

Regulation	Required	Modification	Analysis
<p>Definition: “Dwelling – Townhouse”</p>	<p>Means a building containing not less than three and not more than eight dwelling units with each unit separated by a common or party wall or walls, with a separate outside entrance to each unit.</p>	<p>Means a building containing not less than three and not more than ten dwelling units with each unit separated by a common or party wall or walls, with a separate outside entrance to each unit and which may front on either a public street and/or a private common element condominium road.</p>	<p>(See above.)</p>
<p>Definitions: “Lot”, “Street” and “Highway”</p>	<p>Lot means a parcel of land pursuant to the <i>Planning Act</i>.</p> <p>No person shall erect any building or structure on a lot or use any lot in any zone unless such lot has frontage on a street as defined...</p> <p>Street (Highway) means a public highway, street, etc., designed and intended for, or used by, the general public for the passage of motor vehicles and which has been assumed for public use as a public highway.</p>	<p>A private common element condominium road shall be deemed a street and that landscaping and visitor parking for the dwelling units fronting onto the private common element condominium road are permitted within the private common element condominium road.</p>	<p>The private road functions as a public road and fulfills the intent of a public road for this development. It is required to be deemed a street for the purposes of the proposed development as each dwelling unit fronts onto the future private condominium road. Access to each condominium unit shall be via the private condominium road.</p> <p>As staff considers this amendment technical in nature, staff supports these modifications.</p>

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Unitary equipment	<p>Air conditioners and pumps (including heat pumps and swimming pool pumps) and other similar mechanical equipment shall be located only in accordance with the following regulations:</p> <p>(a) Within a required front yard, provided such equipment shall have a minimum setback of 3.0 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping; and,</p> <p>(b) Within a required side yard or required rear yard provided such equipment has a minimum setback of 0.6 metres from the side lot line or rear lot line.</p>	<p>Mechanical and unitary equipment may be located within a required front yard, provided such equipment shall have a minimum setback of 3.0 metres from the street line, a minimum setback of 0.5 metres from a side lot line and is screened from the street by an enclosure or landscaping; and, within a required side yard or required rear yard provided such equipment has a minimum setback of 0.5 metres from the side lot line or rear lot line.</p>	<p>The effect of the proposed modification is only changing the side yard setback from 0.6 m to 0.5 m. This change is technical in nature to accommodate the space required by these ancillary units, as the proposed minimum side yard for street townhouse end units is 1.2 m. The side yard setback is reduced from 1.5 m (half of the 3.0 m minimum distance between end units), as discussed below, and will still allow sufficient space for maintenance access.</p> <p>Therefore, staff supports this modification.</p>

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Minimum Lot Area	4,000 square metres	<p>Interior Unit: 150 square metres for street townhouses and 80 square metres for maisonettes.</p> <p>End Unit: 175 square metres for street townhouses and 95 square metres for maisonettes.</p> <p>Corner Unit: 200 square metres for street townhouses and 110 square metres for maisonettes.</p>	<p>The required area reflects the full extent of the parcel of land for which multiple townhouse dwellings would be permitted. As the development is for individual dwelling units fronting onto a private condominium road, the applicant has proposed lot areas for each individual unit to recognize future tenure. The proposed minimum lot areas are sufficient for the proposed development, which permits a compact housing form, as further discussed in Minimum Lot Frontage below.</p> <p>Therefore, staff supports this modification.</p>
Minimum Lot Frontage	50 metres	<p>Interior Unit: 6 m</p> <p>End Unit: 7.2 m</p> <p>Corner Unit: 7.5 m</p>	<p>The required frontage reflects the full extent of the frontage of the parcel on a public road (Highland Road West). As the development is for individual dwelling units fronting onto a private condominium road, the applicant has proposed frontages for each unit fronting onto the private condominium road. The proposed minimum lot frontages are sufficient for the proposed development, which permits a compact housing form in the form of street townhouse and maisonette dwellings. The proposed frontages provide adequate building envelopes for these dwelling forms.</p> <p>Therefore, staff supports this modification.</p>

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Minimum Front Yard	7.5 metres	4.5 metres except 6.0 metres to a garage	<p>The design policies of the Urban Hamilton Official Plan require that new development provide an attractive, safe and pedestrian oriented environment and promote design variety within streetscapes. The proposed modification allows for active frontages along the street line with recessed garages, decreasing the prominence of the garage adjacent to the public realm to achieve these development principles, while maintaining sufficient area for a parking space.</p> <p>Therefore, staff supports this modification.</p>
Minimum Side Yard for Maisonettes, Townhouses and Dwelling Groups	6 metres, except for 7.5 metres for a flankage yard, 7.5 metres abutting a zone for single detached, semi-detached or duplex dwellings and 3 metres where an end unit abuts a lot line of a street townhouse.	<p>Interior Unit: 0 metres</p> <p>End Unit:</p> <p>Street Townhouses: 1.2 metres, except:</p> <ol style="list-style-type: none"> 1. 0.0 metres for the side yard related to the common side lot line; 2. 2.33 metres for the street townhouse unit from the east side lot line adjacent to the lands known as 135 Upper Centennial Parkway; and, 3. 2.95 metres for the street townhouse unit from the south side lot line adjacent to the lands known as 20 and 36 Highland Road West. 	<p>The existing regulations refer to setbacks from the external site boundaries, and not the separation between dwelling units and townhouse blocks internal to the site. The proposed reductions are required to accommodate a compact design and efficient lot configuration. The proposed minimum side yards provide sufficient space to permit natural light to pass through, incorporate landscaping features, and provide adequate amenity space throughout for the dwelling units. Additionally, all construction will be designed in accordance with the Ontario Building Code and the relevant provisions for firefighting.</p> <p>Further, increased side yard setbacks adjacent to units located in the northeast and southeast corners, respectively (see the Concept Plan attached as Appendix "E" to Report PED20187), are required to accommodate the grading necessary to reconcile the grading of the proposed development with the grades of adjacent properties. To accommodate the grading requirements, regrading of the adjacent properties is also required. Permission from adjacent landowners to modify the grading of their lands has been granted.</p>

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		<p>Maisonettes: 1.5 metres, except 0.0 metres for the side yard related to the common side lot line.</p> <p>Corner Unit: 1.5 metres, except 0.0 metres for the side yard related to the common side lot line.</p>	<p>Grading along the north property line will be coordinated with the proposed development of those lands and written permission from the landowner to the east to regrade the adjacent lands has been granted.</p> <p>Therefore, staff supports this modification.</p>
<p>Minimum Rear Yard for Maisonettes, Townhouses and Dwelling Groups</p>	<p>6 metres, except 7.5 metres abutting a zone for single, semi-detached or duplex dwellings, or a street.</p>	<p>7.5 metres for street townhouses and 0.0 metres for maisonettes</p>	<p>The applicant requested a minimum rear yard of 6.0 m for street townhouses (located along the north and east property lines, as shown on the Concept Plan attached as Appendix “E” to Report PED20187); however, staff amended the application to require a minimum rear yard of 7.5 m. Development Approvals staff do not recommend reducing the rear yards to 6.0 m as the preliminary grading plan in the Functional Servicing Report, prepared by Metropolitan Consulting Inc. and dated July 2019, shows a significant drop along the north and east sides. Despite the applicant receiving written permission from the landowner to the east to regrade the adjacent lands to facilitate the proposed development, the minimum rear yards of 7.5 m is required to ensure each street townhouse unit is provided with a usable amenity area due to the significant change in grade. Further, staff note that permission to regrade lands to the north has not been provided. While the applicant does not agree with staff’s position, they have agreed to proceed with this Report to Planning Committee as presented. Therefore, staff supports this modification to require 7.5 m rear yard setbacks for street townhouses.</p>

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			The 0.0 metres for maisonettes refers to the common wall located along the shared rear lot line. Therefore, staff supports this modification.
Minimum Distance Between Buildings on the Same Lot	15 metres, except 3 metres between end walls and 9 metres between an end wall and a rear wall.	Shall not apply.	As the site specific zoning establishes minimum front, side, and rear yards for each townhouse dwelling unit fronting a private condominium road, minimum distances between buildings are redundant and unnecessary. Therefore, staff supports this modification.
Maximum Density	1. 40 units per hectare 2. 49 units per hectare if 100 percent of required tenant parking is underground or enclosed within the main building.	Shall not apply.	The density of the proposed development is 44.2 dwelling units per hectare, with not all parking provided underground or enclosed in a building. This density complies with the density range of the “Low Density Residential 3c” designation. As the site specific zoning provides for 20 maisonette dwelling units and 26 street townhouse dwelling units, a per hectare maximum density is unnecessary. Therefore, staff supports this modification.
Maximum Building Height	11 metres	3 Storeys and 11 metres.	The applicant requested a modification to include a maximum building height of three storeys but is not requesting any variance to the building height measured from grade. Therefore, staff supports this modification.

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Maximum Lot Coverage	35 percent	Shall not apply.	<p>The intent of the maximum lot coverage regulation is to provide enough area for stormwater infiltration and landscape amenity opportunities. As the lot definition is modified from being applicable to the entire development to apply to each individual unit fronting onto the proposed private condominium road, the coverage of each unit is regulated through the proposed minimum yard setbacks, and stormwater management is being addressed as Condition No. 3 of Appendix "G" to Report PED20187, the intent of the regulation is maintained. Opportunities for the use of LID techniques will be further assessed at the Site Plan Stage.</p> <p>Therefore, staff supports this modification.</p>
Minimum Privacy Area	Notwithstanding the yard requirements above, each maisonette and townhouse unit shall have at least one area which serves as a privacy area which shall be adjacent to the dwelling unit and shall have a minimum depth of 4.5 metres.	36 square metres for each street townhouse unit and 4.0 square metres for each maisonette unit which may include porches, decks, balconies and verandahs.	<p>The proposed modifications are for an area instead of a linear requirement, and the proposed areas requested by the applicant are consistent with the proposed lot frontages and areas for the two townhouse dwelling forms contemplated for this site. This modification is in keeping with the compact urban form of the proposed development and ensures sufficient private outdoor amenity space is provided for each unit.</p> <p>Therefore, staff supports this modification.</p>
Minimum Landscaped Open Space	1. Not less than 50 percent of the lot area for maisonettes, townhouses and dwelling groups shall be landscaped	<p>1. 30 percent of the lot area for each street townhouse unit and 10 percent of the lot area for each maisonette unit.</p> <p>2. A minimum 1.5 metre wide landscaped strip shall be</p>	<p>The intent of the landscaped area is to promote the inclusion of natural features and provide privacy areas that enhance the proposed development, ensuring that there is an adequate balance between built form, hard surface and open space areas on a property. The request to reduce the landscaped area will permit the establishment of a compact housing form while still</p>

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	<p>including privacy areas.</p> <p>2. Not less than 25 percent of the lot area for apartments shall be landscaped with at least 25 percent of the required area being located in a yard other than the front yard and having a minimum width of 6 metres.</p> <p>3. Not less than 1.5 metres of landscaped strip shall be provided between any privacy area and any lot line.</p> <p>4. A landscaped strip having a minimum width of 4.5 metres shall be provided and thereafter maintained adjacent to every portion of any lot that abuts a street except for points of ingress and egress.</p>	<p>provided between the lot line abutting another Residential Zone and a private street, except where there are private streets, driveways or sidewalks.</p> <p>3. A minimum 1.8 metre high solid fence shall be provided along the lot lines abutting another Residential Zone, except where there are private streets, driveways or sidewalks.</p>	<p>providing adequate private amenity areas, common landscaped strips, and permeable areas. Further, fencing is proposed along the property lines abutting adjacent residential uses to enhance privacy and screening between adjacent developments.</p> <p>The applicant requested that the minimum landscaped open space not apply to maisonette units; however, staff amended the application to require a minimum of 10% of the lot area for maisonette units. Planning staff does not recommend exempting maisonette units from providing at least some landscaped open space in the front yard, to ensure permeable areas are provided for soft landscaping amenity and stormwater infiltration. Further, while similar relief was provided for the lands to the west (15 Picardy Drive) zoned Multiple Residential "RM3-63-H" Zone, Modified, Holding, that development provided a small private parkette on the site instead. While the applicant does not agree with staff's position, they have agreed to proceed with this Report to Planning Committee as presented.</p> <p>A landscape plan will be required at the Site Plan Control stage and reviewed by staff to ensure high quality landscape is provided. At this stage, the applicant will be encouraged to incorporate Low Impact Development (LID) measures within the hardscaped areas to further improve permeability on the site.</p> <p>Therefore, staff supports these modifications for 30 percent of the lot area of each street townhouse unit and 10 percent of the lot area for each maisonette be provided as landscaped open space.</p>

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Minimum Number of Parking Spaces	2 parking spaces and 0.5 visitor parking spaces for each maisonette and townhouse dwelling unit. Tandem parking is permitted for non-visitor parking spaces.	2 parking spaces and 0.4 visitor parking spaces per dwelling unit. Tandem parking is permitted for non-visitor parking spaces.	<p>The intent of required parking regulations is to ensure sufficient parking for residents and visitors. The site provides two parking spaces for each unit and the applicant is seeking a reduction in the visitor parking rate from 0.5 to 0.4 spaces per unit. This reduction is considered minor and is consistent with the visitor parking ratio provided for the development to the west at 15 Picardy Drive.</p> <p>Therefore, staff supports this modification.</p>
Regulations for Parking <i>(Subsections 6.1.8 (c) and 6.10.5 (d))</i>	Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 3 metres to any lot line or closer than 5 metres to any dwelling unit located on a lot other than the said lot, except that the provisions of this clause shall not apply to any parking space located within a private garage, or underground garage.	No parking space shall be provided closer than 1.5 metres to any lot line or closer than 5 metres to any dwelling unit located on a lot other than the said lot.	<p>The intent of these regulations is to create a buffer between communal parking areas and the streetscape and neighbouring developments. This modification would permit the location of visitor parking spaces near the westerly and southerly lot lines abutting the townhouses at 15 Picardy Drive and single detached dwellings along Highland Road West, respectively (see the Concept Plan attached as Appendix “E” to Report PED20187). Solid fencing and landscaping will be required along the property line to provide screening of glare from headlights for adjacent developments, which will be reviewed at the Site Plan Control stage.</p> <p>No parking enclosures or any other structures are proposed closer than 1.5 m to a property line, so this exception is not required.</p> <p>Therefore, staff supports this modification.</p>

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Daylight Triangles	Any lot located at the intersection of two or more roads or railway rights-of-way will require a minimum yard of 3 metres from the hypotenuse of the daylight triangle.	Shall not apply.	<p>As the minimum front yard, as noted above, is of sufficient depth to permit visibility around corners/curves in this roadway, the daylight triangle provisions are not required for this site specific development.</p> <p>The proposed lots (future condominium units) are along a private condominium road which shows curves at the intersections (see the Concept Plan attached as Appendix "E" to Report PED20187). In order to determine the start and end of the front and side lot lines, the hypotenuse of the daylight triangle shall be identified at the future Site Plan Control stage.</p> <p>Therefore, staff supports these modifications.</p>

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<p>Regulations for Street Townhouses of the "RM2" Zone</p> <p><i>(Subsections 6.1.12 and 6.10.4)</i></p>	<p>Notwithstanding the regulations of the "RM3" Zone, townhouse dwelling units may be developed in accordance with the applicable street townhouse regulations of the "RM2" Zone. For the purposes of these Zones, the private driveway(s) or condominium road(s) are deemed to be a street(s), and parking and landscaping are permitted within the street(s).</p> <p>Street Townhouses shall be permitted in accordance with Section 6.1.10, 6.9.3, 6.9.4 and 6.9.5.</p>	<p>Shall not apply.</p>	<p>As the zoning modifications provide site specific regulations for street townhouse dwellings, the applicable general provisions for all residential zones and provisions of the "RM2" Zone are not required.</p> <p>Therefore, staff supports this modification.</p>