

Site Specific Modifications to the Mixed Use Medium Density (C5) Zone in Zoning By-law No. 05-200.

Regulation	Required	Modification	Analysis
<p>10.5.1 Permitted Uses</p>	<p>Artist Studio Beverage Making Establishment Catering Service Commercial Entertainment Commercial Parking Facility Commercial Recreation Commercial School Communications Establishment Conference or Convention Centre Craftsperson Shop Day Nursery Dwelling Unit(s) Educational Establishment Emergency Shelter Financial Establishment Funeral Home Hotel Laboratory Lodging House</p>	<p>a) That notwithstanding the permitted uses of Section 10.5.1, only the following uses shall be permitted within the building existing on the date of passing of this By-law and any additions thereto:</p> <p>Artist Studio Catering Service Commercial Recreation Craftsperson Shop Day Nursery Dwelling Unit(s) Emergency Shelter Lodging House Medical Clinic Multiple Dwelling Office Personal Service (NOT FINAL & BINDING: By-law No. 24-137, July 12, 2024) Performing Arts Theatre Place of Assembly Place of Worship Repair Service Residential Care Facility Restaurant</p>	<p>Staff have considered the permitted uses in the Mixed Use Medium Density (C5) Zone and compared them to the proposed development. Given the unique context of the project, staff have determined that certain permitted uses are incompatible with the surrounding residential area. Staff have recommended a limited list of permitted uses on the subject lands that are compatible with the surrounding neighbourhood.</p> <p>Staff are proposing that limited commercial uses be permitted given the property's location along two minor arterial roads. The local commercial policies in the Urban Hamilton Official Plan encourages higher density dwellings, supporting uses, and local commercial areas to be located near such roads to promote transit supportive, pedestrian friendly communities with a mix of amenities, community facilities, and commercial options within walking or cycling distance.</p> <p>The zoning modification allows for the potential introduction of social enterprise and community based commercial uses, contributing to the neighbourhood's vitality and long-term sustainability. The subject lands</p>

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<p>10.5.1 Permitted Uses (continued)</p>	<p>Medical Clinic Microbrewery Motor Vehicle Gas Bar Motor Vehicle Service Station Motor Vehicle Washing Establishment Multiple Dwelling Office Personal Service (NOT FINAL & BINDING: By-law No. 24-137, July 12, 2024) Repair Service Residential Care Facility Restaurant Retail Retirement Home Social Services Establishment Tradesperson's Shop Transportation Depot Urban Farmers Market Veterinary Service</p>	<p>Retail Retirement Home Social Services Establishment Urban Farmers Market Veterinary Service</p>	<p>are well suited for the proposed uses as they are located on two minor arterial roads, optimize existing and planned infrastructure, support active transportation, expand green spaces, and contribute to the supply of affordable housing for low to moderate income households. Overall, staff support the modification to mitigate negative impacts while ensuring growth and intensification align with area's existing residential character and future needs.</p> <p>Staff support the modification.</p>

Regulation	Required	Modification	Analysis
<p>10.5.3 a) - Building Setback from a Street Line</p>	<p>Minimum 3.0 metres for a building with residential units on the ground floor facing a street.</p>	<p>Minimum 2.7 metres, except 1.0 metre to the hypotenuse of a daylight triangle.</p>	<p>The provision aims to ensure adequate separation between residential units on the street for privacy and noise mitigation.</p> <p>The proposed development includes a ground floor residential unit with a reduced setback of 2.73 metres from the Cannon Street East Street line. The concern for privacy and noise mitigation is generally around the windows of ground floor units. In regard to the proposed development, the window for the affected unit is setback approximately 3.2 metres, which is sufficient to maintain the intent of the setback provision and minimize privacy, overlook, and noise concerns. Given the minor nature of the proposed reduction, it is staff's opinion that the modification meets the general intent of this provision.</p> <p>The exception for a building setback of 1.0 metre to the hypotenuse of a daylight triangle is required to accommodate a 4.57 metre by 4.57 metre daylight triangle at the intersection of Cannon Street East and Huntley Street. Transportation Planning staff have required the daylight triangle to ensure sufficient space is dedicated at the intersection for vehicular safety and access. It is staff's opinion that the modification meets the general intent of this provision.</p> <p>Staff support these modifications.</p>

Regulation	Required	Modification	Analysis
10.5.3 b) - Minimum Rear Yard	Minimum 7.5 metres.	Minimum 2.5 metres.	<p>The subject site has an existing rear yard of 1.0 metre. The proposed rear yard will represent an improvement to existing conditions and is sufficient to allow for the addition of landscaping and connections throughout the subject lands.</p> <p>Staff support this modification.</p>
10.5.3 c) - Minimum Interior Side Yard	7.5 metres abutting a Residential or Institutional Zone or lot containing a residential use.	Minimum 1.2 metres.	<p>The proposed modification seeks to reduce the minimum interior side yard abutting a Residential or Institutional Zone, or lot containing a residential use, from the required 7.5 metres to 1.26 metres. Currently, the site has an existing interior side yard of 0.4 metres, meaning the proposed modification represents an improvement over existing conditions. This reduction will accommodate a service entrance for the kitchen and dining area, which is not intended for use by residents or visitors but will function as a buffer. Additionally, the adjacent building walls do not contain windows, thus eliminating any privacy or overlook concerns.</p> <p>The reduction allows for a more efficient, compact, and functional site layout without negatively impacting the surrounding area.</p> <p>Staff support the modification.</p>

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<p>10.5.3 d) vii) - Built Form for New Development</p>	<p>A minimum of one principal entrance shall be provided:</p> <ol style="list-style-type: none"> 1. Within ground floor façade that is set back is closest to a street. 2. Shall be accessible from the <p>building façade with direct access from the public sidewalk.</p>	<p>A minimum of one principal entrance shall be accessible from a building façade with direct access from the public sidewalk.</p>	<p>The proposed development seeks to align the principal entrance of the new building addition with the setback of the existing place of worship entrance, rather than positioning it directly on the street facing façade. This approach preserves the architectural integrity of the place of worship and maintains its prominent character, while also enabling the creation of a central courtyard in front of the building.</p> <p>Staff are of the opinion that the proposed modification, which aligns the residential building entrance with the setback of the existing place of worship, is appropriate. Situating the principal entrance further from the street allows for the creation of a high quality public space featuring ample landscaping and seating, contributing to an animated, pedestrian friendly frontage. Pedestrian pathways will direct residents and visitors to the principal and secondary entrances.</p> <p>Staff support the modification.</p>

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<p>10.5.3 e) - Minimum Planting Strip</p>	<p>Minimum 1.5 metre wide Planting Strip abutting a Residential or Institutional Zone.</p>	<p>No planting strip shall be required.</p>	<p>With the location of the existing place of worship proposed to be retained and adaptively reused, there is no opportunity to provide a consistent landscape strip along the northern property line that abuts a Residential zone. Staff are of the opinion that there is sufficient separation between the proposed addition and the existing single detached dwellings to the north. The entrance to the underground parking structure, greenspace area and the existing place of worship provides a sufficient transition to the low density uses. Staff do not anticipate impacts to the low density residential uses to the north as a result of this modification.</p> <p>Staff support the modification.</p>