

Authority: Item 7 , Hearings Sub-
committee
Report 03-030 (PD 03223)
CM: Date September 24, 2003

Bill No. 144

CITY OF HAMILTON

BY-LAW NO. 04-144

**To Amend Zoning By-law No. 06593
Respecting Lands located at 276 Mountain Park Avenue / 2 Poplar 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

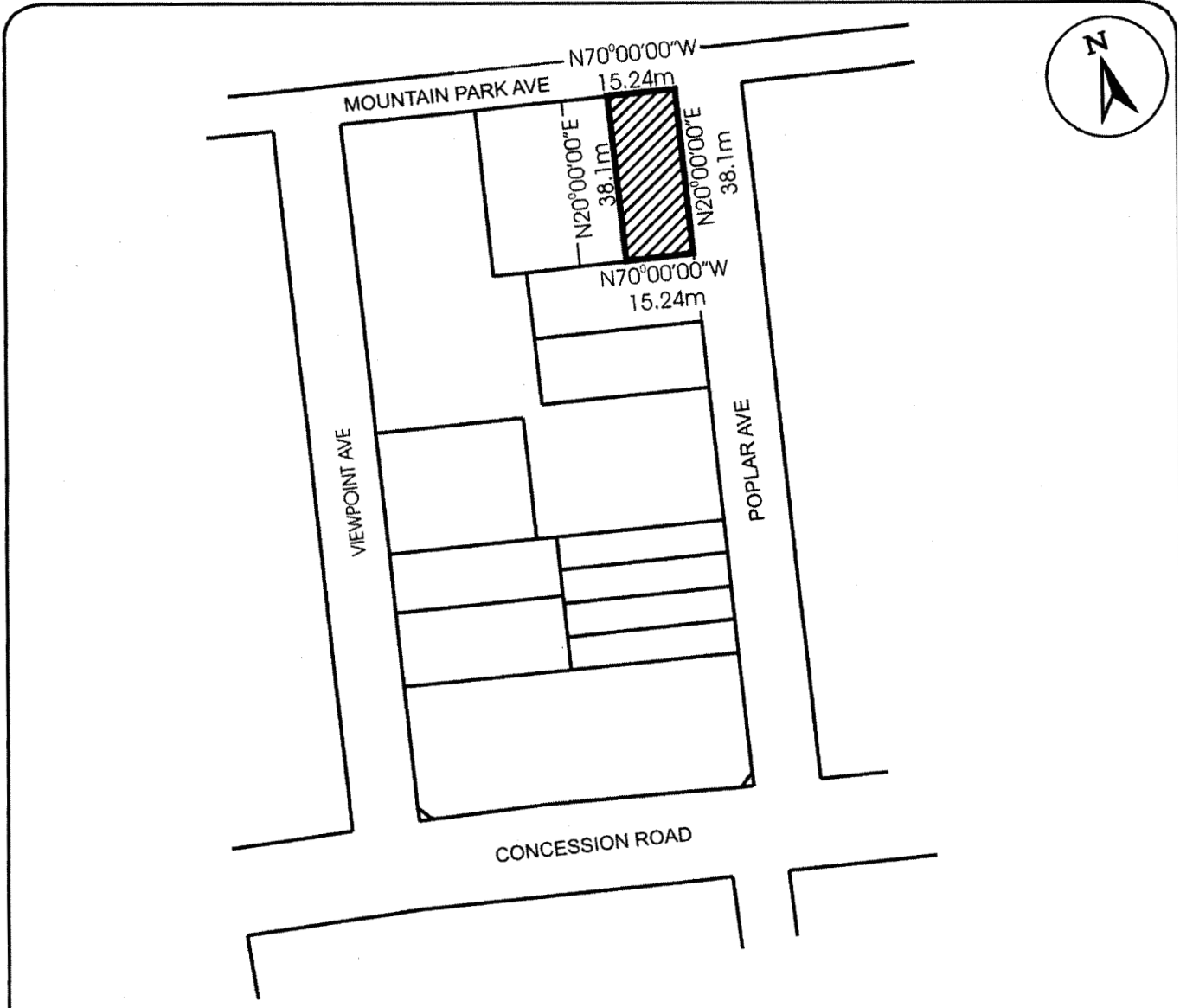
AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Section 7 of Report 03-030 of the Hearings Sub Committee at its meeting held on the 24th day of September, 2003, 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:

- Sheet No. E-24 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended,



This is Schedule "A" to By-Law No. 04-144

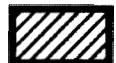
Passed the 16 day of June, 2004

~~_____~~
Clerk
[Signature]
May

Schedule "A"

Map Forming Part of
By-Law No. 04-144
to Amend By-Law No 6593

Subject Property 276 Mountain Park Ave / 12 Poplar Ave

 Change in Zoning from "D" (Urban Protected Residential- One & Two Family Dwellings, Etc) District to "DE" (Low Density Multiple Dwellings) District, Modified



Planning and Development Department

North

Scale
NOT TO SCALE

Reference File No
ZA R-03-48

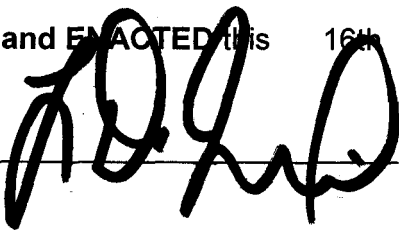
Date

Drawn By

- (a) by changing from "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to "DE" (Low Density Multiple Dwellings) District, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. The "DE" (Low Density Multiple Dwellings) District provisions, as contained in Section 10a of Zoning By-law No. 6593, applicable to the lands, on a plan hereto annexed as Schedule "A", are amended to the extent only of the following special requirements:
- (a) That notwithstanding Section 10A (1) of Zoning By-law 6593 only a multiple dwelling containing a maximum of five (5) Class A dwelling units within the building existing at the time of the passing of the By-law shall be permitted;
 - (b) That notwithstanding Section 18A (1) of Zoning By-law 6593, five (5) parking spaces shall be provided and maintained;
 - (c) Section 18A (1)(c) of Zoning By-law 6593, shall not apply to the subject lands for a five (5) unit multiple dwelling building in accordance with Subsection 2(a);
 - (d) Subsections 18A(11), 18A(12)m and 18A(25) of Zoning By-law No. 6593 shall not apply to the subject lands.
 - (e) That notwithstanding Section 18(4)(iv), the existing shed shall be permitted within the westerly side yard with a minimum setback of 0.39m; and
 - (9) That notwithstanding Section 18(3)(vi)(cc)(i), the existing balconies may project into the required front yard (north yard) up to 2.0m.
3. 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" (Low Density Multiple Dwellings) District provisions, subject to the special requirements referred to in section 2.
4. By-law No. 6593 (Hamilton) is amended by adding this by-law to section 19B as Schedule S-1503.
5. The City 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 16th day of June, 2004.

MAYOR



CLERK



ZAR-03-48