

Authority: Item 4, Planning Committee
Report 23-003 (PED23040)
CM: February 14, 2023
Ward: 10

Bill No. 047

CITY OF HAMILTON

BY-LAW NO. 23-047

To Amend Zoning By-law No. 3692-92, Respecting Lands Located at 238 Barton Street, Stoney Creek

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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 4 of Report 23-003 of the Planning Committee at its meeting held on the 22nd day of February, 2023, which recommended that Zoning By-law No. 3692-92, be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. 183.

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

1. That Map No. 6 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended by changing the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-71" Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That Subsection 6.10.7, "Special Exemptions" of Section 6.10, Multiple Residential "RM3" Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption "RM3-71", as follows:

“RM3-71” 238 Barton Street, Schedule “A” Map No. 6

Notwithstanding the provisions of Part 2, those lands zoned “RM3-71” by this By-law shall be considered as one lot, the lot line adjacent to Barton Street shall be deemed the front lot line, and all lot lines shall correspond thereto and regulations including but not limited to lot area, lot frontage, lot coverage, building setbacks, landscaped areas, parking requirements, and accessory buildings, shall be from the exterior boundaries of those lands zoned “RM3-71” by this By-law and not from individual properties or boundaries created by registration of a condominium plan or created by Part Lot Control.

Notwithstanding Subsections 6.10.3 (a), (b), (c), (d), (f), (h), (i), and (m) of the Multiple Residential “RM3” Zone, the following regulations shall apply:

- | | | |
|-----|--|---|
| (a) | Minimum Lot Area | 2,300 square metres |
| (b) | Minimum Lot Frontage | 41 metres |
| (c) | Minimum Front Yard | 2.4 metres |
| (d) | Minimum Side Yard | 2.0 metres |
| (f) | Minimum Rear Yard | 7.4 metres |
| (h) | Minimum Distance Between Buildings on the Same Lot | 11.0 metres |
| (i) | Maximum Density | 47 units per hectare |
| (m) | Minimum Landscaped Open Space | |
| | 1. | Not less than 35 percent of the lot area for maisonettes, townhouses and dwelling groups shall be landscaped including privacy areas. |
| | 4. | A landscaped strip having a minimum width of 2.4 metres shall be provided and thereafter maintained adjacent to every portion of any lot that abuts a street except for points of ingress and egress. Notwithstanding the definition of Landscaped Strip, an area for temporary waste pickup shall be permitted within the required landscaped strip. |

In addition to Subsection 4.10.3 b) Dimensions of Parking Spaces and notwithstanding Subsection 6.1.8 (c) Parking Restrictions In Residential Zones

and Subsection 6.10.5 (d) of the Multiple Residential “RM3” Zone, the following regulations shall apply:

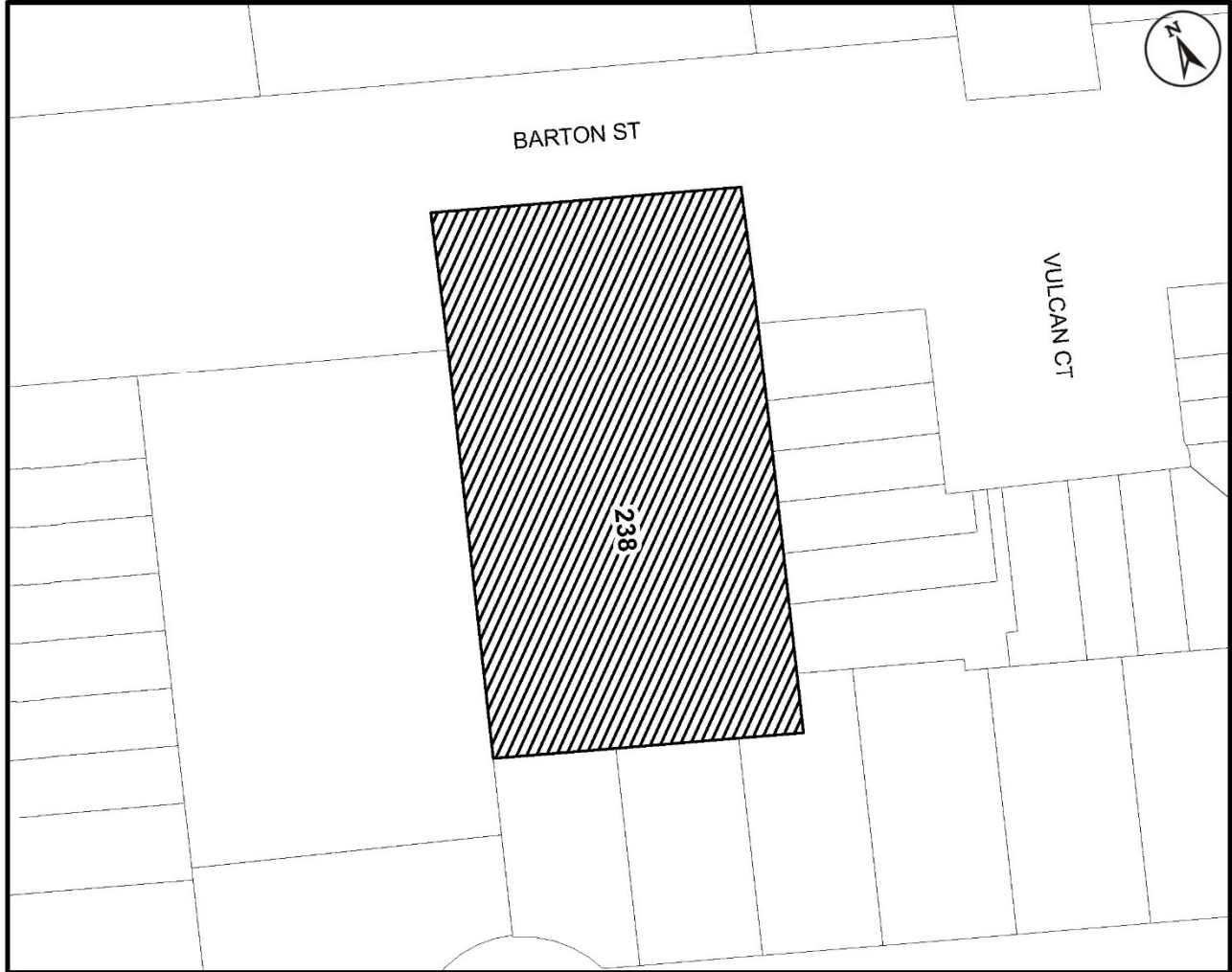
- (d) Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 0.4 metres to any lot line or 5 metres to any dwelling unit located on a lot other than the said lot. Interior door swings shall be permitted to encroach into an interior garage parking space.
- 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 Multiple Residential “RM3” Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.
- 4. 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 29th day of March, 2023.

T. Jackson
Acting Mayor

A. Holland
City Clerk

ZAC-19-007





This is Schedule "A" to By-law No. 23-
 Passed the day of, 2023

 Mayor

 Clerk

Schedule "A"
Map forming Part of
By-law No. 23-_____
to Amend By-law No. 3692-92

Subject Property
 238 Barton Street, Stoney Creek
 Change in zoning from the Neighbourhood Development "ND" Zone to the Residential Multiple "RM3-71", Zone, Modified

Scale: N.T.S	File Name/Number: ZAC-19-007 & 25T-201901 & UHOPA-19-003	 Hamilton
Date: November 4, 2022	Planner/Technician: TV/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		