

Site Specific Modifications to the Mixed Use Medium Density (C5) Zone

Regulation	Required	Modification	Analysis
<p>Definitions – Lot Lines fronting a street</p>	<p>Lot Line - Shall mean the boundary of a lot including the vertical projection thereof.</p> <p>Flankage Lot Line - shall mean a lot line other than a front lot line that abuts a street.</p> <p>Front Lot Line – shall mean any lot line abutting a street...</p> <p>Street - Shall mean a public highway or road allowance having a minimum width of 12.0 metres.</p>	<p>In addition to Section 3 of this By-law, any reserve block abutting a lot line shall be considered a street.</p>	<p>There is a 0.3 m Ministry of Transportation (MTO) reserve placed along the full length of the site’s North Service Road and Green Road frontages, except for the existing site access. To ensure the definitions of flankage lot line and front lot line are applied to regulations of this by-law as intended, the additional regulation clarifies the reserves are part of the street.</p> <p>Therefore, staff supports this modification.</p>
<p>Special Setbacks</p>	<p>All buildings, structures, required parking areas and storm water management facilities located on a property shall be setback a minimum of 14.0 metres from a Provincial Highway Right-of-Way.</p>	<p>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.</p>	<p>Existing bell facilities, transformer, noise wall, and chain-link fence are located within the 14.0 m MTO setback; however, they are not intended to be modified or relocated.</p> <p>Therefore, staff supports this modification.</p>

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Planting Strip (parking spaces)	<p>Parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from the street...:</p> <ul style="list-style-type: none"> • Shall provide a 3.0 metre wide planting strip being required and permanently maintained between the street line and the said parking spaces or aisle... 	<p>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.</p>	<p>The intent of a planting strip between the street line and parking spaces are to screen the parking spaces from the street. The modification is limited to the southern side of the entrance driveway along the building frontage next to the Green Road street line, not including the existing bell facilities and transformer noted above. The parking spaces along the southern side of the building are setback approximately 20 metres from the Green Road street line. Required planting strips of between 3 and 4 metres are otherwise provided throughout and the corner of Green Road and North Service Road will be sufficiently landscaped to provide screening.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
Parking Location	<p>Multiple Dwellings</p> <p>On a lot containing a multiple dwelling:</p> <ul style="list-style-type: none"> With the exception of any visitor parking required by Section 5.6, required parking for multiple dwellings shall not be located between the façade and the front lot line or between the façade and flankage lot line. In no case shall any parking be located within the required front yard or required flankage yard or within 3.0 metres of a street line. Visitor parking may be permitted between the façade and a street provided that no more than 50% of the front yard shall be used for visitor parking and access to such parking. 	<p>Parking spaces in excess of the required parking and/or aisles shall be permitted between the required building façade and the front lot line</p>	<p>Eight spaces are located between the front lot line and the building façade. These spaces are surplus as permitted within the 14.0 m MTO setback and provided as additional parking spaces for the convenience of residents and potential users of the commercial spaces. This is a corner lot and the North Service Road frontage is deemed to be the front lot line; however, based on the orientation of the development addressing Green Road, the neighbourhood context, and restricted development within the MTO setback, locating parking within this yard is considered appropriate.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
<p>Parking Space Sizes</p>	<p>Parking space sizes shall be:</p> <ul style="list-style-type: none"> • Minimum 3.0 metres in width and 5.8 metres in length; and, • Where a wall, column, or any other obstruction is located abutting or within any parking space within an above ground or underground parking structure, the minimum width of a parking space shall be increased by 0.3 metres. • Notwithstanding [above], in the case of a barrier free parking, each parking space shall have a minimum width of 4.4 metres and a minimum length of 5.8 metres. 	<p>Parking space sizes shall be:</p> <ul style="list-style-type: none"> • Minimum 2.75 metres in width and 5.8 metres in length. • 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. 	<p>The proposed development was designed in accordance with the Former Stoney Creek Zoning By-law No. 3692-92 (for a modified Multiple Residential “RM5” Zone), and the proposed standard parking space sizes conform to this by-law. During the review of this application, the Commercial and Mixed Use Zones of City of Hamilton Zoning By-law No. 05-200 came into force and effect, which rezoned the subject lands from the General Commercial “GC-35” Zone, Modified, to the Community Commercial (C3) Zone and increased the minimum parking space size. In addition, the development proposal was revised to include a commercial component. The proposed barrier free parking spaces are designed in accordance with AODA standards. A larger parking space size results in fewer spaces provided for users of the proposed development, whereas a smaller parking space size allows the parking area to be fully maximized. The width of the parking stall is sufficient for a vehicle in a residential building.</p> <p>Therefore, staff supports these modifications.</p>

Regulation	Required	Modification	Analysis
Surfaces of Parking Spaces and Parking Lots	Parking Lots in All Zones, except the Rural Classification Zones, shall be designed and maintained with stable surfaces such as asphalt, concrete or other hard-surfaced material.	May include exhaust and intake vents provided at grade.	<p>All of the parking spaces are provided with stable surfaces such as asphalt and concrete. There are two vents from the underground parking structure within the driveways. The vents would be of stable construction and are at grade so as to not restrict the passage of vehicles.</p> <p>Therefore, staff supports this modification.</p>
Loading Facilities	Loading facilities shall not be permitted in a required yard abutting a Residential Zone or an Institutional Zone and shall be screened from view by a Visual Barrier in accordance with Section 4.19 of this By-law.	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.	<p>Along the eastern and southern boundary of the property, the site is adjacent to Green Road and North Service Road and is surrounded by Residential Zones to the north and west. The location of the loading facility is placed within the yards abutting the Residential Zones, as it would disrupt the streetscape if it were to be located in the other required yards. The proposed development provides adequate screening from the loading space along the lot line abutting the Residential Zones.</p> <p>Therefore, staff supports this modification.</p>

<p>Number of Parking Spaces for a Multiple Dwelling and Commercial or Institutional Uses</p>	<ul style="list-style-type: none"> • Minimum 0.3 spaces/unit ≤50 m² @ 7 units + 1.0 spaces/unit >50 m² + 1.0 per 30 m² Commercial / Institutional GFA over 450 m² @ 14.5 m² (assumed) = 238.1 spaces. • Maximum 1.25 spaces/unit @ 260 units (325 spaces) and no Commercial / Institutional Maximum. 	<ul style="list-style-type: none"> • Minimum 1.25 parking spaces and 0.25 visitor parking spaces per dwelling unit (390 spaces). • No parking spaces shall be required for Commercial or Institutional Uses. • Maximum 1.5 parking spaces and 0.35 visitor parking spaces per dwelling unit. • Each shared commercial and residential visitor parking space shall: <ul style="list-style-type: none"> 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 	<p>The standard of parking spaces for the Commercial Mixed Use Zones are anticipated for a more urban context, with different modes of transportation available to offset potential automobile usage. There is limited transit available in the surrounding area, which warrants an increased minimum number of parking spaces. For comparison, the Stoney Creek Zoning By-Law would require 445 parking spaces for the proposed development (337 resident, 91 visitor, and 17 commercial). The maximum is consistent with the Stoney Creek Zoning By-Law for two-bedroom multiple dwelling units. Through the Parking Justification Study prepared by Crozier Consulting Engineering dated April 2019, the proposed residential and visitor parking rates are appropriate. Further, the visitor parking spaces are to be shared with parking needed for the Commercial or Institutional Uses within the proposed development.</p> <p>Therefore, staff supports these modifications.</p>
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		residential visitor parking: and, c. be maintained and readily accessible for either use, free and clear of all obstructions.	
Building Setback from a Street Line	<ul style="list-style-type: none"> • Minimum 3.0 metres. • Maximum 4.5 metres. 	From Green Road: <ul style="list-style-type: none"> • Minimum 0.4 metres; and, • Maximum 8.5 metres. From North Service Road: <ul style="list-style-type: none"> • Maximum 16.5 metres. 	<p>The minimum setback is measured to a projecting column from the building face at 0.4 m, however, the primary façade of the building is setback 1.8 m from the closest point to the street line. Staff also note that the north portion of the building will be setback approximately 8.4 m from the street line, once the 0.3 metre MTO reserve is acquired for the proposed access to Green Road. While the façade is oriented parallel to Green Road, the property line is tapered out towards North Service Road. In actuality, the building provides a consistent and appropriate setback from the street.</p> <p>The maximum setback with respect to the North Service Road frontage is where the 14.0 m MTO setback applies and therefore the development would be unable to conform without modification to the By-law.</p> <p>Therefore, staff supports these modifications.</p>

Regulation	Required	Modification	Analysis
<p>Restricted Uses</p> <p>Minimum finished floor elevation of any dwelling unit above grade <i>(subsection c) of proposed Zoning By-law attached as Appendix "C" to Report PED20043).</i></p>	<ul style="list-style-type: none"> No applicable restriction. The finished floor elevation of any dwelling unit shall be a minimum of 0.9 metres above grade. 	<ul style="list-style-type: none"> Multiple Dwelling Unit(s) shall only be permitted in conjunction with a Commercial Use. The finished floor elevation of any dwelling unit shall not apply. 	<p>To ensure the development contributes to a complete community, the commercial component shall be required whereas the parent C5 Zone can permit standalone multiple dwellings.</p> <p>Without the proposed modifications to the C5 Zone, the building would be required to be setback less than 4.5 m from the street line. In addition to other design measures, elevated finished floors provide a clear physical delineation between the public realm (i.e. the sidewalk and street) and the private space of the residential dwelling unit, to extend the sense of ownership and privacy. The proposed dwelling units at grade are located approximately 12 metres from the sidewalk along Green Road and are not located in an area where there would be heavy pedestrian traffic along the street where a raised elevation is warranted for enhanced privacy. Other landscape or fencing treatments to distinguish the semi-public commercial uses from the private residential uses and direct pedestrian traffic to the appropriate building accesses will be addressed at the site plan stage. Being provided at grade, the ground floor units are also available for barrier free accessibility.</p> <p>Therefore, staff supports these modifications.</p>

<p>Building Height</p>	<ul style="list-style-type: none"> • Maximum 22.0 metres; and, • Notwithstanding [above], any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum yard requirement established in Section 10.5.3 b) and c) when abutting a Residential or Institutional Zone to a maximum of 22.0 metres. 	<p>a) Minimum 7.5 metre façade height for any portion of a building along a street line;</p> <p>b) Maximum 46.0 metres for any portion of the building along a street line; and,</p> <p>c) Maximum 7.5 metres for any portion of the building along a rear or interior side lot line; and,</p> <p>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.</p> <p>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</p>	<p>With respect to proposed Subsections a) and e), these regulations are not yet final and binding in By-law 05-200 and have been carried forward in this site specific by-law.</p> <p>With respect to proposed Subsections b) through d), the proposed development provides more than the required minimum rear yard and interior side yard setbacks, meeting the general intent and purpose of the parent regulation. Further, upper storeys are stepped back through the use of a 45° angular plane to provide an appropriate transition to surrounding lower profile residential uses, minimizing impact of privacy and overlook. Further, the proposed massing will not cast significant shadows on adjacent properties. The proposed building height has no immediate impact on surrounding properties. Further, as discussed with respect to parking requirements, the initial application proposed rezoning to the Multiple Residential “RM5” Zone of the Stoney Creek By-law, which has no maximum building height.</p> <p>Therefore, staff supports these modifications.</p>
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		<p>provide access to a rooftop amenity area shall be permitted to project above the uppermost point of the building, subject to the following regulations:</p> <ul style="list-style-type: none"> 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 	
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		<p>be setback a minimum of 3.0 metres from the exterior walls of the storey directly beneath; and,</p> <p>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.</p>	

<p>Built form for New Development</p>	<p>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:</p> <ul style="list-style-type: none"> i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street. ii) For an interior lot or a through lot the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 40% of the measurement of the front lot line. iii) For a corner lot 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. iv) In addition to Section i), ii) and iii) [above], the minimum width of 	<p>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:</p> <ul style="list-style-type: none"> 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 	<p>The existing regulations are not yet final and binding.</p> <p>With respect to required Subsections i), iii), iv), vii), and viii), these regulations have been carried forward in the site specific by-law.</p> <p>With respect to Required Subsection vi), this regulation has been modified as Subsection d) The eight parking spaces, as discussed above in Parking Location, are located between the front lot line and the building facade. Parking will not be permitted to be located between the flankage lot line and the building face.</p> <p>Therefore, staff supports these modifications.</p>
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	<p>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.</p> <p>v) For commercial development existing at the time of the passing of the By-law, the Section 10.5.3g)ii) and iii) shall not apply to new commercial buildings subject to the following:</p> <ol style="list-style-type: none"> 1. The maximum Gross Floor Area of each building shall be 650 square metres; and, 2. Notwithstanding Section 10.5.3d)i), the minimum building height shall be 6.0 metres. <p>vi) No parking, stacking lanes, or aisles shall be located between the required building façade and the front</p>	<p>required building façade and the flankage lot line.</p> <p>e) A minimum of one principal entrance shall be provided:</p> <ol style="list-style-type: none"> 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. <p>f) A walkway shall be permitted in a Planting Strip where required by the By-law.</p>	
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	<p>lot line and flankage lot line.</p> <p>vii) A minimum of one principal entrance shall be provided:</p> <ol style="list-style-type: none"> 1. within the ground floor façade that is set back is closest to a street; and, 2. shall be accessible from the building façade with direct access from the public sidewalk. <p>viii) A walkway shall be permitted in a Planting Strip where required by the By-law.</p> <p>ix) Notwithstanding Section 10.5.3, for properties designated under the Ontario Heritage Act, any alternative building design or building materials approved through the issuance of a Heritage Permit shall be deemed to comply with this Section.</p>		
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Regulation	Required	Modification	Analysis
<p>Minimum Amenity Area for Dwelling Units and Multiple Dwellings</p>	<p>On a lot containing 10 dwelling units or more, the following Minimum Amenity Area requirements be provided:</p> <ul style="list-style-type: none"> 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, ii) An area of 6.0 square metres for each dwelling unit greater than 50 square metres of gross floor area. iii) In addition to the definition of Amenity Area in Section 3: Definitions, an Amenity Area located outdoors shall be unobstructed and shall be at or above the surface, and exposed to light and air. 	<p>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.</p>	<p>In accordance with MOECP guidelines, sound level limits are specified for outdoor living areas (OLAs) which include balconies and elevated terraces with a minimum depth of 4 m. There are rooftop areas on the southerly and westerly sides of the 2nd, 5th, 9th, and 12th floors which are exposed to noise from the QEW and would be greater than 4 m in depth. These areas will be restricted to less than 4 m to ensure they do not qualify as OLA.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
Planting Strip (abutting residential)	Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 1.5 metre wide Planting Strip shall be provided and maintained.	<ul style="list-style-type: none"> • 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, • 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. 	<p>The intent of the Planting Strip is to provide screening between incompatible uses. A Planting Strip is provided along the majority of the northerly and westerly lot lines, except in a small portion behind the vent. This is just a small area with a reduced width and is compensated by otherwise wider Planting Strips throughout and the existing board fence along the northerly lot line. Further screening may be provided during the site plan stage.</p> <p>Therefore, staff supports this modification.</p>
Visual Barrier Requirement	A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, or Downtown (D5) Zone 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 property line in accordance with Section 4.19 of this By-law, except between the rear lot line and exhaust and intake vents.	<p>As noted above, the planting strip is narrowed adjacent to the vent, which would not support landscape growth to a height of 1.8 metres as required for a visual barrier. The board fence along the northerly lot line exists and acts as a visual barrier but cannot be considered as such as it is located on the adjacent lands, and small plantings in this small area may be provided during the site plan stage.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
Density	n/a	<ul style="list-style-type: none"> • Minimum 100 dwelling units per net residential hectare. • Maximum 349 dwelling units per net residential hectare. 	<p>To ensure development aligns to the intent of the proposed zoning by-law amendment, the site specific by-law will recognize the permitted density range consistent with the proposed site specific amendments to the Urban Hamilton Official Plan and Lakeshore Neighbourhood Plan.</p> <p>Therefore, staff supports this modification.</p>