

CITY OF HAMILTON

BY-LAW NO. 20-152

**To Amend Zoning By-law No. 3692-92
Respecting Lands Located at 1218 and 1226 Barton Street & 1219 Highway No. 8,
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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 2 of Report 20-006 of the Planning Committee at its meeting held on the 17th day of July, 2020, which recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan.

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

1. That Map No. 8 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended as follows:

- (a) by changing the zoning from the Agricultural Specialty “AS” Zone to the Single Residential “R4-35” Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” (Block 1);
- (b) by changing the zoning from the Rural Residential “RR” Zone to the Single Residential “R4-35” Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” (Block 2);
- (c) by changing the zoning from the Single Residential “R1” Zone to the Single Residential “R4-35” Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” (Block 3);
- (d) by changing the zoning from the Agricultural Specialty “AS” Zone to the Single Residential “R4-36” Zone, Modified, on the lands to the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” (Block 4);
- (e) by changing the zoning from the Agricultural Specialty “AS” Zone to the Single Residential “R4-36(H)” Zone, Modified, Holding, on the lands to the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” (Block 5); and,
- (f) by changing the zoning from the Agricultural Specialty “AS” Zone to the Single Residential “R4-37” Zone, Modified, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” (Block 6);
- (g) by changing the zoning from the Agricultural Specialty “AS” Zone to the General Commercial “GC-30(H)” Zone, Modified, Holding, on the lands to the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” (Block 7).

2. That Subsection 6.5.7, "Special Exemptions" of Section 6.5, Single Residential "R4" Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption "R4-35", as follows:

**"R4-35" 1218 and 1226 Barton Street and 1219 Highway No. 8, Schedule "A"
Map No. 8 (Blocks 1, 2 and 3)**

Notwithstanding the meaning of "Lot – Corner" in Part 2, Definitions, on those lands zoned "R4-35" by this By-law, the following shall apply:

Lot - Corner

Means:

- (a) A lot situated at the intersection of and abutting on two or more streets and which streets have an angle of intersection of not more than 135 degrees, but does not include streets which have 0.3 metre reserves; or
- (b) A lot abutting a curve of a street the adjacent sides of which curve contain an angle facing the lot of not more than 135 degrees, and such angle shall be formed by their tangents drawn from the points where the side lot lines meet the lot line abutting a street but does not include a lot abutting the bulb of a cul-de-sac or a turning circle, but does not include streets which have 0.3 metre reserves.

In addition to Part 2, Definitions, on those lands zoned "R4-35" by this By-law, the following shall apply:

Swale

Means a graded or engineered landscape feature, appearing as a linear, shallow, open channel for the purpose of conveying surface stormwater drainage, and includes an emergency overland flow route.

Notwithstanding any other provision of this By-law, no building or structure shall be located within a swale.

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), and (g) of Subsection 6.5.3 of Section 6.5, Single Residential “R4” Zone, on those lands zoned “R4-35” by this By-law, the following shall apply:

(a) Minimum Lot Area

| | | |
|--------------|---|-------------------|
| Interior Lot | - | 310 square metres |
| Corner Lot | - | 370 square metres |

(b) Minimum Lot Frontage

| | | |
|--------------|---|-------------|
| Interior Lot | - | 11.0 metres |
| Corner Lot | - | 12.7 metres |

(c) Minimum Front Yard

For Lots Fronting onto Barton Street and Highway No. 8 -

9.5 metres to the dwelling, except 10.0 metres to an attached garage.

For All Other Lots -

4.5 metres to the dwelling, except 6.0 metres to an attached garage.

(d) Minimum Side Yard -

1.2 metres, except:

1. On an interior lot where a swale is provided in the side yard, the minimum side yard shall be 0.6 metres measured from the uppermost interior edge of the swale's slope to the nearest wall of any building or structure on the lot, provided that the distance between the side lot line and the nearest wall of the principal building on the lot shall not be less than 1.2 metres.

2. On a corner lot, the minimum side yard abutting the flankage lot line shall be 3 metres, except that an attached garage or attached carport which fronts on the flankage lot line shall not be located within 6.0 metres of the flankage lot line.

(g) Maximum Lot Coverage - 48 percent

In addition to Subsection 6.5.3 of Section 6.5, Single Residential "R4" Zone, on those lands zoned "R4-35" by this By-law, the following shall apply:

(h) The minimum width of the front elevation of a dwelling, not including the attached garage, shall be 2.4 m measured along the foundation of the porch.

Notwithstanding the provision of Paragraph a) of Subsection 4.10.3 "Dimensions of Parking Spaces" and the provision of Paragraph d) of Subsection 6.1.8 "Parking

Restrictions in Residential Zones”, on those lands zoned “R4-35” by this By-law, the following shall apply:

- (a) Parking spaces for 90° perpendicular parking and parking spaces located within a residential garage shall have a minimum width of 3.0 metres and minimum length of 6.0 metres. Stairs, to a maximum height of 0.54 m, up to 0.6 metres, shall be permitted to encroach into an interior garage parking space.

Notwithstanding the provisions of Section 4.13.1 “Special Setbacks - Daylight Triangles” and Paragraphs a) and d) of Subsection 4.19 “Yard Encroachments”, the following shall apply:

- (a) Sills, belt courses, cornices, chimney breasts, decorative brick facing or pilasters, which may project into any required yard a distance of not more than 0.5 metres.
- (b) Canopies and decks, including a cold cellar underneath same, may project into any required front yard 1.5 metres. Canopies and decks may project into any required rear yard not more than 4 metres. Notwithstanding the foregoing, any deck or patio which is less than 0.3 metres in height may be located in any required yard.
- (c) Unenclosed porches may project into a required front yard a distance of not more than 3.0 metres and into a required flankage yard a distance of not more than 1.8 metres, exclusive of eaves and gutters.
- (d) Any lot located at the intersection of two or more roads will require a minimum yard to the hypotenuse of the daylight triangle of 2 metres for a

building; 0.5 metres for a porch, including porch foundations walls; and, 0.0 metres for eaves or gutters.

- (e) Bay windows, either with or without foundations, may project into a required front, rear, or flankage yard not more than 0.9 metres.
- (f) Balconies may project into any required front yard a distance of not more than 2.0 metres.

In addition to the regulations of Subsections 4.19 "Yard Encroachments", the following encroachments shall be permitted:

- (a) Stairs may project into a required front yard not more than 4.5 metres.
3. That Subsection 6.5.7, "Special Exemptions" of Section 6.5, Single Residential "R4" Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption "R4-36", as follows:

**"R4-36" 1218 and 1226 Barton Street and 1219 Highway No. 8, Schedule "A"
Map No. 8 (Blocks 4 and 5)**

All provisions of the "R4-35" Zone provisions in Section 2 above shall also apply on those lands zoned "R4-36" by this By-law.

In addition to Subsection 6.5.3 of Section 6.5, Single Residential "R4" Zone and Subsection 6.5.7, "Special Exemptions" of Section 6.5, Single Residential "R4-35" Zone, Modified, on those lands zoned "R4-36" by this By-law, the following shall apply:

(i) The maximum width of a driveway and the maximum interior width of an attached garage or an attached carport shall not be more than 4.5 metres.

4. That Subsection 6.5.7, "Special Exemptions" of Section 6.5, Single Residential "R4" Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption "R4-36(H1, H2)", as follows:

"R4-36(H)" 1218 and 1226 Barton Street and 1219 Highway No. 8, Schedule "A" Map No. 8 (Block 5)

Notwithstanding the provision of Section 3.8 "Holding Zones", on those lands zoned "R4-36(H)" by this By-law, the Holding (H) symbol may be removed and thereby give effect to the "R4-36" Zone provisions in Section 4 above, upon completion of the following:

(a) That the Owner prepare and implement an Emergency Overland Flow Route and dedicate an easement of suitable width for the Emergency Overland Flow Route to the City, all to the satisfaction of the Manager of Development Approvals.

5. That Subsection 6.5.7, "Special Exemptions" of Section 6.5, Single Residential "R4" Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption "R4-37", as follows:

"R4-37" 1218 and 1226 Barton Street and 1219 Highway No. 8, Schedule "A" Map No. 8 (Block 6)

All provisions of the "R4-35" Zone provisions in Section 2 above shall also apply on those lands zoned "R4-37" by this By-law.

In addition to the uses permitted in Subsection 6.5.2 of Section 6.5, Single Residential "R4" Zone, those lands zoned "R4-37" may also be used for a storm water management pond.

6. That Subsection 8.3.8, "Special Exemptions" of Section 8.3, General Commercial "GC" Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption "GC-30(H)", as follows:

"GC-30(H)" 1223 Highway No. 8, Schedule "A", Map No. 8 (Block 7)

Notwithstanding the provision of Section 3.8 "Holding Zones", on those lands zoned "GC-30(H)" by this By-law, the Holding (H) symbol may be removed and thereby give effect to the "GC-30" Zone provisions, upon completion of the following:

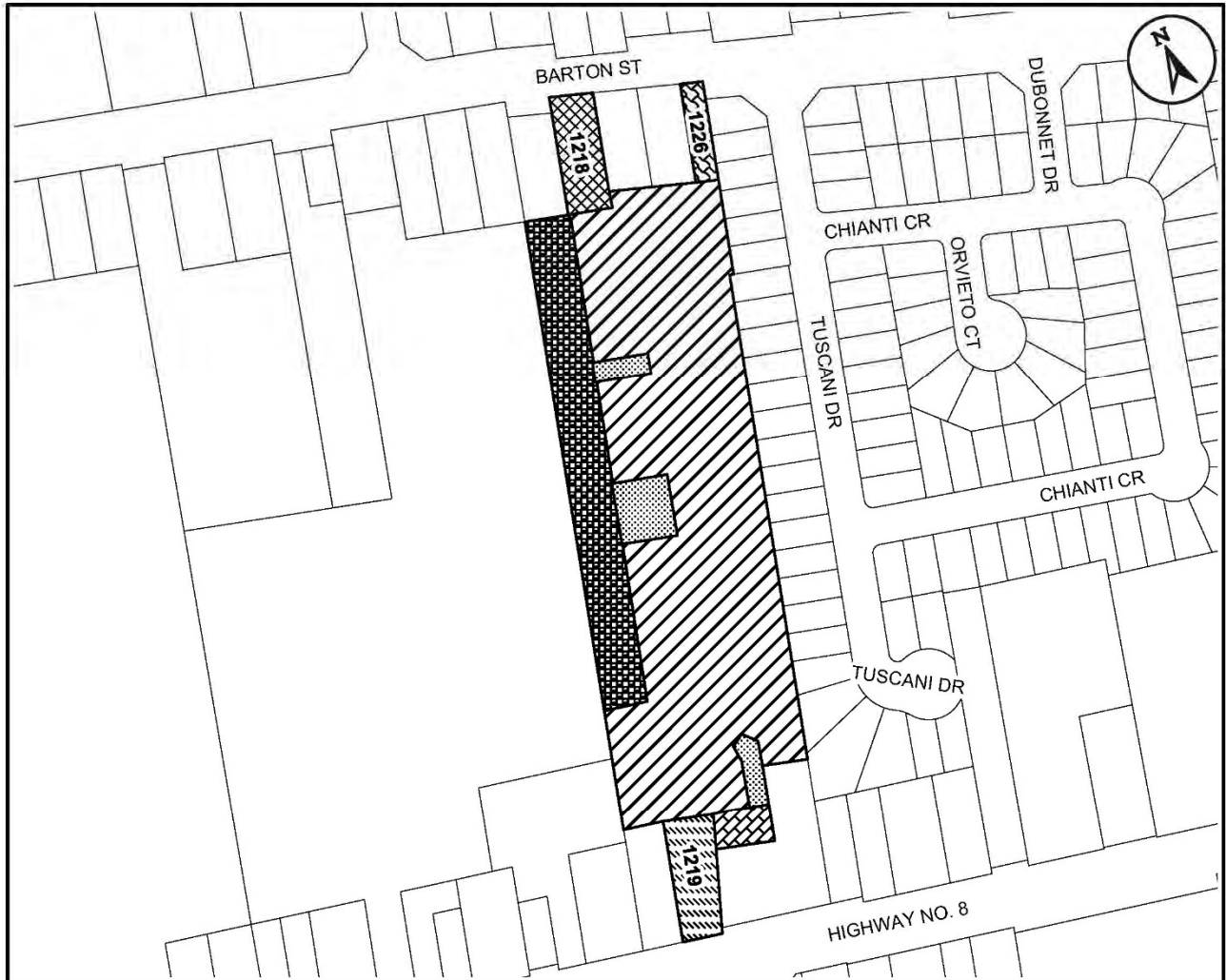
- (a) That land assembly occur in order to provide commercial zoned frontage, to the satisfaction of the Director of Planning and Chief Planner.
7. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Single Residential "R4" Zone and the General Commercial "GC" Zone provisions, subject to the special requirements referred to in Sections 2 through 6 of this By-law.
8. 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 17th day of July, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAC-17-076



This is Schedule "A" to By-law No. 20-

Passed the day of, 2020

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-law No. 20-_____

to Amend By-law No. 3692-92

Subject Property

1218 and 1226 Barton Street & 1219 Highway No. 8



Block 1 - Change in Zoning from the Agricultural Specialty "AS" Zone to the Single Residential "R4-35" Zone, Modified



Block 2 - Change in Zoning from the Rural Residential "RR" Zone to the Single Residential "R4-35" Zone, Modified



Block 3 - Change in Zoning from the Single Residential "R1" Zone to the Single Residential "R4-35" Zone, Modified



Block 4 - Change in Zoning from the Agricultural Specialty "AS" Zone to the Single Residential "R4-36" Zone, Modified



Block 5 - Change in Zoning from the Agricultural Specialty "AS" Zone to the Single Residential "R4-36(H)" Zone, Modified, Holding



Block 6 - Change in Zoning from the Agricultural Specialty "AS" Zone to the Single Residential "R4-37" Zone, Modified



Block 7 - Change in Zoning from the Agricultural Specialty "AS" Zone to the General Commercial "GC-30(H)" Zone, Modified, Holding

Scale:
N.T.S.

File Name/Number:
ZAC-17-076 / 25T-201711

Date:
February 21, 2020

Planner/Technician:
JL/VS



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT