

Site Specific Modifications to the “RT-30” (Street - Townhouse) District

Regulation	Required	Modification	Analysis
Common Element Condominium Roads	n/a	A common element condominium road shall be deemed to be a street, and visitor parking areas, sidewalks, landscaping, waste collection areas, community mailboxes, and other similar ancillary uses are permitted uses within the private roads.	The private road functions as and fulfills the intent of a public road for the intent of this development and is required to be deemed a street, along with ancillary boulevard utilities and amenities, for the purposes of the proposed development. As the townhouse dwelling units front onto the private road, it shall be deemed the front lot line for the purposes of interpreting yards and setbacks and other applicable development regulations.
Front Lot Line	...shall mean the boundary line along the street [Rymal Road East]	The lot line abutting a common element condominium road is deemed to be the front lot line.	Therefore, staff supports these modifications.
Maximum Building Height	No building or structure shall exceed three storeys, and no structure other than a building shall exceed 11.0 metres in height.	No building shall exceed two storeys, and no structure shall exceed 10.5 metres in height.	The proposed decrease in height is minor (a decrease of 0.5 metres), which the Applicant has requested and is sufficient to accommodate the proposed development. Therefore, staff supports this modification.
Minimum Front Yard	6.0 metres.	6.0 metres to a garage and 2.8 metres to a dwelling.	The proposed modification to minimum front yards allows for active frontages along the street line with recessed garages, decreasing the prominence of the garage adjacent to the public realm to achieve urban design principles for an attractive, safe and pedestrian oriented environment, while maintaining sufficient area for a parking space. Therefore, staff supports this modification.

Regulation	Required	Modification	Analysis
Minimum Rear Yard	7.5 metres.	6.0 metres.	<p>The proposed modification to the rear yard setback allows for an efficient lot configuration which is consistent with typical urban developments, and maintains sufficient separation distance from adjacent developments to the east and west so that shadowing, privacy, and overlook are not an issue.</p> <p>Therefore, staff supports this modification.</p>
Minimum Side Yard	.2 metres, not exceeding one storey in height; and, 2.0 metres, not exceeding two storeys in height.	1.5 metres; except 3.0 metres abutting Rymal Road East.	<p>The proposed modification to the side yard setback maintains, with a minor increase, the minimum side yard of 1.2 metres necessary to accommodate separation at grade for drainage, access, and maintenance purposes. The proposed modification will promote a more compact built form to achieve urban design principles for an attractive, safe and pedestrian oriented environment, regardless of building height. A 3.0 m setback from Rymal Road East is proposed to maintain a consistent street edge fronting onto the roadway.</p> <p>Therefore, staff supports this modification.</p>
Distance Between Buildings	Minimum 2.5 metres for a Street Townhouse Dwelling not exceeding one storey in height; and, minimum 3.5 metres for a Street Townhouse Dwelling not exceeding two storeys in height.	2.4 metres.	<p>The existing regulations are intended to address privacy matters between end units. The proposed modification will establish a consistent minimum distance between buildings in all cases. The proposed modification will promote a more compact built form to achieve urban design principles, regardless of building height. Privacy matters between end units will be further reviewed at the future Site Plan Control stage.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
Minimum Lot Area	180.0 square metres.	150.0 square metres.	<p>The Applicant has proposed a minor reduction to minimum lot area to accommodate the proposed street townhouse dwellings. The dwelling footprints are typical; however, as a result of the modifications to the front and side yard setbacks to provide a more compact built form, the area of the typical interior lot is slightly less than what is currently required.</p> <p>Therefore, staff supports this modification.</p>
Encroachment on Yards	<p>Covered first storey porch, including eaves and gutters:</p> <ul style="list-style-type: none"> • Into a required front yard or rear yard: maximum 3.0 metres and minimum 1.5 metres from the front lot line. • Into a required side yard: not permitted. 	Into a required side yard: maximum 2.0 metres and minimum 1.3 metres from the street line.	<p>As the proposed modifications deem the common element condominium road to be the front lot line (as discussed above), the lot line along Rymal Road East is deemed to be a side lot line. To proposed modification will allow for the end units facing Rymal Road East to provide for active frontages along the street line, including prominent principal entrances with front porches designed to address the street, to achieve urban design principles for an attractive, safe and pedestrian oriented environment.</p> <p>Therefore, staff supports this modification.</p>
Accessory Buildings	Mechanical equipment shall be located...within a required front yard, [only] 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.	A transformer or transformers may be permitted within a required front yard.	<p>The required front yards are located along the private common element condominium road, and the required transformers to service the development are located within the front yards. As they are along a private road with reduced front yard setbacks (as discussed above), they are sufficiently setback from the public street (Rymal Road East). As such, setbacks and screening of the transformers on the private property is not necessary to maintain an attractive public realm.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
<p>Visitor Parking Ratio and Location</p>	<p>No required visitor parking spaces.</p> <p>Required parking space, loading space and manoeuvring space shall be provided and maintained only on the lot on which the principle use, building or structure is located.</p>	<p>Minimum 0.25 visitor parking spaces per dwelling unit.</p> <p>For the purposes of this By-law, required visitor parking spaces are permitted to be located off-site within the common element condominium road.</p>	<p>Conventional Street Townhouse Dwellings are afforded on-street parking on the public roadways in the vicinity of the dwelling. As the proposed 6.0 m wide common element condominium road is not designed to accommodate parallel parking along the roadway, a common visitor parking area is proposed at a ratio sufficient to meet the needs of future residents and visitors.</p> <p>The visitor parking area is located within the common element condominium road, which is deemed to be located off site from the lot of each street townhouse dwelling unit. All visitor parking will be maintained within the site of the proposed development.</p> <p>Therefore, staff supports these modifications.</p>
<p>Minimum Parking Space Size</p>	<p>2.7 x 6.0 metres.</p>	<p>2.8 x 5.8 metres.</p>	<p>The parking space design standards in the comprehensive Hamilton Zoning By-law No. 05-200 have established a minimum size of 2.8 metres in width and 5.8 metres in length, which is intended to modernize and update the zoning by-laws of the former communities.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
<p>Parking Area Location</p>	<p>Where a dwelling is constructed with an attached garage, then the finished level of the garage floor shall be a minimum of 0.3 metres above grade.</p> <p>For every parking area and loading space referred to in subsection 11, there shall be provided and maintained,</p> <ul style="list-style-type: none"> (a) between the boundary of the parking area and the residential district, an area landscaped with a planting strip; (b) between the boundary of the loading area and the residential district, an area landscaped with a planting strip; and, (c) a visual barrier along the boundary of the lot abutting the residential district not less than 1.2 metres in height and not greater than 2.0 metres in height. <p>Except as provided for in clauses (14a), (14b) and (14h), no part of the required parking area in a residential district shall be located in a required front yard.</p>	<p>Shall not apply.</p>	<p>The Applicant has requested that the difference in the finished floor elevation of the garage and dwelling not apply to the proposed development to accommodate the proposed built form.</p> <p>The parking area referred to in subsection 11 applies only to the visitor parking area central to the site along the west lot line. As the visitor parking area will be screened by the proposed townhouse dwelling units, and the west lot line abuts a commercial district with an existing acoustic barrier adjacent to that yard. Therefore, planting strips, visual barriers, and location within front yards are not necessary to screen the visitor parking area from adjacent developments and the public realm.</p> <p>Therefore, staff supports these modifications.</p>