

Site Specific Modifications to the Mixed Use Medium Density (C5, 970) Zone

Regulation	Required	Modification	Analysis
Section 5.2.4 c) Access Requirements	<p>All parking spaces shall have adequate means of ingress and egress to and from the street or laneway without the necessity of moving any other motor vehicle, except:</p> <p>i) the accessibility to a maximum of one of the parking spaces for a Single Detached Dwelling may be obstructed by another motor vehicle; and,</p>	<p>That notwithstanding Section 5.2.4 c), as it relates to a parking stacker system, a parking stacker system shall be permitted, which shall permit a parking space that is positioned above, below or beside another parking space and is accessed by means</p>	<p>The proposal includes a parking stacker system, intended for residents of the development.</p> <p>Parking spaces typically aren't permitted in tandem and cannot have obstructions. A zoning provision is included to allow a special exception for a parking stacker system. Staff are of the opinion that the use of a parking stacker system is an innovative form of design creating efficiency in parking, reducing land consumption.</p> <p>Staff support the proposed modification.</p>

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	ii) where a parking attendant is on site or a valet service is provided in association with a Commercial Parking Facility or Hotel, parking spaces may be designed to include the use of tandem or stacked parking.	of an elevating device.	
Section 10.5.2 ii) Prohibited uses	Notwithstanding Section 10.5.1, a Motor Vehicle Dealership is prohibited, even as an accessory use.	That notwithstanding Section 10.5.1, and in addition to Section 10.5.2 ii), the following uses are prohibited, even as an accessory use: Beverage Making Establishment,	The permitted uses have been scoped from the more permissive Mixed Use Medium Density (C5) Zone to uses that are more in alignment with a Mid Rise Residential – Large Scale (R4a) Zone. Staff support the proposed modification.

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		Catering Service, Commercial Entertainment, Commercial Parking Facility, Commercial Recreation, Commercial School, Communications Establishment, Conference or Convention Centre, Emergency Shelter, Funeral Home, Hotel, Laboratory, Microbrewery, Motor Vehicle Gas Bar, Motor Vehicle Service Station, Motor Vehicle Washing	

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		<p>Establishment, Performing Arts Theatre, Place of Assembly, Place of Worship, Self Storage Facility, and Transportation Depot are prohibited uses, even as accessory uses.</p>	
<p>Section 10.5.1.1 i) 1. Restriction of Uses within a building</p>	<p>The finished floor elevation of any dwelling unit shall be a minimum of 0.9 metres above grade.</p>	<p>That notwithstanding Section 10.5.1.1 i) 1., the finished floor elevation of any dwelling unit having frontage on Dewitt Road shall be a minimum of 0.0 metres above grade;</p>	<p>The intent of "Urban Corridors" is to provide a comfortable and attractive pedestrian experience. The intent for the elevated ground floor stems from Crime Prevention Through Environmental Design measures, i.e., to provide better eyes on the street and appropriate separation from pedestrians at grade and residential units at grade. The units along the east side fronting Dewitt Road are setback further from the existing sidewalk and are units</p>

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			that occupy the first and second floors of the building which maintains the 'eyes on the street' approach. The residential units at grade along Dewitt Road will not detract from the pedestrian experience as the residential units are designed to maintain privacy as they are located further away from Dewitt Road.
10.5.3. a) ii) Building Setback from a Street Line	Maximum 4.5 metres, except where a visibility triangle is required for a driveway;	Minimum 4.5 metres for dwelling units on the ground floor facing Dewitt Road. Maximum 4.5 metres; and, Maximum 6.5 metres along Dewitt Road, except where a visibility triangle is required for a driveway access.	Staff support the proposed modification. The increased setback is intended for the portion of the building fronting Dewitt Road, which will separate the grade oriented residential uses from pedestrians using Dewitt Road. The portion of the building along Highway No. 8 is proposed to be 3.0 metres from the street and contributes to a more activated streetscape along Highway No. 8. Staff support the proposed modification.

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<p>10.5.3 b)</p> <p>Minimum Rear Yard</p>	<p>7.5 metres.</p>	<p>13 metres for any portion of a building up to and including 13 metres in height; 17.5 metres for any portion of a building exceeding 13 metres in height; and,</p> <p>25 metres for any portion of a building exceeding 19 metres in height.</p>	<p>The intent of the rear yard setback in the C5 Zone is to provide adequate space for maintenance of buildings, provide amenity space, and allow adequate buffer from low rise built forms interior to neighbourhoods to allow for adequate sunlight and prevent overlook. The proposed modification is an increase in setback and incorporation of building setbacks at the 4th, 6th and 11th floors, which achieves appropriate separation, mitigates privacy and overlook concerns, and permits adequate sunlight in private amenity areas for adjacent properties. During the Site Plan Control stage screening for rooftop amenity areas on the southern wing will be encouraged to prevent overlook and placement of habitable room windows will be considered.</p> <p>Staff support the proposed modification.</p>

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<p>10.5.3 c)</p> <p>Minimum Interior Side Yard</p>	<p>7.5 abutting a Residential or Institutional Zone or lot containing a residential use.</p>	<p>7.5 metres; and, 10 metres for any portion of building exceeding 14 metres in height.</p>	<p>The intent of the side yard setback in the C5 Zone is to provide adequate space for maintenance of buildings and allow adequate buffer from low rise built forms to allow for adequate sunlight and mitigate overlook. The revised proposal has incorporated additional interior side yard setbacks at various heights, and the proposed zoning modification introduces a standard derived from the Council approved Mid Rise Residential – Large Scale (R4a) Zone to maintain appropriate separation and permits adequate sunlight in private amenity areas for adjacent properties. Staff note that the residential properties that are west of the subject site backing onto Highway No. 8, are unlikely to redevelop in accordance with the vision for Secondary Corridors over the short term, as such, inclusion of the side yard setback is appropriate for transition and to mitigate privacy impacts. No habitable windows or balconies are proposed along the western façade to further</p>

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			<p>mitigate overlook concerns, which will be further reviewed at the future Site Plan Control stage.</p> <p>Staff support the proposed modification.</p>
<p>10.5.3 d) ii) and iii)</p> <p>Building Height</p>	<p>Maximum 22 metres; and, Any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum side and rear yard requirements when abutting a Residential or Institutional Zone to a maximum of 22.0 metres.</p> <p>The wholly enclosed or partially enclosed structure belonging to an amenity area shall not be greater than 5.0m in vertical distance from the uppermost point of the building designed to</p>	<p>Maximum 40 metres.</p> <p>The wholly enclosed or partially enclosed structure belonging to an amenity area, or portion of a building designed to provide access to a rooftop amenity area shall not be greater than 5.0m in vertical distance from the uppermost point of the building to the</p>	<p>The proposed maximum building height of 40 metres (12 storeys) can be supported, as the development meets the Urban Hamilton Official Plan policy E.3.5.8 criteria for building height above six storeys, up to a maximum of twelve.</p> <p>The proposed development provides a mix of unit sizes, incorporates sustainable building and design principles, does not cause adverse shadow or privacy impacts, and provides setbacks from adjacent residential uses, as discussed in detail in Appendix "F" to Report PED26140.</p> <p>The intent of the equivalent increase to maximum building height is to permit midrise built forms that are compatible with neighbouring</p>

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	provide access to a rooftop amenity area shall not be greater than 3.0m in vertical distance from the uppermost point of the building to the upper most point of the rooftop enclosure.	upper most point of the rooftop enclosure.	<p>residential and institutional land uses. The above amendments, to minimum side and rear yard setbacks provide additional setbacks and setbacks, which support this modification.</p> <p>The intent of the height control for rooftop structures mitigate visual and massing impacts while still allowing functional access to rooftop areas. The encloser occupies a small footprint on the roof and is centrally located on the roof away from Highway No. 8 and Dewitt Road.</p> <p>Staff supports the proposed modification.</p>