

| <b>Regulation</b>   | <b>Required</b>  | <b>Modification</b>   | <b>Analysis</b>  |
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| 10.2.1.1, ii), 1. Restricted Uses, Restriction of Residential Uses within a Building  | Notwithstanding Section 10.2.1, a Dwelling Unit(s), Mixed Use shall only be permitted above the ground floor except for access, accessory office and utility areas, and shall not occupy more than 50% of the total gross floor area of all the building(s) within the lot.<br>(By-law No. 21-189, October 13, 2021) | In addition to section 10.2.1 and notwithstanding Section 10.2.1.1 ii), Dwelling Units may be permitted on the ground floor of the existing building provided there is a minimum of 650 square metres of ground floor commercial use.                   | The intent of the restriction for residential uses on the ground floor is to ensure an animated streetscape and to adequately separate residential and commercial uses so that traffic and noise disturbances from commercial activities and uses do not disturb residential units. The building is “L” shaped and the residential units will be in the short segment of the “L” shape. The remaining ground floor area will be used for commercial uses.<br><br>Staff support the modification. |
| 4.8 b), 10.2.3 a) Building Setback from a Street Line, 10.2.3 b) Minimum Rear Yard, 10.2.3 c) Minimum Interior Side Yard and 10.2.3 d) Maximum Height | Accessory Buildings shall not be permitted within a front or flankage yard.<br><br>Minimum 1.5 metres;<br>Minimum 6 metres;<br>Minimum 1.5 metres; and<br>Maximum 11 metres  | Notwithstanding Subsections 4.8 b), 10.2.3 a), b), c), d), and e) the location and height of the principal building or accessory buildings and any other such lot conditions existing on the date of passing of this By-law shall be deemed to conform. | The requested modification is recognizing an existing situation for the existing building and a gazebo that is located within the flankage yard.<br><br>The proposal is a land use change and does not require the alteration, addition or enlargement of the existing building and accessory building.<br><br>Staff support the modification.   |
| 10.2.3 k) Visual Barrier Requirement  | A visual barrier shall be required along any lot line abutting a Residential Zone,   | Notwithstanding Subsection 10.2.3 k), a visual barrier that consists of a fence or  | The requested modification is to recognize an existing board fence along the western property line. The general provision in   |

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|  | <p>Institutional Zone, Downtown (D5) Zone or Downtown (D6) Zone property line in accordance with the requirements of Section 4.19 of this By-law.</p>  | <p>wall along the western property line measuring 63.7 metres shall not be located within 1.36 metres of a street line. All other requirements of Section 4.19 shall apply.</p>   | <p>Section 4.19 requires visual barriers, walls and fences to be a minimum of 3 metres from the street line to ensure sightlines, visibility and an aesthetic streetscape. The existing fence provides privacy to a private rear yard and does not cause any sightline concerns for pedestrians and vehicles.</p> <p>Staff support the modification.</p> |
| <p>5.1 a), v)<br/>Parking Location</p> | <p>Unless otherwise regulated in this By-law, parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall be subject to the following:</p> <p>a) Shall not be located within 3.0 metres of a street line,</p> <p>b) 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, except for that portion of a lot line abutting the Red Hill Valley Parkway and</p> | <p>Notwithstanding Subsection 5.1 a), v), parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall be subject to the following:</p> <p>i. Shall not be located within 2.5 metres of a street line;</p> <p>ii. Shall provide a 2.5 metre wide planting strip being required and permanently maintained between the street line and the said parking spaces or aisle; and,</p> | <p>The requested modification is recognizing an existing situation for the parking area as there are three parking spaces that are within +/-2.5 metres from the street line.</p> <p>Staff support the modification.</p>   |

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|            | <p>the Lincoln Alexander Parkway; and,</p> <p>c) Where a Planting Strip is provided, as per b) above, any architectural wall or feature within the Planting Strip shall be limited to a maximum height of 0.6 metres.</p> | <p>iii. Where a Planting Strip is provided, as per ii) above, any architectural wall or feature within the Planting Strip shall be limited to a maximum height of 0.6 metres.</p> |          |