

**Authority:** Item 1, Planning Committee  
Report 20-003 (PED20043)  
CM: February 26/27, 2020  
Ward: 10

**Bill No. 036**

## **CITY OF HAMILTON**

### **BY-LAW NO. 20-036**

#### **To Amend Zoning By-law No. 05-200 with respect to lands located at 461 Green Road, Stoney Creek**

**WHEREAS** Council approved Item 1 of Report 20-003 of the Planning Committee, at the meeting held on February 26, 2020;

**AND WHEREAS** this By-law conforms with the Urban Hamilton Official Plan upon the adoption of Urban Hamilton Official Plan Amendment No. 130.

**NOW THEREFORE** Council of the City of Hamilton amends Zoning By-law No. 05-200 as follows:

1. That Map Nos. 1051 and 1097 of Schedule “A” – Zoning Maps are amended by changing the zoning from the Community Commercial (C3) Zone to the Mixed Use Medium Density (C5, 669, H34) Zone for the lands identified in the Location Map attached as Schedule “A” to this By-law.
  
2. That Schedule “C” – Special Exceptions is amended by adding the following new Special Exception:  
  
“669. Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Map Nos. 1051 and 1097 of Schedule “A” – Zoning Maps and described as 461 Green Road, the following special provisions shall apply:  
  
a) In addition to Section 3 of this By-law, any reserve block abutting a lot line shall be considered a street.

b) Notwithstanding Sections 4.23 a), 5.1 a) v) b), 5.1 d), 5.2 b) and f), 5.2.1 c), and 5.6 c) and e), and in addition to Section 5.2 e), the following regulations shall apply:

- i) Special Setbacks                      Electrical and communication facilities, noise walls, and fences existing on the effective date of this By-law shall be deemed to comply with the regulations for any required setbacks and are permitted by this By-law.
  
- ii) Planting Strip                         Shall provide a 2.8 metre wide planting strip being required and permanently maintained between the street line and the said parking spaces or aisles, except for that portion where a building, not including any accessory structure or mechanical or unitary equipment, is located between the street line and parking spaces and aisles.
  
- iii) Parking Location                    Parking spaces in excess of the required parking and aisles shall be permitted between the required building façade and the front lot line.
  
- iii) Parking Space Sizes                a) Minimum 2.75 metres in width and 5.8 metres in length.  
  
b) Notwithstanding a) above, barrier free parking spaces shall be a minimum of 2.8 metres in width and 5.8 metres in length, accompanied by a painted aisle of not less than 1.5 metres in width.

- v) Surfaces of Parking Spaces and Parking Lots  
May include exhaust and intake vents provided at grade.
- vi) Loading Facilities  
A Loading Facility shall be permitted in a required yard abutting a Residential Zone and shall be screened from view by a Visual Barrier in accordance with Section 4.19 of this By-law.
- vii) Number of Parking Spaces for a Multiple Dwelling and Commercial or Institutional Uses
  - a) Minimum 1.25 parking spaces and 0.25 visitor parking spaces per dwelling unit.
  - b) Maximum 1.5 parking spaces and 0.35 visitor parking spaces per dwelling unit.
  - c) No parking spaces shall be required for Commercial or Institutional Uses.
  - d) Each shared commercial and residential visitor parking space shall:
    - a. be maintained for the use of both the commercial and residential visitor parking;
    - b. have a sign erected and legibly marked that the parking spaces are for the use of both commercial and residential visitor parking: and,
    - c. be maintained and readily accessible for either use, free and

clear of all  
obstructions.

c) Notwithstanding Sections 10.5.3 a), d), g) vi), i), and j), and in addition to Sections 10.5.1.1 and 10.5.3 h), the following regulations shall apply:

- i) Building Setback from a Street Line
  - From Green Road:
    - a) Minimum 0.4 metres; and,
    - b) Maximum 8.5 metres.
  - From North Service Road:
    - a) Maximum 16.5 metres.
- ii) Restricted Uses
  - a) Multiple Dwelling Unit(s) shall only be permitted in conjunction with a Commercial Use.
- iii) Building Height
  - a) Minimum 7.5 metre façade height for any portion of a building along a street line;
  - b) Maximum 46.0 metres for any portion of the building along a street line; and,
  - c) Maximum 7.5 metres for any portion of the building along a rear or interior side lot line; and,
  - d) In addition to b) above, maximum building height shall be equivalently increased as yard increases beyond the minimum rear and interior side yard requirements, established in Sections 10.5.3 b) and c) of

this By-law, to a maximum of 46.0 metres.

- e) In addition to the definition of Building Height in Section 3: Definitions, any wholly enclosed or partially enclosed amenity area, or any portion of a building designed to provide access to a rooftop amenity area shall be permitted to project above the uppermost point of the building, subject to the following regulations:
  - a. The total floor area of the wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area does not exceed 10% of the floor area of the storey directly beneath;
  - b. The wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall be setback a minimum of 3.0 metres from the exterior walls of the storey directly beneath; and,
  - c. The wholly enclosed or partially enclosed

structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall not be greater than 3.0 metres in vertical distance from the uppermost point of the building to the uppermost point of the rooftop enclosure.

iv) Built form for New Development

In the case of new buildings constructed after the effective date of this by-law or additions to buildings existing as of the effective date of this by-law:

- a) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street.
- b) The minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines abutting a street.
- c) In addition to Subsections a) and b) above, the minimum width of the ground floor façade facing the front and flankage lot lines shall exclude access driveways and any required yards within a lot line abutting a street.
- d) No parking spaces and/or aisles shall be permitted between the required building

façade and the flankage lot line.

- e) A minimum of one principal entrance shall be provided:
  - a. within the ground floor façade that is set back is closest to a street; and,
  - b. shall be accessible from the building façade with direct access from the public sidewalk.
- f) A walkway shall be permitted in a Planting Strip where required by the By-law.

v) Minimum Amenity Area for Dwelling Units and Multiple Dwellings

In addition to the Minimum Amenity Area requirements, a rooftop amenity area that has exposure to the front lot line shall be less than 4.0 metres in depth.

vi) Planting Strip

- a) A minimum 0.7 metres wide Planting Strip shall be provided and maintained along the rear lot line abutting a Residential zone between the rear lot line, and, parking aisles and exhaust and intake vents; and,
- b) A minimum 2.0 metre wide Planting Strip, which may include a noise wall, shall be provided and maintained along the remainder of the rear lot line and the westerly side lot line abutting a Residential zone.

vii) Visual Barrier Requirement  
A visual barrier shall be required along any lot line abutting a Residential Zone property line in accordance with Section 4.19 of this By-law, except between the rear lot line and exhaust and intake vents.

viii) Density  
a) Minimum 100 dwelling units per net residential hectare.  
b) Maximum 349 dwelling units per net residential hectare.

d) Section 10.5.1.1 i) 1) shall not apply.

3. That Schedule “D” – Holding Provisions be amended by adding the additional Holding Provision as follows:

“34. Notwithstanding Section 10.5 of this By-law, within lands zoned Mixed Use Medium Density (C5, 669) Zone, identified on Map Nos. 1051 and 1097 of Schedule “A” – Zoning Maps and described as 461 Green Road, no development shall be permitted until such time as:

a) The necessary upgrades to the sanitary sewers to accommodate additional flows are completed to the satisfaction of the Senior Director of Growth Management.

b) A final Traffic Impact Study prepared by a qualified Traffic Engineer is submitted, approved, and implemented, to the satisfaction of the Manager of Transportation Planning.

c) The Owner has acquired additional lands required for access along the Green Road frontage, to the satisfaction of the Ontario Ministry of Transportation.



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 27<sup>th</sup> day of February, 2020.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

ZAC-18-034



<p>This is Schedule "A" to By-law No. 20-</p> <p>Passed the ..... day of ....., 2020</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2>Schedule "A"</h2> <p>Map Forming Part of By-law No. 20-_____</p> <p>to Amend By-law No. 05-200 Maps 1051 &amp; 1097</p>		<p><b>Subject Property</b> 461 Green Road</p> <p> Change in Zoning from Community Commercial (C3) Zone to Mixed Use Medium Density (C5, 669, H34) Zone</p>
<p><b>Scale:</b> N.T.S.</p>	<p><b>File Name/Number:</b> ZAC-18-034/UHOPA-18-013</p>	<p>Hamilton</p>
<p><b>Date:</b> Nov. 21, 2019</p>	<p><b>Planner/Technician:</b> TV/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		