



Hamilton

CITY OF HAMILTON

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division**

TO: Chair and Members Planning Committee	WARD AFFECTED: WARD 7
COMMITTEE DATE: March 20, 2012	
SUBJECT/REPORT NO: Proposed Zoning By-law Amendment Affecting Lands Located at 848 Upper Wentworth Street (Hamilton) (PED12036) (Ward 7)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Cam Thomas (905) 546-2424, Ext. 4229
SIGNATURE:	

RECOMMENDATION:

That **Zoning Application ZAC-11-052, Colin Scott, Owner**, for a change in zoning from the "AA" (Agricultural) District to the "C/S-1652-'H'" (Urban Protected Residential - Holding) District, Modified, with a Special Exception and Holding Provision, to permit a hair dressing establishment and accessory dwelling unit within the existing building, on lands located at 848 Upper Wentworth Street (Hamilton), as shown on Appendix "A" to Report PED12036, be approved on the following basis:

- (a) That the Draft By-law, attached as Appendix "B" to Report PED12036, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.
- (b) That the amending By-law apply the Holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990 to the subject lands by introducing the Holding symbol 'H' as a suffix to the proposed Zoning. The Holding provision will prohibit the development of the subject lands until such time as the following conditions have been satisfied:

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- (i) That the owner has demonstrated that they have received approval for a reciprocal right-of-way for the shared use of the driveway with 844 Upper Wentworth Street, which shall be registered on title, to the satisfaction of the Manager of Development Planning; and,
 - (ii) That the owner has applied for and received final approval for a Site Plan application, to the satisfaction of the Manager of Development Planning.
- (c) That the proposal is consistent with the Provincial Policy Statement, and is in conformity with the Places to Grow Plan, the Hamilton-Wentworth Official Plan, the City of Hamilton Official Plan, and the new Urban Hamilton Official Plan.
- (d) That upon final approval of the implementing By-law, the Bruleville Neighbourhood Plan be amended to redesignate the subject lands from “Single and Double Residential” to “Commercial Residential Conversion”.

EXECUTIVE SUMMARY

The proposal is for the rezoning of the property located at 848 Upper Wentworth Street to recognize the existing hair dressing establishment and accessory dwelling unit within the existing building as legal uses.

The proposal has merit and can be supported since the application is consistent with the Provincial Policy Statement, and conforms to the Growth Plan, Hamilton-Wentworth Official Plan, and City of Hamilton Official Plan. It is recommended that an ‘H’ Holding provision be added to the proposed site-specific zoning to require Site Plan Approval and approval of a reciprocal right-of-way for shared access with the abutting property at 844 Upper Wentworth Street prior to the zoning coming into effect.

The proposed development is considered to be compatible with, and complementary to, the existing and planned development in the neighbourhood, and represents an efficient use of land and services within the urban boundary.

Alternatives for Consideration - See Page 16.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: None.

Staffing: None.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a Zoning By-law Amendment.

HISTORICAL BACKGROUND

The subject property is located on the westerly side of Upper Wentworth Street, approximately 175m south of Mohawk Road East (see Appendix "A"), and is within a mixed-use area that is largely comprised of commercial uses within converted dwellings. The property is comprised of a 1-storey, single detached dwelling, of which the main floor has been converted, without the required zoning approvals, for use as a hair dressing establishment, and the basement is occupied by one dwelling unit (also not legally created).

The proposed hair-dressing establishment has been in operation on the property for approximately 10 years, and operates under the business name of "Today's Headlines". The business occupies a gross floor area of 104 square metres, has 2 chairs, and a total of 4 employees (2 co-owners/stylists and 2 apprentices).

Parking has been provided in the front yard, which is entirely paved, for 3 spaces, and in a portion of the rear yard for 5 spaces. Access into the rear yard is by means of a driveway, which is also informally shared with the adjacent property at 844 Upper Wentworth Street, an aesthetics and beauty salon.

At this time, there is no legal reciprocal right-of-way in place for the joint use of the driveway. The remaining southerly portion of the rear yard (approximately 6m in width) is used as an amenity area for the accessory (basement) apartment unit.

The proposal was brought forward as a Formal Consultation item in May 2011, to address Municipal By-law infractions concerning the existing uses.

The subject property is zoned "AA" (Agricultural) in the Hamilton Zoning By-law. The proposal would require a Zoning By-law Amendment, which is discussed as follows:

Proposed Zoning By-law Amendment Application (ZAC-11-052)

The purpose of the Zoning By-law Amendment is to permit a hair dressing establishment with an accessory dwelling unit at 848 Upper Wentworth Street, in order to bring these uses into compliance with the Hamilton Zoning By-law.

The applicant has submitted a conceptual site plan to identify the parking and manoeuvring areas in the front and rear yards (consisting of 2 spaces in the front yard and 5 spaces in the rear yard), landscaping strips along the front and southerly side property lines, a driveway, and a rear yard amenity area for the existing dwelling unit (see Appendix "C"). Proposed improvements to the property include the removal of 1 parking space in the front yard, the provision of a 1.75m wide planting strip adjacent to the 2 parking spaces in the front yard, and a 4.0m wide by 8.2m long landscaped area

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for that portion of the front yard not required for parking or manoeuvring (see Appendix "C").

Chronology:

- May 10, 2011: Completion of Review of the application under Formal Consultation Application (FC-11-039).
- August 17, 2011: Submission of Zoning Application ZAC-11-052 by IBI Planning Consultants Inc.
- September 2, 2011: Application ZAC-11-052 is deemed complete.
- September 12, 2011: Circulation of Notice of Complete Application and Preliminary Circulation for Application ZAC-11-052 to all property owners within 120m of the subject lands.
- September 13, and October 25, 2011: Site Visits.
- March 2, 2012: Circulation of Notice of Public Meeting to all residents within 120m of the subject lands.

Details of Submitted Application

- Owner:** Colin Scott
- Location:** 848 Upper Wentworth Street (Hamilton)
(See Appendix "A")
- Property Size:**
- Frontage: 16.12 metres
 - Depth: 35.96 metres
 - Area: 579 square metres

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Hair Salon and Basement Apartment	“AA” (Agricultural) District
<u>Surrounding Lands:</u>		
North	Aesthetic Salon	“AA” (Agricultural) District
South	Cheque Cashing Establishment	“C/S-1336” Urban Protected Residential District , Modified
East	Commercial Plaza	“HH/S-924” (Restricted Community Shopping and Commercial) District, Modified
West	Single Detached Dwellings	“C” Urban Protected Residential District

POLICY IMPLICATIONS

The following Provincial and Local policy documents were examined in the review of this application:

Provincial Growth Plan for the Greater Golden Horseshoe

In particular, the Plan identifies, in Section 2.2.2, the following policies to manage future growth:

- “2.2.2(c) Building compact, transit-supportive communities in designated Greenfield areas;
- 2.2.2(d) Reducing dependence on the automobile through the development of mixed-use, transit-supportive, pedestrian-friendly urban environments;
- 2.2.2(h) Encouraging cities and towns to develop as complete communities with a diverse mix of land uses, a range and mix of employment and housing types, high quality public open space, and easy access to local stores and services;”

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The subject property is recognized as being located along an Intensification Corridor (Upper Wentworth Street). An Intensification Corridor is defined as “intensification areas along major roads, arterials, or higher order transit corridors that have the potential to provide a focus for higher density mixed-use development consistent with planned transit service levels”. The Provincial Growth Plan provides the following policy direction concerning Intensification Corridors.

- “2.2.5.1 Major transit station areas and intensification corridors will be designated in Official Plans, and planned to achieve:
- b) A mix of residential, office, institutional, and commercial development, wherever appropriate.”

As the proposal is for a small-scale commercial use that provides personal services, and is located along an existing transit corridor, it would be in conformity with this policy. In addition, the property has been included as part of an area that is designated as a commercial mixed-use corridor in the Urban Hamilton Official Plan.

Provincial Policy Statement (PPS)

The application has been reviewed with respect to the Provincial Policy Statement (PPS).

Policy 1.1.3.1 states that Settlement Areas shall be the focus of growth, and their vitality and regeneration shall be promoted.

Policy 1.1.3.2 states that land use patterns within Settlement Areas shall be based on:

- “a) Densities and a mix of land uses which:
- 1. Efficiently use land and resources; and,
 - 2. Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion. “

Policy 1.7.1 states that long-term economic prosperity should be supported by:

- “a) Optimizing the long-term availability and use of land, resources, infrastructure, and public service facilities; and,
- b) Maintaining and, where possible, enhancing the vitality and viability of downtowns and main streets.”

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The proposal is consistent with the general intent of the PPS. In particular, the proposal provides an opportunity to allow an existing property to be developed for mixed-use purposes within an appropriate location (i.e. along an arterial road) and would utilize an existing building and infrastructure. The aesthetics and functionality of the property would also be improved through Site Plan Approval to address landscaping, access, and parking to enhance the vitality of the area.

Hamilton-Wentworth Official Plan

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy C-3.1.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. As well, the Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

The Hamilton-Wentworth Official Plan also promotes the development of a compact urban form to encourage mixed-use development and transit use. The subject property is located along Upper Wentworth Street, of which the portion north of the Lincoln Alexander Parkway is identified as a designated “High Density Mixed-Use Corridor.” Concerning Mixed-Use Corridors in Policy 3.1.1.6, the Hamilton-Wentworth Official Plan directs that each corridor will:

- “a) Have a range of residential, commercial, retail, institutional and related employment opportunities, which are appropriate for its size and function;
- d) Be easily accessible to public transit and provide for good internal pedestrian movements;
- f) Permit various combinations of retail, residential, institutional and commercial uses in individual buildings within corridor designations.”

The proposal is consistent with the policy direction for Mixed-Use Corridors, in that it would allow for the development of a commercial use which is appropriate for the area, is within an area that is well-served by public transit, and would be accessible to pedestrians. In addition, the proposal would provide for efficient land use through mixed-use development by allowing for a personal service use and a basement apartment within a converted dwelling. Accordingly, the proposal complies with the Plan.

Hamilton Official Plan

The subject property is designated “Residential” on Schedule “A”, Land Use Concept Plan in the City of Hamilton Official Plan. The Residential policies applicable to the proposed rezoning are as follows:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and serving the needs of local residents will be permitted, including, but not limited to:
- iv) Limited individual or groups of commercial uses on sites not exceeding 0.4 ha in area, excluding Automobile Service Centres, in accordance with the Commercial Policies, as set out in Sub-section A.2.2 of this Plan.
- A.2.1.6 Where compatible uses are permitted, to preserve the amenities of and support RESIDENTIAL USES in the area, new development will, subject to the Zoning By-law:
- i) Be required to be provided with adequate yards, off-street parking and loading, screening, buffering, or other such measures, as determined by Council."

Concerning Policy A.2.1.1, the "Residential" designation permits a wide range of dwelling types, including apartments. The proposed accessory apartment unit within the converted dwelling would be located adjacent to a low density area and would be consistent with this policy.

In terms of the proposed hair dressing establishment, it is recognized as a small-scale use (i.e. 0.057 ha) that would be compatible with the existing single detached residential properties to the west. The proposed salon is suitably located to serve the needs of local residents and is in an area typified by commercial/residential conversions along Upper Wentworth Street. A cross-walk and a bus stop are also located in front of the property to serve the local area. The proposed hair dressing establishment would also be subject to Site Plan Approval to address access, parking, buffering, and other development requirements to ensure compatibility.

The following Commercial policies under Section A.2.2 are applicable based on the allowance for limited commercial uses within a "Residential" designation under Policy A.2.1.3:

- "2.2.25 The Local Commercial category applies to groups of, or individual commercial establishments and local business and professional offices serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access.

- 2.2.26 The maximum site areas of Local Commercial development will not exceed 0.4 hectares in keeping with the intention that Local Commercial facilities are to serve local Residential areas only with convenience goods and personal services.
- 2.2.27 It is not the intent of Council that the Local Commercial category be indicated on Schedule "A" to this Plan. Rather, it is the intent of Council that Local Commercial uses may be permitted within the Residential designation of land use indicated on Schedule "A", subject to a specific application for the appropriate amendment to the Zoning By-law and without the necessity of amending this Plan. The location of Local Commercial uses will be designated by Neighbourhood Plans.
- 2.2.28 Notwithstanding the above provisions, when considering new development in this category, Council will give preference to the grouping of individual Local Commercial uses in suitable locations to prevent the scattering of such establishments throughout Residential areas."

With respect to the foregoing policies, the proposal would provide for a suitable Local Commercial use, which would maintain the small-scale requirement for such uses. The proposed hair dressing establishment would serve the local residential area, which is within walking distance of the property.

With respect to Policy 2.2.27, it has been noted that the subject property is designated "One and Two Family Dwellings" in the Bruleville Neighbourhood Plan. As part of the approval for the Zoning By-law Amendment, a corresponding amendment to the Bruleville Neighbourhood Plan would be required to redesignate the subject lands to "Commercial/Residential Conversion" (see Recommendation (d)).

With respect to Policy 2.2.28, it has been noted that the property would be within a grouping of similar small-scale commercial uses and, more specifically, has a shared driveway with the abutting property to the north at 844 Upper Wentworth Street, a beauty salon.

Based on the foregoing, the proposal conforms to the City of Hamilton Official Plan.

New Hamilton Urban Official Plan

The new Urban Hamilton Official Plan was adopted by Council on July 9, 2009, with the Ministry of Municipal Affairs and Housing issuing its Ministerial Approval on March 16, 2011. However, the Plan has been appealed to the Ontario Municipal Board in its entirety and is, therefore, not in effect.

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The proposal is located along a primarily commercial corridor designated “Mixed-Use - Medium Density”, which applies to lands on the westerly side of Upper Wentworth Street, between Mohawk Road East and the Lincoln Alexander Parkway.

The following policies from the “Mixed-Use - Medium Density” designation would be applicable to the proposed use:

- “4.6.1 The range of commercial uses is intended to serve the surrounding community or series of neighbourhoods, as well as provide day-to-day retail facilities and services to residents in the immediate area. These areas shall also serve as a focus for the community creating a sense of place.
- 4.6.5 The following uses shall be permitted on lands designated Mixed-Use - Medium Density on Schedule E-1 - Urban Land Use Designations:
- a) Commercial uses such as retail stores, auto and home centres, home improvement centres, offices oriented to serving residents, personal services, financial establishments, live-work units, artist studios, restaurants, and gas bars;
- 4.6.9 The predominant built form shall be mid rise and low rise buildings. The intent is to increase the proportion of multiple storey, mixed-use buildings that have retail and service commercial stores at grade; however, single use commercial buildings and medium density ground related housing forms shall be permitted.
- 4.6.17 Areas designated Mixed-Use - Medium Density are intended to develop in a compact urban form with a streetscape design and building arrangement that supports pedestrian use and circulation and create vibrant people places.”

The proposed hair dressing establishment would be consistent with the range of commercial uses which would be permitted in the “Mixed-Use - Medium Density” designation. The subject property is also within an area that can support a range of building types, including low rise buildings such as detached dwellings that were converted to commercial use. The proposed hair dressing establishment would provide a neighbourhood-oriented personal service to the local residents, which is within walking distance of apartments and detached dwellings in the surrounding area. The improvement of the pedestrian environment would be addressed through Site Plan Approval to provide suitable sidewalks, access, landscaped areas, and to minimize conflicts with traffic and parking.

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Therefore, based on the foregoing, the proposal would conform with the Urban Hamilton Official Plan.

Bruleville Neighbourhood Plan

The approved Bruleville Neighbourhood Plan designates the subject property “Single and Double Residential”. It is noted that properties in this vicinity (for example 832, 836, and 852 Upper Wentworth Street) are included in the “Commercial/Residential Conversion” designation, which permits up to 1,000 square feet of professional offices or commercial uses generating similar traffic volumes within existing and converted residences.

The proposed hair dressing establishment would be of similar character and scale as many of the other businesses in this area, and is an existing use, but has not been formally included in this designation. Approval of the application would require an amendment to the Bruleville Neighbourhood Plan to change the designation from “Single and Double Residential” to “Commercial/Residential Conversion”.

PUBLIC CONSULTATION

In accordance with Council’s Public Participation Policy, the application was pre-circulated to all property owners within 120 metres, and a sign was posted on the site. A total of 302 notices were circulated. To date, no letters have been received from the public for this application.

Notice of the Public Meeting will be given in accordance with the requirements of the Planning Act through the circulation to property owners within 120 metres of the subject lands and through the posting of a sign on the property.

RELEVANT CONSULTATION

The following internal Departments and external agencies had no concerns or objections to the proposed applications:

- Budgets and Finance Division, Corporate Services Department.
- Hamilton Municipal Parking System.
- Horizon Utilities.

Traffic Planning (Public Works Department):

The Traffic Planning Section is recommending that a reciprocal right-of-way be registered on title between this property and 844 Upper Wentworth Street for pedestrian and vehicular access.

In addition, Traffic has also advised that the front steps would be blocked by the proposed parking spaces, and should be relocated.

Forestry and Horticulture Section (Public Works Department):

The Forestry and Horticulture Section has advised that there are no Municipal Tree Assets located along the road allowance of the proposed development.

With respect to planting concerns, the Section has advised that the area to be improved for landscaping along the southerly side of the front yard (i.e. 4.6m in width) would be adequate to sustain the planting of 2 X 50mm calliper trees.

The width of the proposed 0.95m planting strip along the front property line would be substandard, and would need to be increased to 1.75m to allow for the planting of 2 50mm trees. Note: With the removal of 1 of the front parking spaces, there would be suitable space to provide the 1.75m wide planting strip.

ANALYSIS / RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement, and conforms to the Places to Grow Growth Plan;
 - (ii) It conforms to the Hamilton-Wentworth Official Plan, the City of Hamilton Official Plan, and the Urban Hamilton Official Plan;
 - (iii) The amended concept plan demonstrates an appropriate form of development; and,
 - (iv) The proposal is compatible with the existing form of development along Upper Wentworth Street, and maintains the character of the surrounding area.
2. The subject property is designated “Residential” in the Hamilton Official Plan, which permits a range of dwelling types including accessory apartments and Local Commercial uses such as personal services (i.e. hair salons).

The proposed hair dressing establishment would be located on an appropriately-sized property to conform to the maximum site requirement of 0.4 hectares for a Local Commercial use. It is also located in an area that would serve the local neighbourhood and, in particular, the apartment dwellings which are located along Upper Wentworth Street.

3. The proposal to permit a hair dressing establishment and an accessory dwelling unit would require the provision of a Site-Specific “C” District with Holding provisions to address special zoning provisions, which are discussed as follows:

a) Parking Space Dimensions

- To permit the parking space dimensions to be reduced to 2.6m X 5.5.m, whereas the requirement is 2.7m X 6.0m.

The requested modification would allow for parking spaces which are consistent with the requirements of By-law 05-200, which is the new City-Wide standard for parking space stall sizes. The proposed change is acceptable to staff and can be supported.

b) Front Yard Parking

- To permit the required parking to be within the front yard, whereas parking is not permitted in the front yard in a Residential District.

This provision would allow for 2 of the 3 parking spaces to remain in the front yard area. To enhance the amenity of the front yard, portions of the existing asphalt would be removed to provide a landscaping strip (i.e. 1.75m) along the front property line and a wider landscaped area (i.e. 4.0m in width) along the front yard portion of the southerly side lot line. The changes would also allow the parking to be more suitably located adjacent to the front entrance of the building and would eliminate the opportunity for stacked parking.

This special provision for front yard parking would be consistent with other small-scale commercial uses which have developed along Upper Wentworth Street within the Site-Specific “C” Districts, and which have allowances for front yard parking. It is further noted that while the hair dressing establishment and accessory apartment would only require 2 parking spaces for the dwelling unit (based on the gross floor area for the commercial use being less than 450 square metres), additional parking for 5 spaces would be provided in the rear yard (7 spaces in total). The proposed change is acceptable to staff and can be supported.

c) Planting Strips

- To require the planting strip to be 1.5m wide abutting a parking space and reduced to 0m along a portion of the westerly (rear) lot line for the manoeuvring aisle and to not require a planting strip along the northerly side lot line, whereas a minimum 1.5m planting strip is required between the boundary of the parking area and the Residential

District, and to require a 1.75m wide, non-continuous planting strip along the front lot line and a minimum 4.0m wide non-continuous planting strip along the front yard portion of the southerly side lot line.

As the applicant is intending to retain the rear yard parking area, consisting of 5 parking spaces, planting strips are required along the northerly, southerly, and westerly property boundaries, which abut existing Residential districts. A 1.5m planting strip will be provided along the rear lot line, with the exception of space required for the 6m wide manoeuvring aisle. As a visual barrier has been provided, and would be maintained along this lot boundary for privacy, this change is supportable.

Since the northerly side lot line abuts the "AA" (Agricultural) District (i.e. 844 Upper Wentworth Street), which is, by definition, a Residential District, the planting strip requirements would be applicable. However, for the purpose of this application, a planting strip will not be required along this boundary in order to maintain the mutual access into the rear yard for additional parking.

The provision for a 1.75m wide, non-continuous planting strip along the front lot line would be wider than the originally proposed 0.96m planting strip, which would not have provided a suitable landscaping area. The recommended planting strip is intended for the provision of street trees, and would improve the amenity of the front yard parking area consistent with the direction of Policy 2.2.35 i) of the Official Plan and the City's Council-approved Site Plan Guidelines.

The provision for a minimum 4.0m wide, non-continuous planting strip along the front yard portion of the southerly side lot line would allow for landscaping improvements to the property, which will enhance the aesthetic quality of the site and replace a portion of the existing asphalt surface.

The proposed changes are acceptable to staff and can be supported.

d) Visual Barriers

- To not require a visual barrier along the northerly side lot line, whereas a visual barrier of 1.2m - 2.0m in height is required adjoining a Residential District where there are 5 or more parking spaces.

A visual barrier should not be required along the northerly side lot line because it would interfere with the provision of shared driveway access with the abutting property to the north at 844 Upper Wentworth Street. In addition, the need for solid fencing is not required since both properties are intended to be developed for commercial uses.

The requirements for a visual barrier would apply to the westerly rear lot line, which abuts a single detached dwelling, and along the southerly side lot line to allow for privacy for the accessory apartment's amenity area. The proposed change is acceptable to staff and can be supported.

e) Manoeuvring Space

- To permit the manoeuvring space aisle width to be 4.1m instead of 6.0m for the rear parking area, with the provision of a registered reciprocal right-of-way

The reduction in the manoeuvring space aisle width to 4.1m is to recognize the existing rear yard parking layout, and can be supported, provided a reciprocal right-of-way is obtained with the abutting property at 844 Upper Wentworth Street to allow for proper vehicular access through the shared use of the adjoining driveway. This is addressed as a requirement of the 'H' Holding Provision. The proposed change is acceptable to staff and can be supported.

f) Access Driveway Location

- To permit an access driveway abutting a Residential District to be located 0m from the northerly lot line instead of not less than 3.0m from the common boundary with the Residential District

This change is required to recognize the location of the existing driveway, which is located along the common lot boundary of 844 Upper Wentworth Street, which will be formalized as a reciprocal right-of-way for shared access. The proposed change is acceptable to staff and can be supported.

g) Access Driveway Width

- To permit an access driveway to serve a parking area of 5 or more spaces to be 5.2m instead of a minimum of 5.5m.

This change is required to recognize an existing situation in which the shared driveway width would be 5.2m between buildings on the subject property and at 844 Upper Wentworth Street. Traffic Engineering is satisfied that the reduced width would be sufficient for the proposed commercial use. The proposed change is acceptable to staff and can be supported.

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4. The 'H' Holding provision is recommended for the purposes of Site Plan Approval as the hair dressing establishment is an existing non-complying use. The application of the Holding provision is to ensure that the property will be developed in accordance with the required zoning and development standards for commercial uses and accessory apartments, and to enable the site to function appropriately in conjunction with 844 Upper Wentworth Street. The approval and registration of a reciprocal right-of-way for access would be required for the Holding Removal condition and as part of the Site Plan Approval process to address shared driveway access between both properties.
5. The application did not generate any concerns from the public in response to pre-circulation to area residents. The concerns of staff relate to the existing site conditions and functioning, and will be addressed through the amending By-law and Site Plan Approval. They are with respect to the provision of proper access, improved parking layout, and for landscaping improvements to the property.
6. The Bruleville Neighbourhood Plan, approved by Council on March 28, 1978, provides guidance for the future development of the subject lands and the surrounding lands within the former City of Hamilton. Approval of the application would require an amendment to the Neighbourhood Plan to redesignate the subject lands from "Single and Double Residential" to "Commercial/Residential Conversion". The "Commercial/Residential Conversion" designation permits professional offices and commercial uses, which comprise up to 1,000 square feet (92.9 square metres) of gross floor area within existing dwellings, which have similar traffic generating characteristics. The use of the proposed hair dressing establishment on this property is consistent with the neighbourhood and surrounding uses.

ALTERNATIVES FOR CONSIDERATION:

Should the proposed Zoning By-law Amendment application be denied, the property could be used for a single-detached dwelling under the "AA" (Agricultural) District in accordance with Section 7 of the Hamilton Zoning By-law. Consequently, the hairdressing establishment would have to be removed.

CORPORATE STRATEGIC PLAN

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Growing our Economy

- ◆ Newly created or revitalized employment sites.
- ◆ Competitive business environment.

Social Development

- ◆ Hamilton residents are optimally employed earning a living wage.

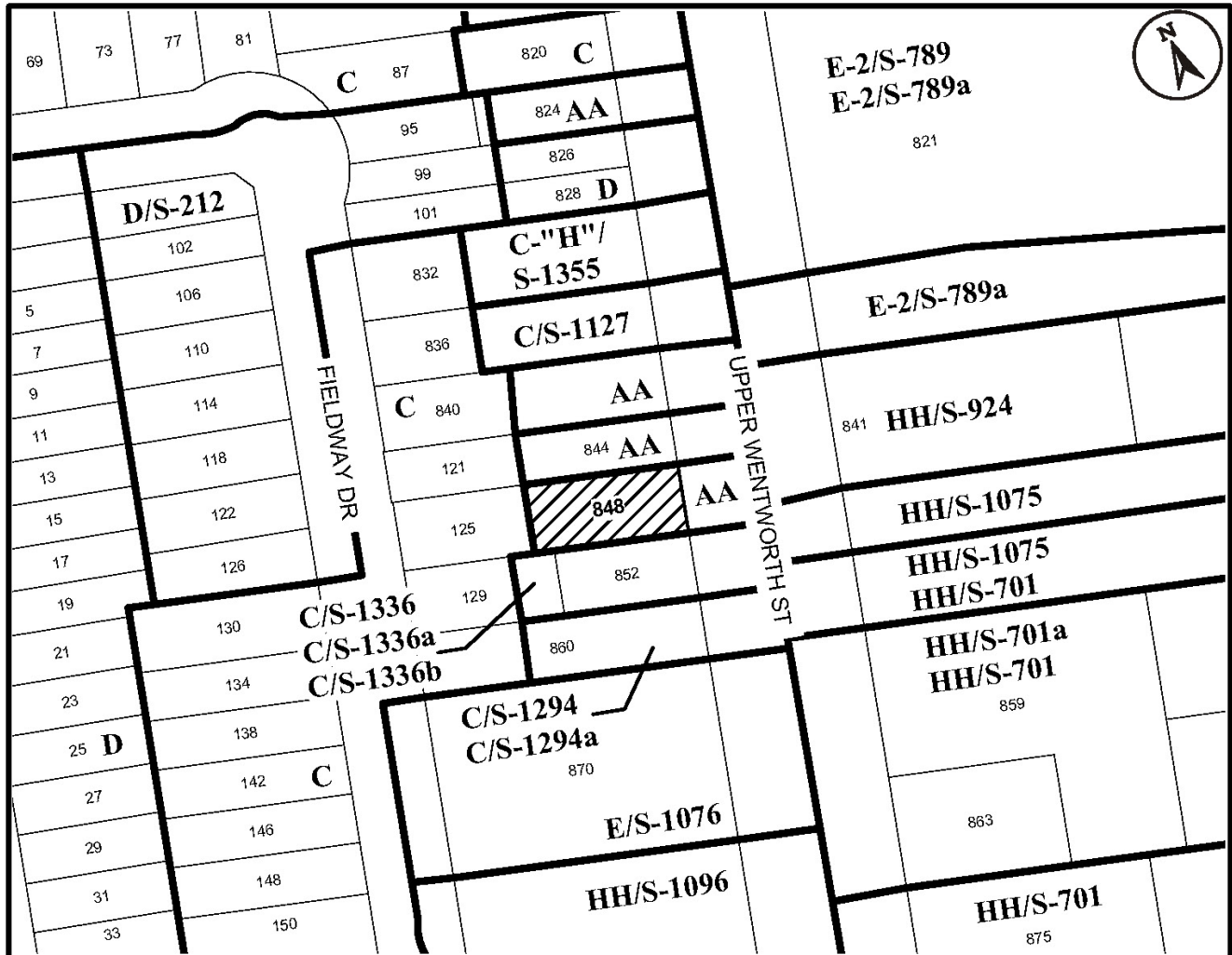
Healthy Community

- ◆ Plan and manage the built environment.

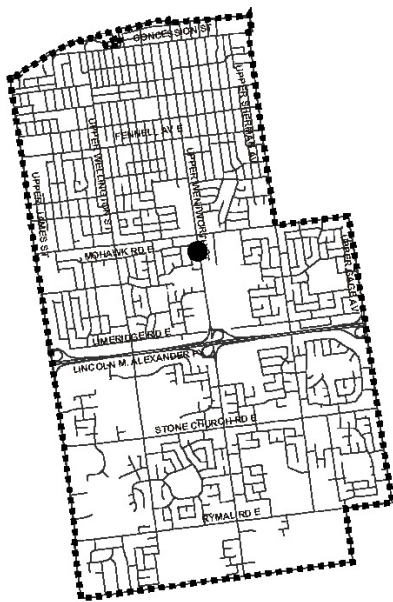
APPENDICES / SCHEDULES

- Appendix "A": Location Map
- Appendix "B": Draft Zoning By-law Amendment
- Appendix "C": Proposed Site Plan for 844 Upper Wentworth Street
- Appendix "D": Proposed Site Plan with Added Notes to Address Development Requirements
- Appendix "E": Bruleville Neighbourhood Plan

:CT
Attachs. (5)



● Site of the Application



Ward 7 Key Map

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-11-052

Date:
January 5, 2012

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
CT/AL

Subject Property



848 Upper Wentworth Street

Authority: Item [REDACTED]
Planning Committee
Report 12-[REDACTED] (PED12036)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

**To Amend Zoning By-law No. 6593
Respecting Lands Located at 848 Upper Wentworth Street (Hamilton)**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" and is the successor to 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 Item [REDACTED] of Report 12-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2012, 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 City of Hamilton, 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. W16 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing the zoning from the "AA" (Agricultural) District to the "C/S-1652-'H'" (Urban Protected Residential - Holding) District, Modified, on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That the "C" (Urban Protected Residential) District regulations, as contained in Section 9 of Zoning By-law No. 6593, be modified to include the following special requirements:
 - (a) That notwithstanding Section 9(1) (Permitted Uses) of Zoning By-law 6593, the following uses shall also be permitted:
 - (i) A hair dressing establishment with an accessory dwelling unit only within the building existing on the date of the passing of this By-law, being the [REDACTED] day of [REDACTED], 2012.
 - (b) That notwithstanding Section 18A(7), minimum dimensions of 2.6 metres by 5.5 metres shall be provided and maintained for every parking space.
 - (c) That notwithstanding Section 18A(1)(a)(Table 1), a minimum of 7 parking spaces shall be provided and maintained.
 - (d) That notwithstanding Section 18A(14)(g), two of the required parking spaces may be located within the front yard.
 - (e) That notwithstanding Section 18A(12)(a) and Section 18(12)(b), the following shall apply with respect to the provision of planting strips:
 - (i) A minimum 1.5m wide planting strip shall be provided and maintained along the rear lot line, with the exception of a 4.1m section extending from the northerly side lot line, which shall be 0m for vehicle manoeuvring; and,
 - (ii) No planting strip shall be required along the northerly side lot line.
 - (f) That notwithstanding Section 18(14)(i) and Section 18(14a)), a landscaped area having a minimum width of 4.0m and a minimum depth of 8.2m shall be provided and maintained in the front yard abutting the southerly side lot line;
 - (g) That notwithstanding Section 14(9)(ii), a minimum 1.75m wide landscaped area shall be provided and maintained along the entire street line of the lot, except for the area used for an access driveway.

- (h) That notwithstanding Section 18A(12)(c), a visual barrier of not less than 1.2m in height and not greater than 2.0m in height shall be provided and maintained only along the southerly side lot line and rear lot line.
- (i) That notwithstanding Section 18A(1)(f), Table 6, a manoeuvring space for a parking area in the rear yard shall be permitted to have a minimum aisle width of 4.1m.
- (j) That notwithstanding Section 18A(26), an access driveway shall be permitted to be located a distance of 0m from the northerly lot line.
- (k) That notwithstanding Section 18A(24)(i), the minimum width of an access driveway to serve a parking area of 5 or more spaces shall be permitted to be 5.2m.

3. That the amending Zoning By-law apply the Holding provisions of Section 36 (1) of the Planning Act, R.S.O., 1990 to the subject lands identified in Section 1 of this By-law by introducing the Holding symbol 'H' as a suffix to the proposed "C/S-1652" (Urban Protected Residential) District.

The Holding provision "C/S-1652-'H'" will prohibit the use of the subject lands for a hair dressing establishment and accessory dwelling unit, until such time that the owner has:

- (1) Received approval for a reciprocal right-of-way for the shared use of the driveway with 844 Upper Wentworth Street, which shall be registered on title, to the satisfaction of the Manager of Development Planning; and,
- (2) Applied for and received final approval for a Site Plan application, to the satisfaction of the Manager of Development Planning.

City Council may remove the 'H' symbol, and thereby give effect to the "C/S-1652" (Urban Protected Residential) District, by enactment of an amending By-law once the above conditions have been fulfilled.

- 4. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C" (Urban Protected Residential) District provisions, subject to the special requirements referred to in Section 2 of this By-law.
- 5. That Sheet No. W16 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1652.
- 6. That Zoning By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1652.

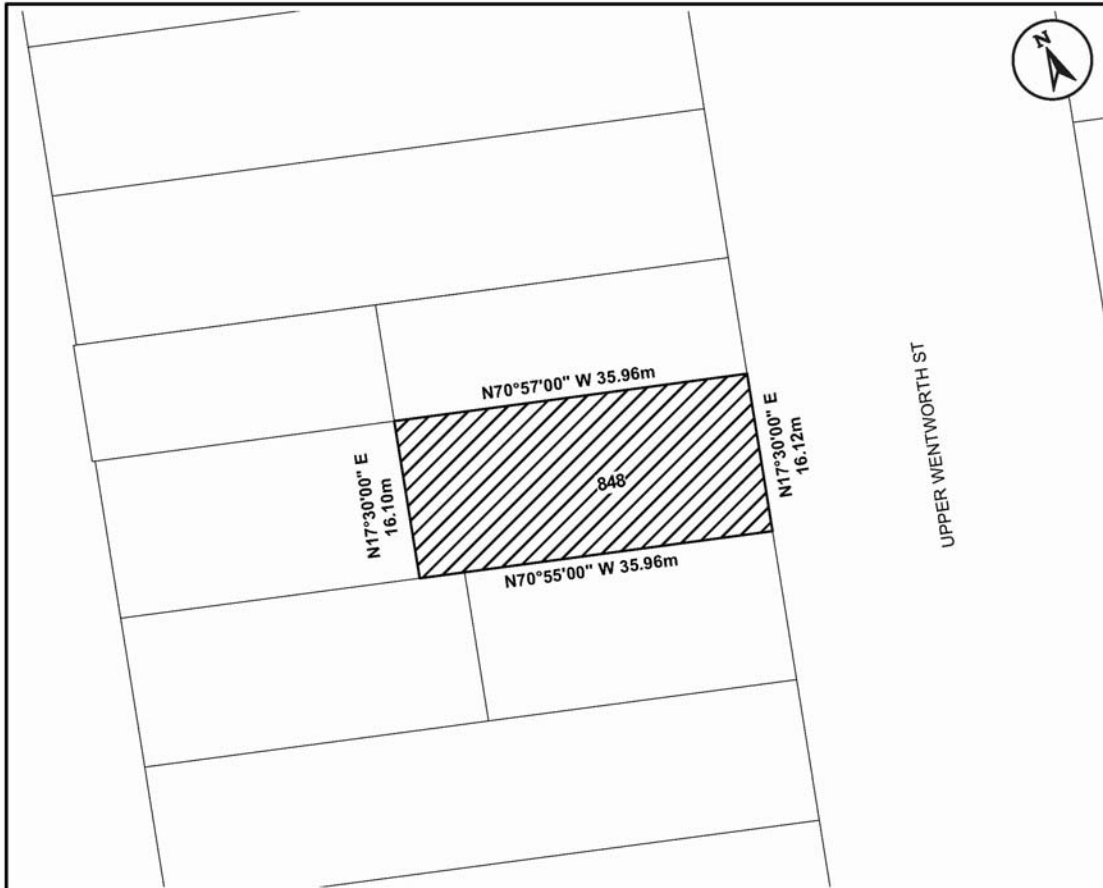
7. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2012.

R. Bratina
Mayor

R. Caterini
Clerk

ZAC-11-052

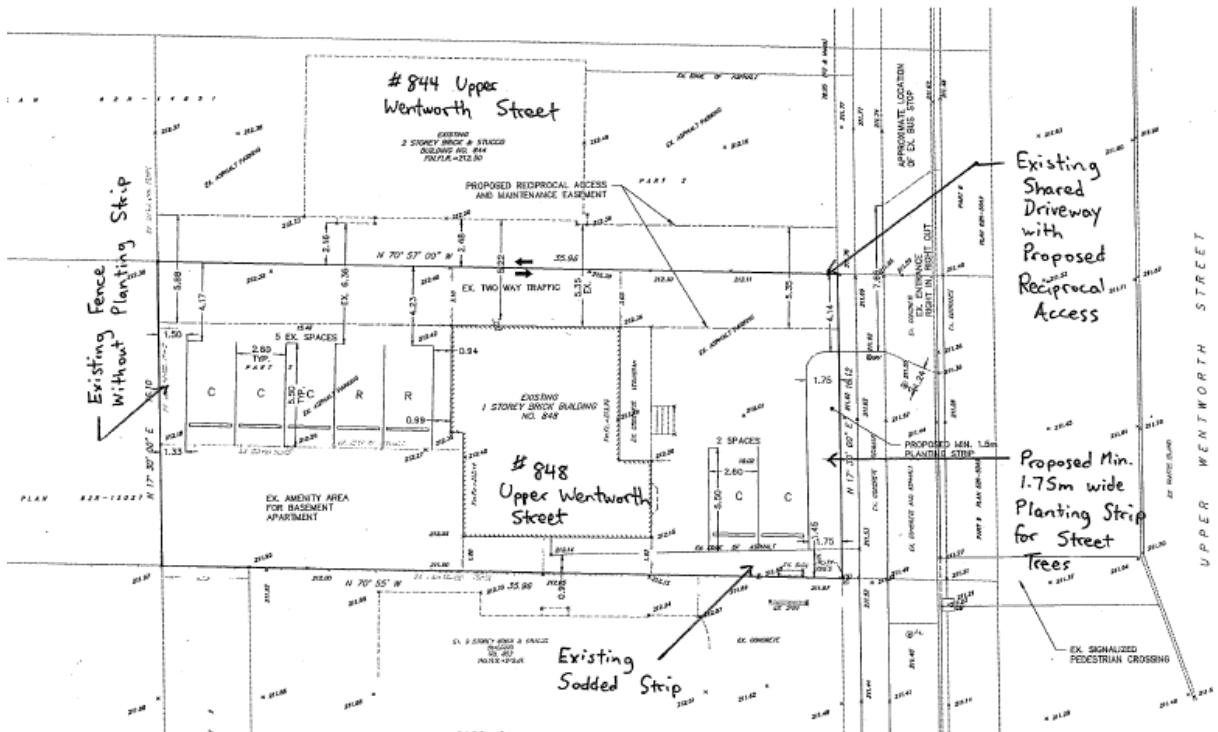


This is Schedule "A" to By-Law No. 12- Passed the day of, 2012	----- Clerk ----- Mayor
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<h2>Schedule "A"</h2> <h3>Map Forming Part of By-Law No. 12-_____</h3> to Amend By-law No. 6593	848 Upper Wentworth Street Change in Zoning from the "AA" (Agricultural) District to the "C/S-1652-'H'" (Urban Protected Residential, Etc - Holding) District, Modified.
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Scale: N.T.S.	File Name/Number: ZAC-11-052	
Date: Nov. 11, 2011	Planner/Technician: CT/MS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

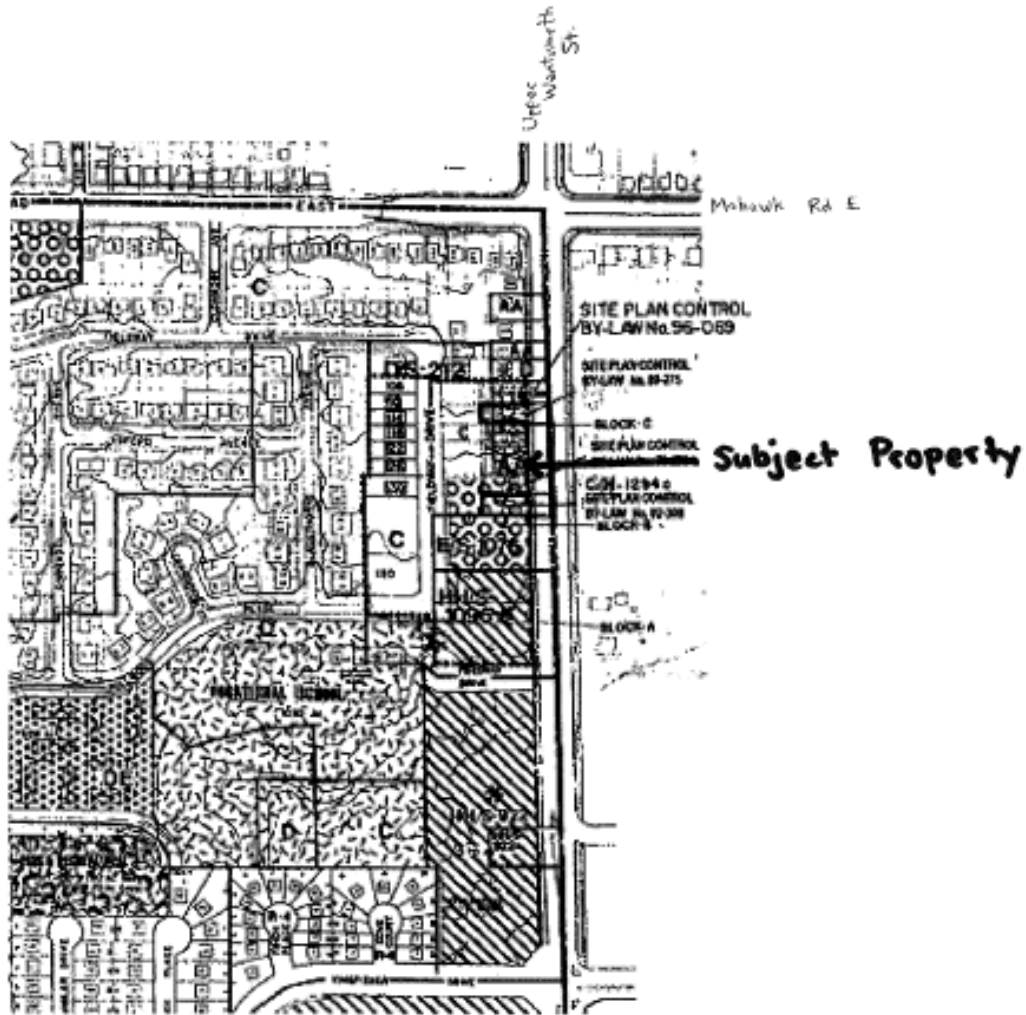
Appendix "C" to Report PED12036
 Proposed Development Concept for 848 Upper Wentworth Street
 (Page 1 of 1)


















DEVELOPMENT DETAILS		
ZONING "C" DISTRICT	REQUIRED	PROPOSED
MIN. LOT AREA	360m ²	2,578m ²
MIN. LOT WIDTH	12.0m	16.12m
MIN. FRONT YARD	6.0m	10.00m
MIN. SIDE YARD	1.2m	1.80m
MIN. REAR YARD	7.5m	15.48m
MIN. PLANTING STRIP ADJUTING STREET	4.5m	1.75m
MIN. PLANTING STRIP ADJUTING RESIDENTIAL	4.5m	0.0m
PARKING REQUIREMENTS		
SETBACK TO STREET	3.0m	1.75m
SETBACK TO RESIDENTIAL	1.5m	0.0m
HARD SURF* ≤124m ²	1 SPACE/31m ²	5 SPACES
REAR/FRONT	2 SPACES/LINE	2 SPACES

*PARKING CALCULATION BASED ON FLOOR AREA IN EXCESS OF 450m²





<p>LAND USE</p> <p>RESIDENTIAL</p> <ul style="list-style-type: none">  single & double  attached housing  low density apartments  medium density apartments  high density apartments  commercial & apartments 		<p>--- Neighbourhood Boundary</p> <p>— Zoning Boundary</p>
<p>COMMERCIAL</p> <ul style="list-style-type: none">  COMMERCIAL  INDUSTRIAL  CIVIC & INSTITUTIONAL  PARK & RECREATIONAL  OPEN SPACE  UTILITIES  COMM/RESIDENTIAL CONSERVATION 		<p>Approvals</p> <p>Planning Committee MAR 1, 1978 Council MAR 28, 1978</p> <p>Latest Revision Date OCTOBER 1, 1990</p> <p>CITY OF HAMILTON PLANNING DEPARTMENT</p> <p>BRULEVILLE APPROVED PLAN</p> <p></p> <p>NORTH</p> <p></p> <p>SCALE 50m 100m</p>
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