

Specific Modifications to the (D6) Zone

Street Townhouse Dwellings (Blocks “1” and “3”)

Regulation	Required	Modification	Analysis
Minimum Lot Area	150 sq. m.	120 sq. m.	<p>Staff note that the proposed street townhouse dwellings will provide a 7.0 metre rear yard setback, and a 4.5 metre front yard setback to the dwelling and a 6.0 metre front yard setback to the garage. As such, one parking space will be provided in the garage and one parking can be accommodated within the private driveway. In this regard, staff are of the opinion that the proposed lot will be adequately sized to accommodate the built form, adequate amenity space and parking areas.</p> <p>These modifications have merit and can be supported.</p>
Minimum Lot Width	5.5 m	4.8m	
Front Yard Setback	3.0m (Maximum)	4.5m (Dwelling) 6.0m (Garage) (Minimum)	<p>Specific to the (D6) Zone, the maximum front yard setback is intended to create a pedestrian focused environment by pushing buildings close to the streetline while locating parking areas to the rear of properties and within underground parking garages. In this instance, the adjacent existing residential lots contain single detached dwellings that are setback from the front lot line in the range of 3.68 metres to 5.62 metres, while containing individual driveways that accommodate parking in the front yard. Staff are of the opinion that the proposed front yard setback is consistent with the streetscape in the area. This modification has merit and can be supported.</p>
Minimum Flankage Yard	3.0m (Maximum)	1.5 m	<p>The minimum Front Yard Requirement for Block “2” is 1.5 metres because of a technicality in that the lot line adjacent to the public street is deemed to be the front lot line, but is a de facto side yard/flankage yard condition. The minimum flankage yard is required to create a consistent street line with Block “2”.</p> <p>These modifications have merit and can be supported.</p>

Block Townhouse Dwellings (Block “2”)

Regulation	Required	Modification	Analysis
Minimum Front Yard Setback	N/A	1.5 metres	<p>The intent of including this provision is to minimize the physical impact of structures and to ensure a consistent streetscape along the street. The front lot line is considered the northerly lot line abutting Ayr Avenue. However, given the orientation of the block townhouse dwellings, this lot line will act as a flankage yard. It should be noted that as part of a future Site Plan Control application, the north elevations of the Block Townhouse Dwellings which front onto Ayr Avenue South will be required to read as front facing dwellings with upgraded side elevations.</p> <p>This modification has merit and can be supported.</p>
Minimum Rear Yard Setback	N/A	1.5 metres	<p>Staff note that the rear yard within Block “2” will function as a side yard and abut the proposed visitor parking spaces in Block “4”. The intent of this provision is to minimize the physical impact of structures on Block “4”, allow for adequate privacy and for drainage purposes. Staff note that this setback is in keeping with the side yard setbacks of street townhouse dwellings.</p> <p>This modification has merit and can be supported.</p>
Minimum Side Yard Setback	N/A	6.0 metres	<p>Given the configuration of Block “2” and the orientation of the dwellings, the side yard of the lot will function as a rear yard amenity area for the block townhouse dwellings. The intent of this provision is to minimize the physical impact of structures on the adjacent area, while providing for adequate outdoor amenity area for the occupants of the dwellings. Staff are of the opinion that the proposed side yard will provide adequate outdoor amenity area of the dwelling units.</p> <p>This modification has merit and can be supported.</p>
Minimum Setback to a Street	N/A	4.5 metres (dwelling) 6.0 metres (garage)	<p>In order to ensure a consistent streetscape and to minimize the physical impact along the street, staff consider it appropriate to apply a minimum setback of the dwelling and garage from the condominium road.</p> <p>This modification has merit and can be supported.</p>

Block Townhouse Dwellings (Block “6”)

Regulation	Required	Modification	Analysis
Minimum Front Yard Setback	N/A	3.0 metres (Maximum)	<p>The intent of this provision is to minimize the physical impact of structures along the road, accommodate the provision of parking and ensure a consistent streetscape. As Block “6” will be developed as a standard condominium, the lot line abutting Hayes Avenue is considered the front lot line. Given the irregular shape of the lot, the block townhouse dwellings have been orientated internal to the subject property as opposed to being located along the frontage of Hayes Avenue. In consideration of the curvature of the Hayes Avenue in this location, staff are of the opinion that the modification will ensure a consistent streetscape.</p> <p>This modification has merit and can be supported.</p>
Minimum Side Yard Setback	N/A	6.0 metres	<p>Given the configuration of Block “6” and the orientation of the dwellings thereon, the side yard of the lot will function as rear yard amenity areas for the block townhouse dwellings. As such, the intent of this provision is to minimize the physical impact of structures on the adjacent area, while providing for adequate outdoor amenity area for the occupants of the dwellings. Staff are of the opinion that the proposed setback will provide adequate outdoor amenity area for the dwelling units, while the impact on the abutting residential dwelling to the east will be minor.</p> <p>As a result, this modification has merit and can be supported.</p>
Minimum Rear Yard Setback	N/A	5.0 metres	<p>Given the orientation of the block townhouses dwellings on Block “6”, the minimum rear yard provision provides for a setback to the southerly lot line which abuts the Red Hill Valley Creek and Red Hill Valley Parkway (RHVP). It should be noted that the City of Hamilton Zoning By-law No. 6593 contains a provision that requires a minimum setback for all structures of 15.25 metres from the limits of the RHVP. Zoning By-law No. 05-200 does not contain a setback from the RHVP given that the City has not included residential zoning within the By-law.</p> <p>Respecting noise impacts, staff note that the common lot line between the subject land and the RHVP contains a 3.0 metre high acoustical wall fence. Further, the development of Block “6” will be subject to Site Plan Control, wherein a noise impact study and mitigation measures, if required, will be implemented prior to the occupancy of any dwellings. With respect to safety concerns, staff note that Block “6” is located in excess of 50.0 metres from</p>

			<p>the access ramp and 90.0 metres from the RHVP proper. In addition, there is a significant grade differential in that the subject lands are located at a higher elevation relative to the RHVP.</p> <p>This modification has merit and can be supported.</p>
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Block Townhouse Dwellings and Maisonette Dwellings (Block "4")

Regulation	Required	Modification	Analysis
Minimum Front and Rear Yard Setbacks	<p>Front - 3.0 metres (Maximum)</p> <p>Rear - 3.0 metres (Minimum)</p>	<p>Front - 3.0 metres (Minimum)</p> <p>Rear – 2.0 metres (minimum)</p>	<p>Staff note that the front and rear yards of Block "4" will act as flankage yards for the dwellings. The front yard setback proposed for Block "4" matches the front yard setback of the multiple dwelling along Block "7", which is the adjacent to the north and south respectively. In terms of the surrounding area, the front yard setbacks of the neighbouring residential lots along Reid Avenue North are setback from the front lot line in the range of 3.68 metres to 5.62 metres. Staff note that a 3.0 metre planting strip will be required between the lot lines abutting a street and the dwellings. Through the Site Plan Control process, staff will ensure that adequate vegetation will occur within the planting strip to help reduce the impact of the structures on adjacent area. With respect to the rear yard setback, staff note that the 3.0 metre setback is consistent with the setback requirements for dwellings within Block 5, along the east side of Street "A". Further, in terms of amenity the area, the applicant will be required to provide a minimum of 6.0 square metres of amenity space per dwelling which will can take the form of private amenity (private patios / balconies) of communal amenity areas (shared open space).</p> <p>This modification has merit and can be supported.</p>
Minimum Side Yard Setback	7.5 m	<p>10.0 m (northerly) (Block Townhouse Dwellings) (Maisonettes)</p> <p>4.5 m (southerly) (Block Townhouse Dwellings)</p>	<p>Staff note that a condominium road and private driveways are proposed between the side lot line and the location of the maisonette dwellings. The southerly side yard will apply to block townhouse dwellings, is internal to the site and is intended to provide rear yard amenity area for the dwellings.</p> <p>This modification has merit and can be supported.</p>
Minimum Flankage Yard Setback	3.0 metres	<p>3.0 m (dwelling) (Maisonette)</p> <p>5.8 m (garage) (Maisonette)</p>	<p>The flankage lot line is the southerly lot line and abuts proposed Street "A". The applicant is proposing to orient maisonette dwellings along Street "A" while accommodating private driveways in the flankage yard. Staff are of the opinion this setback will accommodate a driveway while minimizing the physical impact along the street. Further, the minimum</p>

		4.5 m (Maisonette) (Block Townhouse Dwellings)	<p>setback of 3.0 metres is consistent with the provision for built form along Street "A". With respect to the block townhouse dwellings, it is the intention to prohibit the location of block townhouses along the southerly portion of Block "4". This is to ensure that there is an appropriate gradation in built form from the high density residential to the south, to the low density residential to the north.</p> <p>These modifications have merit and can be supported.</p>
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Block Townhouse Dwellings, Maisonette Dwellings and Stacked Townhouse Dwellings (Block "5")

Regulation	Required	Modification	Analysis
Minimum Easterly Side Yard Setback	7.5 m	3.0 m 1.0 m in Areas "1", "2" and "3" as shown on Figure 20 of Schedule "F" – Special Figures 6.0m abutting RHVP	<p>Based on the configuration of the lot, the easterly side lot line abuts the Red Hill Valley Creek / Parkway. The intent of the minimum side yard is to minimize the physical impact of structures on adjacent properties while minimizing the impact of noise and safety on all buildings and structures in close proximity of the Red Hill Valley Creek / Parkway.</p> <p>With respect to noise, staff note that the common lot line between the subject land and the RHVP contains a 3.0 metre high acoustical wall fence. Further, the development of the lands in proximity to the Red Hill Valley Creek / Parkway will be subject to Site Plan Control, wherein a noise impact study and mitigation measures, if required, will be implemented prior to the occupancy of any dwellings. With respect to safety concerns, staff note that there is a significant grade differential wherein the subject land is located a higher elevation location relative to the access ramps of the Red Hill Valley Parkway.</p> <p>This modification has merit and can be supported.</p>
Rear Yard	3.0 m	6.0 m	<p>In this instance, the rear yard is proposed to contain a condominium road. Should the condominium road change and block townhouses are provided, the 6.0 metre setback will provide for adequate separation between the built form on Block "5" and Block "6".</p> <p>This modification can be supported.</p>

Multiple Dwellings (Block “7”)

Regulation	Required	Modification	Analysis
Front yard Setback	3.0 m (Maximum)	8.0 m (minimum)	<p>The intent of this provision is to ensure that buildings are brought close to the streetline while ensuring that surface parking areas are located away from the street line and in behind the building on the property. In consideration of the adjacent low density residential area surrounding the development, staff consider a minimum setback of 3.0 metres for a portion of the building and 20.0 m for the balance of the building to be appropriate for this area, while the This will allow the applicant to provide sufficient landscaping between the building and the streetline to ensure greater compatibility with adjacent land uses. Further, this setback is in alignment with the setback of applied to the dwellings on Block “4” along the east side of Reid Avenue North.</p> <p>This modification has merit and can be supported.</p>
Minimum Flankage Yard Setback	3.0 m	3.0 m for not a length of 20.0 m	
Minimum Bicycle Parking Spaces		<p>5 short term per building</p> <p>0.5 long term per unit</p>	<p>The intent of this provision is to ensure that proposed developments provide for an adequate amount of bicycle parking, which will promote the use of other modes of transportation aside from the automobile. Staff note that the bicycle parking requirements have been taken from the requirements of the Transit Oriented Corridor (TOC) Zones in Zoning By-law No. 05-200. Given that the subject lands are located approximately 50 metres from lands located in the TOC Zone along Queenston Road, staff consider applying these bicycle parking requirements to the multiple dwellings in Block 7 to be appropriate.</p> <p>This modification has merit and can be supported.</p>

Permitted Yard Encroachments

Regulation	Required	Modification	Analysis
Porch, Deck or Canopy – Permitted Yard Encroachments	1.5 (maximum)	1.8	<p>Further, a modification is required to permit a porch, deck or canopy to encroach into any required yard a maximum of 1.8 metres, instead to a maximum of half the distance of the required yard, whichever is the lesser. Whereas a porch, deck or canopy may encroach a maximum of 1.5 metres into a required yard.</p> <p>The intent of the above provisions is to permit certain elements of a residential dwelling to encroach into required yards where they do not pose any adverse impact on adjacent properties or the street. Staff are of the opinion that the increase encroachment is minor in nature and will not pose any adverse impact on adjacent properties or the street line.</p> <p>As a result, this modification has merit and can be supported.</p>
Balcony - Permitted Yard Encroachments	1.0 metres (maximum)	1.8 metres	<p>Further, a modification is required to permit a balcony to encroach into any required yard a maximum of 1.8 metres, except into a required side yard of not more than one-third of its width or 1.8 metres, whichever is less, whereas a balcony may encroach a maximum of 1.0 metres into any required yard, except into a required side yard of not more than one-third of its width or 1.0 metres, whichever is less.</p> <p>The intent of the above provisions is to permit certain elements of a residential dwelling to encroach into required yards where they do not pose any adverse impact on adjacent properties or the street. Staff are of the opinion that the increase encroachment is minor in nature and will not pose any adverse impact on adjacent properties or the street line.</p> <p>As a result, this modification has merit and can be supported.</p>

Height of Architectural Wall or Feature (Block “4”)

Regulation	Required	Modification	Analysis
Height of Architectural Wall or Feature (Maximum)	0.6 metres	2.0 metres	<p>This is a site specific requirement for Block “4a”. The intent of this provision is to ensure that architectural walls or features do not pose a visual impact on adjacent properties or along the street. The applicant is proposing to construct an architectural wall or feature on the east side of Reid Avenue North where the terminus of Main Street East is located (see Appendix “G” to Report PED18158). The purpose of the architectural wall or feature is to deter ‘cut through’ traffic from gaining access through the site, while permitting pedestrian and other modes of non motorized transportation to pass through this area. Provided the architectural wall is setback 3.0 metres from front lot line of Block “4” which will reduce the impact along the streetline, staff are of the opinion that a 2.0 metre high architectural wall or feature is appropriate for the intended use, will not pose any adverse impacts along the street and could create a gateway feature for the development.</p> <p>As a result, this modification has merit and can be supported.</p>

Accessory Dwellings within end units of Block Townhouse Dwellings and Street Townhouse Dwellings (Blocks “1” to “6”)

Regulation	Required	Modification	Analysis
Accessory Dwellings within end units of Block Townhouse Dwellings and Street Townhouse	Does not permit	Permit	<p>Based on the concept plan submitted, the allowance to permit an accessory apartment would apply to 28 end unit townhouses in the Draft Plan of Subdivision. The intent for considering only end unit townhouses for accessory dwelling units is for the ability to meet Ontario Building Code requirements for minimum sunlight and ventilation, as well as ensuring the accessory dwelling will not be accessing the unit from the rear of the property which would create access issues into the rear yard. It should be noted that accessory apartments within townhouse dwellings is a new concept in the City. Staff are viewing this permission as a way to test new types of dwellings and this should not be considered as a</p>

Dwellings			precedent in other cases of the City. Given the above, this modification has merit and can be supported.
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Home Business within Block Townhouse Dwellings, Maisonette Dwellings and Stacked Townhouse Dwellings
(Blocks "2", "4" to "6")

Regulation	Required	Modification	Analysis
Home Business within Block Townhouse Dwellings, Maisonette Dwellings and Stacked Townhouse Dwellings		Permit	Currently, these dwellings types are considered under the definition of a multiple dwellings in Zoning By-law No. 05-200, which permits a Home Business as described in Section 4 of the Zoning By-law No. 05-200. The intent of this modification is to extend the same provisions as multiple dwellings to block townhouses, maisonette dwellings, and stacked townhouse dwellings and provide further clarity pertaining to these uses. Given the above, this modification has merit and can be supported.

Definition of Block Townhouse Dwelling, Maisonette Dwelling and Stacked Townhouse Dwelling

Dwelling Type	Definition	Analysis
Block Townhouse Dwelling	Shall mean a building divided vertically by a common or party wall, into a minimum of three and a maximum of eight Dwelling Units fronting on a laneway or common condominium driveway, each of which having an independent entrance at grade, but shall not include a maisonette.	A modification is required to the Definitions section to define block townhouse dwelling, maisonette dwelling and stacked townhouse dwelling, whereas Zoning By-law No. 05-200 does not contain definitions for these uses. While it is proposed to add/modify the definitions in By-law 05-200, at the time of preparation of this report these changes have not been considered by Planning Committee, as such, and in the absence of definitions for the above uses, block townhouse, maisonette and stacked townhouse dwellings have traditionally met the definition of a Multiple Dwelling under the (D6) Zone. However, given the intended built form being proposed, the
Maisonette Dwelling	Shall mean a building used exclusively for residential purposes divided vertically into a minimum of four and a maximum of 24 back-to-back Dwelling Units, by two or more common walls which prevent internal access between units	

	<p>and extend from the base of the foundation to the roof line, and each Dwelling Unit having an independent entrance at grade.</p>	<p>location of the uses within the Draft Plan of Subdivision and the neighbourhood surrounding the subject land, staff consider it appropriate to provide definitions for these uses to provide clarity and ensure unit type variety. These uses are aligned with those proposed in an upcoming housekeeping amendment to Zoning By-law No. 05-200.</p>
<p>Stacked Townhouse Dwelling</p>	<p>shall mean a building divided vertically and horizontally into a minimum of three and a maximum of 16 Dwelling Units, by common walls which prevent internal access between units, with each Dwelling Unit having one or more private entrances at grade.</p>	<p>Given the above, this modification has merit and can be supported.</p>