

**Authority:** Item 30, Planning and Economic  
Development Committee  
Report 04-001  
CM: January 14, 2004

**Bill No. 011**

## **CITY OF HAMILTON**

### **BY-LAW NO. 04-011**

#### **To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting Lands located at 521 Barton Street**

**WHEREAS** the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1<sup>st</sup>, 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 City of Stoney Creek" 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 8<sup>th</sup> day of December, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1994;

**AND WHEREAS** it is intended to change the zoning of the lands hereinafter referred to, and to establish special requirements under Subsection 9 of By-law No. 3692-92 (Stoney Creek), passed on the 8<sup>th</sup> day of December, 1992 and approved by the Ontario Municipal Board by Order dated the 31<sup>st</sup> day of May, 1994.

**AND WHEREAS** this by-law is in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986;

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

1. Map No. 1 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended by changing the zoning from the site-specific Special Purpose Industrial "MSP-16" Zone to the site-specific Special Purpose Industrial "MSP-21" Zone, the lands comprised of Block 1 located on a portion of 521 Barton Street, the extent of boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Subsection 9.6.2., "Special Exemptions" of Section 9.6.2, Special Purpose Industrial Zone, of Zoning By-law No. 3692-92, be amended by adding a new special exemption, "MSP-21", as follows:

**"MSP-21 521 Barton Street East, Schedule "A", Map No. I**

In addition to the uses permitted in Section 9.6.2. of the Special Purpose Industrial "MSP" Zone, those lands zoned "MSP-21" by this By-law, may also be used for a restaurant, bakery and banquet facilities.

Notwithstanding the provisions of Paragraphs (a), (b), (d) and (h)(1) of Section 9.6.3 of the Special Purpose Industrial "MSP" Zone, for those lands zoned "MSP-21" by this By-law, the following shall apply:

- (a) Minimum Lot Area - 2,100 square metres
- (b) Minimum Lot Frontage - 27 metres
- (d) Minimum Front Yard - 6.4 metres

(h)(1) A landscape strip having a minimum width of 6.4 metres shall be provided and maintained adjacent to Dewitt Road except for points of egress and ingress.

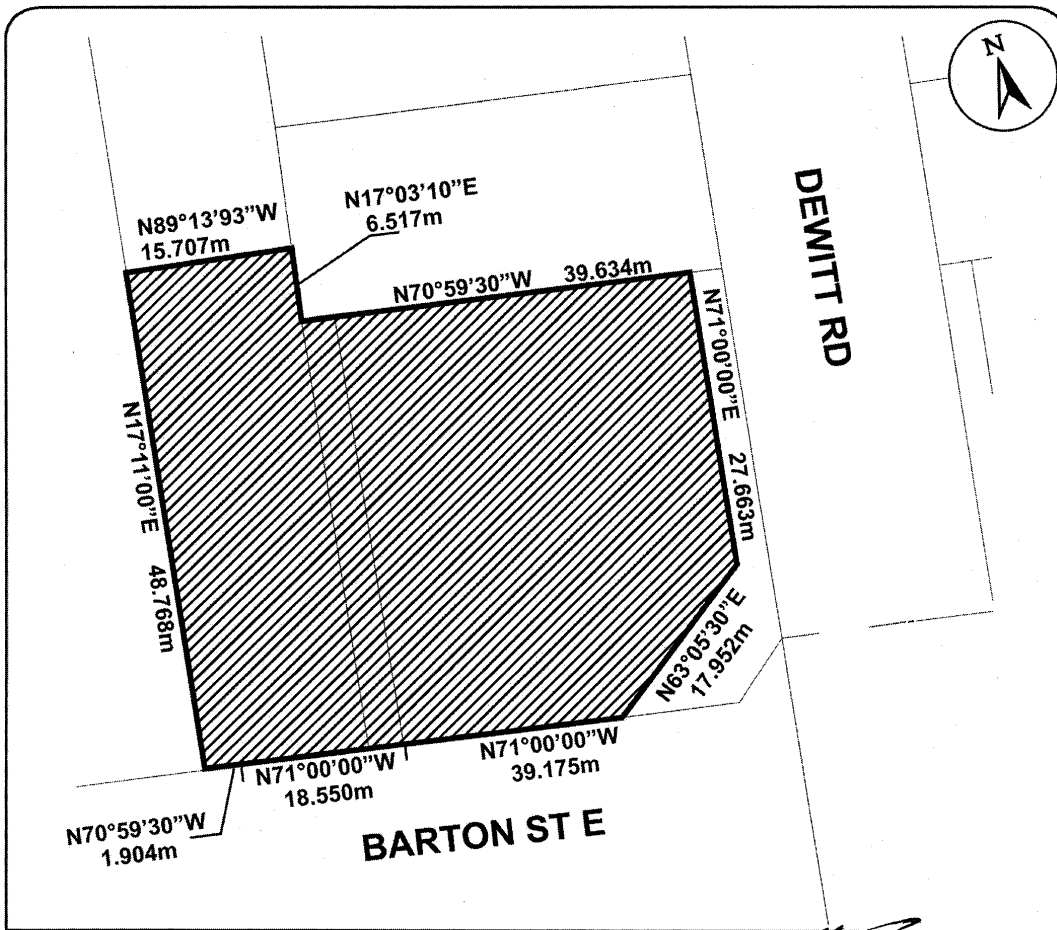
All parking provided in conjunction with or accessory to any permitted use shall be provided and maintained on lands zoned MSP-21. In addition, an outdoor patio restaurant shall be permitted in accordance with Section 8.1.7 and may encroach to a maximum of 4.5 metres into the required landscape strip adjacent to Dewitt Road."

3. 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 28th day of January, 2004.

  
MAYOR

  
CLERK



This is Schedule "A" to By-Law No. 04— 011

Passed the 28th day of January, 2004

*[Handwritten Signature]*  
 Mayor

## Schedule "A"

Map Forming Part of  
 By-Law No. 04-011  
 to Amend By-Law No 3692-92



Planning and Development Department  
 Hamilton

### Legend

**Subject Property**  
 521 Barton Street East



Block 1: Change from "MSP-16" Zone to "MSP-21" Zone

North 	Scale <b>NOT TO SCALE</b>	Reference File No. <b>ZAR-03-74</b>
	Date	Drawn By