

Appendix “G-5” – Modifications and Updates Summary to Section 10.5: Mixed Use Medium Density (C5) Zone			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</p>			
Explanatory Note	<p>The C5 Zone is found along collector and arterial roads where the zone permits a range of retail, service, commercial, entertainment, and residential uses serving the surrounding community. The built form encourages an active transit supportive, pedestrian environment that is anchored by single or mixed-use buildings oriented towards the pedestrian realm. Although residential uses are permitted, either as a single or mixed-use building, this zone is predominantly commercial.</p>	<p>The C5 Zone is found along collector and arterial roads where the zone permits a range of retail, service, commercial, entertainment, and residential uses serving the surrounding community. The built form encourages an active transit supportive, pedestrian environment that is anchored by single or mixed-use buildings oriented towards the pedestrian realm. Although residential uses are permitted, either as a single or mixed-use building, this zone is predominantly commercial.</p>	<p>The word “building” is added to the preamble for further clarity in the intent, where the residential uses are permitted either in a single-use or mixed-use building.</p>
10.5.1.1 i)2.	<p>Notwithstanding Subsection 10.5.1.1 i)1., a maximum of one Dwelling Unit(s) shall be permitted in a basement or cellar.</p>	<p>Notwithstanding Subsection 10.5.1.1 i)1., Dwelling Unit(s) shall be permitted in a basement or cellar.</p>	<p>A revision to the regulation provides further clarity in wording. The intent of the regulation to permit residential uses in the basement or cellar remains unchanged.</p>

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10.5.3c)	<p>i) 0.0 metres for building(s) less than or equal to 11.0 metres in building height.</p> <p>ii) Notwithstanding Section 10.5.3.d and Section 10.5.3 c) i), a minimum 3.0 metres for building(s) with a building height greater than 11.0 metres to a maximum building height of 14.0 metres.</p> <p>iii) Notwithstanding Section 10.5.3.d and Sections 10.5.3 c) i) and ii), a minimum 6.0 metres for building(s) with a building height greater than 14.0 metres.</p> <p>iv) Notwithstanding Subsections i), ii) and iii), a minimum 7.5 metres for lots abutting a Residential Zone or Institutional Zone or lot containing a Residential Use. Single Detached Dwelling, Semi-Detached Dwelling, and Street Townhouse.</p>	<p>i) 0.0 metres for building(s) less than or equal to 11.0 metres in building height.</p> <p>ii) Notwithstanding Section 10.5.3.d and Section 10.5.3 c) i), a minimum 3.0 metres for building(s) with a building height greater than 11.0 metres to a maximum building height of 14.0 metres.</p> <p>iii) Notwithstanding Section 10.5.3.d and Sections 10.5.3 c) i) and ii), a minimum 6.0 metres for building(s) with a building height greater than 14.0 metres.</p> <p>iv) Notwithstanding Subsections i) and ii), a minimum 7.5 metres for lots abutting a Single Detached Dwelling, Semi-Detached Dwelling, and Street Townhouse.</p>	<p>The existing regulation required a minimum 7.5 metres interior side yard setback when abutting any residential use regardless of lot size and lot width. This resulted in skinny lots becoming sterilized if this requirement broadly applied.</p> <p>An amendment includes:</p> <ul style="list-style-type: none"> • Specifying when the minimum 7.5 metres interior side yard setback applies to only single-detached, semi-detached, and townhouse dwellings. • A new regulation requiring a minimum 3.0 metres for buildings between 11.0 metres and 14.0 metres, and 6.0 metres for buildings over 14.0 metres. This allows for transition and buffering due to height. • A new regulation where for buildings of up to 11.0 metres no interior side yard setback shall apply. This applies to commercial streets such as Barton Street, where buildings are built close together and would like to maintain the overall street scape.
10.5.3h)	<p>On a lot containing more than 10 or more dwelling units, the following Minimum Amenity Area requirements be provided:</p>	<p>On a lot containing 10 or more dwelling units, the following Minimum Amenity Area requirements be provided:</p>	<p>An amendment to the preamble for more clarity that the regulation applies to 10 or more dwelling units.</p>

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10.5.3h) i)	An area of 4.0 square metres for each dwelling unit less than or equal to 50 square metres of gross floor area ; and,	An area of 4.0 square metres for each dwelling unit less than or equal to 50 square metres of gross floor area; and,	<p>The current regulation was not clear on what regulation to apply when the dwelling unit is exactly 50 square metres of Gross Floor Area. An amendment to the regulation to add the word “equal to” provide greater clarity on what regulation to apply when a dwelling unit is exactly 50 square metres.</p> <p>Further, “gross floor area” provides clarity on what is included in the 50 square metres, as per the definitions of Gross Floor Area in Section 3 of the Hamilton Zoning By-law. No. 05-200</p>
10.5.3h) ii)	An area of 6.0 square metres for each dwelling unit greater than 50 square metres of gross floor area .	An area of 6.0 square metres for each dwelling unit 50 square metres or more of gross floor area.	<p>An amendment to the regulation includes adding the words “gross floor area” provides clarity on what is included in the 50 square metres, as per the definitions of Gross Floor Area in Section 3 of the Hamilton Zoning By-law. No. 05-200.</p> <p>In addition, the amendment also includes a word change replace “more than” with “greater than”.</p>
10.5.3j)	A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, or Downtown (D5) Zone of Downtown (D6) Zone property line in accordance with the requirements of Section 4.19 of this By-law.	A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, or Downtown (D5) Zone in accordance with the requirements of Section 4.19 of this By-law.	<p>An amendment to the regulation to delete reference to Downtown (D6) Zone. Recent amendments to the Downtown Secondary Plan and implementing Downtown Zones in Hamilton Zoning By-law No. 05-200 resulted in the deletion of the zone.</p> <p>In addition, removed the word “line” to have consistent wording with other zones</p>

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10.5.5a)	Notwithstanding Section 10.5.3a) i) and ii), Minimum of 4.5 metres.	Notwithstanding Section 10.5.3a) i) and ii), Minimum of 4.5 metres.	An amendment adding a “notwithstanding” clause to provide clarity on when to apply the setback regulations. This does not change the intent of the zone regulation.
10.5.5c)	Notwithstanding Section 10.5.3i), a planting strip 3.0 metres in width shall be required abutting any street line, or Residential Zone or Institutional Zone property lot line, except for points for ingress and egress.	Notwithstanding Section 10.5.3i), a planting strip 3.0 metres in width shall be required abutting any street line, or Residential Zone or Institutional Zone lot line, except for points for ingress and egress.	An amendment adding a “notwithstanding” clause to provide clarity on when to apply the setback regulations. This does not change the intent of the zone regulation. In addition, replace the word “property” with “lot” for wording consistency.
10.5.9	In addition to Section 4.26 of this By-law, an Urban Farm shall only be permitted in the rear yard or on the roof-top of the principal principle building.	In addition to Section 4.26 of this By-law, an Urban Farm shall only be permitted in the rear yard or on the roof-top of the principal building.	Revision of the words from “principle” to “principal”.
10.5.10	In addition to Section 4.27 of this By-law, a Community Garden shall only be permitted in the rear yard or on the roof-top of the principal principle building.	In addition to Section 4.27 of this By-law, a Community Garden shall only be permitted in the rear yard or on the roof-top of the principal building.	Revision of the words from “principle” to “principal”.