

Site Specific Modifications to the Multiple Residential “RM3” Zone

| Regulation | Required | Modification | Analysis |
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| Definition: Dwelling Group | Means a group of more than one maisonette, townhouse or apartment or any combination thereof. | Means a group of more than one maisonette, townhouse, stacked back-to-back townhouse, or apartment or any combination thereof. | <p>The modification to include the stacked back-to-back townhouse use has been incorporated into the definition to provide clarity. The use represents a compact and innovative form of development which efficiently uses the land.</p> <p>Staff support the proposed modification.</p> |
| Definition: Dwelling – Stacked back-to-back townhouse | Not Applicable | Dwelling – Stacked back-to-back townhouse means a building divided vertically and horizontally, containing not less than three and not more than 24 dwelling units, where each unit shall have a separate entrance from a public or private street. | <p>The modification incorporates a new definition for a stacked back-to-back townhouse dwelling which is an innovative form of development not currently contemplated by the Stoney Creek Zoning By-law No. 3692-92. The built form divides the block of units both vertically and horizontally without a common entrance or hallway. The added definition will not have a negative impact on the form of development as the blocks of townhouses are an appropriate height and density that are compatible with the surrounding residential character of the area.</p> <p>Staff support the proposed modification.</p> |
| Daylight Triangles 4.13.1 | 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. | The minimum setback from the hypotenuse of the daylight triangle of Frances Avenue and Parkedge Drive shall be 2.0 metres. All other daylight triangles shall be provided in accordance with Subsection 4.13.1. | The modification to reduce the minimum distance will be consistent with the proposed modification to the front yard setback. This enables the contextual fit of the development and site functionality by providing adequate setbacks, and pedestrian connectivity. The development screens surface parking by the placement of the building closer to the street, activating the street and public realm. |

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| Daylight Triangles 4.13.1 (Continued) | | | <p>The setback considers the closest point of the corner of Block 2 as shown in Appendix "C" to Report PED24085, with the main massing of the building facing parallel to Parkedge Drive, and the flankage massing facing Frances Avenue. One block is located in this area and the building is set back approximately 3 metres from the street line.</p> <p>Staff support the proposed modification.</p> |
| Accessory Buildings in Residential Zones 6.1.4 | <p>An accessory building may be located in any yard except the front yard, and shall be located a minimum distance of 8 metres from the front lot line, 0.5 metres from any other lot line, and the maximum building height shall be 4.5 metres; except that a detached garage or detached carport which fronts on the flankage lot line shall be located at least 5.5 metres from the flankage lot line.</p> | <p>The maximum building height for an accessory building shall be 6.0 metres.</p> | <p>The proposed modification is for an additional 1.5 metres in height for an accessory building. An accessory building is proposed for the storage of waste collection. Staff support the proposal which will ensure the building is fully enclosed. The increase in height will not result in a negative visual impact, the change in grade due to the embankment of the overpass will minimize the visibility and be screened from Grays Road. As a result of the orientation of the proposed blocks, the accessory building will be screened from all other lot lines.</p> <p>Staff support the proposed modification.</p> |

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| Parking Restrictions in Residential Zones 6.1.8(c) | 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. | Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 1.4 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. | <p>The proposed modification is for parking spaces located along the westerly lot line. While most of the reduction along the westerly lot line will only require a 0.5 metre reduction, the additional reduction is for four parking spaces. Staff are of the opinion that the reduction can be supported as there is an opportunity for appropriate landscaping to be provided. The reduction is minor and only for a small portion and the location to the Grays Road overpass embankment will screen the parking from the public realm.</p> <p>Staff support the proposed modification.</p> |
| Minimum Front Yard 6.10.3(c) | 7.5 metres | 2.0 metres | <p>Frances Avenue has been deemed the front lot line in accordance with By-law No.19-014. The reduction in the front yard setback allows the design and the site organization to address the site functionality by providing adequate setbacks, amenity areas and pedestrian connectivity. The development screens surface parking with the placement of the buildings closer to the street, activating the street and public realm fostering interaction at the street level and providing greater visual interest.</p> <p>The majority of the block is setback 5.5 metres and the reduction addresses the northwesterly corner point of Block 2, which is generally perpendicular to the front lot line with the remainder of the block parallel to the front lot line.</p> |

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| Minimum Front Yard 6.10.3(c) (Continued) | | | The reduction will allow for appropriate landscaping, and sidewalk widths and connections throughout the subject lands. Staff support the proposed modification. |
| Minimum Flankage Side Yard 6.10.3(d) | 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. | 2.0 metres | Parkedge Drive is deemed the flankage yard and will provide vehicular access to the site. Similar to the front yard reduction, the flankage yard reduction also allows the design to address the street and site functionality by providing adequate setbacks, amenity areas and pedestrian connectivity. The modification is for the reduction of the flankage side yard setback to 2.0 metres. The majority of the block is setback 4.5 metres and the reduction reflects the corner point. The development is separated by a municipal road and no adverse impacts of shadowing or overlook will occur. The applicant has demonstrated all required municipal right-of-way dedications and municipal infrastructure will not be impacted by the development. Staff support the proposed modification. |
| Minimum Rear Yard 6.10.3(f) | 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. | 14.0 metres | Staff have proposed the modification to increase the rear yard setback from 6.0 metres to 14.0 metres. The previous amending By-law No. 19-014 increased the setback for apartment dwellings in the same manner. The increased setback is required for the proposed development as the Ministry of Transportation requires 14.0 metres from the frontage of North Service Road. Staff support the proposed modification. |

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| <p>Minimum Distance Between Buildings on the Same Lot</p> <p>6.10.3(h)</p> | <p>15 metres, except 3 metres between end walls and 9 metres between an end wall and a rear wall.</p> | <p>8.0 metres</p> | <p>The proposed reduction in distance between buildings will permit an orientation of blocks which also addresses the street frontages and internal building interfaces in a compatible manner. The reduced separation distance impacts only Blocks 1 and 2 and represents the distance between the end wall and the supporting columns for the balconies and there is additional separation to the main building. Sufficient space is provided between buildings to provide landscaping and pedestrian sidewalks between the buildings.</p> <p>Staff support the proposed modification.</p> |
| <p>Maximum Density</p> <p>6.10.3(i)</p> | <p>40 units per hectare</p> | <p>99 units per hectare</p> | <p>Staff note that the density was previously modified to 141 units per hectare for an Apartment Dwelling. The proposed increased density is specific to the proposed stacked back-to-back townhouse dwellings. Staff have reviewed the proposal and impacts from increased traffic have been reviewed and will result in minimal impact. Additionally, the applicant will be required to complete servicing upgrades to the municipal system for the proposed development.</p> <p>The proposed density is appropriate for the subject property as it complies with the “Medium Density Residential” policies of Section E.3.5 of the Urban Hamilton Official Plan with respect to locational criteria, built form, compatibility, function, and design.</p> <p>Staff support the proposed modification.</p> |

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| Maximum Building Height 6.10.3(j) | 11.0 metres | 15.0 metres | <p>The applicant is proposing a maximum building height of 15.0 metres instead of 11.0 metres to permit an additional height specific to the four storey stacked back-to-back townhouse dwellings. Four storeys in height provides an appropriate and compatible transition to the residential development on the north side of Frances Drive.</p> <p>Staff support the proposed modification.</p> |
| Privacy Area 6.10.3(l) | 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. | Notwithstanding the yard requirements above, each stacked back-to-back 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 1.5 metres. | <p>The provision typically applies to ground-oriented dwelling units that have an individual property and rear yard open space. The modification recognizes the proposed development includes both ground oriented and vertical dwelling units. Private balconies and at grade patios are provided to accommodate the amenity needs for residents.</p> <p>The subject lands are in proximity to public amenity spaces including Confederation Beach Park and Hamilton Beach, and Edgelake Park.</p> <p>Staff support of the proposed modification.</p> |
| Minimum Landscaped Open Space 6.10.3(m) | Not less than 50 percent of the lot area for maisonettes, townhouses and dwelling groups shall be landscaped including privacy areas. | Not less than 37 percent of the lot area for stacked back-to-back townhouse dwellings and dwelling groups shall be landscaped including privacy areas. | <p>The proposed development does provide a compact form of development which has incorporated municipal right-of-way dedications as well as Ministry of Transportation setbacks which have condensed the developable area. The development permits intensification with an acceptable density with sufficient landscaped areas to mitigate impacts from the surface parking lot and allows for sufficient tree cover across the site.</p> |

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| Minimum Landscaped Open Space 6.10.3(m) (Continued) | | | <p>The inclusion of internal sidewalks along the street has been included to ensure adequate pedestrian circulation and access to the street-facing units which has caused reduction in the percentage of landscape area. The reduction to 37 percent will allow for pedestrian connectivity and appropriate site circulation.</p> <p>Staff support of the proposed modification.</p> |
| Minimum Landscaped Open Space 6.10.3(m) | 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. | A landscaped strip having a minimum width of 1.2 metres shall be provided and thereafter maintained adjacent to any lot line that abuts a street except for points of ingress and egress. Notwithstanding the above, no landscaped strip shall be required adjacent to the portion of the lot abutting the hypotenuse of the daylight triangle at the intersection of Frances Avenue and Parkedge Drive. | <p>The subject lands abut a municipal street on all four sides of the property, however, along the east, north and west lot lines setback reductions are proposed. The design promotes activation of the street and public realm fostering interaction at the street level and providing greater visual interest. The reduction is proposed to accommodate private sidewalks to ensure adequate pedestrian circulation and access to the street-facing units. At the future Site Plan Control stage, staff will further review the plantings provided to ensure the quality and that native species are included to promote diversity.</p> <p>Staff support of the proposed modification.</p> |
| Minimum Number of Parking Spaces 6.10.5(a) | 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. | 1 parking space and 0.15 visitor parking spaces for each stacked back-to-back townhouse dwelling unit. | <p>The proposed stacked back-to-back townhouse use is not currently defined in the Stoney Creek Zoning By-law. The parking rate that was analyzed applies to a standard street townhouse dwelling as there is no comparable defined use in the By-law. The development features both one-and two-bedroom units in a built form that would be more comparable to the definition of an apartment dwelling unit than a townhouse.</p> |

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| <p>Minimum Number of Parking Spaces</p> <p>6.10.5(a) (Continued)</p> | | | <p>In addition, the City of Hamilton has completed technical review and amendment to Hamilton Zoning By-law No. 05-200, and while not currently approved by Council, the subject lands would be located within Parking Rate Area #3, which would permit a maximum of 2 parking spaces per unit and a minimum 0.85 spaces per unit for residents, plus 0.25 visitor parking spaces per unit. The application would comply with the parking calculation as well as it is within the permitted range.</p> <p>The proposal was reviewed prior to the inclusion of these provisions and while not currently required in the Stoney Creek By-law No 3692-92, staff are of the opinion that there is opportunity for the installation of charging stations. These details can be further addressed through the Site Plan Control application.</p> <p>Staff support the proposed modification.</p> |
| <p>Parking Regulations</p> <p>6.10.5(d)</p> | <p>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.</p> | <p>Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 1.4 metres to any lot line or closer than 5 metres to any dwelling unit located on a lot other than the said lot.</p> | <p>The proposed modification is for parking spaces located along the westerly lot line. While most of the reduction along the westerly lot line will only require a 0.5 metre reduction, the additional reduction will apply to four parking spaces. Staff are of the opinion that the reduction can be supported as there is still opportunity for appropriate landscaping to be provided. The reduction is minor and only for a small portion and the location to the Grays Road overpass embankment will screen the parking from the public realm.</p> |

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| Parking Regulations 6.10.5(d) (Continued) | Except that the provisions of this clause shall not apply to any parking space located within a private garage, or underground garage. | Except that the provisions of this clause shall not apply to any parking space located within a private garage, or underground garage. | Staff support the proposed modification. |
| Parking Regulations 6.10.5(e) | Where there is a grouping of three or more parking spaces, no parking space shall be provided closer than 3.0 metres to any dwelling unit located on the same lot, except that the provisions of this clause shall not apply to any parking space located within an underground garage. | Where there is a grouping of three or more parking spaces, no parking space shall be provided closer than 2.0 metres to any dwelling unit located on the same lot, except that the provisions of this clause shall not apply to any parking space located within an underground garage. | The proposed amendments will permit a functional internal arrangement of parking spaces while ensuring sufficient distance separation from dwelling units and lot lines for compatibility. Landscape plantings are proposed to mitigate any impact that might arise due to the reduced separation. Staff support the proposed modification. |