

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

Regulation	Required	Modification	Analysis
10B.1) Permitted Uses	A two family dwelling A lodging house A foster home A residential care facility Retirement home	That in addition to Section 10B.(1), a “multiple dwelling townhouse” shall also be permitted.	<p>Staff have considered the permitted uses in the "DE-2" (Multiple Dwellings) District and compared it to the proposed development. Given that the proposed development is consistent with the medium density residential uses as indicated within the Urban Hamilton Official Plan as well as existing development within the surrounding area, staff have determined that the proposed permitted use is compatible and appropriate for the subject lands.</p> <p>The zoning modification allows for the development of two storey and four storey multiple dwelling townhouses on the subject lands.</p>

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10B.1) Permitted Uses (continued)			<p>The subject lands are well suited for the proposed use as they are located on a minor arterial road, optimize the existing and planned infrastructure, and support active transportation.</p> <p>Staff support the modification.</p>
10B.2) Height Requirements	<p>(i) No building for a single family dwelling, two family dwelling or three family dwelling shall exceed two and one-half storeys in height;</p> <p>(ii) No building or structure for any other use shall exceed eight storeys or 26.0 metres (85.30 feet) in height.</p>	<p>That in addition to Section 10B.(2), no building or structure within 30 metres of the rear lot line shall exceed 8.5 metres in height.</p> <p>That in addition to Section 10B.(2), no building or structure within 25 metres of the front lot line shall exceed 14.5 metres in height.</p>	<p>Staff have added an additional modification to address the height requirements of the proposed residential development. Two storey multiple dwelling townhouse units are being proposed at the western end of the subject lands to address potential overlook and privacy concerns that may occur from a larger built form. The "DE-2" (Multiple Dwellings) District permits a height of eight storeys or 26.0 metres.</p>

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10B.2) Height Requirements (continued)	(72-239) (76-148) (79-288) (80-049)		<p>The proposed modification ensures that the heights of the rear multiple dwelling townhouses will be restricted to two storeys and the multiple dwelling townhouses within 25 metres of the front lot line will be restricted to 14.5 metres in height, as proposed by the applicant.</p> <p>Staff support the modification.</p>
2.(2)A (viii) Definition of Multiple Dwelling Townhouse	"Dwelling, Multiple" shall mean a building comprising four or more self-contained Class A dwelling units, whether or not a private garage or any other accessory building is attached except a building comprising a	That in addition to Section 2.(2)A, a 'Multiple Dwelling Townhouse' shall mean: i. One separate building containing five or more dwelling units; or, ii. Two or more separate buildings containing three or more dwelling units each which form one comprehensive	<p>The proposed modification is to add a definition for "multiple dwelling townhouse". The existing definitions for "dwelling multiple", "dwelling, townhouse" and "dwelling, street townhouse" do not reflect the scope and built form of the proposed development.</p> <p>The proposed modification is appropriate and captures the scope of the development being proposed on the subject lands.</p>

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2.(2)A (viii) Definition of Multiple Dwelling Townhouse (continued)	Townhouse Dwelling or a Maisonette Dwelling;	development containing a total of five or more dwelling units; and, i. Dwelling units are divided by common walls preventing internal access between units; ii. Each dwelling unit has at least one exclusive exterior pedestrian access; iii. Dwelling units within a Multiple Dwelling Townhouse may have shared amenity areas(s), parking area(s) and common vehicular access to a street, such as a condominium road.	Furthermore, the proposed modification meets the intent of the Medium Density Residential policies of the Urban Hamilton Official Plan. Staff support the modification.

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2.(2)A (viii) Definition of Multiple Dwelling Townhouse (continued)		iv. A Multiple Dwelling Townhouse shall include a block townhouse, a stacked townhouse, a back-to-back townhouse, a stacked back-to-back townhouse, a maisonette, and a townhouse development comprising townhouse units or parcels of tied land, except as restricted in the By-law.	
2.(2)(J)(xi) and Section 2.(2)(J)(xi) “Lot” and “Lot- Line” Definitions	“Lot” shall mean a parcel of land the boundaries of which are described in accordance with a registered conveyance or conveyances, occupied, or to be	The external boundary of the lands shall be deemed to be the lot lines for the purpose and the regulations of the “DE-2/S- 1844” (Multiple Dwellings) District, Modified, including but not limited to the lot	The proposed modification is to define the boundaries of the subject lands for the proposed development. The subject lands are currently two properties, both of which have frontage onto West 5 th Street and the properties have not been merged on title. A condition of Site Plan approval will be that the two properties merge on title.

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<p>2.(2)(J)(xi) and Section 2.(2)(J)(xi) “Lot” and “Lot-Line” Definitions (continued)</p>	<p>occupied by a building, structure, a group of buildings or structures or of buildings or structures in a single establishment, or a use together with any accessory building, structure or use, and including all yards and open spaces required by this By- Law and shall include a Lot of Record.</p> <p>"Lot-Line" shall mean any boundary line of a lot.</p>	<p>area, lot frontage, lot depth, lot coverage, landscape area, and building setbacks, shall be from the external boundaries and not the individual property boundaries of any parcels created by registration of a Condominium Plan, Part Lot Control, or Consent.</p>	<p>By defining the boundaries of the subject lands, the proposed development can be accommodated without interference from the existing property boundaries. The setbacks to the proposed structures will be measured from the exterior boundaries rather than the existing boundaries.</p> <p>Staff support the modification.</p>

Regulation	Required	Modification	Analysis
2.(2)(J)(xiii) (continued)	"Lot-Line Front" with reference to an interior lot shall mean the boundary line along the street; with reference to a corner lot shall mean either of the boundary lines along a street at the option of the owner, provided that where one of such boundary lines along a street is chosen as the front lot line, the other shall be considered as a side lot line.	That notwithstanding Section 2.(2)J.(xiii) MISCELLANEOUS DEFINITIONS – TECHNICAL as it relates to the definition of "Lot-Line, Front", the front lot line shall mean the lot line along West 5th Street.	<p>The proposed modification defines the location of the front lot line in respect to the subject property. This modification is technical in nature and specifically identifies the lot lines abutting West 5th Street as the front lot line.</p> <p>The modification permits the development of the multiple dwelling townhouse units in accordance with the front yard setback originating from West 5th Street rather than the proposed private laneway. Through the modification, the applicant can achieve the proposed built form in the location identified within Appendix "D" attached to Report PED26024.</p> <p>Staff support the modification.</p>

Regulation	Required	Modification	Analysis
2.(2)(J)(xiii) (continued)	And with reference to a through lot shall mean and include each of the two		
10B.3) Area Requirement	(a) 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	That notwithstanding Section 10B.(3)(ii)(b), there shall be provided and maintained: a northerly side yard having a width of at least 3.0 metres for stacked townhouse structures; a northerly side yard having a width of at least 1.6 metres for block townhouse structures;	The provision is required to address deficient side yard setbacks for the multiple dwelling townhouse units. The provision will permit the proposed two storey structures to have a northerly side yard setback of 1.6 metres and a southerly side yard setback of 1.2 metres. Furthermore, the provision will permit the four storey structures to have a northerly setback of 3.0 metres and southerly setback of 1.2 metres. Staff have requested a modification to the proposed southerly side yard setback to permit a 6.0 metre setback instead of the requested 1.6 and 1.2 metre setback.

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10B.3) Area Requirement (continued)	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 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)	<p>a southerly side yard having a width of at least 6 (6.0) metres for stacked townhouse structures;</p> <p>a southerly side yard having a width of at least 6 (6.0 m) metres for block townhouse structures.</p>	<p>The modification will prevent development near the southerly lot line so that a larger portion of the existing tree canopy can be preserved.</p> <p>The exception for the building setbacks is appropriate as they provide an adequate buffer between the multiple dwelling townhouse units as well as the abutting lot lines of the corner townhouse units. The proposed setbacks provide an appropriate buffer to the existing residential built form to the north and the existing natural features to the south. The greater setbacks will provide access to the rear yards and will provide adequate space to accommodate maintenance of the proposed units. It is staff's opinion that the modification meets the general intent of this provision.</p>

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10B.3) Area Requirement (continued)	and need not have a width of more than 13.5 metres (44.29 feet).		Staff support these modifications.
18.(3) Encroachments on Yards	vi.(d) A roofed-over or screened but otherwise unenclosed one-storey porch at the first storey level, including eaves and gutters, may project into a required front yard or rear yard to a distance of not more than 3.0 metres (9.84 feet), and every such projecting porch shall be distant at least 1.5 metres (4.92 feet) from the front lot line, and the enclosure of	That notwithstanding Section 18.(3)(vi)(d), a roofed-over one-storey porch at the first storey level, including eaves and gutters, may project into a required front yard a distance not more than 3.0 metres, and distance of at least 1.0 metre from the front lot line.	<p>The modification is to permit a roofed front porch that will provide direct access onto West 5th Street to be located 1.0 metre from the front lot line rather than the required 1.5 metres from the front lot line.</p> <p>The proposed modification does not impact street views or turning lanes. The modification is required due to the configuration of the lot and the front lot line being at an angle, impacting the lot frontages of the proposed built form. The modification to the front yard encroachment is considered appropriate.</p> <p>Staff support the modification.</p>

Regulation	Required	Modification	Analysis
18.(3) Encroachments on Yards (continued)	such a porch to the following extent shall not be deemed enclosure for the purpose of this Section: (i) the porch may have a solid guard around the perimeter of the porch not more than 1.0 metres (3.28 feet) in height measured from the floor of the porch; (ii) the roof may be supported on columns or piers having maximum width of 0.5 metres (1.64 feet);		

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18.(3) Encroachments on Yards (continued)	(iii) the beam, lintel or crown of an arch shall be no more than 0.3 metres (0.98 feet) in depth; (iv) the minimum distance between piers or columns shall be 1.0 metre (3.28 feet) and in the case of arches, the arches shall have a minimum clear width of 1.0 metre (3.28 feet).		

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<p>18.(8) Special Requirements for Groups of Townhouse Dwellings, Maisonette Dwellings, Multiple Dwellings</p>	<p>1) For multiple dwellings, the entire lot or tract of land shall be shown on a plan under By-Law No. 79-275 which shall indicate which street line is to be considered the front lot line in the case of a corner lot and which shall show the location of all buildings and that the yards as required by the district provisions are provided around all boundaries of the lot or tract of land and that each building is distant from</p>	<p>That notwithstanding Section 18.(8) 1., a separation distance of at least 3.0 metres shall be provided between the side walls of block townhouse buildings that contain windows to habitable rooms.</p>	<p>The proposed modification is to permit a separation of 3.0 metres between two storey multiple dwelling townhouse blocks with windows to habitable rooms.</p> <p>Staff have reviewed the modification and find it appropriate. The separation of 3.0 metres between the two storey multiple dwelling townhouse blocks provides an adequate buffer and access in case of an emergency or maintenance purposes. The concept plan provided by the applicant includes one block of eight units whereas the original proposal included two blocks of three units each. The proposed modification can still be utilized in the event the concept plan will need to be amended during the site plan phase.</p> <p>Staff support the modification.</p>

Regulation	Required	Modification	Analysis
18.(8) Special Requirements for Groups of Townhouse Dwellings, Maisonette Dwellings, Multiple Dwellings (continued)	every other building by at least by at least ½ of the height of the taller of the two buildings provided that the same encroachments into the distance separating buildings shall be permitted as are permitted into a required side yard and provided further that the same provisions with regard to parking spaces, manoeuvring spaces and access driveways shall be observed in the distance separating buildings as if that		

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18.(8) Special Requirements for Groups of Townhouse Dwellings, Maisonette Dwellings, Multiple Dwellings (continued)	distance was a rear yard.		
18.(10) Setback of Buildings	Where a lot is adjacent to a street referred to in Schedule "C", and (71-216) (78-37) (78-38) i)(a) there is a yard requirement, no required yard or part thereof shall be nearer to the centre line of the	Notwithstanding Section 18.(10)(i)(a) of this By-law shall not apply.	Section 18.(10)(i) of the Zoning By-law No. 6593 states that a required yard along this section of West 5 th Street should be located 15.24 metres from the centreline of the street. West 5 th Street is currently 20.02 metres in width and will be expanded to a width of 23.08 metres through a right-of-way dedication from 1041 West 5 th Street.

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<p>18.(10) Setback of Buildings (continued)</p>	<p>adjacent street than the distance set forth in column 4 of Schedule "C", measured from the centre line of the street to a line parallel to the centre line of the street and on that side of the street to which the lot is adjacent.</p>		<p>The proposed development has also accounted for a potential right-of-way dedication of 5.18 metres from 1042 and 1050 West 5th Street which would expand the street to 28.26 metres, causing the required yard to begin 14.13 metres from the centreline.</p> <p>Schedule C-2 of the Urban Hamilton Official Plan provides a list of future right-of-way dedications. It states that the right-of-way width of West 5th Street between 90.0 metres south of Stone Church Road and Rymal Road will be 26.213 metres. The intent behind Section 18.10.i) a) is to preserve space for future rights-of-way and to prevent development from encroaching into land meant to be conveyed for future dedications.</p>

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18.(10) Setback of Buildings (continued)			<p>Transportation Planning staff require a 5.2 metre dedication from the subject lands which will be addressed through the Site Plan Approval phase. Furthermore, the road width of 28.26 metres is compliant with the Urban Hamilton Official Plan policies related to the Future Right-of-Way Dedications.</p> <p>Staff support the modification.</p>
18A. Table 2 Minimum Number of Visitor Spaces	<p>Multiple dwellings: 0.25 of a space per Class A dwelling $18 \times 0.25 = 4.5$ 5 visitor spaces</p>	<p>That in addition to Section 18A.(1)(a) and (b), Table 1 and Table 2, for a Multiple Dwelling Townhouse a minimum of one (1) parking space per Class A dwelling unit shall be provided and maintained, inclusive of visitor parking spaces.</p>	<p>The proposed development will not include visitor parking spaces within the subject lands. The proposed amendment considers a modification that reduces the parking requirements to a minimum of one space per dwelling unit inclusive of visitor parking spaces rather than a separate space for visitor parking.</p>

Regulation	Required	Modification	Analysis
18A. Table 2 Minimum Number of Visitor Spaces (continued)			<p>Based on the current zoning provisions, the proposed development requires 0.25 visitor parking spaces per each individual Class A dwelling (Multiple Dwelling Townhouse Unit), requiring a total of 4.5 spaces. However, if Zoning By-law No. 05-200 was applied, the proposal would require a minimum of 2.7 visitor parking spaces.</p> <p>The elimination of visitor parking spaces will have minimal impact on the subject lands and the surrounding landscape. Each multiple dwelling townhouse unit will have two parking spaces, one space located within the garage of each unit, and a second space being the driveway for the units.</p>

Regulation	Required	Modification	Analysis
18A. Table 2 Minimum Number of Visitor Spaces (continued)			<p>Through this method of allocation, each unit will have two parking spaces which can accommodate one personal vehicle and one visitor vehicle. The elimination of the general visitor spaces will encourage further public transit usage, create a more pedestrian friendly environment and, will create a community that is less reliant on vehicular travel.</p> <p>Staff support the modification.</p>
18A.(1)(f) Minimum Maneuvering Space	6.0m for 90°	(k) That notwithstanding Section 18A.(1)(f) and 18A.(10), tandem parking shall be permitted for each unit of a Multiple Dwelling Townhouse.	<p>Planning staff note that tandem parking will permit a parking space within a garage and the driveway, providing two parking spaces for each unit.</p> <p>Staff support the modification.</p>

Regulation	Required	Modification	Analysis
18A.(7) Minimum Parking Space Size	2.7m x 6.0m	That notwithstanding Section 18A.(7), every required parking space, other than a parallel parking space shall have dimensions not less than 2.8 metres wide and 5.8 metres in length.	<p>The proposed modification is required to address the parking space sizes and to align with the requirements of Zoning By-law No. 05-200.</p> <p>The minimum parking space requirements as per Zoning By-law No. 05-200 is 2.8 metres in width and 5.8 metres in length and this modification is to ensure alignment with the City's new parking standards.</p> <p>Staff support the modification.</p>
18A Table 3/4/5	5-30 Units: One (1) loading Area required measuring 9.0m (length) x 3.7m (width) x 4.3m (height).	(j) That notwithstanding Section 18A.(1)(c) and Table 3, no loading spaces shall be required.	The proposed modification will remove the requirement of one loading space from the subject development. Loading spaces are required for moving vehicles and delivery vehicles.

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18A Table 3/4/5 (continued)			<p>Deliveries and parking moving vehicles can be accommodated within the individual driveways provided for each unit.</p> <p>Staff support the modification.</p>