

RESPONSE TO ZONING COMPLIANCE REVIEW LETTER
NON-COMPLIANCE ITEMS
ZCR-26-049-02

Zoning Section	Required By-law	Zoning Comment	US Response
Special Exception 703 <i>[Schedule "C" Special Exceptions pursuant to Hamilton Zoning By-law 05-200]</i>	b) Notwithstanding Section 4.23 d), all building and structures located on a property shall be setback a minimum of 3.0 metres from a (P5) Zone boundary, except below grade which shall be setback a minimum of 0.0 metres from the (P5) Zone boundary.	Setback provided to the abutting P5 zone boundary was not indicated on the submitted materials.	Please refer to enclosed Architectural Package prepared by KNYMH Architects which notes setback to P5 Zone.
	c) Notwithstanding Section 5.2 b) iii), where a wall or any other obstruction is located abutting or within any parking space within an above ground or underground parking structure, the minimum width of a parking space shall be increased by 0.3 metres; except for where a column is located abutting or within any parking space within an above ground or underground parking structure, the minimum width of a parking space shall be increased by 0.1 metres.	It is unclear whether this provision has been applied	Please refer to enclosed Architectural Package prepared by KNYMH Architects which notes typical parking space detail.

	e) In addition to Subsection 7.5.1, the following use shall also be permitted: Recreation	Specific recreational use has not been indicated.	Please refer to enclosed Architectural Package prepared by KNYMH Architects which includes a 'passive recreation' area label.
Visual Barrier [as per section 11.1.3(i) of Hamilton Zoning By-law 05-200] <i>Property abuts the E/S-1361 - Multiple Dwellings, Lodges, Clubs, Etc. Zone pursuant to Hamilton Zoning By-law 6593.</i>	i) A visual barrier shall be required along any lot line abutting a Downtown D5 Zone, Institutional Zone or Residential Zone in accordance with the requirements of Section 4.19 of this Bylaw. ii) Notwithstanding i) above, no visual barrier(s) shall be permitted between the building façade and the street.	Visual Barrier not indicated on the submitted materials.	Please refer to enclosed Landscape Plan prepared by Whitehouse Urban Design indicating the required visual barrier.
P5, 703, XXX (Conservation/Hazard Land) Zone <i>Section 7.5 and Schedule "C" Special Exceptions pursuant to Hamilton Zoning By-law 05-200</i> Permitted Uses [as per section 7.5.1 of Hamilton Zoning By-law 05-200]	Conservation Flood and Erosion Control Facilities Recreation, Passive Recreation	Specific details regarding the recreational use has not been indicated.	Please refer to enclosed Architectural Package prepared by KNYMH Architects which includes a 'passive recreation' area label.
Mechanical and Unitary Equipment [as per section 4.9 of Hamilton Zoning By-law 05-200]	Hot boxes, air conditioners and pumps (including heat pumps and swimming pool pumps) and other similar mechanical equipment shall be located only in accordance with the following regulations:	Exhaust Shaft projects into the front yard. Setback to the street line has not been indicated.	The exhaust shaft curb projects 0.2 metres above grade and is 1.3 metres from the streetline. Therefore, modification to the minimum required setback is necessary.

	a) Within a required front yard, provided such equipment shall have a minimum setback of 3.0 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping; and,	Setback to the side lot line is greater than 0.6 metres. Visual Barrier not indicated.	The absence of visual screening of mechanical and unitary equipment is to be accommodated in the Draft By-law. Visual screening cannot be accommodated due to the required clearance area of the transformer. Please refer to enclosed Architectural Package prepared by KNYMH Architects.
Visual Barrier [as per section 4.19 of Hamilton Zoning By-law 05-200]	Where this By-law requires a visual barrier to be provided and maintained, such barrier shall act as a screen between uses and be constructed to a minimum height of 1.8 metres, and to a maximum height of 2.5 metres where a visual barrier consists of a fence or wall and shall not be located within 3.0 metres of a street line. A visual barrier shall consist of the following: a) A wall, fence; b) A continuous planting of suitable trees or shrubs, together with a reserved width of planting area appropriate for healthy plant growth; c) Earth berms; or, d) Any combination of the above. e)	Visual Barrier have not been indicated on the submitted materials.	Please refer to enclosed Landscape Plan prepared by Whitehouse Urban Design indicating the required visual barrier.
Minimum Number of Required Parking Spaces [as per section 5.1.1]	The minimum number of required parking spaces which must be	<u>Commercial Component (4 Units):</u> <i>Specific details were not provided to determine the number of parking</i>	The proposed specific use of the commercial units is not confirmed. However, there is adequate parking

(a) of Hamilton Zoning By-law 05-200]	provided shall be the result of applying: i) The minimum amount in accordance with the Minimum Required Parking Rate Schedule in Section 5.7.1; ii) Any eligible exception in this Section; and, iii) Any eligible deductions in this Section	<i>spaces required for the commercial component.</i>	on site to accommodate the parking requirements associated with all permitted uses of the TOC1 Zone.
Provision of Parking on a Lot Subject to Multiple Zones [as per section 5.1.1 (e) of Hamilton Zoning By-law 05-200]	Where more than one zone applies to a lot, parking spaces provided for any use on the lot may be located within any zone within the boundaries of the lot, except: i) where a portion of a lot is within one of the Open Space and Park Zones, no parking spaces may be located within such portion of the lot except parking spaces required for a permitted use located within such portion.	The property is subject to Multiple Zones. The P5 Zone Boundary was not provided on the submitted materials. It appears that a portion of the underground parking facilities may be located within the P5, 703 Zone.	Please refer to enclosed Architectural Package prepared by KNYMH Architects which notes setback to P5 Zone. No encroachments into the P5 Zone are proposed.
Minimum Parking Space Dimensions [as per section 5.2.1 of Hamilton Zoning By-law 05-200]	f) <u>Optional Reduction in Minimum Dimensions for Small Car Parking</u> Notwithstanding Subsection 5.2.1 a), where 10 or more parking spaces are provided on a lot, the minimum parking space size of not more than 10% of such required parking spaces may be a width of 2.6 metres and a length of 5.5 metres, provided that any such parking	24 small car spaces indicated on the site statistics.	In keeping with discussions with staff, this item is non-conforming. The number of Small Car parking spaces provided on site is to be accommodated in the Draft By-law.

	space is clearly identified as being reserved for the parking of small cars only.		
Drive Aisle Requirements [as per section 5.2.3 of Hamilton Zoning By-law 05-200]	a) Minimum Drive Aisle Width The drive aisle abutting any parking space shall be designed and provided in accordance with the following minimum width requirements	90° @ 6.0m aisle widths appear to be typical within the underground parking structure. Two (2) surface parking spaces have been indicated adjacent to the Loading Area. The drive aisle width abutting these spaces has not been indicated.	Please refer to enclosed Architectural Package prepared by KNYMH Architects showing 6.0-metre-wide drive aisles on site. The two parking spaces near the ramp have been reoriented and one has become a loading space. Therefore, the drive aisle is zoning compliant.
Access Requirements [as per section 5.2.4 of Hamilton Zoning By-law 05-200]	c) Tandem and Stacked Parking Restriction and Exceptions 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: 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, 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	Tandem not proposed	Please refer to enclosed Architectural Package prepared by KNYMH Architects which has been revised to provide 16 tandem parking spaces within the underground parking levels. Permissions for tandem parking have been accommodated in the Draft By-law.

Visitor Parking Space Requirements [as per section 5.6.6 of Hamilton Zoning By-law 05-200]	a) A required visitor parking space provided on a lot shall be clearly identified and marked as being reserved for such purpose.	Two (2) required visitor parking spaces are not clearly marked and identified.	Please refer to enclosed Architectural Package prepared by KNYMH Architects which includes 'V' labels on all visitor parking spaces.
Minimum Required Parking Rate Schedule [as per section 5.7.1 of Hamilton Zoning By-law 05-200]	<u>a) Minimum Required Parking Rate Schedule</u> Parking spaces shall be provided in the minimum quantity specified in Column 2 hereunder for each use listed in Column 1:	445 parking spaces provided Specific details were not provided to determine the number of parking spaces required for the commercial component.	The proposed specific use of the commercial units is not confirmed. However, there is adequate parking on site to accommodate the parking requirements associated with all permitted uses of the TOC1 Zone.