



CITY OF HAMILTON

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division**

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 4
COMMITTEE DATE: March 19, 2013	
SUBJECT/REPORT NO: Application for an Amendment to Hamilton Zoning By-law No. 6593 for the Property Located at 14 Kenilworth Avenue South (Hamilton) (PED13039) (Ward 4)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Greg Macdonald (905) 546-2424 Ext. 4283
SIGNATURE:	

RECOMMENDATION

That approval be given to **Zoning Application ZAR-12-039, by 2056122 Ontario Ltd., Owner**, for a change in zoning to Hamilton Zoning By-law No. 6593 from the “C” (Urban Protected Residential, Etc.) District to the “C/S-1622” (Urban Protected Residential, Etc.) District, with a Special Exception, in order to permit a parking lot, for the lands located at 14 Kenilworth Avenue South (Hamilton), as shown on Appendix “A” to Report PED13039, on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED13039, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (b) That the change in zoning conforms to the Hamilton-Wentworth Official Plan, the City of Hamilton Official Plan, and the Ministry Approved Urban Hamilton Official Plan.

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EXECUTIVE SUMMARY

The purpose of this application is to amend the Hamilton Zoning By-law in order to permit a parking lot at 14 Kenilworth Avenue South (Hamilton) to serve the adjacent commercial building on the property to the north at 1390-1394 Main Street East (see Appendix “A”). An existing single detached dwelling would be demolished for the parking lot. Fencing and landscaping are also proposed. See Appendix “C” for a preliminary site plan of the proposed parking lot.

The proposal has merit and can be supported, as the application is consistent with the Provincial Policy Statement, and conforms to the Places to Grow Plan, the Hamilton-Wentworth Official Plan, the Hamilton Official Plan, and the Ministry Approved Urban Hamilton Official Plan. The proposed development would allow for a parking lot to serve an existing 2-storey commercial building that does not currently have parking, and will improve the commercial viability of that building for a greater range of commercial uses. The parking lot is also located on an arterial road only one property south of Main Street East, part of a major commercial corridor.

Alternatives for Consideration - See Page 14.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: N/A.

Staffing: N/A.

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 (Chronology of events)

Proposal

The applicant has applied to rezone the lands from the “C” (Urban Protected Residential, Etc.) District to the “C/S-1622” (Urban Protected Residential, Etc.) District, Modified, to permit a parking lot at 14 Kenilworth Avenue South to serve the adjacent commercial building on the property to the north at 1390-1394 Main Street East (see Appendix “A”). An existing single detached dwelling would be demolished for the parking lot. A total of 10 unrequired parking spaces are proposed. Fencing and landscaping are also proposed. See Appendix “C” for a preliminary site plan of the proposed parking lot.

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In order to implement the proposal, a number of modifications are required. The modifications include:

- To permit a parking lot as an additional permitted use, subject to the provisions of Section 13C of Zoning By-law No. 6593, which is the “G-3” (Public Parking Lots) District;
- A landscaped area (with planting strip) 1.0m in width (except none shall be provided within 5m of the front lot line) is proposed, whereas a minimum 1.5m in width is required along the southerly side lot line abutting a residential district;
- The boundary of a parking area is proposed to be located 0m from a residential district (for the first 5m from the front lot line and 1.0m thereafter), whereas 1.5m is required; and is proposed to be set back 3.0m from the street line, whereas 6.0m is required;
- The access driveway to the parking area is proposed to be located 0.0m from the abutting residential district to the south, whereas a 3.0m setback is required;
- A manoeuvring aisle of 5.69m is proposed, whereas 6.0m is required; and,
- A parking stall size of 2.6m x 5.5m is proposed, whereas 2.7m x 6.0m is required.

The proposed modifications are discussed in the Analysis/Rationale for Recommendation section of this Report.

Chronology:

May 30, 2012: Development Review Committee Meeting for Formal Consultation Application FC-12-048.

October 10, 2012: Zoning Application ZAR-12-039 is deemed complete.

October 19, 2012: Notice of Complete Application and Preliminary Circulation for Zoning Application ZAR-12-039 sent to all residents within 120m of the subject lands.

October 23, 2012: Public Notice sign erected on the subject lands.

March 1, 2013: Circulation of Notice of Public Meeting to all residents within 120m of the subject lands.

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Details of Submitted Applications:

Location: 14 Kenilworth Avenue South (Hamilton)

Owner: 2056122 Ontario Limited

Agent: Midevco Group (c/o John Paisley)

Property Description: Area: 0.0378 hectares

Frontage: 12.19m

Depth: 31.03m

Servicing: Full Municipal Services

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Single Detached Dwelling	"C" (Urban Protected Residential, Etc.) District
<u>Surrounding Lands:</u>		
North	Mixed Commercial Buildings	"H" (Community Shopping and Commercial, Etc.) District
South	Single Detached Dwelling	"C" (Urban Protected Residential, Etc.) District
East	Single Detached Dwelling (Opposite Side of Kenilworth Avenue South)	"C" (Urban Protected Residential, Etc.) District
West	Single Detached Dwelling	"C" (Urban Protected Residential, Etc.) District

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

Provincial Policy Statement:

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with the policies that focus growth in Settlement Areas 1.1.3.1. It also implements Policies 1.1.3.2 and 1.1.3.3 with respect to the promotion of land use patterns based on a range of uses and opportunities for re-development which take into account existing building stock.

Based on the foregoing, the proposal is consistent with the Provincial Policy Statement.

Places to Grow: Growth Plan for the Greater Golden Horseshoe:

The subject lands are located within a built-up area, as defined by Places to Grow. Policy 2.2.2.1 states that population and employment growth will be accommodated by reducing dependence on the automobile through the development of mixed-use, transit-supportive, pedestrian-friendly urban environments, and encourages cities to develop as complete communities with a diverse mix of land uses. The provision for a parking lot for a building that has no parking available improves the viability of the adjacent commercial building, and also facilitates future re-development of the adjacent property for the addition of secondary residential uses.

Therefore, based on the above, the proposal conforms with Places to Grow.

Hamilton-Wentworth Official Plan:

The subject property is designated "Urban Area" in the Hamilton-Wentworth Official Plan. Policy C-3.1 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. A compact urban form, including mixed-use areas, should also be promoted.

Therefore, based on the above, the proposal conforms with the Hamilton-Wentworth Official Plan.

Hamilton Official Plan:

The subject lands are designated "Commercial" on Schedule "A" - General Land Use Plan in the Hamilton Official Plan based on Interpretation Policy D.8.2. The following policies, among others, are applicable to the subject lands:

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- "A.2.2.1 The primary uses permitted in the areas exceeding 0.4 hectares designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.
- A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:
- i) "Ribbon" Commercial uses on smaller lots serving predominantly residents and pedestrians in the vicinity, with some specialized Commercial uses attracting automobile borne traffic from beyond the local area; and,
 - ii) Larger scaled "Highway" Commercial uses on deep lots, reliant on locations readily accessible to private vehicles specifically coming to, and parking on, the premises to do business.
- A.2.2.15 Council recognizes EXTENDED COMMERCIAL areas as viable forms of Commercial development that satisfy the needs of certain businesses for visibility and accessibility.
- A.2.2.19 Development within EXTENDED COMMERCIAL areas will be through infilling and re-development in order to consolidate the viability of these areas, and to restrict their indiscriminate extension into stable areas of the non-Commercial uses. Such development will only be permitted where: traffic and/or parking problems will not be created; and, on Arterial Roads identified on Schedule "F".
- A.2.2.24 Council will encourage and, where feasible, assist in the provision of adequate off-street parking facilities in all other EXTENDED COMMERCIAL areas where existing parking problems are identified. Such parking facilities will be:
- i) Readily accessible from the main thoroughfare serving the EXTENDED COMMERCIAL area, including via side-streets off the main thoroughfare; and,

- ii) Preferably to the rear of the EXTENDED COMMERCIAL development where their use will not adversely impact the amenity of adjacent Residential areas, subject to the General Provisions herein.

A.2.2.35 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

- i) Access drive, parking, and service areas will be screened and/or buffered such that noise, light, or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;
- ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,
- iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.

A.2.2.37 In addition to the provisions of Sub-section B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and re-development within the COMMERCIAL designation, and will include adequate space for owners, employees, customers, and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices.

D.8.2 The boundaries between the classes of land use designated on Schedule "A" by patterned areas, as well as any other boundaries indicated on Schedules "B", "B-1", "B-2", "B-3", "C", "F", "G", "H", and "J-1", are only intended to be general and not to define the exact limits of any land use or policy. It is intended, therefore, that minor adjustments may be made in respect of these boundaries in the Zoning Bylaw without the necessity of further amending this Official Plan, so long as such Bylaws conform to the general intent and purpose of this Plan."

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Based on the above, the proposed development would conform to the policies of the “Commercial” designation. Interpretation Policy D.8.2 confirms the “Commercial” designation for the subject lands. The actual depth of commercial uses and zoning along Main Street East and other arterial commercial corridors vary in depth, while the depth of the “Commercial” designation on Schedule ‘A’ is generally static. These types of minor alterations in the depth of the commercial corridor are anticipated by the interpretation policy.

A parking lot to be used for an adjacent 2-storey commercial building within an “Extended Commercial” area where no parking is currently available is a use permitted by the Official Plan. The location of the parking lot, at the rear of the commercial building and accessible from the flanking adjacent arterial road, is promoted through the Extended Commercial policies. Fencing and landscaping surrounding the parking will buffer adjacent residential uses.

Urban Hamilton Official Plan:

The proposal has been evaluated against the policies of the new Urban Hamilton Official Plan, which was adopted by Council on July 9, 2009. The Minister of Municipal Affairs and Housing issued its decision on March 10, 2011, but the decision has been appealed by a number of parties and, at this time, the new Urban Hamilton Official Plan is not in effect.

The new Urban Hamilton Official Plan designates the subject lands as a “Primary Corridor” on Schedule “E” - Urban Structure and “Mixed-Use Medium Density” on Schedule “E-1” - Urban Land Use designations. The “Mixed-Use Medium Density” designation is based on Interpretation Policy F.1.4.7. A parking lot for an existing 2-storey commercial building on a primary corridor is permitted within the land use designation, and implements the intent of the Urban Hamilton Official Plan. Having parking at the rear of the building, accessible from the adjacent arterial road, also implements parking lot locational criteria. Therefore, the proposal would conform to the “Mixed-Use Medium Density” designation of the Urban Hamilton Official Plan.

Neighbourhood Plan:

The subject property is located within the Delta East Neighbourhood. There is no Neighbourhood Plan for the Delta East Neighbourhood.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections:

- Taxation Division, Corporate Services Department.
- Forestry and Horticulture Section, Public Works Department.
- Recreation Division, Public Works Department.

The following Departments and Agencies submitted the following comments:

Traffic Engineering Section (Public Works Department) has advised that there are no comments or concerns with the proposed rezoning, but has recommended minor alterations to the barrier design separating the access driveway from the abutting residential driveway to the south, and that 1.2m between the driveway and hydro pole should be achieved. These matters will be addressed through the Site Plan Control stage of development.

Hamilton Municipal Parking System has no comments or concerns other than to advise that a barrier-free parking space should be provided. Zoning By-law No. 6593 does not have any formal requirements for barrier-free parking, and the proposed parking lot is not for required parking as the current, adjacent commercial building already has no parking. However, it is prudent that a barrier-free parking space should be provided, and securing such a space will occur at the Site Plan Control stage of development.

Horizon Utilities has advised that excavation within 2m of hydro poles and anchors is not permitted. No excavation is planned within 2m of the hydro pole in the road allowance; however, surface grading and paving work will occur. Further consultation with Horizon Utilities will occur at the Site Plan Control stage of development.

PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and Council's Public Participation Policy, Notice of Complete Application and Preliminary Circulation were circulated to 252 property owners and tenants within 120m of the subject property on October 19, 2012, requesting public input on the application. A Public Notice sign was also posted on the property on October 23, 2012, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act. To date, 3 letters have been submitted. One letter was in regard to ensuring access for maintenance of a rear wall abutting the subject lands. The second letter expressed concern pertaining to noise, while the third letter from the owner of the abutting property to the south advised that they are in agreement with the proposal. The concerns from the first two noted

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letters are addressed in the Analysis/Rationale for Recommendation section of this Report. The public comments are attached as Appendix “D”.

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 Places to Grow (Growth Plan for the Greater Golden Horseshoe);
 - (ii) It conforms to the Hamilton-Wentworth Official Plan; the “Commercial” designation in the Hamilton Official Plan; and, the “Primary Corridor” and “Mixed-Use - Medium Density” designations of the new Urban Hamilton Official Plan; and,
 - (iii) The proposed development provides unrequired parking for an adjacent commercial building that does not currently contain parking, which would alleviate on-street parking pressures and increase the viability of the abutting commercial building. The proposed parking lot, accessible from an arterial road, is compatible with surrounding commercial and residential land uses.

2. The proposed development is to demolish the existing single detached dwelling and to establish a parking lot for the abutting 2-storey commercial building to the north at 1390-1394 Main Street East. This commercial building is partly vacant and also contains a dentist and private gym, and was previously used as a bank. No parking is available for this building. The subject lands at 14 Kenilworth Avenue North are owned by the same owner as 1390-1394 Main Street East. In order to better market and rent/lease the commercial space at 1390-1394 Main Street East, the applicant has advised that having parking available for customers and/or staff is important. Ten parking spaces are proposed, although the final number will be 9 once the required 1.5m landscaped area at the rear and a barrier-free space are included.

The subject property is currently zoned “C” (Urban Protected Residential, Etc.) District. This zone does not permit a parking lot. Parking lots are permitted within the “G-3” (Public Parking Lots) District, which contains provisions to regulate landscaping and setbacks between parking lots and adjacent residential uses. As a single detached dwelling is still a suitable land use on the property, adding the use of a parking lot to the existing zoning is a prudent way to implement the proposal. Therefore, the implementing By-law will permit a parking lot subject to the provisions of the “G-3” (Public Parking Lots) District.

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3. The proposed design of the parking area contemplates up to 10 parking spaces along the building face to the north, with a hammerhead on the west side (see Appendix "C"). A two-way entrance driveway from Kenilworth Avenue South is proposed, which is immediately adjacent to the existing driveway for the abutting single detached dwelling to the south. Privacy fencing is required along the southerly and westerly lot lines. A 1.0m landscaped area is proposed along the southerly lot line (except for the first 5m from the front lot line where it cannot be provided), and a visual barrier will be provided. The preliminary plan contemplates a 1.0m to 2.0m wide landscaped area at the rear. The By-law requires a minimum 1.5m landscaped area. In this area, providing the minimum 1.5m landscaped area along the rear with buffer plantings, such as coniferous shrubs that will grow taller than the fence, is more important, as it will aid in reducing visual impacts, noise, and light intrusions into the rear yard amenity area of the single detached dwelling to the west (rear). Therefore, a reduction in the number of parking spaces available from 10 to 9 would occur to enable the 1.5m rear landscaped area.

The general parking layout has been vetted by technical staff in the Public Works Department, as well as Planning staff. The layout is acceptable and, other than the above-noted alteration to the rear landscaped area, the provision for proper fencing, ensuring at the Site Plan Control stage of development that a barrier-free space is provided, and the provision for proper curbing instead of wheel barriers at the southeast corner of the property, the layout is acceptable to all.

The proposed development constitutes good planning, as it provides unrequired parking for a commercial building that currently has no parking, which would alleviate on-street parking pressure on nearby local roads. It may also make re-development of the Main Street East properties more viable in the future now that additional land for parking is available.

4. The proposed parking lot will be subject to a Site Plan application. Matters such as the final layout of the parking and access driveways, fencing, landscaping, grading, drainage, and servicing will be addressed. A preliminary stormwater management brief has been submitted and reviewed by Development Engineering staff, who has advised that the Report is acceptable and is satisfied that engineering matters can be fully addressed through Site Plan Control.
5. In order to implement the development, as proposed, on the preliminary site plan (see Appendix "C"), a number of zoning modifications are required. A review of the required modifications is as follows:

Planting Strip Modifications:

A landscaped area, with a planting strip of a minimum width of 1.5m, is required along the westerly and southerly lot lines. The 1.5m landscaped strip will be provided along the rear (westerly) lot line, but there is only sufficient space for a 1.0m landscaped strip along the southerly lot line (except for the first 5m of the property where no landscaped strip can be provided as the driveway must be located sufficiently setback from an existing multi-purpose utility pole). This modification can be supported, as a visual barrier will be provided along this lot line, and site restrictions preclude an increase in the width of the planting strip. Alternatively, the parking lot would not be feasible due to insufficient manoeuvring and/or parking stall sizes. In addition, the existing dwelling to the south is located on the south side of its driveway, and a frame garage is also located between the two uses in the rear yard. The property owner to the south has advised that they have no concerns with the proposal or the preliminary site plan.

Parking Location Modification:

The Zoning By-law requires that parking spaces must be set back 1.5m from a residential district and 6m from the property line for the portion of the parking area within 3m of a residential district. The parking area (manoeuvring space for the most easterly parking space) is located approximately 3m from the front property line. This reduction can be supported, as only one parking space would be located closer to the front property line than the setback of the single detached dwelling to the south. In addition, all of the parking is located behind the east (side) wall of the existing commercial building to the north that flanks onto Kenilworth Avenue South. Therefore, the intent of the Zoning By-law to not have parking in the front yard is being maintained. Permitting parking 1.0m instead of 1.5m from a residential district can also be supported, as the reduction would only apply to the southerly side yard, not the rear yard. A fence and 1.0m wide landscaped area is still provided and, as discussed under the Planting Strip Modifications Sub-section, cars will park on the north side of the lot, furthest away from the dwelling to the south.

Parking Space and Manoeuvring Size Modifications:

A modification is requested to the size of the parking spaces from 2.7m x 6.0m to 2.6m x 5.5m to bring the parking standard into line with new Zoning By-law No. 05-200. This modification can be supported, as it is the new standard for the entire city. A modification is also requested to permit a reduced aisle width and manoeuvring space of 5.69m, whereas 6.0m is required. This reduction is minor, and the Public Works Department (Traffic Engineering Section) has reviewed the

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plan and advised that cars will still be able to back in/out of the parking spaces and pass each other safely in the driveway. Therefore, the modification can be supported.

6. The Public Consultation section of this Report noted that 3 letters were received from area residents. One letter writer was the owner of the abutting property to the south who advised that they have no concerns with the proposed development or the preliminary site plan. A letter from an abutting commercial property to the north expressed concerns with property access to maintain a rear façade, and the additional letter was from the abutting residential property to the west with concerns about property values and noise (see Appendix “D”). A review of the comments from the public is discussed below.

Property Access:

A concern was raised that the property owner of 1390 Main Street East has had an easement over a portion of 14 Kenilworth for the purpose of maintaining the rear façade and roof of 1390 Main Street East, as well as emergency access and ingress from the first floor back door and rear fire escape steps. In response, the applicant has advised that no such formal easement is in place, but that the applicant has no concern with permitting access for said maintenance and emergency ingress and egress as no fence will be constructed on the north property line. A title search conducted by the Legal Services Division of the City of Hamilton has confirmed that no formal easement exists.

Property Values:

A concern was raised that the proposal could impact the property value of the home to the west, particularly if garbage was stored in the parking lot. Staff is not aware of any studies or empirical data that would support the concern about property devaluation. The proposal will provide a new visual barrier along the mutual rear property lines, as well as a minimum 1.5m landscaped planting strip along the rear property line. The abutting commercial property utilizes municipal waste collection from Main Street East, and no garbage enclosures are currently proposed on 14 Kenilworth Avenue South. Regardless, the inclusion of any garbage enclosure would be addressed at the Site Plan Control stage of development. The narrow width of the property would preclude municipal waste collection vehicles from entering 14 Kenilworth Avenue South, as they would not be able to turn around on-site.

Noise:

The property owner to the west expressed a concern that with the removal of the single detached dwelling, that they would suffer from increased noise from vehicular traffic on Kenilworth Avenue South. While some noise may be generated from Kenilworth Avenue South, the road is setback more than 30m from the rear property line. It is estimated that because of the close proximity to Main Street East, that any increase in noise from Kenilworth Avenue is negligible and, therefore, a formal noise study is not warranted. A visual barrier (board-on-board fence) will be provided along the rear property line, along with landscaping, which will also mitigate potential spill-over impacts, including noise.

ALTERNATIVES FOR CONSIDERATION

If the application is denied, the lands could be developed in accordance with the current “C” (Urban Protected Residential, Etc.) District provisions, which would permit a single detached dwelling.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

Strategic Priority #1

A Prosperous and Healthy Community.

We enhance our image, economy, and well-being by demonstrating that Hamilton is a great place to live, work, play, and learn.

Strategic Objective

1.1 Continue to grow the non-residential tax base.

APPENDICES / SCHEDULES

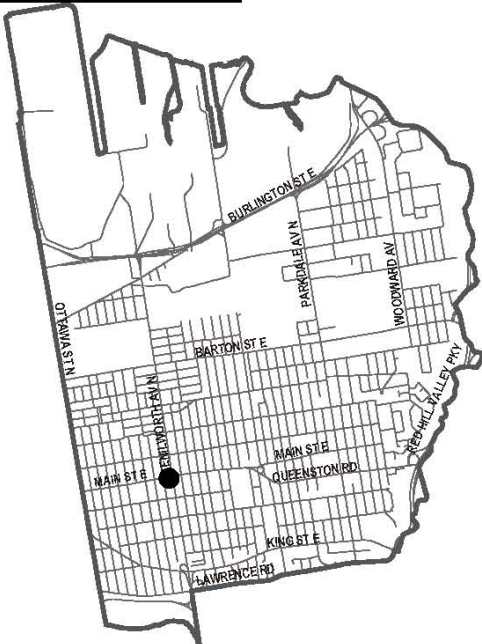
- Appendix “A”: Location Map
- Appendix “B”: Draft Zoning By-law Amendment
- Appendix “C”: Proposed Site Plan
- Appendix “D”: Public Comments

:GM

Attachs. (4)



● Site of the Application



Ward 4 Key Map

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAR-12-039

Date:
January 8, 2013

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
GM/AL

Subject Property

14 Kenilworth Avenue South



Change in Zoning from the "C" (Urban Protected Residential, Etc.) District to the "C/S-1622" (Urban Protected Residential, Etc.) District, Modified

Authority: Item [REDACTED]
Planning Committee
Report 13 [REDACTED] (PED13039)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY- LAW NO. [REDACTED]

**To Amend Zoning By-law No. 6593
Respecting Lands Located at 14 Kenilworth Avenue South (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 13-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED] 2013, 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. E-76 of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended as follows:
 - (a) By changing the zoning from the "C" (Urban Protected Residential, Etc.) District to the "C/S-1622" (Urban Protected Residential, Etc.) 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, Etc.) District provisions, as contained in Section 9 of Zoning By-law No. 6593, are modified to include the following special requirements:
 - (a) That notwithstanding Sub-section 9.(1) of Zoning By-law No. 6593, a parking lot shall be also permitted only in conjunction with uses at 1390-1394 Main Street East, subject to all Zoning Provisions of the "G-3" (Public Parking Lots) District contained within Section 13C of Zoning By-law No. 6593 except as noted below;
 - (b) That notwithstanding Sub-section 13C.(4)(ii) and 18A.(12)(a) of Zoning By-law No. 6593, an area landscaped with a planting strip of not less than 1.0m in width shall be provided and maintained along the southerly side lot line, except that no landscaped planting strip shall be required within 5.0m of the front lot line;
 - (c) That notwithstanding Sub-section 18A.(7) of Zoning By-law No. 6593, every parking space, other than a parallel parking space, shall have dimensions not less than 2.6m wide and 5.5m long;
 - (d) That notwithstanding Sub-section 18A.(1)(f) of Zoning By-law No. 6593, a minimum manoeuvring space of 5.69m shall be provided and maintained;
 - (e) That notwithstanding Sub-section 18A.(11)(a) of Zoning By-law No. 6593, the boundary of the parking area shall be not less than 1.0m from the adjoining southerly residential district boundary, except 0.0m from the adjoining southerly residential district boundary within 5.0m of the front property line;
 - (f) That Sub-section 18A.(11)(b) and 18A.(26) shall not apply to the parking area along the southerly residential district boundary; and,

- (g) That notwithstanding Sub-section 18A.(12)(c) of Zoning By-law No. 6593, no visual barrier is required along the southerly side lot line within 3.0m of the front lot line.
3. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1622.
 4. That Sheet No. E-76 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1622.
 5. 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, Etc.) District provisions, subject to the special requirements referred to in Section 2 of this By-law.
 6. 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], 2013.

R. Bratina
Mayor

Rose Caterini
Clerk

ZAR-12-039



This is Schedule "A" to By-Law No. 13-
Passed the day of, 2013

Mayor


Clerk

Schedule "A"

Map Forming Part of
By-Law No. 13-____

to Amend By-law No. 6593

Subject Property
14 Kenilworth Avenue South

 Change in Zoning from the "C" (Urban Protected Residential, Etc.) District to the "C/S-1622" (Urban Protected Residential, Etc.) District, Modified

Scale: N.T.S.	File Name/Number: ZAR-12-039	 Hamilton
Date: January 10, 2013	Planner/Technician: GM/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Efrain Jimenez
18 Kenilworth Ave. S.
Hamilton, ON L8K 2S8

September 27, 2012

City of Hamilton
Planning Department
71 Main St. West
Hamilton, ON L8P 4Y5

To Whom It May Concern:

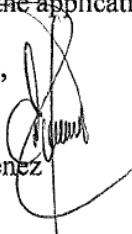
Re: Zoning Application – 14 Kenilworth Ave. S., Hamilton

I am the neighbour immediately adjacent to the south of the property at 14 Kenilworth Ave. S.

The owner of the property, Mr. Quadri, has given me advance notice of his plans. I have seen the proposed site plan and the application to allow a parking lot, I am in full support of the application.

Yours truly,

Efrain Jimenez

A handwritten signature in black ink, appearing to read 'Efrain Jimenez', written over a vertical line that extends from the signature down to the 'cc.' line.

cc. Syed Quadri, 2056122 Ontario Ltd.

From: Don Baglole
Sent: Wednesday, November 14, 2012 2:50 PM
To: Macdonald, Greg
Subject: Zoning By-law File # ZAR-12-039
Attention Greg MacDonald

My name is Don Baglole I live and own 15 Tuxedo Ave South Hamilton Ontario here are some of my concerns why I am against the zoning law-By # ZAR-12-039

Devalued price of my property. Kenilworth Avenue is a very noisy busy area with lots of acceleration traffic from the lights, at Kenilworth and Main, my sight lines as of right now I can't see Kenilworth Avenue from my house deck or backyard. In Winter time were is all the snow going to go you can't push it out on Kenilworth Avenue like the 24/7 Petro Canada Coffee Time convenient store does on Tuxedo, they don't have an area for there dumpsters they're located across the street three feet from my house, noise 24/7 and also it's very messy I feel like I'm being boxed in from three sides of my property. Business property value will go up but I feel my house value will go down and my property taxes go up every year.

Thank you.

Don Baglole
15 Tuxedo Ave. S
Hamilton Ontario

WEISZ, ROCCHI & SCHOLES

BARRISTERS & SOLICITORS

CR

THOMAS J. WEISZ, B.A.,LL.B.,LL.M.
THOMAS J. ROCCHI, B.A.,LL.B.
MARK A. SCHOLES, B.A.,LL.B.
GERALD I. ASA, B.A.,M.B.A.,LL.B.
VERONICA M. COCCO, B.COMM.,C.A.,LL.B.
NICOLAS H. VAN VELZEN, M.A.,LL.B.

RECEIVED
OCT 30 2012

TELEPHONE (905) 523-1842
FAX (905) 523-4011
THE EFFORT TRUST BUILDING
SUITE TWO HUNDRED
200 MAIN STREET EAST
HAMILTON, CANADA
L8N 1H5

October 30th 2012

DELIVERED

City of Hamilton
Planning and Economic Development Department
Planning Division, Development Planning
6th Floor , 71st Main Street West
Hamilton, ON
L8P 4Y5

Dear Sirs:

**Re: Zoning By-Law Amendment Application
File No. ZAR-12-039
14 Kenilworth Avenue South, Hamilton, ON**

We are the solicitors for 503162 Ontario Limited, the owner of 1390 Main Street East, Hamilton, Ontario ("1390"), from which property the Levy Medical Clinic operates, and we are in receipt from our client of a copy of the Notice of Application with respect to the proposed rezoning of 14 Kenilworth Avenue South, Hamilton, ON ("14").


We have been advised by our client that for a period in excess of thirty (30) years it has had an easement over a portion of 14 for the following purposes:

- (1) Access for the purpose of maintaining 1390, including without limiting the generality of the foregoing, the roof; and
- (2) Access and ingress to and from the first floor back door, as well as to and from the fire escape steps located at the rear of 1390.

It is important to our client that this easement continues, and we are copying the applicant with a copy of this letter to advise it of our client's concerns.

Please keep us advised as matters proceed.

Thank you.

Yours very truly,
WEISZ, ROCCHI & SCHOLES
Per: 
Mark A. Scholes

MAS/ac
cc 503162 Ontario Limited
cc Midevco Group