

Site Specific Modifications to the DE-3 District

Regulation	Required	Modification	Analysis
Applying zoning provisions to external lot lines only	No existing regulation.	The lands zoned “DE-3/S-970” (Multiple Dwellings) District, Modified shall be deemed to be one lot for the purposes of applying the provisions of the By-law. Zoning provisions shall apply only to the external lot lines of the overall lands, not internal lot lines resulting from any future severance.	<p>The proposed amending Zoning By-law is based on a consolidated development that includes two multiple dwellings located on one lot that share parking, access and landscaped open space. The By-law includes modifications to lot line definitions that are based on the external lot lines of the overall development. To ensure the consolidated nature of the development is maintained should internal lot lines be established in the future, the Applicant has requested a modification to deem the lands zoned “DE-3/S-970” to be one lot for the purposes of applying the provisions of the By-law.</p> <p>Staff support the proposed modification which will ensure the intent of the amending Zoning By-law is maintained.</p>
2(2)J(xiii), 2(2)J..(xiv) and 2(2)J.(xv) Definition of Lot Lines	<p>“Lot-Line Front” with reference to a corner lot shall mean either of the boundary lines along a street at the option of the owner; and with reference to a through lot shall mean and include each of the two shorter boundary lines along streets.</p> <p>“Lot-Line, Rear” shall mean the lot line farthest from and opposite to the</p>	<p>“Lot-Line, Front” shall mean the boundary line along Charlton Avenue East</p> <p>“Lot-Line, Rear” shall mean the boundary line along Forest Avenue</p> <p>“Lot-Line, Exterior Side” shall mean the boundary lot line along Aurora Street.</p> <p>“Lot-Line, Interior Side” shall mean</p>	<p>The subject lands are “L” shaped and include frontages on three public streets (Charlton Avenue East, Aurora Street and Forest Avenue). To provide for greater clarity when interpreting the proposed setback requirements in the amending By-law, the Applicant has requested that the Front, Rear and Exterior Side Lot Line definitions be amended to refer to the three specific street lines that abut the site. An Interior Side Lot-Line definition is proposed to refer to all other lot lines that do not abut a street.</p> <p>Staff support the proposed modifications.</p>

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	front lot line of any lot except a through lot. “Lot-Line, Side” shall mean any lot line except a front lot line or a rear lot line.	any lot line except a front lot line, rear lot line or exterior side lot line	
10C(2) Maximum Building Height	No building shall exceed three storeys and no structure other than a building shall exceed 11.0 m.	The four storey building height of the multiple dwelling existing on the date of the passing of this By-law shall be permitted.	A modification is required to recognize the four storey building height of the existing multiple dwelling at 200 Forest Avenue that was permitted by By-law 87-167 which is being repealed and replaced by the proposed amending By-law. The proposed three storey multiple dwelling will conform to the building height regulation. Therefore, staff support the proposed modification.
10C(3)(i)(b) Minimum Front Yard	A front yard depth of at least one-hundred and twentieth part of the product obtained by multiplying the height of the building structure by its width, but no such front yard shall have a depth less than 4.5 metres and need not have a depth more than 7.5 metres.	A minimum front yard depth of 1.0 metres.	For the purposes of this By-law, the Front Yard refers to the setback of the proposed three storey multiple dwelling to the Charlton Avenue East lot line. Staff are satisfied that the proposed 1.0 metre front yard is appropriate based on the character of the Charlton Avenue East streetscape that features buildings located close to the street. A 5.182 metre right of way widening dedication is required along Charlton Avenue East providing space for street trees in front of the proposed building within the right of way. Therefore, staff support the proposed modification
10C(3)(ii)(b) Minimum Side Yard	A side yard of a width of at least one one-hundred and twentieth part of the product obtained by multiplying the	A minimum interior side yard width of 6.3 metres, except 1.5 metres where no window of a habitable room overlooks the side	For the purposes of this By-law, “exterior side yard” refers to the setback between the existing multiple dwelling at 200 Forest Avenue and the Aurora Street lot line and “interior side yard” refers to the building setbacks from the westerly, easterly and southerly lot lines that do not abut a street. The proposed side yards accommodate the existing building on site and provide adequate space for the access driveway and landscaping to provide a buffer to adjacent residential

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	height of the building by its length, less 1.5 metres, less 1.5 metres where no window of a habitable room overlooks such side yard, but no such side yard shall have a width of less than 1.5 metres, but plus 3.0 metres where a window of a habitable room does not overlook such side yard, but no side yard shall have a width less than 4.5 metres.	yard. A minimum exterior side yard width of 6.8 metres.	properties. Staff are satisfied that the 1.5 metre side yard proposed between the new three storey multiple dwelling and the westerly lot line is appropriate as there will be no windows of a habitable room overlooking the yard and the existing streetscape features narrow side yards. There is an existing laneway to the west of the proposed multiple dwelling providing further buffering to the adjacent rear yards abutting the site. Therefore, staff support the proposed modifications.
10C(3)(iii)(b) Minimum Rear Yard	A rear yard of a depth of at least one-hundred and twentieth part of the product obtained by multiplying the height of the building by its width plus 3.0 metres where a balcony or window of a habitable room overlooks such rear yard, but no such rear yard need have a depth more than 13.5 metres.	A minimum rear yard Of 6.0 metres.	For the purposes of this By-law, "rear yard" refers to the yard abutting Forest Avenue. The proposed rear yard recognizes the setback of the existing multiple dwelling to the north property line. Therefore, staff support the proposed modification.

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10C(5) Floor Area Ratio	No building or structure shall have a gross floor area greater than the area within the district of the lot on which it is situate, multiplied by the floor area ratio factor of 0.90.	That the maximum floor area ratio shall not apply.	<p>The intent of the Zoning By-law is to limit the scale and density of development by permitting a maximum floor area ratio. The building envelope for the proposed development is limited by the required maximum building height and minimum setbacks. Staff are satisfied that a maximum permitted gross floor area requirement is not required.</p> <p>Therefore, staff support this modification.</p>
18(3)(vi)(b) and 18(3)(vi)(d) Front Yard Projections	<p>A canopy, cornice, eave or gutter may project into a front yard not more than 1.5 metres provided that no such projection shall be closer to a street line than 1.5 metres</p> <p>An unenclosed porch may project into a required front yard not more than 3.0 metres and every such porch shall be distant at least 1.5 metres from the front lot line.</p>	That the front yard projection restrictions not apply.	<p>The intent of the Zoning By-law is to limit projections into the required front yard.</p> <p>The 1.0 metre front yard for the proposed multiple dwelling results in projections up to the Charlton Avenue East property line. Staff are satisfied that the projections are appropriate and in keeping with the character of the neighbourhood that features buildings located close to the street. The required 5.182 metre right of way widening along Charlton Avenue East will provide separation between the projections and the sidewalk.</p> <p>Therefore, staff support eliminating the front yard projection restrictions.</p>
18A.(1)(a) Parking Rate	Not less than 0.8 of a parking space per Class A dwelling shall be provided.	Not less than 0.55 of a parking space per Class A dwelling shall be provided.	<p>The intent of this regulation is to ensure adequate parking is available to meet the needs of residents. Staff are satisfied that the proposed parking rate of 0.55 of a parking space per unit is appropriate based on the location of the site in proximity to public transit with convenient access to jobs, services and amenities in Downtown Hamilton.</p> <p>Therefore, staff support the proposed reduced parking rate.</p>
18A.(1)(b) Visitor Parking	Not less than 0.16 of a space per Class A dwelling of	That no visitor parking is required	The intent of this regulation is to provide parking for visitors to the proposed development.

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	the required parking shall be allocated to visitors.		<p>Temporary visitor parking is available nearby, including two hour parking on the north side of Forest Avenue across from the subject lands and parking on area streets that are not signed for “permit only” parking.</p> <p>Therefore, staff support the modification to eliminate the visitor parking requirement.</p>
18A.(1)(c) Loading Space Dimensions	One loading space is required with dimensions of: Length – 18.0 m Width – 3.7 m Height – 4.3 m	One loading space is required with dimensions of: Length – 9.0 m Width – 3.7 m Height – 4.3 m	<p>The Applicant has requested a modification to permit a reduced loading space length of 9.0 metres, whereas 18.0 metres is required. Staff are satisfied that the proposed shorter loading space can accommodate the loading requirements of the site that are limited to moving and waste collection.</p> <p>Therefore, staff support the proposed modification.</p>
18A(7) Parking Space Size	A minimum parking space size of 2.7 metres by 6.0 metres is required	Not more than 10% of the required parking spaces may have dimensions not less than 2.6 metres wide by 5.5 metres long.	<p>To accommodate three proposed “small car” parking spaces within the parking lot design, the Applicant has requested to introduce a regulation from City-wide Zoning By-law No. 05-200 that permits 10% of the required parking to have reduced dimensions of 2.6 metres by 5.5 metres. The parking spaces will be required to have signs indicating they are designated for small cars only.</p> <p>Staff support the proposed modification which allows for additional parking spaces to be provided while ensuring the majority of the required parking spaces are full sized as required in the Zoning By-law.</p>
18A.(25) Minimum Setback for an Access Driveway from a Residential Zone	Every access driveway for a multiple dwelling shall be located not less than 3.0 m from the common boundary with a district that does not permit a multiple dwelling.	Every access driveway for a multiple dwelling shall be located not less than 1.5 m from the common boundary with a district that does not permit a multiple dwelling.	<p>The intent of the Zoning By-law is to provide a buffer between the access driveway and adjacent residential uses. Staff are satisfied that the proposed 1.5 metre separation between the access driveway and the adjacent dwelling to the east is sufficient to accommodate landscaping and a 1.8 metre high visual barrier to buffer the driveway and mitigate any vehicle sound and light impacts.</p> <p>Therefore, staff support the proposed modification.</p>