

Site Specific Modifications to the “DE-2” (Multiple Dwelling) District

Provision	Required	Requested Amendment	Analysis
Section 2: Interpretation and Definitions			
<p>2.(2) J.(xb) (c) – Landscape Area Definition</p> <p>** Applicant Requested Modification</p>	<p>"Landscaped Area" shall mean an area of land provided and maintained on the same lot on which the building or structure is situated, no part of which shall be other than: (76-148) (83-66)</p> <p>(a) fully and completely open and exposed to natural light and air and unobstructed above the surface, and (76-148)</p> <p>(b) used exclusively for scenic, recreational or like uses, and</p>	<p>(c) “Landscaped Area” shall mean “an area of land provided and maintained on the same lot on which the building or structure is situated, no part of which shall be less than 14% of which shall be natural earth comprised of the natural planting of grass lawns, trees, shrubs, flower and raised planter beds, in such manner as to establish and</p>	<p>The proposed development is for the adaptive reuse of an existing vacant industrial building for residential purposes, which will require remediation measures that will limit the potential with respect to landscaping. The required remediation measures include capping a significant portion of the subject lands, and this will result in a greater amount of hardscaping or paved areas that will limit the area available for landscaping resulting in a need for relief from the by-law requirement of 50%.</p> <p>The existing definition of landscaped area restricts the hardscape or paved areas of a landscaped area to not more than 50%. Due to the required remediation measures, a maximum of 14% of the landscaped area will consist of natural plantings as provided in the amended by-law.</p> <p>Raised planter beds can be placed on top of the proposed capping to provide the greatest degree of plantings possible. Staff revised the definition of natural plantings to include raised planter beds, whereas in the absence of this change the percentage of natural plantings would be further reduced to approximately 12% of the landscaped area.</p>

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<p>2.(2) J.(xb) (c) – Landscape Area Definition</p> <p>** Applicant Requested Modification (continued)</p>	<p>c) not less than 50% of which shall be natural earth comprised of the natural planting of grass lawns, trees, shrubs, and flowers in such manner as to establish and enhance the beautification of the landscaped area and any building or structure on the same lot, and may include a planting strip but shall not include area used for parking space, manoeuvring space, access or egress driveways or any other beneath, within or on the roof of any building except where permitted</p>	<p>enhance the beautification of the landscaped area and any building or structure on the same lot and may include a planting strip.</p>	<p>The proposed modification will maximize the amount of natural landscape features provided on site and recognizes the constraints created by the existing building and required site remediation measures.</p> <p>Therefore, the proposed modification can be supported.</p>

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<p>2.(2) J.(xb) (c) – Landscape Area Definition</p> <p>** Applicant Requested Modification (continued)</p>	<p>in a district. (76-148) (83-66) vehicular purpose of any kind, nor any area occupied by an accessory building, nor any open space.</p>		
<p>Section 10B: “DE-2” (Multiple Dwelling) District</p>			
<p>10B.(2)(ii) – Building Height</p> <p>** Staff Request Modification</p>	<p>No building or structure for any other use shall exceed eight storeys or 26.0 metres (85.30 feet) in height.</p>	<p>No building or structure for any other use shall exceed 10.0 metres in height.</p>	<p>The proposed modification recognizes the existing building on site. An eight storey building with a maximum height of 26.0 metres has not been reviewed as part of this application with respect to potential impacts including, shadow impacts, wind impacts or privacy overlook impacts.</p> <p>The proposed modification to permit a maximum building height of 10.0 metres, and two storeys, recognizes the height of the existing building but does not establish zoning permission for a taller building which has not been evaluated.</p> <p>Therefore, the proposed modification can be supported.</p>

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<p>10B.(3)(i)(b) - Front Yard Setback</p> <p><i>** Applicant Requested Modification</i></p>	<p>For all other buildings or structures a front yard of a depth of at least one 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 of less than 3.0 metres (9.84 feet) and need not have a depth of more than 7.5 metres (24.61 feet), provided that with respect to said other buildings and structures, where a front yard abuts upon a street of a width of less than 20.0 metres (65.62 feet), the required depth shall be increased by half of the difference between the actual width of the street</p>	<p>A minimum front yard depth of 0.0 metres for the building existing on the date of the passing of the By-law.</p>	<p>The proposed modification is to recognize the existing building on site, which is proposed to be adaptively reused to change the former industrial building into a multiple dwelling containing 39 dwelling units. The proposed modification recognizes the existing front yard setback of the building. In addition, the existing building along Stirton Street is located in proximity to the streetline and therefore the proposed setback is consistent with the character of the area.</p> <p>The proposed modification would only apply to the building existing on the date of the passing of the By-law. Any new building would be required to comply with the minimum front yard setback requirement of the Zoning By-law.</p> <p>Therefore, the proposed modification can be supported.</p>

Provision	Required	Requested Amendment	Analysis
10B.(3)(i)(b) - Front Yard Setback ** Applicant Requested Modification (continued)	and 20.0 metres (65.62 feet);		
10B.(3)(ii)(b) – Side Yard Setback ** Applicant Requested Modification	For every other building or structure, along each side lot line a side yard of a width of at least one one-hundred and twentieth part of the product obtained by multiplying the height of the building by its length, less 1.5 metres (4.92 feet) where no balcony, sunroom or any window of a habitable room overlooks the side yard, but no such side yard shall have a width of less than 1.5 metres (4.92	A minimum side yard depth of 0.0 metres for the building existing on the date of the passing of the By-law.	<p>The proposed modification is to recognize the existing building on site, which proposes the adaptive re-use of the former industrial building as a multiple dwelling containing 39 dwelling units. The proposed modification therefore recognizes the existing side yard setback of the building.</p> <p>The proposed modification would only apply to the building existing on the date of the passing of the By-law. Any new building would be required to comply with the minimum side yard setback requirement of the By-law.</p> <p>Therefore, the proposed modification can be supported.</p>

Provision	Required	Requested Amendment	Analysis
10B.(3)(ii)(b) – Side Yard Setback ** Applicant Requested Modification (continued)	feet), and need not have a width of more than 9.0 metres (29.53 feet), but plus 3.0 metres (9.84 feet) where any balcony, sunroom or window of a habitable room does overlook such side yard, but no such side yard shall have a width of less than 4.5 metres (14.76 feet) and need not have a width of more than 13.5 metres (44.29 feet);		
10B.(5) – Floor Area Ratio ** Applicant Requested Modification	No building or structure in a "DE-2" District 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.	No building or structure in a "DE-2" District 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 1.08.	The proposed modification to require a maximum floor area ratio of 1.08 of the lot area is to recognize the existing building. The proposed modification will therefore maintain the existing size and scale of the building that currently exists. Any additional building expansions or additions would require a future <i>Planning Act</i> application where any additional gross floor area would be assessed. Therefore, the proposed modification can be supported.

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Minimum Number of Two Bedroom Units <i>** Staff Requested Modification</i>	N/A	A minimum of 15.3 percent of dwelling units shall be with two or more bedrooms. Should this requirement result in a numeric fraction it shall be rounded up to the nearest whole number.	The proposed modification to require a minimum 15.3% of dwelling units that have two or more bedrooms, is to ensure that the six two bedroom units identified in the application are established. The modification will ensure that family sized units are included in the proposed development and contribute to achieving a range of dwelling types which complies with the policies of the Urban Hamilton Official Plan. As a result of adaptively reusing an existing building it is often difficult to retrofit the interior space to accommodate larger units, as is the case with this building. Therefore, the proposed modification can be supported.
Section 18A: Parking and Loading Requirements			
Provision	Required	Requested Amendment	Analysis
18A.(1)(a) – Minimum Required Parking <i>** Applicant Requested Modification</i>	1.25 parking spaces per dwelling unit (49 parking spaces)	A multiple dwelling shall provide and maintain not less than five parking spaces.	The subject lands are within City of Hamilton Zoning By-law No. 6593 and therefore the new parking regulations approved by Council under By-law No. 24-052 would not apply. It is, however, noted that the area of the City in which the subject lands are located is within Parking Rate Area 1 of By-law No. 24-052, and under Parking Rate Area 1 no resident parking is required. Therefore, the proposed reduction in parking would be consistent with the direction of the Council approved regulations outlined in By-law No. 24-052 that would apply to a property zoned within City of Hamilton Zoning By-law No. 05-200.

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18A.(1)(a) – Minimum Required Parking ** Applicant Requested Modification (continued)			<p>The subject lands are in proximity to existing bus routes along Wilson Street approximately 100 metres and Cannon Street East approximately 130 metres (Route 3) and located approximately 300 metres from King Street East which includes existing bus routes (Route 1, 1A and 10) and the future Light Rail Transit Route. In addition, the proposed development will include five short term bicycle parking spaces and 39 long term bicycle parking spaces.</p> <p>Therefore, the proposed modification can be supported.</p>
Minimum Bicycle Parking ** Staff Requested Modification	N/A	<p>A minimum of five short term bicycle parking spaces shall be required.</p> <p>A minimum of one long term bicycle parking space per unit shall be required.</p>	<p>City of Hamilton Zoning By-law No. 6593 does not include a minimum bicycle parking requirement. As noted above, the reduction in parking rate is reflective of the parking standards approved by Council through By-law No. 24-052, however those standards are based upon the provision of adequate bicycle parking. The proposed short term and long term bicycle parking space requirements will exceed the bicycle parking rates outlined in By-law No. 24-052. Transportation Planning recommend the inclusion of the transportation demand management and transit oriented development measures of short term and long term bicycle parking as outlined in the Transportation Demand Management Options Report.</p> <p>Therefore, the proposed modification can be supported.</p>

Provision	Required	Requested Amendment	Analysis
18A.(1)(b) – Minimum Required Visitor Parking <i>** Applicant Requested Modification</i>	0.25 visitor parking spaces per dwelling unit.	No visitor parking spaces are required.	<p>As the proposal is for an adaptive reuse of an existing building there is limited space on site to provide additional parking, and based on the limited space provided five resident parking spaces are planned on site. The proposed development will include short term bicycle parking and is in proximity to transit.</p> <p>Therefore, the proposed modification can be supported.</p>
18A.(1)(c) – Minimum Required Loading Space <i>** Applicant Requested Modification</i>	One Loading Space that is 18.0 metres in length, 3.7 metres in width and 4.3 metres in height.	No loading space is required.	<p>A multiple dwelling under City of Hamilton Zoning By-law No. 05-200, does not require a loading space. Therefore, the proposed modification is consistent with the direction of the new Zoning By-law. In addition, the limited scale of the proposed development and the nature of the proposed use is not anticipated to generate significant loading and unloading activities.</p> <p>Therefore, the proposed modification can be supported.</p>
18A. (7) – Minimum Parking Space Size <i>** Applicant Requested Modification</i>	Every required parking space, other than a parallel parking space, shall have dimensions not less than 2.7 metres wide and 6.0 metres long.	Every required parking space, other than a parallel parking space, shall have dimensions not less than 2.8 metres wide and 5.8 metres long.	<p>The proposed modification revises the parking space size requirements to reflect the minimum size of a parking space in City of Hamilton Zoning By-law No. 05-200, and as such represents an appropriate size for a parking space.</p> <p>Therefore, the proposed modification can be supported.</p>

Provision	Required	Requested Amendment	Analysis
<p>18A.(11)(a) – Minimum Setback for a Parking Area from a Residential District</p> <p><i>** Applicant Requested Modification</i></p>	<p>1.5 metres.</p>	<p>0.15 metres.</p>	<p>There is insufficient space between the existing building and adjacent lands at 70 Stirton Street, to provide an access driveway, parking, and a 1.5 metre separation. The requirement of a 1.5 metre setback is a requirement for parking areas in which there are five or more parking spaces. The proposed five parking spaces represent a relatively small parking area which will have minimal impact on surrounding lands. In addition, through the establishment and maintenance of a visual barrier between the proposed parking area and the adjacent lands, adequate buffering and screening will be maintained.</p> <p>Therefore, the proposed modification can be supported.</p>
<p>18A.(11)(b) – Minimum Setback for a Parking Area from Front Lot Line</p> <p><i>** Applicant Requested Modification</i></p>	<p>Not closer to the street line than the minimum depth of the front yard required to be provided in the adjoining residential district for that portion of the parking area within 3.0 metres of a residential district.</p>	<p>Minimum 3.0 metre setback of a parking area from a front lot line.</p>	<p>The adjacent lands are zoned “D/S-634” and “D/S-1822” (Urban Protected Residential – One and Two Family Dwelling, etc.) District, Modified, which requires a minimum front yard setback of 6.0 metres. Therefore, the existing provision would require that the parking area be setback 6.0 metres from the front lot line. The existing dwelling at 70 Stirton Street is setback approximately 5.0 metres from the front property line. The proposed parking area is to be setback a minimum of 3.0 metres which will provide adequate buffering between the parking area and the street. The proposed modification will accommodate limited on-site parking for the subject lands while ensuring that a streetscape that is compatible with the character of the area is achieved.</p> <p>Therefore, the proposed modification can be supported.</p>

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<p>18A.(12)(a) – Planting Strip</p> <p><i>** Applicant Requested Modification</i></p>	<p>Between the boundary of the parking area and the residential district an area landscaped with a planting strip.</p>	<p>Shall not apply.</p>	<p>There is an existing paved area on site that is located immediately adjacent to the existing dwelling at 70 Stirton Street. There is insufficient space on site in which to provide an access driveway, parking and a planting strip between the existing paved area and the adjacent dwelling. In order to provide onsite parking, a landscape area with a planting strip cannot be provided. Through the establishment and maintenance of a visual barrier between the parking area and the adjacent lands an adequate buffer and screening will be maintained.</p> <p>Therefore, the proposed modification can be supported.</p>