SUBJECT: Application to Amend the Hamilton Zoning By-law for Property Located at 1 Hayden Street (PED07286(a)) (Ward 7)

RECOMMENDATION:

(a) That City Council’s approval respecting Zoning By-law Amendment Application ZAR-07-033, by Dr. Russell Grover, owner, for a change in zoning from the “D” (Urban Protected Residential - One and Two Family Dwellings, etc.) District to a modified “D” (Urban Protected Residential - One and Two Family Dwellings, etc.) District, to permit a dentist office within the existing building, for property located at 1 Hayden Street, be revised on the following basis:

(i) That the previous proposed By-law attached to Report PED07286 be replaced by the revised Draft By-law, attached as Appendix “D” to Report PED07286(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

(ii) That Council shall determine whether any further notice is to be given in respect of the revised proposed By-law prior to its enactment, and this determination of Council is considered final.

(iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and the City of Hamilton Official Plan.

Tim McCabe
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The proposed changes to the Zoning By-law previously endorsed by Council are considered acceptable because they would allow for more efficient use of the property, and would maintain the established streetscape character of Hayden Street.

BACKGROUND:

At its meeting of November 22, 2007, the Economic Development and Planning Committee approved the rezoning of property located at 1 Hayden Street, by Dr. Russell Grover, to permit a dentist office as a legal use within the existing building, subject to the following condition:

That the Draft By-law, attached as Appendix “D” to Report PED07286, which has been prepared in a form satisfactory to the City Solicitor, not be forwarded to City Council for enactment until the owner has applied for and received approval for a Site Plan Application, to the satisfaction of the Manager of Development Planning.

With respect to the foregoing condition, Site Plan Application MDA-07-190 was submitted in December 2007 to address an improved parking design for the dentist office to accommodate 6 parking spaces, planting strips and landscaping improvements in advance of the amending By-law for the requested change in zoning (refer to Appendix “A”).

Prior to the submission of the site plan, the applicant had requested consideration to relocate the right angled parking space from the front yard to the road allowance along Mohawk Road East in order to preserve the amenity of the front yard area. The proposed change was also to address the intrusion of parking into the front yard, which was identified as an issue by one of the residents who attended the November 22, Public Meeting (refer to Appendix “C”). Through the site plan review process, it was determined that the proposed site plan changes were found to affect three of the provisions contained within the original Draft Zoning By-law (attached as Appendix “E”).

In accordance with Section 34 (17) of the Planning Act, where a change is made in a proposed By-law after the holding of the Public Meeting, Council shall determine whether any further notice is to be given in respect of the proposed By-law, and the determination of Council is final.
Required Changes to By-law

The changes that are required to the Draft By-law (Appendix “E”) have been incorporated into a revised By-law (Appendix “D”), and are noted as follows:

(1) **A change to Section 2. (b) to permit a maximum of 4, rather than 3, of the 6 parking spaces to be provided and maintained within the road allowance of Mohawk Road East.** This change is required to accommodate the relocation of the parking space from the front yard along Hayden Street (parking space 2 on Appendix “C”) to the road allowance along Mohawk Road East (parking space 5 on Appendix “A”). This change would allow for the preservation of the entire front yard adjacent to Hayden Street as green space. The provision of an additional parking space within the road allowance is acceptable to Traffic Engineering and the Hamilton Municipal Parking System, and a Boulevard Parking Agreement has been approved. In addition, a 1.2m wide landscaping strip is required between the sidewalk and the relocated parking space as a buffer, in accordance with the approved Landscaping Plan for MDA-07-190 (refer to Appendix “B”).

(2) **The removal of Section 2. (c), which required a 4.7 metre wide manoeuvring aisle for a 90 degree parking space.** This regulation can be omitted because it only applied to the 90 degree parking space, which is being relocated from the front yard to the Mohawk Road East road allowance.

(3) **The addition of a new Provision (refer to Appendix “D”, Provision 2(h)) to permit an access driveway to be located 0 metres from the common boundary with the Residential District along the southerly side property line, except where a 1 metre wide landscaping strip is required.** This change is to recognize that a small portion of the driveway along Hayden Street (approximately 3 metres from the front property line) would not be landscaped and would, therefore, directly abut the residential property to the south (see Appendix “A”).

**CITY STRATEGIC COMMITMENT:**

By evaluating the “Triple Bottom Line”, (community, environment, and economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

**Community Well-Being is enhanced.** ☑ Yes ☐ No
The public are involved in the definition and development of local solutions.

**Environmental Well-Being is enhanced.** ☑ Yes ☐ No
Human health and safety are protected.
Economic Well-Being is enhanced.  ☑ Yes  ☐ No

Infrastructure and compact development minimize land consumption and servicing costs.

Does the option you are recommending create value across all three bottom lines?

☑ Yes  ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?

☐ Yes  ☑ No

:CT

Attachs. (5)
New (Revised) Site Plan

MOHAWK ROAD EAST

1 STOREY DENTAL OFFICE
No. 1
111.53 m²
206.62 (FFS)

HAYDEN STREET

NEW (REVISED) SITE PLAN

EXISTING 1.8m HIGH SOLID BOARD FENCE

PLANTING BED
EXISTING EDGE OF PAVEMENT
CURB
ENTER/EXIT

CONCRETE SIDEWALK

ONE WAY
TRAFFIC SIGN

EXISTING ENTRANCE

PORCH

30.48

EXISTING 1.8m HIGH SOLID BOARD FENCE
Approved Landscape Plan
Original Site Plan
CITY OF HAMILTON

BY-LAW NO. 6617 (Hamilton)

To Amend Zoning By-law No. 6593 (Hamilton),
Respecting 1 Hayden Street

WHEREAS the City of Hamilton Act, 1999, Statues of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as “The Corporation of the City of Hamilton” and is the successor of the former Regional Municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Section 6.4 of Report 07-PED07286 of the Economic Development and Planning Committee at its meeting held on the 22 day of November, 2007, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:
1. That Sheet No. E9 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), as amended, is hereby amended:

   (a) by changing from the “D” (Urban Protected Residential, One and Two Family Dwellings, etc.) District to the “D/S-1584” (Urban Protected Residential, One and Two Family Dwellings, etc.) District, Modified,

the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That the “D” (Urban Protected Residential, One and Two Family Dwellings, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593, be modified to include the following special requirements:

   (a) That notwithstanding Section 10(1) of Zoning By-law 6593, a dentist office, to be limited to not more than 2 dentists, shall be permitted within the building existing on the day of the passing of this By-law, being the day of , 2008.

   (b) That notwithstanding Sections 18A.1, 18A(9) and Table 1 of By-law 6593, a minimum of 6 parking spaces shall be provided for a dentist office, of which 4 parking spaces may be provided and maintained within the road allowance of Mohawk Road East.

   (c) That notwithstanding Section 18A.(1)(f) and Table 6 of Zoning By-law 6593, a manoeuvring aisle, having a minimum width of 3.5 metres, shall be permitted for parking spaces which are situated at 40 degree angles.

   (d) That notwithstanding Section 18A.(7) of Zoning By-law 6593, the minimum dimensions of a parking space, other than a parallel parking space, shall be 2.7 metres wide by 5.5 metres long.

   (e) That notwithstanding Section 18A.(11)(a) of Zoning By-law 6593, the boundary of a parking area containing five or more parking spaces located on the surface of a lot adjoining a residential district may be located 0.0 metres from the adjoining residential district boundary.

   (f) That notwithstanding Section 18A.(11)(b) of Zoning By-law 6593, a parking area may be located a minimum of 0.0m from the adjacent Residential District for the first 6.0m from the street lines.

   (g) That notwithstanding Section 18A.(12)(a) of Zoning By-law 6593, a minimum landscape strip of 1 metre in width, shall be provided along the southerly property line, except within 3 metres of the front lot line.
(h) That notwithstanding Section 18A.(26) of Zoning By-law 6593, an access driveway may be located 0.0 metres from the common boundary with the residential district along the southerly side lot line, except where a 1.0 metre wide landscape strip is required.

(i) That a minimum landscaped area of 23% shall be provided and maintained.

(j) That notwithstanding Section 18(4)(v)(b) of Zoning By-law 6593, an air conditioning unit may be located within 0.5 metres of the northerly side lot line.

3. By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedule S-1584.

4. Sheet No. E-9 of the District Maps is amended by marking the lands referred to in Section 1 of this by-law as S-1584.

5. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this [day of ] , 2008.

_____________________________         _______________________________
Fred Eisenberger            Kevin C. Christenson
Mayor                      Clerk

ZAR-07-033
Schedule "A"

Map Forming Part of By-Law No. 08-____
to Amend By-law No. 6593

Subject Property
1 Hayden Street

Scale: N.T.S.  File Name/Number: ZAR-07-033
Date: October 16, 2007  Planner/Technician: CT/MB

Change from the "D" (Urban Protected Residential, One and Two Family Dwellings, etc.) District to the "D/S-1564" (Urban Protected Residential, One and Two Family Dwellings, etc.,) District, Modified.
Appendix “E” to Report PED07286(a)
(Page 1 of 4)
Previously Approved By-law

Authority: Item, Planning and Economic Development Committee
Report: 07 – (PED07286)
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 6593 (Hamilton), Respecting 1 Hayden Street

WHEREAS the City of Hamilton Act, 1999, Statues of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as “The Corporation of the City of Hamilton” and is the successor of the former Regional Municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Section of Report of the Economic Development and Planning Committee at its meeting held on the day of , 2007, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:
1. That Sheet No. E9 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), as amended, is hereby amended:

(a) by changing from the “D” (Urban Protected Residential, One and Two Family Dwellings, etc.) District to the “D/S-1584” (Urban Protected Residential, One and Two Family Dwellings, etc.) District, Modified, the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That the “D” (Urban Protected Residential, One and Two Family Dwellings, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, be modified to include the following special requirements:

(a) That notwithstanding Section 10(1) of Zoning By-law 6593, a dentist office, to be limited to not more than 2 dentists, shall be permitted within the building existing on the day of the passing of this By-law, being the day of , 2007.

(b) That notwithstanding Sections 18A.(a) and 18A.(i) and Table 1 of By-law 6593, a minimum of 6 parking spaces shall be provided for a dentist office, of which 3 parking spaces may be provided and maintained within the road allowance of Mohawk Road East.

(c) That notwithstanding Section 18A.(1)(f) and Table 6 of Zoning By-law 6593, a manoeuvring aisle, having a minimum width of 4.7 metres, shall be permitted for a 90 degree angle parking space located in the front yard.

(d) That notwithstanding Section 18A.(1)(f) and Table 6 of Zoning By-law 6593, a manoeuvring aisle, having a minimum width of 3.5 metres, shall be permitted for parking spaces which are situated at 40 degree angles.

(e) That notwithstanding Section 18A.(7) of Zoning By-law 6593, the minimum dimensions of a parking space, other than a parallel parking space shall be 2.7 metres wide by 5.5 metres long.

(f) That notwithstanding Section 18A.(11)(a) of Zoning By-law 6593, the boundary of a parking area containing five or more parking spaces located on the surface of a lot adjoining a residential district may be located 0.0 metres from the adjoining residential district boundary.

(g) That notwithstanding Section 18A.(11)(b) of Zoning By-law 6593, a parking area may be located a minimum of 0.0m from the adjacent Residential District for the first 6.0m from the street lines.
(h) That notwithstanding Section 18A.(12)(a) of Zoning By-law 6593, a landscape area with a planting strip shall not be required between the boundary of a parking area and the easterly lot line.

(i) That notwithstanding Section 18A.(12)(a) of Zoning By-law 6593, a minimum landscape strip of 1 metre in width, shall be provided along the southerly property line, except within 3 metres of the front lot line.

(j) That minimum landscaped area of 23% shall be provided and maintained.

(k) That notwithstanding Section 18(4)(v)(b) of Zoning By-law 6593, an air conditioning unit may be located within 0.5 metres of the northerly side lot line.

3. By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedule S-1584.

4. Sheet No. E-9 of the District Maps is amended by marking the lands referred to in Section 1 of this by-law as S-1584.

5. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this ___ day of ___, 2007.

__________________________________________    _______________________________
Fred Eisenberger                  Kevin C. Christenson
Mayor                          Clerk

ZAR-07-033
Block 1 – Change in Zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District.

Block 2 – Change in Zoning from "C" (Urban Protected Residential, etc.) District to "R-1" (Urban Residential) District.

Schedule "A"

Map Forming Part of By-Law No. 07-____
to Amend By-law No. 6593

Subject Property
1 Hayden Street

Change from the "D" (Urban Protected Residential, One and Two Family Dwellings, etc.) District to the "D/S-1584" (Urban Protected Residential, One and Two Family Dwellings, etc., etc.) District, Modified.

Passed the __________ day of ____________________, 2007

Clerk

Mayor