

Site Specific Modifications to the General Commercial (C3) Zone

Regulation	Required	Modification	Analysis
<p>Definitions:</p>	<p>Amenity Area – means an area situated within the boundaries of a project and intended for communal recreational purposes, which may include landscaped open spaces, patios, play areas, lounges, sundecks and roofdecks, but shall not include apartment balconies or the area occupied at grade by buildings, service areas, parking or driveways.</p> <p>Height - means the vertical distance between the average finished grade level at the front elevation of such building or structure to:</p> <ul style="list-style-type: none"> a) In the case of a flat roof, the highest point of the roof surface, or the parapet, b) whichever is the greater; and, (b) In the case of a mansard roof, the roof deck line; and c) In the case of any other roof, the point midway between the eaves and ridge; and, d) In the case of a structure not having a roof, the top part of the structure. 	<p>Amenity Area - Shall mean the area of a lot intended for recreational purposes, and shall include areas that are landscaped, patios, privacy areas, balconies, communal lounges, swimming pools, play areas and similar uses, located on the same lot, but shall not include a building’s service areas, parking lots, aisles or access driveways, or a planting strip.</p> <p>Height - Shall mean the vertical distance from grade to the uppermost point of the building but not including any mechanical penthouse or any portion of a building designed, adapted or used for such features as a chimney, smokestack, fire wall, stair tower, fire tower, water tower, tank, elevator bulkhead, ventilator, skylight, cooling tower, derrick, conveyor, antenna, or any such requisite appurtenance, or a flagpole, display sign, ornamental figure, parapet, bell tower or other similar structure. Provided, however, where this By-law requires building height to be calculated to determine a minimum rear yard or a minimum side yard requirement, building height shall mean the</p>	<p>The definitions used in Zoning By-law No. 05-200 are applied to ensure that these items are consistent with the City’s current standard.</p> <p>Therefore, staff supports this modification.</p>

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	<p>Landscaped Area - means an area that shall not be built upon and shall not be used for any purpose other than as an area of landscaping, which may include grass, shrubs, flowers, trees and similar types of vegetation, and paths, walks, patios, fences and similar appurtenances, but shall exclude parking areas, loading areas, driveways or ramps.</p> <p>Lot Line, Rear - means the lot line opposite the front lot line.</p> <p>Planting Strip – means a strip of land consisting of trees, shrubs and other similar types of vegetation, designed to act as a buffer or visual screen.</p>	<p>vertical distance between the lowest finished grade elevation along the lot line related to such required yard at that point closest to the building and the horizontal extension of the uppermost point of the building.</p> <p>Landscaped Area - Shall mean any portion of a lot which:</p> <ul style="list-style-type: none"> a) Contains no building thereon; b) Is not used for parking, access to parking, driveways or loading space; c) Is used for the purpose of landscaping; and, d) Landscaped areas may include bell pedestals and light standards but shall not include courier or mail boxes. <p>Lot Line, Rear - Shall mean the lot line farthest and opposite to the front lot line.</p> <p>Planting Strip - Shall mean an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a buffer and may include low level architectural walls or features, and fire hydrants, but shall not include walkways, sidewalks, and charging stations.</p>	

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Definitions	<p>Drive-Through Facility – Not defined.</p> <p>Façade – Not defined.</p> <p>Façade Height – Not defined.</p> <p>Landscaped Parking Island – Not defined.</p> <p>Landscaping – Not defined.</p> <p>Setback – Not defined.</p>	<p>Drive-Through Facility – Shall mean a facility that is designed to allow drivers to remain in their vehicles before and during an activity on the site, and may include drive-in or drive-through restaurants, retail and service uses, but shall not include a motor vehicle washing establishment or a motor vehicle service station.</p> <p>Façade – Shall mean a building wall or series of building walls facing a street.</p> <p>Façade Height – Shall mean the vertical distance between the base of the façade at finished grade level and the lowest point of the top of the façade.</p> <p>Landscaped Parking Island – Shall mean a curbed portion of land for the growing of ornamental shrubs or trees, flowers, grass, and other vegetation, suitable to the soil and climatic conditions of the area of land for the purpose of landscaping within a parking lot, and shall include walkways, fire hydrants, decorative walls, or features, and light standards, and shall form part of a Planting Strip of Landscaped Area.</p> <p>Landscaping - Shall mean outdoor space for use, enjoyment and</p>	<p>Some regulations in the by-law refer to terms that are not defined in the current By-law. Definitions for these terms consistent with By-law 05-200 have been added.</p> <p>Therefore, staff supports this modification.</p>

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		<p>recreation and shall include natural vegetation areas and constructed areas such as patios, decks, playgrounds, pathways, outdoor recreation amenities, fencing, decorative architectural features and retaining walls.</p> <p>Setback - Shall mean the distance between a lot line and the nearest part of any building or specified structure exclusive of any permitted yard projections on the lot.</p>	
Permitted Uses	<p>Non-Residential Uses - Banks and financial institutions, boat and/or motorized snow vehicle sales establishments, Brewers Retail stores, building supply sales in wholly enclosed buildings, cold storage locker establishments, commercial schools, custom workshops, dairies, day nurseries, department stores, dry cleaning establishments, farm equipment sales establishments, funeral homes, garden centres, hotels, laundries, Liquor Licence Board of Ontario stores, medical centres, motels, new and used motor vehicle dealerships, motor vehicle rental and leasing, offices, personal service shops, photographic studios, places of</p>	<p>Non-Residential Uses - Banks and financial institutions, retail stores, day nurseries, commercial schools, custom workshops, hotels, medical centres, personal service shops, photographic studios, places of entertainment or recreation, post offices, printing establishments, professional and business offices, fast food restaurants, standard restaurants, take-out restaurants, service shops, veterinary service establishments, and uses, buildings and structures accessory to the above permitted uses.</p> <p>Residential Uses - An apartment building in conjunction with a ground floor commercial use.</p> <p>Prohibited - Drive-through facility</p>	<p>Uses that are not consistent with the Mixed Use – Medium Density Pedestrian Focus designation have been removed. Also, drive-through facilities have been prohibited as per policy direction in the UHOP for pedestrian focus areas. An apartment building has been permitted in conjunction with commercial ground floor uses, to allow for the proposed multiple dwelling, while maintaining active uses at grade.</p> <p>Therefore, staff supports this modification.</p>

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	<p>entertainment or recreation, post offices, printing establishments, private or commercial clubs, professional and business offices, public and private parking lots and structures, public transportation depots, recreational vehicle sales establishments, fast food restaurants, standard restaurants, take-out restaurants, retail stores, service shops, taverns, taxi establishments, and veterinary service establishments; and uses, buildings and structures accessory to the above permitted uses.</p> <p>Residential Uses - Residential uses ancillary to the uses permitted.</p> <p>Motor Vehicle Uses - Motor vehicle service stations, motor vehicle gasoline bars, motor vehicle repair shops, motor vehicle washing establishments and uses, buildings and structures accessory thereto, including but not restricted to, an accessory restaurant or coffee shop on the same lot, but excluding residential uses.</p>		

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Location of Residential Uses	In the principal building on any floor other than the basement, cellar or the ground floor.	An apartment building shall only be permitted above the ground floor, except for parking, access, accessory office, amenity and utility areas, which may be located on the ground floor.	<p>The modification recognizes that some accessory parts of a residential building can be located on the ground floor. No actual units will be located on the ground floor and the street frontage of the building will contain all commercial uses, with the exception of the residential building's entrance.</p> <p>Therefore, staff supports this modification.</p>
Minimum Floor Area Per Dwelling Unit	70 square metres (750 square feet)	No requirement	<p>The building provides a variety of unit sizes, including one bedroom and two bedroom units, which will help to meet a variety of housing needs.</p> <p>Therefore, staff supports this modification.</p>
Minimum Front Yard	9 metres	No requirement	<p>No front yard requirement is proposed, consistent with Zoning By-law No. 05-200 standards to allow the building to be close to the street, to support pedestrian activity. The proposed building has variations in the frontage for visual interest and to break up the massing. The proposal will require a right-of-way widening of approximately 3 metres, which will provide a wider boulevard area than what currently exists.</p> <p>Therefore, staff supports this modification.</p>

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Minimum Side Yard	3 metres, except 7.5 metres abutting a side lot line which is the boundary of any Residential or Institutional Zone or where a ground floor residential use or an institutional use is located on the adjoining land.	3 metres, except 16 metres along the westerly side lot line.	<p>The increased setback ensures that the proposed 6 storey building is sufficiently set back from existing residential uses and that it is within a 45 degree angular plane from the westerly property line.</p> <p>Therefore, staff supports this modification.</p>
Minimum Rear Yard	7.5 metres, except where a rear yard abuts a street, Residential or Institutional Zone, a ground floor residential use or institutional use, the minimum rear yard shall be 9 metres.	38 metres	<p>The increased setback ensures that the proposed building is sufficiently set back from existing residential uses at the rear of the property to avoid issues of shadowing, overlook and loss of privacy.</p> <p>Therefore, staff supports this modification.</p>
Maximum Height	10.7 metres	26 metres and 6 storeys	<p>The modification reflects the height of the proposed building. The typical maximum height for 6 storey buildings is 22 metres. However, because the proposal incorporates various peaked roof elements to provide building variation and visual interest, the additional height recognizes these elements, while still limiting the development to 6 storeys.</p> <p>Therefore, staff support this modification.</p>

Regulation	Required	Modification	Analysis
Minimum Parking Requirements	<p>Residential - 2 spaces for each dwelling unit plus 0.5 visitor spaces for each dwelling unit</p> <p>Retail - 1 space per 20 square metres of gross floor area</p> <p>Other uses not specified - One parking space for each 28 square metres, or fraction thereof, of ground floor area devoted to commercial uses, and one parking space for each 45 square metres, or fraction thereof, of remaining gross floor area devoted to commercial uses.</p>	<p>Residential - For dwelling units less than 50 square metres: 0.3 spaces per unit</p> <p>For dwelling units greater than 50 square metres:</p> <p>Units 1-14: Minimum 0.7 per unit Units 15-50: Minimum 0.85 per unit Units 51+: Minimum 1 per unit Visitor Parking: 0.1 spaces per unit</p> <p>Commercial – 0 for the first 450 square metres, 1 space per 17 square metres of gross floor area over 450 square metres</p>	<p>All parking requirements reflect Zoning By-law No. 05-200 standards, which are in place for other Mixed Use – Medium Density sites in the Binbrook core. A visitor parking requirement has been added, whereas Zoning By-law No. 05-200 does not require visitor parking in the Mixed Use Medium Density - Pedestrian Focus (C5a) Zone. As this site is located on an arterial road and on-street parking opportunities are limited in the Binbrook pedestrian core area, this will ensure that spaces are provided on site for visitors.</p> <p>Therefore, staff supports this modification.</p>
Barrier Free Parking	One (1) space for each 50 required spaces up to a total of 200 required spaces, plus one (1) space for each additional 100 required spaces or part thereof.	<p>1-49 required parking spaces: Minimum 1 space</p> <p>50-100 required parking spaces: Minimum 4% of the total number of required parking spaces</p> <p>101-200 required parking spaces: Minimum 1 space + 3% of the total number of required parking spaces</p>	<p>The barrier free parking standard reflects Zoning By-law No. 05-200 standards and is very similar to the existing standard. Both would require 4 barrier free spaces for the proposal.</p> <p>Therefore, staff supports this modification.</p>
Barrier Free Parking Space Size	3.9 metres by 6 metres	4.4 metres by 5.8 metres	The proposed standard increases the width of barrier free spaces and is consistent with the City's current standard in Zoning By-law No. 05-200.

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Parking Space Size	Each parking space for ninety (90) degree perpendicular parking shall have a minimum width of 3 metres and a minimum length of 6 metres, exclusive of any land required for access or driveway, except where a minimum of 20 parking spaces are required to be provided on the subject lot, a maximum of thirty-five percent (35%) of the parking spaces may have a minimum width of 2.6 metres and a minimum length of 5.8 metres, provided these parking spaces are clearly marked for small cars only.	Each parking space for ninety (90) degree perpendicular parking shall have a minimum width of 3 metres and a minimum length of 5.8 metres, however a minimum 2.8 metres in width and 5.8 metres in length shall be permitted within an above ground or underground parking structure; 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 0.25 metres.	The proposed parking space size is consistent with the City's current standards and provides adequately sized parking spaces. The regulation also addresses the spaces within the building, ensuring that additional width is provided abutting walls or columns. Therefore, staff supports this modification.
Setbacks for parking areas	No parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle within 4.5 metres of any street line or the boundary of any Residential or Institutional Zone or any Zone where the adjoining land is used for residential or institutional purposes.	No parking space or part thereof shall be located within 4.5 metres of any street line or within 1.5 metres of the boundary of any Residential or Institutional Zone or any Zone where the adjoining land is used for residential or institutional purposes.	Setbacks abutting side lot lines have been reduced to 1.5 metres. This is considered adequate to provide a visual barrier and a planting strip which will buffer the parking area from adjacent uses. Therefore, staff supports this modification.

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Landscaping for parking areas	Where a parking area which is required to provide for more than four (4) vehicles abuts any Residential or Institutional Zone or where the adjoining land is used for residential or institutional purposes, a landscaped area consisting of a permanently maintained planting strip with a minimum width of 3 metres shall be provided and shall also include fencing to provide a solid and effective screen.	<p>Where a parking area abuts any Residential or Institutional Zone or where the adjoining land is used for residential or institutional purposes, a landscaped area consisting of a permanently maintained planting strip with a minimum width of 1.5 metres shall be provided and shall also include fencing to provide a solid and effective screen.</p> <p>Where 50 or more parking spaces are provided on a lot:</p> <ul style="list-style-type: none"> a) Landscaped areas or landscaped parking islands with a minimum combined area of 10% of the areas of the parking lot and associated access driveway and manouvering areas shall be provided and maintained; and b) Each landscaped area or landscaped parking island shall have a minimum area of 10.0 square metres. 	<p>Planting strips along lot lines have been modified to be consistent with the 1.5 metre setback requirement for parking areas. Additional requirements have been added for landscaped areas and parking islands, to provide additional areas for tree plantings and other plantings on the site.</p> <p>Therefore, staff supports this modification.</p>
Rounding of parking spaces	If the calculation of required parking spaces results in a fraction, the next higher whole number shall apply.	Where the application of the parking standards results in a fraction it shall be rounded down to the nearest whole number.	<p>The modification reflects the new Zoning By-law No. 05-200 standard for calculating parking spaces requirements.</p> <p>Therefore, staff supports this modification.</p>

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Short Term Bicycle Parking	No requirement.	Apartment Building – 5 spaces Commercial Uses – 5 spaces	A requirement has been added to support active transportation and to be consistent with Zoning By-law No. 05-200 standards. Therefore, staff supports this modification.
Number of Loading Spaces	Apartment Buildings containing more than 100 dwelling units – 2 spaces Commercial greater than 200 square metres to 900 square metres – 1 space	One loading space shall be required for all uses on the site.	Based on the modest size of the proposed ground floor commercial area, commercial uses will be in smaller units which would not create a need for a substantial amount of large truck deliveries. Also, as the building is only marginally more than 100 units, it is not expected that the reduction in loading spaces will have a significant impact on the function of the site. Therefore, staff supports this modification.
Landscaping Requirements	a) A landscaped area in the form of a planting strip having a minimum width of 4.5 metres and a fence having a minimum height of 1.8 metres shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a Residential or Institutional Zone or any Zone where the adjoining land is used for	A landscaped area in the form of a planting strip having a minimum width of 1.5 metres and a fence shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a Residential or Institutional Zone or any Zone where the adjoining land is used for residential or institutional purposes.	The proposed planting strips along the side and rear property lines vary from 1.5 to 2.94 metres wide. Combined with landscaping requirements for parking areas, the width of the planting strip will provide sufficient area for an effective visual barrier and greening on the site. An additional regulation for parking areas already requires a 3 metre landscaped area abutting a street. Fence height details have been

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	<p>residential or institutional purposes.</p> <p>b) A landscaped area having a minimum width of 4.5 metres shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a street, and such landscaped area shall be continuous except for the required driveway(s).</p>		<p>removed as fencing details are regulated by the City's Fence By-law.</p> <p>Therefore, staff supports this modification.</p>
<p>Outside Storage and Display</p>	<p>a) Outside storage shall not be permitted in any front yard, however, the outside display of vehicles or plants accessory to the principal use on the subject lot may be permitted in the front yard.</p> <p>b) Outside storage and display areas shall not be permitted less than 4.5 metres from any street and/or the boundary of any Residential or Institutional Zone or any Zone where the adjoining land is used for residential or institutional purposes.</p> <p>c) Outside storage areas shall be screened from view and enclosed with a fence having</p>	<p>Outside storage shall not be permitted, however the display of goods or materials for retail purposes accessory to a retail use may be permitted in the front yard.</p>	<p>Previous outside storage requirements are appropriate to the range of uses in the general commercial zone. As uses have been restricted to only those which support a pedestrian focus street area, outside storage requirements are proposed to be amended to only allow display in a front yard for retail ground floor uses. As the yard setbacks at the front of the building are minimal, this would only allow minor display areas.</p> <p>Therefore, staff supports this modification.</p>

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	a minimum height of 1.8 metres.		
Minimum Building Setback from a Street Line	No Requirements	a) 2 metres for the second to fifth storeys, and b) 6 metres for the sixth storey	Requirements mandate building setbacks along the front of the building to reduce the impact of the building mass and create a human-scaled building at the ground level. Therefore, staff supports this modification.
Maximum Building Setback from a Street Line	No Requirements	3 metres for the first storey, except where a visibility triangle is required for a driveway setback. Does not apply for any portion of the building that exceeds the minimum façade length.	This is consistent with Zoning By-law No. 05-200 standards for Pedestrian Focus Street areas. Therefore, staff supports this modification.
Minimum Building Setback from a Side Lot Line	No Requirements	The fourth storey of a building shall be set back a minimum of 24 metres from the westerly side lot line; and The fifth storey of a building shall be set back a minimum of 24 metres from the westerly side lot line and a minimum of 9.5 metres from the easterly side lot line; and, The sixth storey of a building shall be set back a minimum of 27.5 metres from the westerly side lot line and a minimum of 9.5 metres from the easterly side lot line	Requirements mandate building setbacks at the sides of the building for upper storeys, to create appropriate transitions in building heights between adjacent lots. Therefore, staff supports this modification.

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Minimum Façade Height	No Requirements	Minimum 7.5 metre façade height for any portion of a building along a street line, except for any building or portion of a building which is listed in the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest, or listed in the Municipal Heritage Register, or designated under the Ontario Heritage Act.	Requirement regulates façade height consistent with the standard of Zoning By-law No. 05-200 for Pedestrian Focus Street areas. An exception is provided for the coach house, which is less than 7.5 metres in height to allow for the integration of this heritage resource. Therefore, staff supports this modification.
Minimum Amenity Area for dwelling units	No requirements	6 square metres for each dwelling unit; and	Requirement is consistent with Zoning By-law No. 05-200 standards for dwelling units and ensures that sufficient amenity area for residents is available. Therefore, staff supports this modification.
Location of Amenity Area	No requirements	Rooftop amenity areas shall not be permitted, excepting balconies for use by individual dwelling units.	Rooftop amenity areas are not consistent with the Binbrook Village Urban Design Guidelines. These have been prohibited. Therefore, staff supports this modification.
Maximum Gross Floor Area for office use	No requirements	2,500 square metres	This standard is included in Zoning By-law No. 05-200 and has been included for consistency with these standards. The office size restriction originates from Provincial policy

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			<p>requirements to limit the size of offices outside of employment areas.</p> <p>Therefore, staff supports this modification.</p>
Balcony projections	Balconies, canopies, fruit cellars or unenclosed porches may project into any required front or rear yard a distance of not more than 1.5 metres, or into any minimum side yard a distance of not more than 0.5 metres;	<p>A balcony may project into the required easterly side yard a distance of not more than 1.5 metres.</p> <p>Balconies and architectural elements such as sills, belt courses, cornices, eaves or gutters, pilasters, and brickwork framing the main entrance may project into the required building setback; and</p> <p>A maximum of 2 balconies may project into the required 2 metre building setback for the second to fifth storeys; and</p> <p>Balconies on the sixth storey may project into the required 6 metre building setback a distance of not more than 4 metres.</p>	<p>Balcony projections into yards are restricted to only the east side of the building abutting the existing Shoppers Drug Mart. Balcony projections within required building step-backs at upper storeys of the building are also restricted. This ensures that balconies do not detract from the intended building articulation.</p> <p>Consideration for architectural details of the main entrance is also included, to allow for added architectural design features.</p> <p>Therefore, staff supports this modification.</p>
Built form for New Development	No Requirements	<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> <p>a) Rooftop mechanical equipment shall be located and/or</p>	<p>Added regulations reflect Zoning By-law No. 05-200 standards for Pedestrian Focus Street Areas. The standards ensure a built form that addresses the street, is pedestrian focused, and has an active frontage. The regulation has been modified to allow for an exception to the</p>

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		<p>screened from view of any abutting street.</p> <p>b) The minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 75% of the measurement of the front lot line. The minimum width of the ground floor façade facing the front lot line shall exclude access driveways and required yard along a lot line abutting a street.</p> <p>c) No parking, stacking lanes, or aisles shall be located between the required building façade and the front lot line.</p> <p>d) 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 closest to a street; and 2. shall be accessible from the building façade with direct access from the public sidewalk. <p>e) A walkway shall be permitted in a planting strip where required by the By-law.</p>	<p>maximum first story height for the coach house, to ensure that this heritage resource can be integrated.</p> <p>Therefore, staff supports these modifications.</p>

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		<p>f) A minimum of 60% of the area of the ground floor façade facing the street shall be composed of doors and windows.</p> <p>g) The first storey shall have a minimum height of 3.6 metres and a maximum height of 4.6 metres. This shall not apply to any building or portion of a building which is listed in the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest, listed in the Municipal Heritage Register, or designated under the Ontario Heritage Act.</p>	