
- (a) That notwithstanding Sub-section 9(3)(i), a front yard having a depth of not less than 3.0 metres to the main wall of a dwelling unit; and a front yard having a depth of not less than 6.0 metres to the attached garage shall be provided and maintained.
  - (b) That notwithstanding Sub-section 9(3)(ii), the following shall apply:
    - 1) A side yard setback of not less than 3.0 metres for a yard abutting a street;
    - 2) An interior side yard setback of not less than 1.2 metres.
7. That notwithstanding Sub-section 18(3)(vi)(b)(iii), on any lands subject to this By-law, a canopy, cornice, eave, or gutter may project into the required side yard not more than 0.6 metres.
8. That Section 18A Parking and Loading Requirements, as contained in Zoning By-law No. 6593, applicable to the lands shown as Block 6, be further modified to include the following special requirements:
- (a) That notwithstanding Sub-section 18A(14a), that a required parking space for a single family detached dwelling shall be located in a required front yard and not less than 45% of the gross area of the front yard shall be used for landscaping area excluding concrete, asphalt, gravel, pavers, or other similar material.

9. 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 "C" (Urban Protected Residential, Etc.) District provisions, the "R-4" (Small Lot Single Family Dwelling) District provisions and the "RT-30" (Street Townhouse) District provisions, subject to the special requirements referred to in Sections 2 to 8 of this By-law.
10. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1658.
11. That Sheet No. E38d of the District Maps is amended by marking the lands referred as Blocks 1, 2, 3, 4, 6, 7, 8, and 9 in Section 1 of this By-law as S-1658.
12. 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 12<sup>th</sup> day of September, 2012.

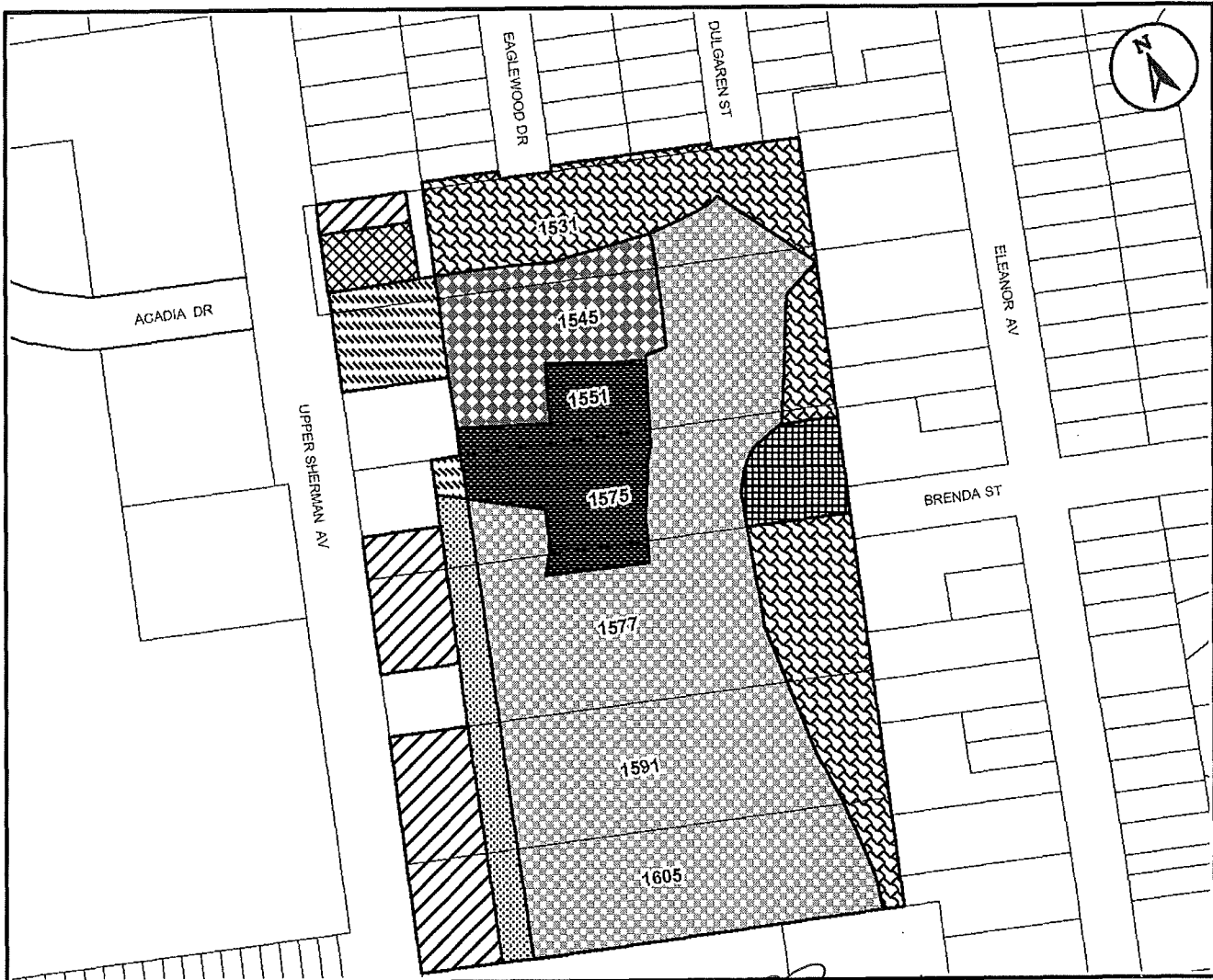


R. Bratina  
Mayor



R. Caterini  
City Clerk

ZAC-11-031



This is Schedule "A" to By-Law No. 12- 204

Passed the ..12th.. day of ..September.., 2012






*R. Bratina*  
Mayor  
*[Signature]*  
Clerk

## Schedule "A"

Map Forming Part of  
By-Law No. 12- 204

to Amend By-law No. 6593

### Subject Lands

- 1531, 1545, 1551, 1575, 1577, 1591 & 1605 Upper Sherman Avenue
-  **Block 1:** Change in Zoning from the "C" (Urban Protected Residential, Etc.) District to the "C/S-1658" (Urban Protected Residential, Etc.) District, Modified
  -  **Block 2:** Change in Zoning from the "C" (Urban Protected Residential, Etc.) District to the "C/S-1658" (Urban Protected Residential, Etc.) District, Modified
  -  **Block 3:** Change in Zoning from the "C" (Urban Protected Residential, Etc.) District to the "RT-30/S-1658" (Street Townhouse) District, Modified
  -  **Block 4:** Change in Zoning from the "C" (Urban Protected Residential, Etc.) District to the "R-4/S-1658" (Small Lot Single Family Dwelling) District, Modified
  -  **Block 5:** Change in Zoning from the "AA" (Agricultural) District to the "C" (Urban Protected Residential Etc.) District
  -  **Block 6:** Change in Zoning from the "AA" (Agricultural) District to the "R-4/S-1658" (Small Lot Single Family Dwelling) District, Modified
  -  **Block 7:** Change in Zoning from the "AA" (Agricultural) District to the "RT-30/S-1658" (Street Townhouse) District, Modified
  -  **Block 8:** Change in Zoning from the "AA" (Agricultural) District to the "RT-30/S-1658" (Street Townhouse) District, Modified
  -  **Block 9:** Change in Zoning from the "AA" (Agricultural) District to the "C/S-1658" (Urban Protected Residential, Etc.) District, Modified

Scale:  
N.T.S.

File Name/Number:  
ZAC-11-031 & 25T201105

Date:  
June 27, 2012

Planner/Technician:  
CB/AL



Hamilton