

Site Specific Modifications to Block 1, Block 2, Block 3, Block 4, Block 5 and Block 6

Regulation	Required	Modification	Analysis
Maximum Height	All Blocks: 11.0 metres.	Blocks 1, 2, 5 and 6: 11.5 metres.	The proposed increase in height is minor (an increase of 0.5 metres), which the Applicant has requested to provide flexibility to the development during the construction process, to ensure the buildings do not exceed the maximum height once finished grades, to be determined during the detailed design stage, are established. Therefore, staff supports this modification.
		Blocks 3 and 4: 13.5 metres.	The proposed increase in height will support a compact built form up to three storeys in height with 2.74 m (9 ft.) floor to ceiling heights per storey and roof pitches compatible with the surrounding context of the neighbourhood. The Applicant requested additional height to provide flexibility to the development during the construction process, to ensure the buildings do not exceed the maximum height once finished grades, to be determined during the detailed design stage, are established. The subject blocks are separated from existing dwellings by other forms of existing and proposed developments, providing sufficient transition in building height. Therefore, staff supports this modification.
Front Yard Setbacks	Blocks 1, 3, 4, 5 and 6: 6.0 metres.	Blocks 1, 3, 4, 5 and 6: <ul style="list-style-type: none"> 6.0 metres to a garage; and, 4.5 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.

Setbacks	Block 2: <ul style="list-style-type: none"> 6.0 metres from a street line; and, 3.0 metres abutting any other lot; except 6.0 metres where there are windows to a habitable room facing the yard. 	Block 2: <ul style="list-style-type: none"> 3.0 metres to the north and south property lines; 7.0 metres to the east, southeast, and west property lines; and, 0.6 metres from a swale. 	<p>The proposed modifications allow for a more compact built form along the street line to achieve urban design principles for an attractive, safe and pedestrian oriented environment, while also providing increased setbacks for rear yards to each of the units to accommodate increased landscaped areas. The existing window regulations are intended to address privacy matters between end units. The number and size of windows facing an adjacent dwelling is regulated by the Ontario Building Code, and privacy matters between end units will be further reviewed at the future Site Plan Control stage.</p> <p>Therefore, staff supports these modifications.</p>
Side Yard Setbacks	Block 1: Side: 1.2 metres.	Block 1: <ul style="list-style-type: none"> Side: 1.2 metres except 2.4 metres along the northern zoning boundary. 	<p>There are no modifications to minimum side yards except to increase the setback to the northern boundary in order to respect the orientation to the adjacent rear yards along Dolphin Place.</p> <p>Therefore, staff supports this modification.</p>
	Blocks 3 and 4: Side: <ul style="list-style-type: none"> 1.2 metres, not exceeding one storey in height; 2.0 metres, not exceeding two storeys in height; and; 2.5 metres, not exceeding three storeys in height; and, 3.0 metres where a garage or carport is not provided. 	Blocks 3 and 4: Side: <ul style="list-style-type: none"> 1.2 metres, except 6.0 metres for a side yard abutting Stone Church Road East (including daylighting triangles). 	<p>The proposed modification to the side yard setback maintains 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.</p> <p>A 6.0 m setback from Stone Church Road East is proposed to maintain a consistent street edge with adjacent developments fronting onto the roadway.</p> <p>Therefore, staff supports this modification as revised.</p>

Definition and Regulation of Swales	Blocks 1 and 2: n/a	Blocks 1 and 2: “ Swale ” shall mean a graded or engineered landscape feature, appearing as a linear, shallow, open channel for the purpose of conveying surface stormwater drainage, and includes an emergency overland flow route. Notwithstanding any other provision of this By-law, no building or structure shall be located within a swale. Where a swale is provided in a yard, the required yard shall be at least 0.6 metres from the uppermost interior edge of the swale’s slope.	<p>Swales are not defined in the zoning by-law. To match the grading of the proposed development with existing grades of adjacent properties and ensure adequate stormwater drainage, increased yards and drainage swales may be required for stormwater management. To ensure positive drainage, the swales are not to be obstructed within the side or rear yards of the subject properties.</p> <p>On lots where a swale is provided, the width of swales required for stormwater drainage is yet to be determined; therefore, the setback is proposed from the inside edge of the swale to ensure the necessary swale width is provided while maintaining a 0.6 m setback from the top edge to allow for ancillary structures such as air conditioning units to be located within the yard and not block the swale.</p> <p>Therefore, staff supports these modifications.</p>
Minimum Distance Between Buildings	Block 2: <ul style="list-style-type: none"> 3.5 metres between two exterior walls containing no window or windows; 9.0 metres between two exterior walls, one of which contains at least one window to a habitable room; and, 	Block 2: 3.0 metres between two end walls.	<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 number and size of windows facing an adjacent dwelling is regulated by the Ontario Building Code, and privacy matters between end units will be further reviewed at the future Site Plan Control stage.</p> <p>Therefore, staff supports this modification.</p>

Minimum Distance Between Buildings Continued	<ul style="list-style-type: none"> 15.0 metres between two exterior walls each of which contains at least one window to a habitable room. 		
	Block 3: <ul style="list-style-type: none"> 2.5 metres, not exceeding one storey in height; 3.5 metres, not exceeding two storeys in height; and, 5.0 metres, not exceeding three storeys in height. 	Block 3: Shall not apply.	<p>As the street townhouses will be developed on separate lots, regulations regarding distance between buildings are not applicable.</p> <p>Therefore, staff supports this modification.</p>
Minimum Lot Area	Blocks 3 and 4: 180.0 square metres per dwelling unit.	Blocks 3 and 4: 165.0 square metres per dwelling unit.	<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>

Privacy Areas	<p>Block 2: Screening on two sides between 1.2 and 2.0 metres in height, with a minimum depth of 2.5 metres, for each dwelling unit. Where a privacy area is comprised of a required yard and/or landscaped area, those areas may be reduced by the privacy area.</p>	<p>Block 2: Applicant requested to delete entirely. Staff revised the Application to require that privacy areas not apply to maisonettes only.</p>	<p>The Concept Plan, attached as Appendix “F” to Report PED21221, provides for maisonettes (back to back townhouses) with front attached garages and driveways through the centre of the proposed development. This dwelling form does not typically accommodate at grade amenity area. Therefore, staff supports the proposed modification as it applies to maisonettes. However, the remaining townhouse blocks are afforded rear yard space which is to be landscaped and which can readily accommodate screening to satisfy privacy area requirements.</p> <p>Therefore, staff supports this modification as revised.</p>
Minimum Landscaped Area	<p>Block 2: 40% of the lot on which buildings are situated.</p>	<p>Block 2: 28% of the lot on which buildings are situated.</p>	<p>The intent of the landscaped area is to promote the inclusion of open spaces 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 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>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 this modification.</p>

Common Element Condominium Roads	n/a	Block 1: A private road shall be deemed to be a street, and visitor parking areas, sidewalks, landscaping including architectural feature walls, columns and gates, and outdoor amenity spaces 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 for the purposes of the proposed development as each future parcel of tied land (POTL) fronts onto the private road. Therefore, staff supports this modification.
Minimum Parking Ratio	Block 1: 2 parking spaces for the first 8 habitable rooms plus 0.5 parking space for each additional habitable room.	Block 1: 2.0 parking spaces and 0.4 visitor parking spaces per dwelling unit.	The Transportation Impact Study - Addendum, prepared by NexTrans Consulting Engineering and dated August 2021, concludes that the proposed development will meet the requirements for both resident and visitor parking. The proposed parking ratio is sufficient to meet the needs of future residents and visitors. Therefore, staff supports these modifications.
	Block 2: 1.3 spaces per dwelling unit of which 1 space shall be covered and attached to or enclosed within each dwelling unit; and, 0.3 visitor parking spaces per dwelling unit.	Block 2: 1.25 parking spaces and 0.25 visitor parking spaces per dwelling unit.	
Minimum Parking Space Length	Block 2: 2.7 x 6.0 metres.	Block 2: 2.7 x 5.8 metres.	The parking space design standards in the comprehensive Hamilton Zoning By-law No. 05-200 have established a minimum length of 5.8 metres, which is intended to modernize and update the zoning by-laws of the former communities. Therefore, staff supports this modification.

<p>Manoeuvring Space for Parking Areas</p>	<p>Blocks 5 and 6: Manoeuvring space abutting upon and accessory to each required parking space, having an aisle width mentioned in column 2 of Table 6 for each parking space having a parking angle mentioned in column 1. 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. Sufficient space additional to required parking space shall be provided and maintained on the same lot on which the parking space is located, in such a manner as to enable each and every parking space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space.</p>	<p>Blocks 5 and 6: Shall not apply.</p>	<p>As the proposed single detached dwellings with front attached garages and driveways, each with a single dwelling unit (and provisions which may permit secondary dwelling units) front onto and have direct access to the proposed Crerar Drive extension (a public road), on site manoeuvring spaces are not required. However, to increase sightlines of oncoming vehicles a statement is required in all offers of purchase and sale or lease agreements for these lots advising motorists to reverse into the driveways and exit the driveways in a forward motion, required as Condition No. 38 of Appendix "H" attached to Report PED21221.</p> <p>Therefore, staff supports this modification.</p>
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