

**Authority:** Item 3, Planning Committee  
Report: 16-001 (PED16007)  
CM: January 20, 2016

**Bill No. 037**

## **CITY OF HAMILTON**

### **BY-LAW NO. 16-037**

#### **To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Lands Located at 20 Artfrank Drive**

**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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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** the Council of the City of Hamilton, in adopting Item 3 of Report 16-001 of the Planning Committee, at its meeting held on the 20<sup>th</sup> day of January, 2016, 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, upon approval of Urban Hamilton Official Plan Amendment No. 45.

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

1. 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 further amending

Special Exemption, Multiple Residential (Holding) "RM3-27(H)", by deleting the existing provisions and replacing with the following:

**"RM3-27" 20 Artfrank Drive, Schedule "A" Map No. 10**

- (i) Notwithstanding the uses permitted in Subsection 6.10.2 of the Multiple Residential "RM3" Zone, the following uses shall be permitted:

Blocks 1 – 3 of the attached Schedule "A"

- a) Apartment Dwellings
- b) A Home Occupation
- c) Uses, buildings or structures accessory to a permitted use

Block 4 of the attached Schedule "A"

- a) Dwelling Groups
- b) Live/Work Units
- c) Maisonettes
- d) Townhouses
- e) A Home Occupation
- f) Uses, buildings or structures accessory to a permitted use

- (ii) Notwithstanding the definition of "Lot Line – Front" of Part 2 "Definitions" the following definitions shall apply:

"Lot Line – Front"

Artfrank Drive shall be deemed to be the front lot line.

- (iii) In addition to the definitions of Part 2 "Definitions" the following definition for "Live/Work Units" is to be added for the purpose of this By-law:

For the purposes of this By-law, a "Live/Work Unit" shall mean a dwelling unit having a residence and business in the same location which consists of a ground floor commercial unit having a maximum of 50m<sup>2</sup> of gross floor area and an upper level residential unit. Commercial uses in a "Live / Work Unit" shall be limited to a personal service shop, a professional office, and a retail store.

- (iv) Notwithstanding the provisions of Section 4.13.1 "Daylight Triangles" of Zoning By-law No. 3692-92, on those lands zoned "RM3-27" by this By-law, a minimum yard of 1.5 metres from the hypotenuse of the daylight triangle shall be provided and maintained.
- (v) Notwithstanding the provisions of Section 4.19.1 "General Application" of Zoning By-law No. 3692-92, on those lands zoned "RM3-27" by this

By-law, a porch may project a maximum of 4.5 metres into any required rear yard and 1.6 metres into any required side yard.

- (vi) In addition to the provisions of Section 6.10.2 "Permitted Uses for Each Lot", Live/Work Units shall also be permitted.
- (vii) Notwithstanding provisions of Paragraphs (c), (d), (e), (g), (i), (j), (l), and (m) of Section 6.10.3 "Zone Regulations"; of Zoning By-law No. 3692-92, on those lands zoned "RM3-27" by this By-law, the following shall apply:
  - (c) Maximum Setback from East and South - Lot Line - 6.6 metres, except that the maximum setback from the south lot line shall not apply to an apartment building.
  - (d) Side Yard for Townhouses and Dwelling Groups
    - 1. Minimum Interior - 3.0 metres, except that a minimum 9.0 m shall be provided and maintained for the easterly townhouse block adjacent to lands zoned Mixed Use Commercial "MUC-1(H)" Zone, Modified, Holding, known municipally as 182 and 188 Upper Mount Albion Road.
  - (e) Side Yard for Apartment Buildings
    - 1. Minimum Interior - 9.0 metres
    - 2. Maximum Exterior - 6.7 metres
  - (g) Minimum Rear Yard for Apartment Building - 8.8 metres
  - (i) Maximum Density - 200 units per Hectare
  - (j) Maximum Building Height for Block 4 - 3 storeys or 13.5



#### 4.10.3 Dimensions of Parking Spaces

- (b) For other than 90 degree perpendicular parking spaces and for parking spaces within private residential garages designed to accommodate one motor vehicle, the parking space shall not be less than 2.6 metres in width or less than 5.5 metres in length exclusive of any land used for access, manoeuvring, driveways or a similar purpose.

A single step, hose bibs, electrical devices and/or ductwork and closet enclosures may project not more than .3 metres into the required length or width of a parking space.

#### 4.10.4 Requirement For Parking Designated For Vehicles of Physically Challenged

At least 1 percent of the required parking spaces, with a minimum of one parking space, on any lot having more than 10 parking spaces, shall:

- a) have minimum rectangular dimensions of 4.4 metres by 5.5 metres; and

#### 6.1.8 Parking Restrictions in Residential Zones

- d) Parking spaces shall have a width of not less than 2.6 metres and a length of not less than 5.5 metres and parking spaces for physically challenged persons shall have a width of not less than 4.4 metres and a length of not less than 5.5 metres, exclusive of any land used to permit ingress or egress to said parking spaces, maneuvering areas, driveways or aisles. One parking space within a private residential garage shall not be less than 2.6 metres in width or less than 5.5 metres in length;

#### 6.10.5 Regulations for Parking

##### (a) Minimum Number of Parking Spaces

- |   |  |
|---|--|
| 1. Townhouse / Maisonette Dwellings       | 2.1 spaces per unit, which includes visitor spaces.  |
| 2. Bachelor / One Bedroom Apartment Units | 1.55 spaces per unit, which includes visitor spaces. |

3. Two Bedroom Apartment Units	1.8 spaces per unit, which includes visitor spaces.
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4. Three Bedroom Apartment Units	2.05 spaces per unit, which includes visitor spaces.
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e) Where there is a grouping of three or more parking spaces, no parking shall be provided closer than 0.9 m to any dwelling unit located on the same lot, except that the provisions of this clause shall not apply to any parking space located within an underground garage.

3. That 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.

4. That 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 10<sup>th</sup> day of February, 2016.

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F. Eisenberger  
Mayor

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R. Caterini  
City Clerk

ZAC-15-018



This is Schedule "A" to By-law No. 16-

Passed the ..... day of ....., 2016

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Mayor

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Clerk

## Schedule "A"

Map Forming Part of  
By-law No. 16-\_\_\_\_\_

to Amend By-law No. 3692-92

### Subject Property

20 Artfrank Drive



**Blocks 1, 2, 3 & 4** - Change in zoning by repealing and replacing the provisions of the Multiple Residential "RM3-27" Zone, Modified, Site Specific By-law No. 06-164

Scale:  
N.T.S.

File Name/Number:  
ZAC-15-018

Date:  
December 1, 2015

Planner/Technician:  
AC/VS



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT