

Authority: Item 12, Planning and Economic
Development Committee
Report; 04-020 (PD04273)
CM: Nov 10, 2004

Bill No. 274

CITY OF HAMILTON

BY-LAW NO. 04-274

To Amend:

Zoning By-law No. 3581-86 (Dundas),

Respecting:

LANDS LOCATED AT 352 Park Street West

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Town of Dundas" 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 Zoning By-law No. 3581-86 (Dundas) was enacted on the 22nd day of May 1986, and approved by the Ontario Municipal Board on the 10th day of May, 1988;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 12 of Report 04-020 of the Planning and Economic Development Committee at its meeting held on the 10th day of November, 2004, recommended that Zoning By-law No. 3581-86 (Dundas), be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Dundas), in accordance with the provisions of the Planning Act.

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

1. Schedule "B" (Colborne) of Zoning By-law No. 3581-86 (Dundas), as amended, is hereby amended by changing the zoning of the lands that are known municipally as 352 Park Street West from the Public Utilities "U" Zone to the Holding - Low to Medium Density Multiple Dwelling "H-RM1/S-104" Zone, more particularly shown on Schedule "A" which forms part of this By-law.
2. SECTION 32: EXCEPTIONS:

Zoning By-law No. 3581-86 (Dundas), is hereby further amended by adding the following new subsection:

STREET TOWNHOUSES H-RM1/S-104

1. Notwithstanding the provisions of Subclause 12.4.2.2 SIDE YARD, of SECTION 12: LOW TO MEDIUM DENSITY MULTIPLE DWELLING ZONE (RM1), the following provision shall apply to the lands shown as "RM1/S-104" on Schedule "B":

12.4 REGULATIONS FOR STREET TOWNHOUSE DWELLINGS

12.4.2.2 SIDEYARD

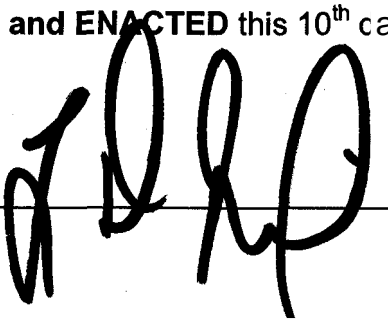
The minimum side yard shall be 2.6 metres, except that a minimum of 1.2 metres may be provided where no window of a habitable room overlooks such yard and the yard does not abut a public thoroughfare.

2. On those lands zoned "H-RM1/S-104" by this by-law, the Holding "H" Symbol may be removed by City Council and thereby give effect to the "RM1/S-104" Zone provisions by enactment of an amending By-law upon:
 - (a) the completion of a noise study to the satisfaction of the Director of Development and Real Estate and CN Rail; and,
 - (b) the approval of a Record of Site Condition by the Director of Development and Real Estate, and the acknowledgement of that Record of Site Condition by the Ministry of the Environment.

By-law respecting 352 Park Street West

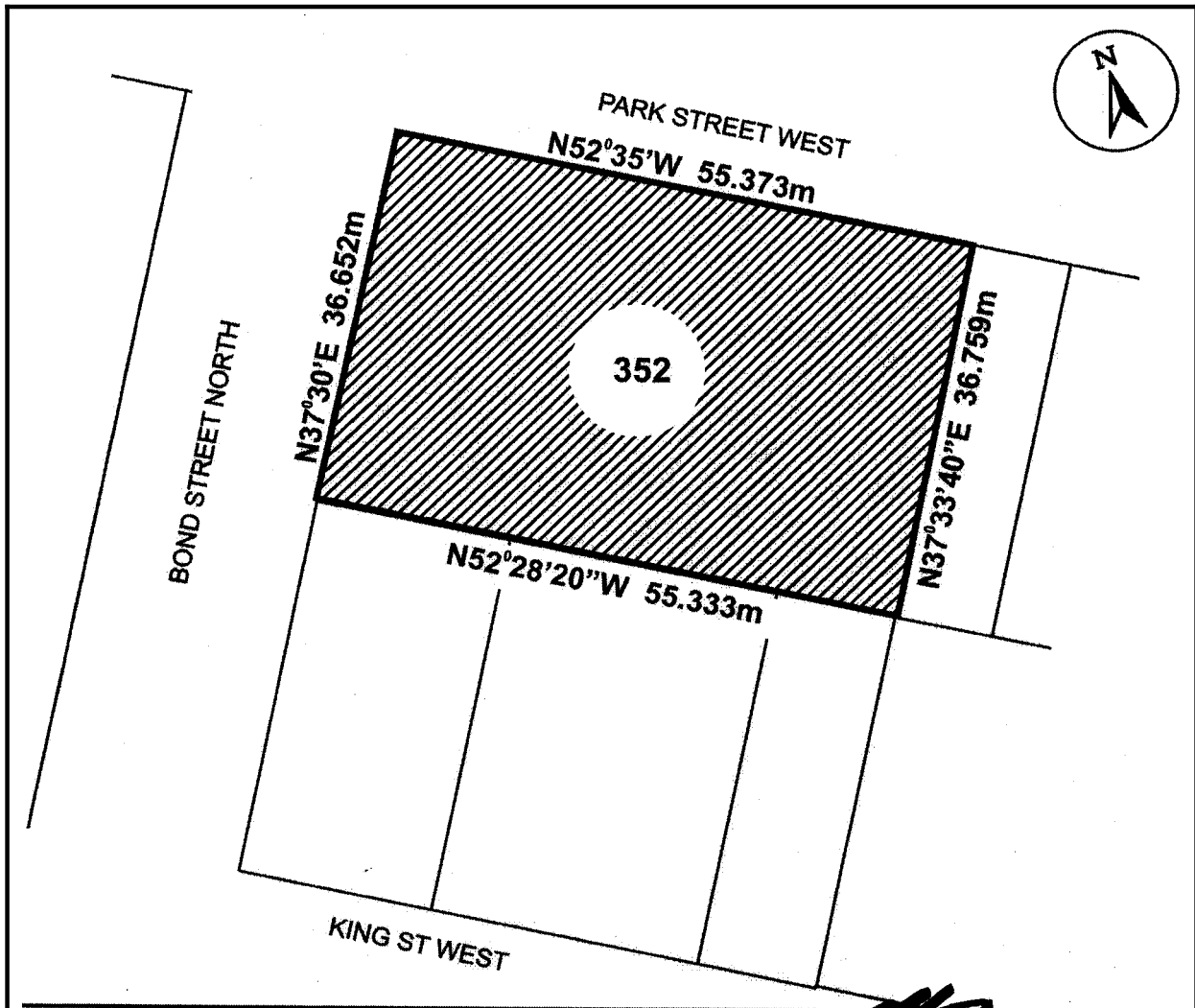
3. All other regulations of Section 12, Low to Medium Density Multiple Residential (RM1) Zone of Zoning By-law 3581-86 (Dundas) shall continue to apply.
3. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act,

PASSED and ENACTED this 10th day of November, 2004 .

MAYOR 

CLERK 

ZAC-04-53



This is Schedule "A" to By-Law No.04 – 274

Passed the 10th day of November 2004

[Signature]
Clerk

Schedule "A"

Map Forming Part of
By-Law No. 04-274
to Amend By-Law No 3581-86



Subject Property

352 Park street West (Dundas)



Change from the Public Utilities "U" Zone to the Holding-Low to Medium Density Dwelling "H-RM1/S-104" Zone.

North 	Scale: Not to Scale	File Name/Number: ZAC-04-53
	Date: September 22, 2004	Planner/Technician: KW/NB

&C File Name: