

Authority: Item XX, Planning Committee
Report (PED24093)
CM: June X, 2024
Ward: 5

Bill No.

CITY OF HAMILTON
BY-LAW NO. 24-

To amend Zoning By-law No. 05-200 with respect to lands located at 399 Greenhill Avenue, Hamilton

WHEREAS Council approved Item _____ of Report _____ of the Planning Committee, at its meeting held on June __, 2024;

AND WHEREAS this By-law conforms to the Urban Hamilton Official Plan, as amended by Official Plan Amendment No. _____.

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

1. That Map Nos. 1245 and 1298 of Schedule “A” to Zoning Maps are amended by changing the zoning from the Community Commercial (C3) Zone to the Mixed Use Medium Density (C5, 897, H172) Zone, for the lands identified on Schedule “A” to this By-law.
2. That Schedule “C” – Special Exceptions is amended by adding the following new Special Exception:
 - “897. Within the lands zoned Mixed Use Medium Density (C5) Zone, on Map Nos. 1245 and 1298 of Schedule “A” – Zoning Maps and described as 399 Greenhill Avenue, Hamilton, the following special provisions shall apply:
 - a) In addition to Section 4.6 d) and Section 4.19, the following regulations shall apply:
 - i) Porch Encroachment A porch, deck, stairs or canopy may encroach into a required yard to a maximum of 2.5 metres adjacent to Mount Albion Road.
 - ii) Visual Barrier For the northerly lot line shared with 30 and 40 Harrisford Street, a fence with a height of 1.0 metres existing on the

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date of the passing of this By-law shall be considered a Visual Barrier for the purpose of compliance with Section 4.19.

- b) Notwithstanding Section 5.2.a) i) and 5.2.1 c), the following regulations shall apply:
- i) Parking Abuts a Residential Zone
 - A) A minimum 1.5 metre wide landscape strip which shall contain a visual barrier in accordance with Section 4.19 of this By-law.
 - B) Notwithstanding 2 b) i) A), above for the lot line shared with 30 and 40 Harrisford Street, a minimum 1.5 metre wide landscape strip and a fence with a height of 1.0 metres existing on the date of the passing of this By-law shall be considered a Visual Barrier.
 - ii) Loading Spaces
 - A loading space may be located in a yard abutting a Residential Zone for the northerly lot line shared with 30 and 40 Harrisford Street and, a fence with a height of 1.0 metres existing on the date of the passing of this By-law shall be considered a Visual Barrier for the purpose of compliance with Section 5.2.1 c).
- c) Notwithstanding Section 10.5.1.1 i) 1, 10.5.3 a) i), 10.5.3 b), 10.5.3.d) i), ii), and iii), 10.5.3 g) v) 2., and 10.5.3 g) vii), and in addition to Section 10.5.3 j), the following regulations shall apply:
- i) Restriction of Uses within a Building
 - A) Section 10.5.1.1 i) 1, shall not apply for the lands included in Block 2 of Special Figure No. 40 of Schedule “F” – Special Figures.
 - B) Section 10.5.1.1 i) 1), shall not apply to dwelling units that do not

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- front a street line for the lands included in Block 1 of Special Figure No. 40 of Schedule “F” – Special Figure.
- ii) Minimum Setback from a Street Line
- A) In accordance with Special Figure No. 40 of Schedule “F” – Special Figures.
- B) Notwithstanding Section c) ii) A), above, floor area with a maximum depth of 1.5 metres shall be permitted to project into the required building setback above a height of 13.5 metres above grade.
- iii) Minimum Rear Yard
- In accordance with Special Figure No. 40 of Schedule “F” – Special Figures.
- iv) Minimum North Side Yard Setback
- In accordance with Special Figure No. 40 of Schedule “F” – Special Figures.
- v) Minimum Building Height
- A) Minimum 7.5 metre façade height for any portion of a building along a street line.
- B) Notwithstanding c) v) A) above, a 5.0 metre minimum facade height for any portion of a building along the Harrisford Street line and for a portion of a building fronting onto Greenhill Avenue located within 17.0 metres of the Harrisford Street line shall be permitted.
- vi) Maximum Building Height
- A) 12.0 metres
- B) Notwithstanding c) vi) A) above, building heights may exceed 12.0 metres in accordance with Special Figure No. 40 of Schedule “F” – Special Figures.

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| vii) Principal Entrance | <p>A) A principal entrance is required within the ground floor façade that is setback closest to a street, for the lands included in Block 1, of Special Figure No. 40 of Schedule “F” – Special Figures.</p> <p>B) A principal entrance shall require direct access from the public sidewalk, for the lands included in Block 1, of Special Figure No. 40 of Schedule “F” – Special Figures.</p> |
| viii) Visual Barrier | <p>A fence with a height of 1.0 metre existing on the date of the passing of this By-law shall be considered a Visual Barrier in accordance with the requirements of Section 4.19 of this By-law for the northerly lot line shared with 30 and 40 Harrisford Street.</p> |
| ix) Percentage of two and three Bedroom Units | <p>A minimum of 30 percent of the dwelling units shall have two bedrooms and a minimum of 5 percent of the dwelling units shall have three or more bedrooms.</p> |

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

“172. Notwithstanding Section 10.5 of this By-law, within lands zoned Mixed Use Medium Density (C5) Zone, on Map No. 1245 and 1298 of Schedule “A” – Zoning Maps and described as 399 Greenhill Avenue, Hamilton, no development shall be permitted until such time as:

- a) The owner submit and receive approval of a Tree Protection Plan (and applicable review fee), to the satisfaction of the Director of Heritage and Urban Design.
- b) The owner submit a signed Record of Site Condition to the satisfaction of the Director of Development Planning or enters into a conditional building permit agreement with respect to completing a Record of Site

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Condition. The Record of Site Condition must include a notice of acknowledgement of the Record of Site Condition by the Ministry of the Environment, Conservation and Parks, and submission of the City of Hamilton’s current Record of Site Condition administration fee.

- c) The owner submit and receive approval of an updated Pedestrian Wind Study, to the satisfaction of the Director of Heritage and Urban Design.
 - d) The owner submit and receive approval of an updated Environmental Noise Study, to the satisfaction of the Director of Development Planning.
 - e) The Owner submits to the City’s Director of Development Engineering for review and acceptance, a revised Functional Servicing Report which demonstrates:
 - i. That through a sanitary sewer capacity analysis, there is a suitable sanitary sewer outlet with sufficient capacity available, including but not limited to improvements to the existing sanitary sewer on Harrisford Street to support the proposed increase in wastewater capacity in accordance with the City’s standards.
 - ii. The owner enters into and registers an External Works Agreement with the City on the title of the lands for the design and construction of any required sanitary sewer improvements to the municipal infrastructures identified in accordance with the recommendations of the sanitary sewer capacity analysis.
 - iii. That the owner submits an updated Watermain Hydraulic Analysis (WHA), identify the modelled system pressures at pressure district levels under various boundary conditions and demand scenarios, to demonstrate that the municipal system can provide for required flows to support the proposed development.
4. That Schedule “F” – Special Figures be amended by adding Special Figure 40: Building Heights and Setbacks for 399 Greenhill Avenue as shown on Schedule “B” to this By-law.
5. 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 provisions of the Mixed Use Medium Density (C5, 897, H172) Zone subject to the special requirements referred to in Section No. 2, 3 and 4 of this By-law.

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6. 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*.

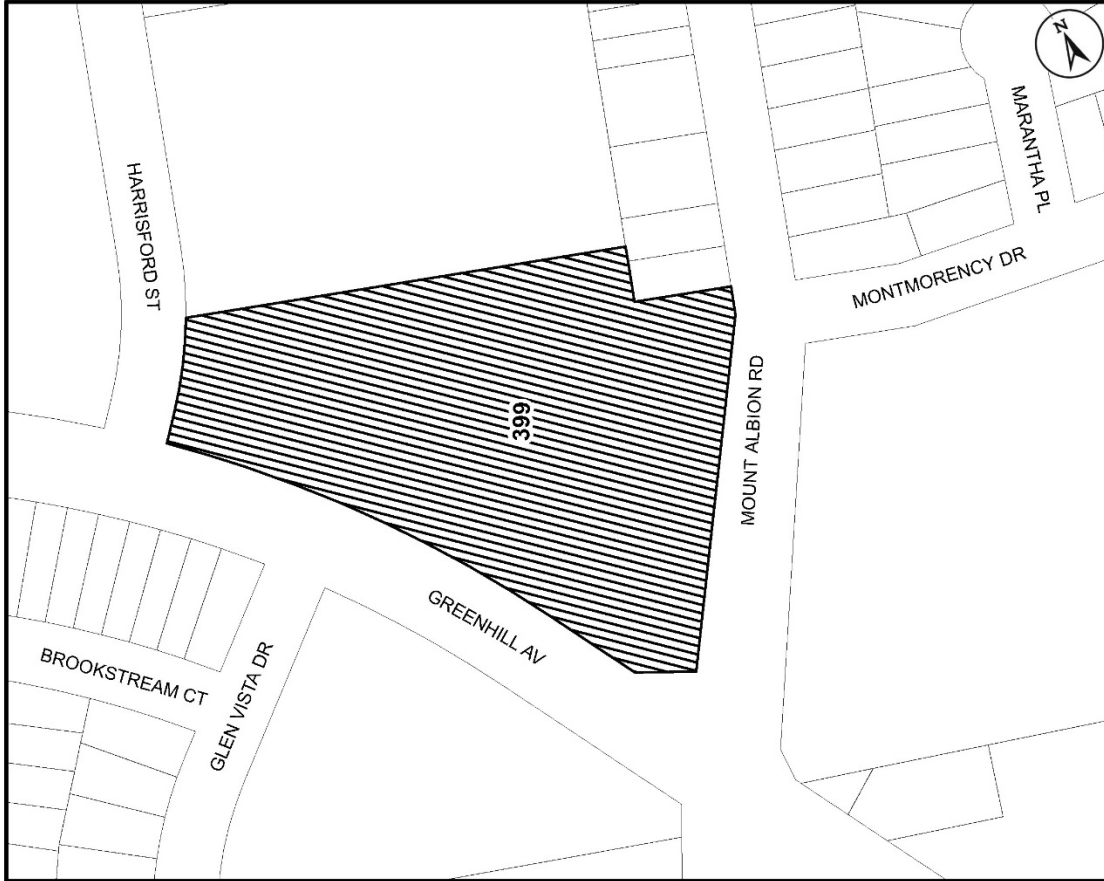
PASSED and ENACTED this ____ day of _____, 2024.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

ZAC-22-030

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<p>This is Schedule "A" to By-law No. 24-</p> <p>Passed the day of, 2024</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<p>Schedule "A"</p> <p>Map forming Part of By-law No. 24-_____</p> <p>to Amend By-law No. 05-200 Map 1245, 1298</p>	<p>Subject Property</p> <p>399 Greenhill Avenue, Hamilton (Ward 5)</p> <p> Change in zoning from the Community Commercial (C3) Zone to the Mixed Use Medium Density (C5, 897, H172) Zone</p>
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Scale: N.T.S	File Name/Number: ZAC-22-030/UHOPA-22-016	<p>Hamilton</p>
Date: April 11, 2024	Planner/Technician: DB/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

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Schedule "B"

