

**Authority:** Item \_\_\_\_\_, Planning Committee  
Report PED23040  
CM:  
Ward: 10

**Bill No.**

## **CITY OF HAMILTON**

**BY-LAW NO. 23-\_\_\_\_\_**

### **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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 X of Report 23XXX of the Planning Committee at its meeting held on the \_\_\_\_ day of \_\_\_\_\_, 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. XX.

**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<br>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 and ENACTED** this \_\_\_ day of \_\_\_, 2023.

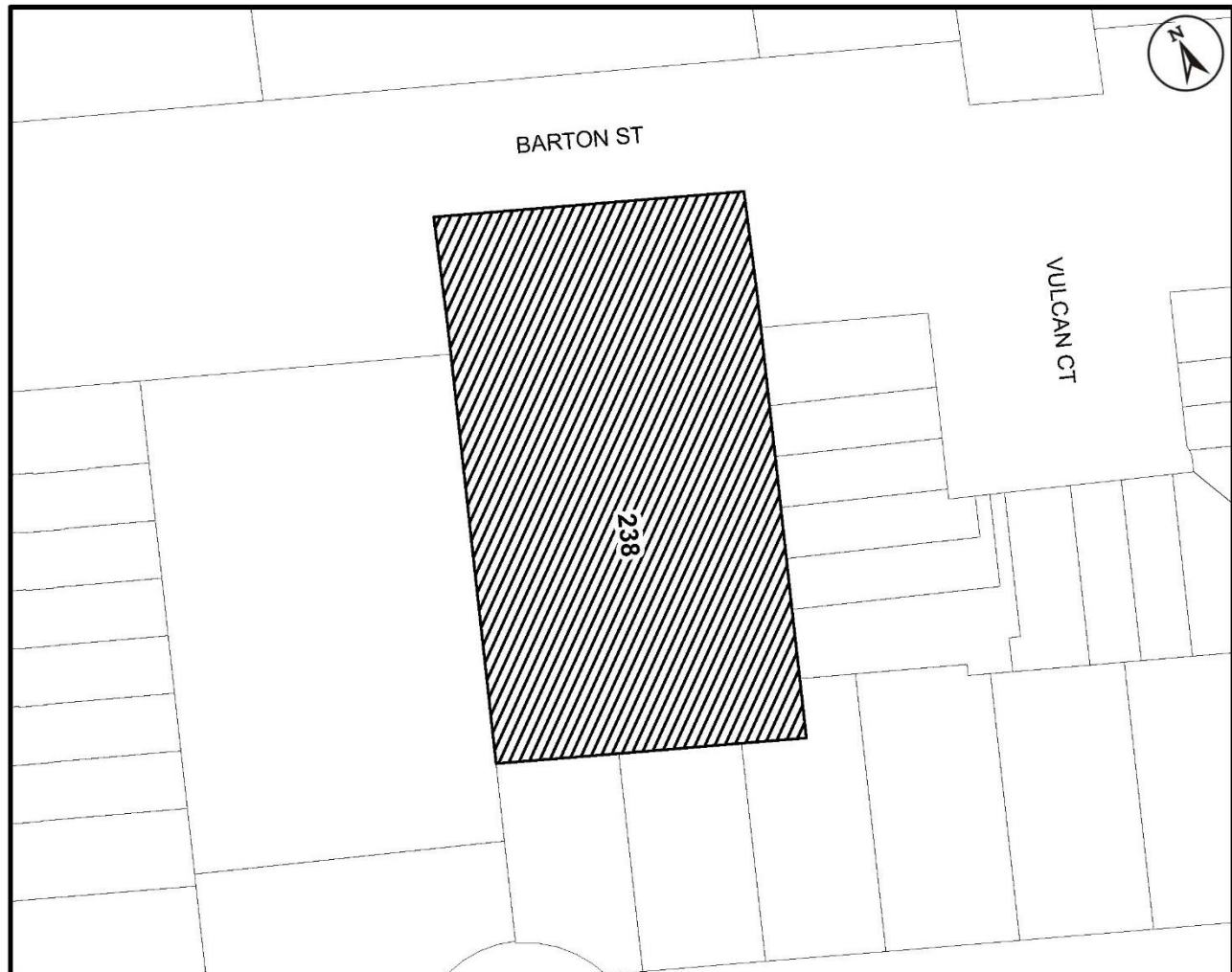
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A. Horwath  
Mayor

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A. Holland  
City Clerk

ZAC-19-007



This is Schedule "A" to By-law No. 23-

Passed the ..... day of ....., 2023

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Mayor

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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 & 251-201901 &  
UHOPA-19-003

Date:  
November 4, 2022

Planner/Technician:  
TV/VS



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT