



**City of Hamilton  
PLANNING COMMITTEE  
AGENDA**

**Meeting #:** 21-008  
**Date:** May 18, 2021  
**Time:** 9:30 a.m.  
**Location:** Due to the COVID-19 and the Closure of City Hall (CC)

All electronic meetings can be viewed at:

City's Website:  
<https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's YouTube Channel:  
<https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

Lisa Kelsey, Legislative Coordinator (905) 546-2424 ext. 4605

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**Pages**

1. CEREMONIAL ACTIVITIES
2. APPROVAL OF AGENDA  
(Added Items, if applicable, will be noted with \*)
3. DECLARATIONS OF INTEREST
4. APPROVAL OF MINUTES OF PREVIOUS MEETING
  - 4.1. May 4, 2021
5. COMMUNICATIONS
6. DELEGATION REQUESTS
7. CONSENT ITEMS

5

7.1.	Demolition Permit – 1462 Upper James Street Hamilton (PED21092) (Ward 8)	24
7.2.	Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21105) (City Wide)	29
7.3.	Hamilton Municipal Heritage Committee Report 21-003	52
<b>8.</b>	<b>STAFF PRESENTATIONS</b>	
<b>9.</b>	<b>PUBLIC HEARINGS / DELEGATIONS</b>	
9.1.	Louis Zavodni respecting Demolition Permit Conditions for 1462 Upper James Street (Approved at the May 4, 2021 meeting)	
9.2.	Rick Bartels respecting Denial of a Site Alteration Permit (Approved at the May 4, 2021 meeting) - WITHDRAWN	
9.3.	Application for a Zoning By-law Amendment for lands located at 974 and 980 Upper Paradise Road and Blocks 131, 132, 133 and 134 of Registered Plan 62M-1085 (Hamilton) (PED21086) (Ward 14)	61
9.3.a.	Written Submissions:	
	9.3.a.a. Sandra Serafini	106
9.4.	Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 270 Melvin Avenue, Hamilton (PED21104) (Ward 4)	107
9.5.	City Initiative CI-20-C to Amend the Rural Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 435 Carluke Road West, Ancaster (PED20073) (Ward 12)	138
<b>10.</b>	<b>DISCUSSION ITEMS</b>	
10.1.	Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Application FL/B-20:86 for the Lands Located at 173 Highway No. 52, Flamborough (PED21059) (Ward 12)	201
<b>11.</b>	<b>MOTIONS</b>	
<b>12.</b>	<b>NOTICES OF MOTION</b>	
<b>13.</b>	<b>GENERAL INFORMATION / OTHER BUSINESS</b>	
13.1.	Outstanding Business List	

- 13.1.a. Items to be Removed:
- 20A - Property Standards By-law - Rental Properties and Apartment  
(Addressed as Item 10.1 on the March 23, 2021 agenda)
  - 20C - Dedicated Mohawk College Enforcement  
(Addressed as Item 10.2 on the April 20, 2021 agenda)
  - 20G - Second Dwelling Units – Options to Increase Housing Supply in Hamilton’s Existing Low Density Housing Stock  
(Addressed as Item 9 on the April 20, 2021 agenda)
  - 20H - 2069 Binbrook Road OPA and Zoning By-law Amendment applications  
(Addressed as item 10.2 on the March 23, 2021 agenda)
- 13.1.b. Items Requiring New Due Dates:
- 12A - Regulation of Rental Housing  
Current Due Date: March 23, 2021  
Proposed New Due Date: July 6, 2021
  - 17B - Designation of the Gore District as a Heritage Conservation District  
Current Due Date: March 23, 2021  
Proposed New Due Date: September 21, 2021
  - 17E - Family Friendly Housing Policy  
Current Due Date: April 20, 2021  
Proposed New Due Date: June 15, 2021
  - 18D - Consultation on the Regulatory Content of Bill 7  
Current Due Date: November 19, 2019  
Proposed New Due Date: April 2022
  - 18F - Hamilton Airshed Modelling System  
Current Due Date: June 15, 2021  
Proposed New Due Date: Q3 2021
  - 19B - Modifications and Updates to the City of Hamilton Zoning By-law  
Current Due Date: December 8, 2020  
Proposed New Due Date: September 21, 2021
  - 19P - Corporate Policy for Official Planning Notifications During Mail Strikes  
Current Due Date: December 8, 2020  
Proposed New Due Date: September 21, 2021

19Q - Application for Zoning By-law Amendment for 116 and  
120 Barnesdale Ave N

Current Due Date: February 16, 2021

Proposed New Due Date: September 21, 2021

19BB - Parking Fee Review

Current Due Date: March 23, 2021

Proposed New Due Date: September 7, 2021

19FF - Support of Private Member's Bill to Reverse Pit Bull  
Ban in Ontario

Current Due Date: June 1, 2021

Proposed New Due Date: June 15, 2021

20L - Use of Tertiary Septic Systems re LPAT Case No.  
PL170858

Current Due Date: TBD

Proposed New Due Date: June 15, 2021

20N - Housekeeping Amendments to the Urban Hamilton  
Official Plan and Rural Hamilton Official Plan

Current Due Date: TBD

Proposed New Due Date: September 21, 2021

**14. PRIVATE AND CONFIDENTIAL**

**15. ADJOURNMENT**



**PLANNING COMMITTEE  
MINUTES**

**21-007**

**May 4, 2021**

**9:30 a.m.**

**Council Chambers, Hamilton City Hall  
71 Main Street West**

**Present:** Councillors J.P. Danko (Chair)  
B. Johnson (1<sup>st</sup> Vice Chair), J. Farr (2<sup>nd</sup> Vice Chair), C. Collins,  
M. Pearson, L. Ferguson, M. Wilson and J. Partridge

**Also in Attendance:** Mayor F. Eisenberger and Councillor T. Jackson

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**THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:**

**1. Agriculture and Rural Affairs Committee Report 21-002 (Item 7.1)**

**(Partridge/Ferguson)**

**(a) Land Needs Assessment Process (Item 10.2)**

WHEREAS, prime agricultural land is a valuable, shrinking, non-renewable resource and only 5% of the arable land in Ontario is viable for agricultural production;

WHEREAS, Hamilton's available white belt growth lands are some of the more productive food producing lands in the city, having much of it classified as Class 1 under Canada land inventory mapping; and,

WHEREAS, Hamilton has great opportunities to intensify core areas of the city while meeting the needs for growth, rebuilding core infrastructure and developing an effective transit corridor;

**THEREFORE, BE IT RESOLVED:**

That the Agriculture and Rural Affairs Advisory Committee respectfully recommends that the City of Hamilton establish the current urban boundary as a fixed boundary, focusing development and planning efforts on core urbanized and under-utilized areas while preserving prime agricultural land in the white belt for the production of food, fibre and fuel for the foreseeable future.

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**2. Animal Services and Ren's Pets Program (PED21079) (City Wide) (Item 7.2)**

**(Pearson/Partridge)**

That Report PED21079 respecting Animal Services and Ren's Pets Program, be received.

**Result: Motion CARRIED by a vote of 8 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**3. City Initiative (CI) 18-A – Modifications to Site Plan Control By-law No. 15-176, as amended by By-law Nos. 18-104 and 19-026, in the Existing Residential "ER" Zone in the Town of Ancaster Zoning By-law No. 87-57 (PED21022) (Ward 12) (Item 7.3)**

**(Ferguson/Farr)**

(a) That City Initiative 18-A to amend Site Plan Control By-law No. 15-176 as amended by By-law Nos. 18-104 and 19-026, to make technical changes, to modify provisions for ease of interpretation and implementation of the Site Plan Control By-law, and to introduce a provision for detached Secondary Dwelling Units, as it pertains to the Existing Residential "ER" Zone in the Town of Ancaster Zoning B-law No. 87-57, be APPROVED on the following basis:

(i) That the Draft By-law, attached as Appendix "B" to Report PED21022, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

- (ii) That the proposed changes to the Site Plan Control By-law are consistent with the Provincial Policy Statement (PPS) 2020, conforms with A Place to Grow Plan (2019, as amended), and complies with the Urban Hamilton Official Plan.

**Result: Motion CARRIED by a vote of 8 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**4. Applications for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 354 King Street East (PED21076) (Ward 1) (Item 9.3)**

**(Farr/Ferguson)**

- (a) That Amended Urban Hamilton Official Plan Amendment application UHOPA-20-003 by GSP Group (c/o Brenda Khes) on behalf of King West Crossing Ltd., Owner, to amend the Strathcona Secondary Plan to add a Site Specific Policy to the Mixed Use – Medium Density designation to permit a building height of 12 storeys, for a portion of the lands located at 354 King Street West, Hamilton, as shown on Appendix “A” to Report PED21076, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED21076, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council;
- (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
- (b) That Amended Zoning By-law Amendment application ZAC-20-008 by GSP Group (c/o Brenda Khes) on behalf of King West Crossing Ltd., Owner, for a change in zoning from the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 295) Zone to the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 295, 741, H120) Zone to permit a hotel with a maximum building height of 42.0 metres (12 storeys) on a portion of the lands located at 354 King Street West, Hamilton, as shown on Appendix “A” to Report PED21076, be APPROVED on the following basis:

- (i) That the draft By-law attached as Appendix “C” to Report PED21076, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That Schedule “D”: Holding Provisions, of Zoning By-law No. 05-200; be amended by adding the following additional Holding Provision:

“H120. Notwithstanding Subsection 11.1 of this By-law, on those lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1, 295, 741) Zone, identified on Map No. 909 of Schedule “A” – Zoning Maps and described as 354 King Street West, Hamilton, development shall be restricted in accordance with the following as:

- (a) For such time as the Holding Provision is in place, these lands shall only be used for permitted uses, buildings and structures listed in the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 295) Zone.

- (b) Regulations

For such time as the Holding Provision is in place these lands shall be subject to the regulations of the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone except where in conflict with the following:

- i) No development exceeding the maximum height of 36.5 metres.

- (c) Conditions for Holding Provision Removal

The Holding Provision shall, upon application by the landowner, be removed by way of an amending Zoning By-law, from all or part of the lands subject to this provision when the following condition have been satisfied:

- (i) The Owner submits, receives approval for and implements though a Site Plan Amendment, a Functional Servicing Report (FSR) that addresses such matters as, but not limited to,



water servicing, required fire flow (RFF), wastewater servicing and stormwater management, all to the satisfaction of the Senior Director of Growth Management.”

- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms with A Place to Grow Plan: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX.
- (c) That upon finalization of the amending By-law, the subject lands, being Phase 1 of the proposed development, be re-designated from “Civic and Institutional” to “Commercial and Apartments” in the Strathcona Neighbourhood Plan.
- (d) ***That the public submissions regarding this matter were received and considered by the Committee in approving the application.***

**Result: Main Motion, as Amended, CARRIED by a vote of 5 to 3, as follows:**

NO - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 NO - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 NO - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**5. Request for Direction to proceed with Appeal of Committee of Adjustment Decision to Approve Minor Variance Application HM/A-20:258, for lands located at 1575 Upper Ottawa Street, Hamilton (PED21098) (Ward 6) (Item 10.1)**

**(Partridge/Ferguson)**

That staff be directed to withdraw the Appeal of Committee of Adjustment Decision to Approve Minor Variance Application HM/A-20:258, for lands located at 1575 Upper Ottawa Street, Hamilton.

**Result: Motion CARRIED by a vote of 8 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins

YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**6. Waterdown Community Node Secondary Plan Study Area Project Update and Options Regarding the Interim Control By-law (By-law Nos. 20-101 and 20-102) (PED21085) (Ward 15) (Item 10.3)**

**(Partridge/Johnson)**

That Report PED21085 respecting Waterdown Community Node Secondary Plan Study Area Project Update and Options Regarding the Interim Control By-law (By-law Nos. 20-101 and 20-102), be received.

**Result: Motion CARRIED by a vote of 8 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**7. Water and Waste Water Infrastructure Upgrades to Support Intensification (Item 11.1)**

**(Farr/Collins)**

WHEREAS, the City of Hamilton will be considering the establishment of an aggressive target for the accommodation of future growth to 2051 through intensification;

WHEREAS, it is expected that the Downtown Hamilton Urban Growth Centre (UGC) will continue to be identified as a "Primary Node" for the accommodation of future intensification and as the area in the City with the highest target density;

WHEREAS, the City's Downtown Secondary Plan Policy 6.1.13(b) states that "the processing and approval of development applications shall be contingent on the availability of water and wastewater capacity, and stormwater capacity"

WHEREAS, ensuring the Downtown Hamilton UGC is "shovel-ready" for intensification by strategically delivering key infrastructure upgrades will be critical to meeting the City's growth targets;

WHEREAS, the City regularly undertakes lifecycle replacement of water and wastewater infrastructure throughout the city, funded through the Rates Budget;

WHEREAS, the City's 2019 Development Charges By-law has allocated an amount of \$15 million for the 5-year planning period toward the growth-related component of infrastructure upgrades required to support planned intensification across the City;

WHEREAS, there is an opportunity to strategically align both the Rates-funded lifecycle replacement of water and wastewater infrastructure with the DC-funded capacity increases needed to support expected intensification within the Downtown Hamilton UGC;

THEREFORE BE IT RESOLVED:

- (a) That Planning and Economic Development and Public Works staff be directed to identify strategic locations for the upgrading of water and wastewater servicing capacity to support high potential near-term intensification opportunities within the Downtown Hamilton Urban Growth Centre; and
- (b) That Planning and Economic Development and Public Works staff jointly report back to Planning Committee with a strategy for advancing the lifecycle replacement of water and wastewater infrastructure within these strategic locations in order to facilitate and support intensification

**Result: Motion CARRIED by a vote of 8 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 8 Councillor John-Paul Danko  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

**FOR INFORMATION:**

**(a) APPROVAL OF AGENDA (Item 2)**

The Committee Clerk advised of the following changes to the agenda:

**1. DELEGATION REQUESTS (Item 6)**

- 6.3 John Ariens, IBI Group, respecting 1575 Upper Ottawa Street Minor Variance Appeal (Item 10.1) (For the May 4th meeting)

**2. PUBLIC MEETINGS / DELEGATIONS (Item 9)**

- 9.1 Michael Sullivan, LandPro Planning Solutions Inc. respecting Approval to Appeal Committee of Adjustment File GL/B-20:16 (5020 Tyneside Road) to LPAT - Settlement Offer - WITHDRAWN

- 9.3 Applications for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 354 King Street East (PED21076) (Ward 1)

(a) Added Registered Delegations:

(e) Aleda O'Connor

(b) Added Written Submissions:

(a) Aleda O'Connor

(b) Barbara Ledger

(c) Jennifer Burt

(d) Theo Van Kooten

**(Ferguson/Pearson)**

That the agenda for the May 4, 2021 meeting be approved, as amended.

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson

YES - Ward 5 Councillor Chad Collins

YES - Ward 8 Councillor John-Paul Danko

NOT PRESENT - Ward 2 Councillor Jason Farr

YES - Ward 15 Councillor Judi Partridge

YES - Ward 12 Councillor Lloyd Ferguson

YES - Ward 11 Councillor Brenda Johnson

YES - Ward 10 Councillor Maria Pearson

**(b) DECLARATIONS OF INTEREST (Item 3)**

None declared.

**(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**

**(i) April 20, 2021 (Item 4.1)**

**(Partridge/Johnson)**

That the Minutes of the April 20, 2021 meeting be approved, as presented.

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(d) DELEGATION REQUESTS (Item 6)**

**(i) Delegation Requests (Items 6.1 – 6.3)**

**(Ferguson/Pearson)**

That the following Delegation Requests be approved, as follows:

- 6.1 Louis Zavodni respecting Demolition Permit Conditions for 1462 Upper James Street (For the May 18, 2021 meeting)
- 6.2 Rick Bartels respecting Denial of a Site Alteration Permit (For the May 18, 2021 meeting)
- 6.3 John Ariens, IBI Group, respecting 1575 Upper Ottawa Street Minor Variance Appeal (Item 10.1) (For today's meeting)

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 NOT PRESENT - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson

YES - Ward 10 Councillor Maria Pearson

**(e) PUBLIC HEARINGS / DELEGATIONS (Item 9)**

**(i) Delegations respecting the OPA's Farm Labour House Policy (Item 9.2)**

The following delegations addressed the Committee respecting the OPA's Farm Labour House Policy:

- (i) Prem Tewari
- (ii) Hardeep Singh

**(Pearson/Partridge)**

That the delegations from Prem Tewari and Hardeep Singh respecting the OPA's Farm Labour House Policy, be received.

**Result: Motion CARRIED by a vote of 8 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Johnson/Pearson)**

That staff be directed to review the Farm Labour House Policy and report back to the Planning Committee by Q3 2021.

**Result: Motion CARRIED by a vote of 8 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Eisenberger/Farr)**

That staff be directed to work with the Delegates, Prem Tewari and Hardeep Singh, to find a short-term solution to their challenges with the Farm Labour House Policy.

**Result: Motion CARRIED by a vote of 8 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

In accordance with the *Planning Act*, Chair Danko advised those viewing the virtual meeting that the public had been advised of how to pre-register to be a virtual delegate at the Public Meetings on today's agenda.

In accordance with the provisions of the *Planning Act*, Chair Danko advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment and Official Plan Amendment applications before the Committee today, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

**(ii) Applications for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 354 King Street East (PED21076) (Ward 1) (Item 9.3)**

Andrea Dear, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation.

**(Partridge/Farr)**

That the staff presentation be received.

**Result: Motion CARRIED by a vote of 8 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

Brenda Khes with GSP Group, was in attendance and indicated support for the staff report.

**(Farr/Partridge)**

That the delegation from Brenda Khes with GSP Group, be received.

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Wilson/Farr)**

That the following registered delegations (Item 9.1(a)), be received:

- (a) Robert Hilverth, Strathcona Shadow Dwellers, in Opposition to the application.
- (b) Wayne MacPhail, Strathcona Shadow Dwellers, in Opposition to the application.
- (c) Michael-Allan Marion, Strathcona Shadow Dwellers, in Opposition to the application.
- (d) Jennifer Kinnunen, in Opposition to the application.
- (e) Aleda O'Connor, in Opposition to the application.

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Wilson/Partridge)**

That the following written submissions (Item 9.1(b)), be received:

- (a) Aleda O'Connor, in Opposition to the application.
- (b) Barbara Ledger, in Opposition to the application.
- (c) Jennifer Burt, in Opposition to the application.
- (d) Theo Van Kooten, in Opposition to the application.



**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Wilson/Farr)**

That the public meeting be closed.

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Wilson/Farr)**

- (a) That Amended Urban Hamilton Official Plan Amendment application UHOPA-20-003 by GSP Group (c/o Brenda Khes) on behalf of King West Crossing Ltd., Owner, to amend the Strathcona Secondary Plan to add a Site Specific Policy to the Mixed Use – Medium Density designation to permit a building height of 12 storeys, for a portion of the lands located at 354 King Street West, Hamilton, as shown on Appendix “A” to Report PED21076, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED21076, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council;
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
- (b) That Amended Zoning By-law Amendment application ZAC-20-008 by GSP Group (c/o Brenda Khes) on behalf of King West Crossing

Ltd., Owner, for a change in zoning from the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 295) Zone to the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 295, 741, H120) Zone to permit a hotel with a maximum building height of 42.0 metres (12 storeys) on a portion of the lands located at 354 King Street West, Hamilton, as shown on Appendix “A” to Report PED21076, be APPROVED on the following basis:

- (i) That the draft By-law attached as Appendix “C” to Report PED21076, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That Schedule “D”: Holding Provisions, of Zoning By-law No. 05-200; be amended by adding the following additional Holding Provision:

“H120. Notwithstanding Subsection 11.1 of this By-law, on those lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1, 295, 741) Zone, identified on Map No. 909 of Schedule “A” – Zoning Maps and described as 354 King Street West, Hamilton, development shall be restricted in accordance with the following as:

- a. For such time as the Holding Provision is in place, these lands shall only be used for permitted uses, buildings and structures listed in the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 295) Zone.

- b. Regulations

For such time as the Holding Provision is in place these lands shall be subject to the regulations of the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone except where in conflict with the following:

- i) No development exceeding the maximum height of 36.5 metres.

- c. Conditions for Holding Provision Removal

The Holding Provision shall, upon application by the landowner, be removed by way of an

amending Zoning By-law, from all or part of the lands subject to this provision when the following condition have been satisfied:

- i) The Owner submits, receives approval for and implements through a Site Plan Amendment, a Functional Servicing Report (FSR) that addresses such matters as, but not limited to, water servicing, required fire flow (RFF), wastewater servicing and stormwater management, all to the satisfaction of the Senior Director of Growth Management.”
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms with A Place to Grow Plan: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX.
- (c) That upon finalization of the amending By-law, the subject lands, being Phase 1 of the proposed development, be re-designated from “Civic and Institutional” to “Commercial and Apartments” in the Strathcona Neighbourhood Plan.

**(Wilson/Farr)**

That the recommendations in Report PED21076 be **amended** by adding the following sub-section (d):

- (d) ***That the public submissions were received and considered by the Committee in approving the application.***

**Result: Amendment CARRIED by a vote of 7 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(Wilson/Danko)**

- (a) That the recommendations in Report PED21076 be **amended** to DENY the applications, as follows:
- (i) That Amended Urban Hamilton Official Plan Amendment application UHOPA-20-003 by GSP Group (c/o Brenda Khes) on behalf of King West Crossing Ltd., Owner, to amend the Strathcona Secondary Plan to add a Site Specific Policy to the Mixed Use – Medium Density designation to permit a building height of 12 storeys, for a portion of the lands located at 354 King Street West, Hamilton, as shown on Appendix “A” to Report PED21076, be DENIED on the following basis:
- (a) The proper Planning process was not followed;
- (b) The additional height is unknown; and,
- (c) The design is not in keeping with the Urban Design Guidelines.

The above Motion was DEFEATED.

**Result: Amendment DEFEATED by a vote of 3 to 5, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 NO - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 NO - Ward 2 Councillor Jason Farr  
 NO - Ward 15 Councillor Judi Partridge  
 NO - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 NO - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 4.

**(Partridge/Johnson)**

That the Planning Committee recess from 12:33pm until 1:00pm.

**Result: Motion CARRIED by a vote of 7 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 NOT PRESENT - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(iii) John Ariens, IBI Group, respecting 1575 Upper Ottawa Street Minor Variance Appeal (Item 10.1) (Added Item 6.3)**

John Ariens, IBI Group, addressed the Committee respecting 1575 Upper Ottawa Street Minor Variance Appeal.

**(Johnson/Partridge)**

That the delegation from John Ariens, IBI Group respecting 1575 Upper Ottawa Street Minor Variance Appeal, be received.

**Result: Motion CARRIED by a vote of 8 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 5.

**(f) DISCUSSION ITEMS (Item 10)**

**(i) Request for Direction to Proceed with Appeal of Committee of Adjustment Consent and Minor Variance Applications GL/B-20:61 and GL/A-20:199 for the Lands Located at 5020 Tyneside Road (Glanbrook) (PED21093) (Ward 11) (Item 10.2)**

**(Johnson/Partridge)**

That Report PED21093 be DEFERRED to the June 15, 2021 Planning Committee meeting.

**Result: Motion CARRIED by a vote of 8 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 15 Councillor Judi Partridge  
 YES - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson

**(g) GENERAL INFORMATION / OTHER BUSINESS (Item 13)****(i) General Manager's Update (Added Item 13.1)**

Jason Thorne, General Manager of Planning and Economic Development addressed the Committee to advise that the call for the 2021 Design and Architect Awards will be announced soon.

**(Ferguson/Pearson)**

That the General Manager's update be received.

**Result: Motion CARRIED by a vote of 8 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 8 Councillor John-Paul Danko  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

**(h) ADJOURNMENT (Item 15)****(Partridge/Pearson)**

That there being no further business, the Planning Committee be adjourned at 1:42 p.m.

**Result: Motion CARRIED by a vote of 8 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 8 Councillor John-Paul Danko  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 15 Councillor Judi Partridge  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson

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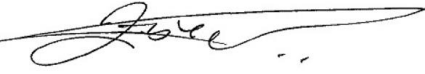
Councillor J.P. Danko  
Chair, Planning Committee

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Lisa Kelsey  
Legislative Coordinator



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
*Building Division*

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 18, 2021
<b>SUBJECT/REPORT NO:</b>	Demolition Permit – 1462 Upper James Street Hamilton (PED21092) (Ward 8)
<b>WARD(S) AFFECTED:</b>	Ward 8
<b>PREPARED BY:</b>	Frank Peter (905) 546-2424 Ext. 2781
<b>SUBMITTED BY:</b>	Ed VanderWindt Director, Building and Chief Building Official Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

That the Chief Building Official be authorized to issue a demolition permit for 1462 Upper James Street, Hamilton in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of *The Planning Act*, subject to the following conditions:

- (a) That the applicant has applied for and received a building permit for a replacement building on this property;
- (b) That the said building permit specifies that if the replacement building is not erected within two years of the demolition of the existing building on the property, the City be paid the sum of \$20,000 which sum:
  - (i) the City Clerk is authorized to enter on the collector's roll and collect in like manner as municipal taxes; and
  - (ii) is a lien or charge on the property until paid; and
- (c) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions in a form satisfactory to the Chief Building Official and the City Solicitor.

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**SUBJECT: Demolition Report – 1462 Upper James Street Hamilton – (PED21092)  
(Ward 8) - Page 2 of 4**

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**EXECUTIVE SUMMARY**

The owner of the property is proposing to demolish the existing single family dwelling and leave the lands vacant at this time. This dwelling is located in a Mixed Use Medium Density C5 Zone. The C5 zone does not permit a replacement single family dwelling however does permit other residential uses such as a multiple dwelling, residential care facility, retirement home and a mixed use building consisting of commercial on the ground floor with dwelling units(s) above. The uses permitted would be subject to an approved Site Plan Application in the normal manner. The owners have indicated that they are not developers and have no interest in undertaking a development on this property. They also advised that they would like to sell it as a vacant property and allow someone else to develop it. They also indicated that the house is vacant, in a deteriorated condition and are worried about people breaking into the house.

Under Section 4 of the Demolition Control By-law 09-208 the Chief Building Official has the delegated authority to issue a demolition permit for residential properties that are considered to be “routine applications”. This application has been deemed a “routine application” as this property is located in the middle of an established neighbourhood and current zoning permits residential uses, subject to an approved Site Plan Application in the normal manner. Therefore, the standard conditions required to be registered on title that would require a building permit to be issued in conjunction with the demolition permit and the replacement building to be substantially completed within two years of the date of the demolition would apply in accordance with the By-law.

However, where the owner of the property does not agree with the conditions being imposed, Section 7 of the By-law requires the Chief Building Official to advise Council. Council then retains all power to: issue, including imposing the standard rebuild condition; issue without conditions or refuse to issue the demolition permit.

This Report is presented to Council as the owners are not in agreement with the recommended conditions as set out in the Demolition Control By-law.

***Alternatives for Consideration – See Page 3 of 4***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: Not Applicable.

Staffing: Not Applicable.

Legal: Not Applicable.

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**SUBJECT: Demolition Report – 1462 Upper James Street Hamilton – (PED21092)  
(Ward 8) - Page 3 of 4**

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**HISTORICAL BACKGROUND**

PRESENT ZONING: Mixed Use Medium Density C5 Zone (Zoning By-law 05-200).

PRESENT USE: Single Family Dwelling.

PROPOSED USE: Vacant Land.

BRIEF DESCRIPTION: This is a one storey single family dwelling which is on the vacant building register. Although it appears to be in a deteriorated condition nothing has been submitted to the Building Division declaring the dwelling to be unsafe. Additionally, this property is not on the City's Heritage inventory list.

This land is located in Ward 8. Please see Appendix "A" to Report PED21092.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Not applicable.

**RELEVANT CONSULTATION**

Not applicable.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Not applicable.

**ALTERNATIVES FOR CONSIDERATION**

Should the Committee wish to approve the demolition without imposing the conditions for a replacement dwelling, then the following recommendation may be appropriate:

That the Chief Building Official be authorized to issue a demolition permit for 1640 Upper James Street, Hamilton, in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of *The Planning Act* as amended, without having to comply with conditions 6(a), (b), and (c) of the Demolition Control By-law 09-208.

**SUBJECT: Demolition Report – 1462 Upper James Street Hamilton – (PED21092)  
(Ward 8) - Page 4 of 4**

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**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Community Engagement & Participation**

*Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.*

**Economic Prosperity and Growth**

*Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.*

**Healthy and Safe Communities**

*Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.*

**Built Environment and Infrastructure**

*Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.*

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” – Location Map

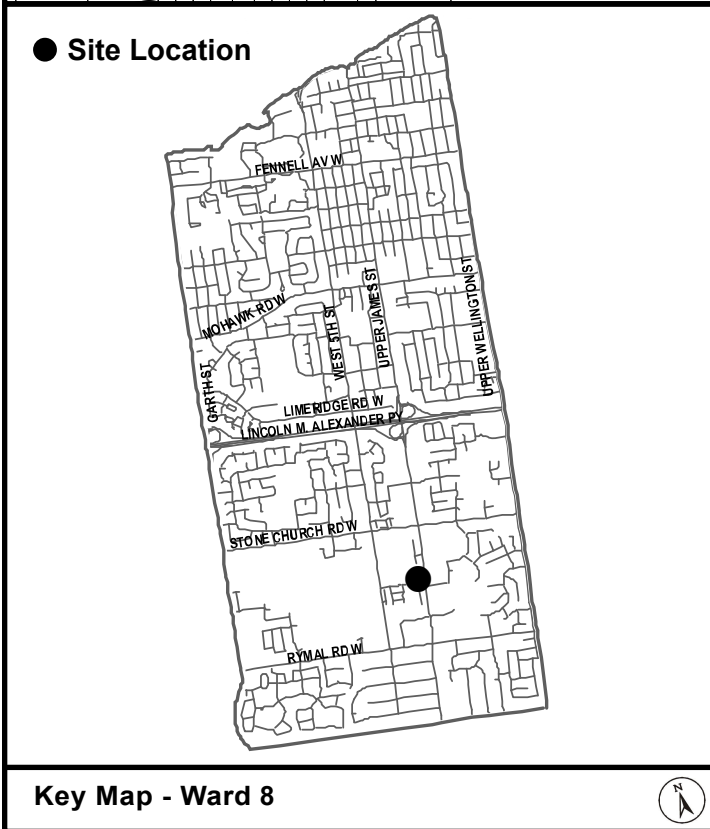
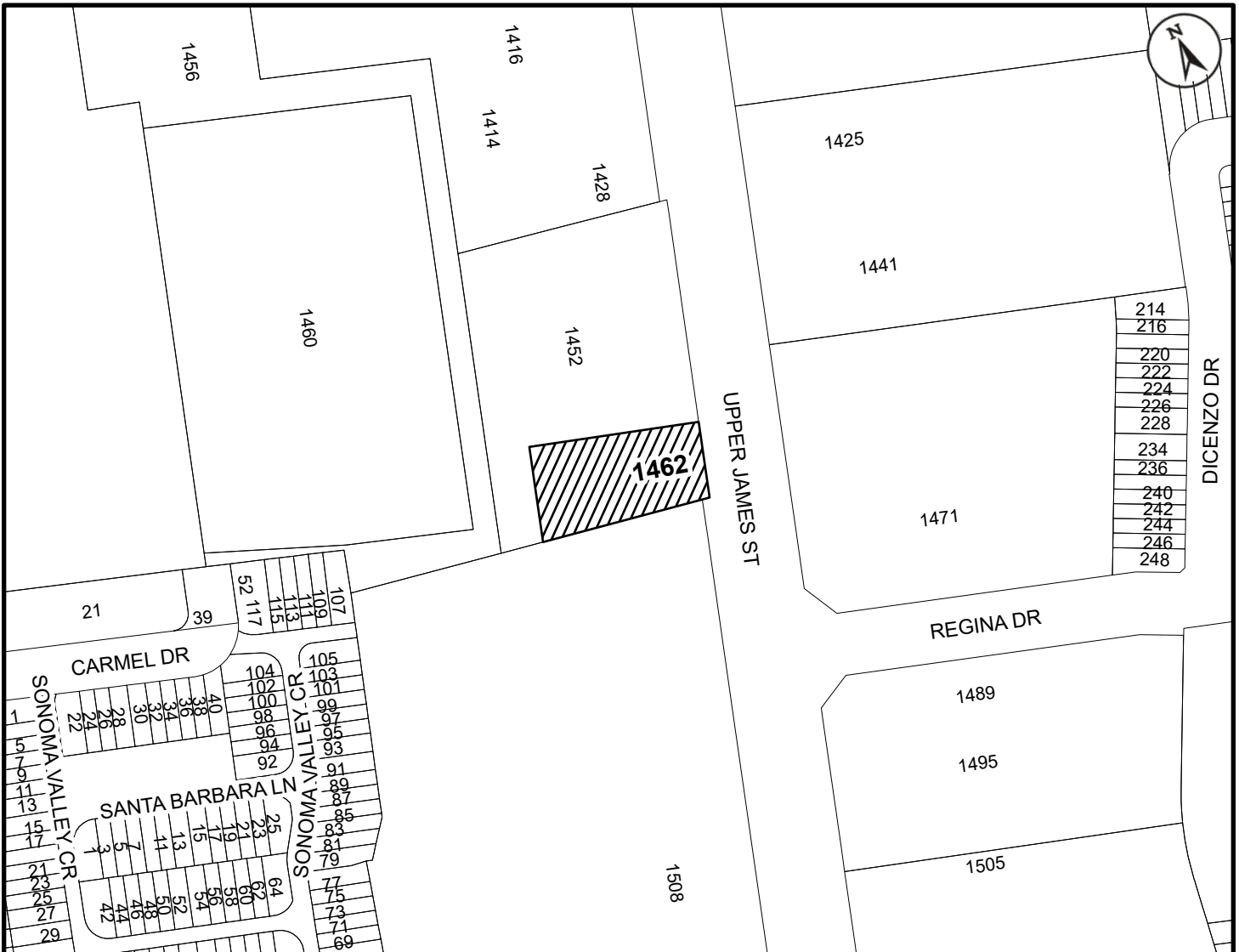
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## Location Map

  
**Hamilton**

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

<b>File Name/Number:</b> 1462 Upper James St	<b>Date:</b> April 13, 2021	
<b>Appendix "A"</b>	<b>Scale:</b> N.T.S	<b>Planner/Technician:</b> FP/NB

**Subject Property**

1462 Upper James Street, Hamilton  
 (Ward 8)



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>DATE:</b>	May 18, 2021
<b>SUBJECT/REPORT NO:</b>	Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21105) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Trudy Kennedy (905) 546-2424 Ext. 7557
<b>SUBMITTED BY:</b>	Steve Robichaud Director of Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**Council Direction:**

In accordance with the June 16, 2015 Planning Committee direction, this Report provides a status of all active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision applications relative to the statutory timeframe provisions of the *Planning Act* for non-decision appeals. In addition, this report also includes a list and status of all appendices appealed to the LPAT for non-decision.

**Background:**

Planning Division staff have been preparing and submitting on a monthly basis an Information Report to the Planning Committee on the status of all active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision applications relative to the 120 day or the 180 day statutory timeframe provisions of the *Planning Act* for non-decision appeals to the Planning Committee. The monthly report includes a table outlining the active applications, sorted by Ward, from oldest application to newest.

**Policy Implications and Legislative Requirements – Pre Bill 108**

In accordance with the *Planning Act*, prior to September 3, 2019, an applicant had the right to appeal to the LPAT an Official Plan Amendment application after 210 days

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**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21105) (City Wide) - Page 2 of 4**

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(subsection 17 (40)), Zoning By-law Amendment application after 150 days (subsection 34 (11)) and a Plan of Subdivision after 180 days (subsection 51 (34)).

In accordance with subsection 17(40.1) of the *Planning Act*, the City of Hamilton had extended the time period of Official Plan Amendment applications from 180 days to 270 days for applications received after July 1, 2016 as prescribed in Bill 73 and from 210 to 300 days for applications received after December 12, 2017 as prescribed in Bill 139. It should be noted that either the City or the applicant were able to terminate the 90-day extension period if written notice to the other party was received prior to the expiration of the 180 day or 210 day statutory timeframes.

In addition, Zoning By-law Amendment applications that were submitted with an Official Plan Amendment application were subject to the 210 day statutory timeframe.

**Policy Implications and Legislative Requirements – Post Bill 108**

On June 6, 2019, Bill 108 received Royal Assent, which reduced the statutory timeframes for non-decision appeals to the LPAT outlined in the *Planning Act* for Official Plan Amendments, Zoning By-law Amendments and Plans of Subdivision. The changes are applicable to complete applications received on or after September 3, 2019.

In accordance with the *Planning Act*, an applicant may appeal an Official Plan Amendment application to the LPAT for non-decision after 120 days (Subsection (40)), a Zoning By-law Amendment application after 90 days (Subsection 34 (11)) and a Plan of Subdivision after 120 days (Subsection 51 (34)). However, Zoning By-law Amendment applications that are submitted together with a required Official Plan Amendment application are also subject to the statutory timeframe of 120 days. The 90-day extension previously prescribed in Bills 73 and 139 is no longer applicable.

**Information:**

Staff were directed to report back to Planning Committee with a reporting tool that seeks to monitor applications where the applicable statutory timeframes apply. This reporting tool would be used to track the status of all active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications.

For the purposes of this Report, the status of active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision applications have been divided, relative to the statutory timeframe provisions of the *Planning Act*, that were in effect pursuant to statutory timeframes prescribed in Bill 73 and Bill 139 and new statutory timeframes prescribed in Bill 108.

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**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21105) (City Wide) - Page 3 of 4**

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**Applications Deemed Complete Prior to Royal Assent of Bill 139 (December 12, 2017)**

Attached as Appendix “A” to Report PED21105 is a table outlining the active applications received prior to December 12, 2017 sorted by Ward, from oldest application to newest. As of April 15, 2021, there were:

- 5 active Official Plan Amendment applications, all of which were submitted after July 1, 2016, and therefore subject to the 90 day extension to the statutory timeframe from 180 days to 270 days;
- 9 active Zoning By-law Amendment applications; and,
- 6 active Plan of Subdivision applications.

Within 60 to 90 days of May 18, 2021, all 9 development proposals have passed the applicable 120, 180 and 270 day statutory timeframes.

**Applications Deemed Complete After Royal Assent of Bill 139 (December 12, 2017)**

Attached as Appendix “B” to Report PED21105 is a table outlining the active applications received after December 12, 2017, but before Royal Assent of Bill 108, sorted by Ward, from oldest application to newest. As of April 15, 2021, there were:

- 10 active Official Plan Amendment applications, all of which are subject to the 90 day extension to the statutory timeframe from 210 days to 300 days;
- 20 active Zoning By-law Amendment applications; and,
- 8 active Plan of Subdivision applications.

Within 60 to 90 days of May 18, 2021, all 23 development proposals have passed the applicable 150, 180 or 300 day statutory timeframes.

**Applications Deemed Complete After Royal Assent of Bill 108 (September 3, 2019)**

Attached as Appendix “C” to Report PED21105 is a table outlining the active applications received after September 3, 2019, and subject to the new statutory timeframes, sorted by Ward, from oldest application to newest. As of April 15, 2021, there were:

- 20 active Official Plan Amendment applications;

**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21105) (City Wide) - Page 4 of 4**

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- 33 active Zoning By-law Amendment applications; and,
- 12 active Plan of Subdivision applications.

Within 60 to 90 days of May 18, 2021, 5 development proposals are approaching the 90 or 120 day statutory timeframe and will be eligible for appeal. Thirty-four development proposals have passed the 90 or 120 day statutory timeframe.

### **Planning Division Active Files**

Combined to reflect property addresses, there are 71 active development proposals. Twelve proposals are 2021 files (17%), 23 proposals are 2020 files (32%) and 36 proposals are pre-2020 files (51%).

Staff continue to work with the AMANDA Implementation Team to add enhancements to the database that will allow for the creation of more detailed reporting. As a result, future tables will include a qualitative analysis of the status of active applications. It is anticipated that these enhancements will be available in Q4, 2021 and this information will be incorporated into the monthly report to Council. Furthermore, the long-term goal of the Planning Division is to make this information available on an interactive map accessed through the City of Hamilton website.

### **Current Non-Decision Appeals to the Local Planning Appeal Tribunal (LPAT)**

At the February 2, 2021 Planning Committee meeting, Planning Committee requested that information be reported relating to development applications that have been appealed for non-decision to the LPAT. Attached as Appendix “D” to Report PED21105 is a table outlining development applications, along with the applicant/agent, that have been appealed for non-decision to the LPAT. There are currently 11 active appeals for non-decision. Third party appeals are not included in this information as Council has made a decision on the application.

### **Appendices and Schedules Attached:**

Appendix “A” - List of Active Development Applications (prior to December 12, 2017)  
 Appendix “B” - List of Active Development Applications (after December 12, 2017)  
 Appendix “C” - List of Active Development Applications (after September 3, 2019)  
 Appendix “D” - Planning Act Applications Currently Appealed to Local Planning Appeal Tribunal (LPAT)

TK:mo



**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective April 15, 2021)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of May 18, 2021
<b>Ward 7</b>									
UHOPA-17-31 ZAC-17-071	1625 - 1655 Upper James St., Hamilton	27-Sep- 17	n/a	02-Oct-17	25-Jan-18	n/a	24-Jun-18	MB1 Development Consulting Inc.	1329
<b>Ward 9</b>									
UHOPA-16-26 ZAC-16-065 25T-201611	478 & 490 First Rd. W., Stoney Creek	12-Oct- 16	n/a	02-Nov- 16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	1679
UHOPA-16-27 ZAC-16-066 25T-201612	464 First Rd. W., Stoney Creek	12-Oct- 16	n/a	02-Nov- 16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	1679
UHOPA-17-01 ZAC-17-001 25T-201701	15 Ridgeview Dr., Stoney Creek	02-Dec- 16	n/a	16-Dec- 16	01-Apr-17	31-May- 17	29-Aug- 17	A.J. Clarke & Associates Ltd.	1628
<b>Ward 10</b>									
ZAC-15-040	9 Glencrest Ave., Stoney Creek	02-Jul- 15	n/a	17-Jul-15	30-Oct-15	n/a	n/a	WEBB Planning Consultants Inc.	2147

**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective April 15, 2021)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of May 18, 2021
<b>Ward 10 Cont'd</b>									
UHOPA-17-05 ZAC-17-015 25T-201703	1, 19, 20, 21, 23, 27 & 30 Lakeside Dr. & 81 Waterford Cres., Stoney Creek	23-Dec- 16	n/a	17-Jan-17	22-Apr-17	21-Jun-17	19-Sep-17	IBI Group	1607
<b>Ward 12</b>									
ZAC-16-006 25T-201602	285, 293 Fiddlers Green Rd., Ancaster	23-Dec- 15	n/a	06-Jan-16	21-Apr-16	20-Jun-16	n/a	Liam Doherty	1973
ZAC-17-062	45 Secinaro Ave., Ancaster	28-Jul- 17	n/a	01-Aug- 17	25-Nov- 17	n/a	n/a	T. Johns Consultants Inc.	1390
<b>Ward 13</b>									
ZAC-17-064 25T-201710	655 Cramer Rd., Flamborough	09-Aug- 17	n/a	17-Aug- 17	07-Dec- 17	05-Feb-18	n/a	A.J. Clarke & Associates Ltd.	1378

**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective April 15, 2021)**

Active Development Applications

1. When an application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 120, 180 & 270 day timeframe commences on the date the new materials were submitted. In all other situations, the 120, 180 & 270 day timeframe commences the day the application was received.
  
- \* In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment applications by 90 days from 180 days to 270 days. However, applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 180 statutory timeframe

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective April 15, 2021)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of May 18, 2021
<b>Ward 2</b>									
UHOPA-18-004* ZAC-18-009	299 - 307 John St. S., Hamilton	22-Dec-17	n/a	19-Jan-18	n/a	n/a	18-Oct-18*	Urban Solutions Planning & Land Development	1243
ZAR-19-008	124 Walnut St. S., Hamilton	21-Dec-18	n/a	18-Jan-19	20-May-19	n/a	n/a	IBI Group	879
<b>Ward 6</b>									
ZAC-19-035	694 Pritchard Rd., Stoney Creek	08-May-19	n/a	21-May-19	05-Oct-19	n/a	n/a	Urban in Mind Planning Consultants	741
<b>Ward 7</b>									
ZAR-19-026	18 Miles Rd. Hamilton	01-Apr-19	n/a	18-Apr-19	29-Aug-19	n/a	n/a	A.J. Clarke & Associates Ltd.	778
ZAC-19-031	323 Rymal Rd. E., Hamilton	26-Apr-19	n/a	01-May-19	23-Sep-19	n/a	n/a	IBI Group	753

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective April 15, 2021)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of May 18, 2021
<b>Ward 8</b>									
ZAC-19-017	1020 Upper James St., Hamilton	28-Feb-19	n/a	11-Mar-19	28-Jul-19	n/a	n/a	Wellings Planning Consultants Inc.	810
<b>Ward 9</b>									
25T-2019003	15 Picardy Dr., Stoney Creek	25-Apr-19	n/a	29-May-19	n/a	22-Oct-19	n/a	IBI Group	754
<b>Ward 10</b>									
ZAC-18-049	860 and 884 Barton St., Stoney Creek	01-Oct-18	n/a	11-Oct-18	28-Feb-19	n/a	n/a	MHBC Planning Limited	960
UHOPA-18-025* ZAC-18-059	466-490 Highway No. 8, Stoney Creek	23-Nov-18	n/a	06-Dec-18	n/a	n/a	19-Sep-19*	SvN Architects + Planners	907

**Active Development Applications  
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<b>Ward 10 cont'd</b>									
UHOPA-19-003* ZAC-19-007 25T-2019001	238 Barton St., Stoney Creek	19-Dec-18	n/a	02-Jan-19	n/a	17-Jun-19	15-Oct-19*	A.J. Clarke & Associates Ltd.	881
25T-2019004	1288 Baseline Rd., Stoney Creek	06-May-19	n/a	09-May- 19	n/a	02-Nov- 19	n/a	IBI Group	743
<b>Ward 11</b>									
UHOPA-18-016* ZAC-18-040 25T-2018007	9511 Twenty Rd. W., Glanbrook	10-Jul-18	n/a	15-Aug- 18	n/a	06-Jan-19	06-May-19*	Corbett Land Strategies	1043
<b>Ward 12</b>									
ZAC-18-048 25T-2018009	387, 397, 405 and 409 Hamilton Dr., Ancaster	09-Sep-18	n/a	28-Sep-18	06-Feb-19	08-Mar- 19	n/a	Fothergill Planning & Development Inc.	982

**Active Development Applications  
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<b>Ward 12 cont'd</b>									
25T-2018006	140 Glancaster Rd., Glanbrook	05-Jul-18	n/a	08-Nov-18	n/a	01-Jan-19	n/a	MHBC Planning Limited	922
UHOPA-18-022* ZAC-18-056 25T-2018010	26 Southcote Rd., Ancaster	05-Nov-18	n/a	15-Nov-18	n/a	04-May-19	01-Sep-19*	A.J. Clarke & Associates Ltd.	925
UHOPA-18-024* ZAC-18-058	154 Wilson St. E., Ancaster	28-Nov-18	n/a	10-Dec-18	n/a	n/a	24-Sep-19*	Urban Solutions Planning & Land Development	902
UHOPA-19-002* ZAC-19-002	1173 and 1203 Old Golf Links Rd., Ancaster	03-Dec-18	n/a	01-Dec-18	n/a	n/a	29-Sep-19*	A.J. Clarke & Associates Ltd.	897

**Active Development Applications  
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(Effective April 15, 2021)**

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<b>Ward 14</b>									
ZAR-19-006	1269 Mohawk Rd., Ancaster	14-Dec-18	n/a	11-Jan-19	13-May-19	n/a	n/a	MBI Development Consulting INC.	886
ZAC-19-011	1933 Old Mohawk Rd., Ancaster	12-Dec-18	n/a	10-Jan-19	11-May-19	n/a	n/a	Urban Solutions Planning & Land Development	888
ZAC-19-021	974, 980 Upper Paradise Rd., Hamilton	18-Mar-19	n/a	22-Mar-19	15-Aug-19	n/a	n/a	T. Johns Consulting Group	792
<b>Ward 15</b>									
RHOPA-18-020* ZAC-18-045	173 & 177 Dundas St. E., Flamborough	23-Jul-18	n/a	15-Aug-18	n/a	n/a	19-May-19*	MHBC Planning Limited	1030
RHOPA-19-102* ZAC-19-044 25T-201905	30, 36 & 42 Dundas St. E. & 522 Highway 6, Flamborough	10-Jun-19	n/a	08-Jul-19	n/a	08-Oct-19	05-Apr-20*	MHBC Planning Limited	708



**Active Development Applications  
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UHOPA-19-013* ZAC-19-046	10 Mallard Trail, Flamborough	24-Jun-19	n/a	26-Jun-19	n/a	22-Oct-19	19-Apr-20*	GSP Group	694

Active Development Applications

1. When an application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 150, 180, 210 & 300 day timeframe commences on the date the new materials were submitted. In all other situations, the 150, 180, 210 & 300 day timeframe commences the day the application was received.
- \* In accordance with Section 34 (11.0.0.0.1), of the *Planning Act*, the approval period for Zoning By-law Amendment applications submitted concurrently with an Official Plan Amendments, will be extended to 210 days.
- \* In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment applications by 90 days from 210 days to 300 days. However, applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 210 statutory timeframe.

**Active Development Applications  
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<b>Ward 1</b>								
UHOPA-20-003 ZAR-20-008	354 King St. W., Hamilton	20-Dec-19	n/a	21-Jan-20	n/a	18-Apr-20	GSP Group	515
UHOPA-20-012 ZAC-20-016	1107 Main St. W., Hamilton	13-Feb-20	n/a	13-Mar-20	n/a	12-Jun-20	Bousfields Inc.	460
<b>Ward 2</b>								
UHOPA-20-001 ZAR-20-001	383 and 383 1/2 Hughson St. N., Hamilton	29-Nov-19	n/a	29-Dec-19	n/a	28-Mar-20	T. Johns Consulting Group	536
UHOPA-20-008 ZAR-20-013	222-228 Barton St. E., and 255 - 265 Wellington St. N. Hamilton	20-Dec-19	n/a	17-Jan-20	n/a	18-Apr-20	Urban Solutions Planning and Land Development	415
UHOPA-20-015 ZAC-20-027	179 – 189 Catharine St. N., Hamilton	07-Jul-20	n/a	22-Jul-20	n/a	04-Nov-20	IBI Group	315
UHOPA-20-025 ZAC-20-038	115 George St. & 220-222 Main St. W., Hamilton	04-Sep-20	n/a	28-Sep-20	n/a	02-Jan-21	GSP Group	256

**Active Development Applications  
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(Effective April 15, 2021)**

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<b>Ward 2 con't</b>								
UHOPA-21-007 ZAC-21-014	101 Hunter St E., Hamilton	23-Mar-21	n/a	8-Apr-21	n/a	21-Jul-21	Coletara Developments	56
<b>Ward 7</b>								
ZAC-20-033	1411 & 1415 Upper Wellington St. Hamilton	05-Aug-20	n/a	02-Sep-20	03-Nov-20	n/a	T. Johns Consulting Group	286
25T-202004	4 Vickers Rd., Hamilton	12-Aug-20	n/a	9-Sep-20	n/a	10-Dec-20	The Biglieri Group	279
UHOPA-20-021 ZAC-20-037 25T-202006	544 & 550 Rymal Rd. E., Hamilton	11-Sep-20	n/a	11-Oct-20	n/a	09-Jan-20	Rymal East Development Corp.	249
UHOPA-21-005 ZAC-21-009 25T-202104	311 and 313 Stone Church Rd. E., Hamilton	14-Dec-20	n/a	22-Jan21	n/a	13-Apr-21	Urban Solutions Planning and Land Development	155

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective April 15, 2021)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> Deemed Complete	90 day cut off (Rezoning)	120 day cut off (OPA or Plan of Sub)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of May 18, 2021
<b>Ward 8</b>								
ZAC-19-056	11 Springside Cres., Hamilton	26-Nov-19	n/a	06-Dec-19	25-Mar-20	n/a	Urban In Mind Planning Consultants	539
ZAC-20-018	212 and 220 Rymal Rd. W., Hamilton	20-Feb-20	n/a	16-Mar-20	19-Jun-20	n/a	T. Johns Consulting Group	453
UHOPA-20 -016 ZAC-20-028	15-21 Stone Church Rd. E., Hamilton	16-Jul-20	n/a	30-Jul-20	n/a	13-Nov-20	GSP Group	306
UHOPA-20-017 ZAC-20 029 25T-202003	393 Rymal Rd. W., Hamilton	20-Jul-20	n/a	19-Aug-20	n/a	17-Nov-20	GSP Group	302
<b>Ward 9</b>								
ZAC-20-004	329 Highland Rd. W., Stoney Creek	20-Dec-19	n/a	16-Jan-20	18-Apr-20	n/a	WEBB Planning Consultants Inc.	515
UHOPA-20-010 ZAC-20-015 25T-200303R	2080 Rymal Rd. E., Glanbrook	20-Dec-19	20-Jan-20	31-Jan-20	n/a	19-May-20	A.J. Clarke & Associates Ltd.	473

**Active Development Applications  
Deemed Complete After September 3, 2019  
(Effective April 15, 2021)**

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<b>Ward 9 con't</b>								
ZAC-20-026	250 First Rd. W., Stoney Creek	20-Jul-20	n/a	24-Jul-20	30-Sep-20	n/a	Urban Solutions Planning and Land Development	320
<b>Ward 10</b>								
ZAC-19-036	564 Fifty Rd., Stoney Creek	08-May-19	28-May-19	16-Mar-20	n/a	n/a	DeFilippis Design	428
UHOPA-21-004 ZAC-21-008	1290 South Service Rd. Stoney Creek	25-Dec-20	n/a	21-Jan-21	n/a	24-Apr-21	IBI Group	144
<b>Ward 11</b>								
RHOPA-19-007 ZAC-19-028	3355 Golf Club Rd., Glanbrook	18-Apr-19	16-May-19	21-Oct-19	n/a	20-Feb-20	Corbett Land Strategies Inc.	575

**Active Development Applications  
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<b>Ward 11 cont'd</b>								
ZAS-20-019	9255 Airport Rd., Glanbrook	25-Feb-20	n/a	16-Mar-20	25-May-20	n/a	The MBTW Group	448
25T-202002	9326 and 9322 Dickenson Rd., Glanbrook	16-May-20	n/a	09-Apr-20	n/a	07-Aug-20	WEBB Planning Consultants Inc.	431
25T-202007	3311 Homestead Dr., Glanbrook	07-Oct-20	n/a	15-Oct-20	n/a	21-Feb-21	Wellings Planning Consultants	223
UHOPA-21-001 ZAC-21-001 25T-202101	3169 Fletcher Rd. Glanbrook	14-Dec-20	n/a	12-Jan-21	n/a	12-May-21	A.J. Clarke & Associates Ltd.	155
UHOPA-21-006 ZAC-21-011	582 & 584 Hwy. 8, Stoney Creek	08-Feb-21	n/a	08-Mar-21	n/a	21-Jul-21	SIMNAT Consulting Inc.	99

**Active Development Applications  
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(Effective April 15, 2021)**

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<b>Ward 12</b>								
25T-200720R (2019 File)	1020 Osprey Dr., Ancaster	15-Apr-19	30-Aug-19	11-Dec-19	n/a	02-Apr-20	Coltara Development / 1892757 ONTARTO INC.	524
UHOPA-20-009 ZAC-20-014	281 Hamilton Dr., Ancaster	20-Dec-19	n/a	22-Jan-20	n/a	18-Apr-20	A.J. Clarke & Associates Ltd.	515
UHOPA-20-013 ZAC-20-017	210 Calvin St., Ancaster	18-Feb-20	04-Mar-20	11-Jun-20	n/a	09-Oct-20	SGL Planning & Design Inc.	341
ZAC-20-024	140 Wilson St. W., Ancaster	15-Jun-20	n/a	02-Jul-20	13-Sep-20	n/a	A.J. Clarke & Associates Ltd.	337
25T-202102	370 Garner Rd. E., Ancaster	18-Dec-20	n/a	22-Jan-21	n/a	17-Apr-21	A.J. Clarke & Associates Ltd.	151
UHOPA-21-002 ZAC-21-002	327 and 335 Wilson St. E., Ancaster	23-Dec-20	n/a	15-Jan-21	n/a	22-Apr-21	T. Johns Consulting Group	146

**Active Development Applications  
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<b>Ward 12 con't</b>								
25T-202105	700 Garner Rd. E., Ancaster	18-Jan-21	n/a	04-Feb-21	n/a	18-May-21	MHBC Planning Ltd.	120
ZAR-21-015	365 Springbrook Drive, Ancaster	25-Mar-21	n/a	9-Apr-21	23-Jun-21	n/a	GSP Group	54
<b>Ward 13</b>								
ZAR-20-036	321 Hatt St. Dundas	27-Aug-20	n/a	24-Sep-20	25-Nov-20	n/a	Robert Russell Planning	264
ZAC-21-003	125 Pirie Dr. Dundas	23-Dec-20	n/a	22-Jan-21	23-Mar-21	n/a	Wellings Planning Consultants	146



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<b>Ward 15</b>								
ZAC-20-006	518 Dundas St. E., Dundas	23-Dec-19	n/a	22-Jan-20	n/a	21-Apr-20	Urban Solutions Planning and Land Development	512
UHOPA-21-003 ZAC-21-007 25T-202103	562 Dundas St. E., Flamborough	23-Dec-20	n/a	08-Feb-21	n/a	22-Apr-21	Metropolitan Consulting Inc.	146
ZAC-21-017	265 Mill St S., Flamborough	8-Apr-21	n/a	12-Apr-21	7-Jul-21	n/a	IBI Group	40

Active Development Applications

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**Planning Act Applications  
Currently Appealed for Non-Decision to the  
Local Planning Appeal Tribunal (LPAT)  
(Effective April 15, 2021)**

Ward	Address	Applicant /Agent	Date Appeal Received
<b>Ward 1</b>			
1	69 Sanders Blvd. & 1630 Main St. W., Hamilton	Urban Solutions Planning and Land Development Consultants Inc.	October 2020
1	1190 Main St. W., 43, 47, 51 & 55 Forsyth Ave. S., 75, 77, 81, 83, 99, 103, 107, 111, 115 Traymore Ave. & 50 Dalewood Ave., Hamilton	Bousfields Inc.	March 2018
<b>Ward 2</b>			
2	195 Wellington St. S., Hamilton	Bousfields Inc.	November 2017
<b>Ward 9</b>			
9	157 Upper Centennial Parkway, Stoney Creek	WEBB Planning Consultants Inc.	September 2017
<b>Ward 10</b>			
10	261 King St. E., Hamilton	GSP Group	November 2017
<b>Ward 11</b>			
11	3033, 3047, 3055 & 3063 Binbrook Rd., Glanbrook (Binbrook)	GSP Group	August 2017

**Planning Act Applications  
Currently Appealed for Non-Decision to the  
Local Planning Appeal Tribunal (LPAT)  
(Effective April 15, 2021)**

Ward	Address	Applicant /Agent	Date Appeal Received
<b>Ward 13</b>			
13	73-89 Stone Church Rd. W. & 1029 West 5 <sup>th</sup> St., Hamilton	Urban Solutions Planning and Land Development Consultants Inc.	July 2020
<b>Ward 15</b>			
15	609 and 615 Hamilton St. N., 3 Nesbit Blvd. & 129 – 137 Trudell Cir., Flamborough (Waterdown)	Urban Solutions Planning and Land Development Consultants Inc.	October 2017
15	157 Parkside Dr. (a.k.a. 909 North Waterdown Rd.), Flamborough (Waterdown)	MHBC Planning	March 2020
15	34 11 <sup>th</sup> Concession Rd. West and 1800 Highway 6, Flamborough	2417985 Ontario Inc & 2417972 Ontario Inc.	July 2017
15	111 Silverwood Drive (111 Parkside Drive, Flamborough (Waterdown)	Metropolitan Consulting Inc.	October 2017



## Hamilton

### **HAMILTON MUNICIPAL HERITAGE COMMITTEE**

**Report 21-003**

**9:30 a.m.**

**Friday, April 30, 2021**

**Hamilton City Hall**

**71 Main Street West**

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**Present:** Councillor M. Pearson  
A. Denham-Robinson (Chair), D. Beland, J. Brown, K. Burke, G. Carroll, C. Dimitry (Vice-Chair), B. Janssen, L. Lunsted, R. McKee, T. Ritchie and W. Rosart

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#### **THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 21-003 AND RESPECTFULLY RECOMMENDS:**

- 1. Inventory and Research Working Group Recommendations respecting 322 Mt. Albion Road, Hamilton (Item 10.1)**
  - (a) That property located at 322 Mt Albion Road be added to the Municipal Heritage Register; and
  - (b) That the property located at 322 Mt Albion Road be added to the Staff Work Plan for Heritage Designation Under the *Ontario Heritage Act*
- 2. Membership of the Heritage Permit Review Sub-Committee (Added Item 11.1)**

WHEREAS, the Heritage Permit Review Sub-Committee has two vacancies in its current membership;

WHEREAS, members of the Hamilton Municipal Heritage Committee are permitted to sit on the Heritage Permit Review Sub-Committee;

WHEREAS, members of the Heritage Permit Review Sub-Committee have asked Hamilton Municipal Heritage Committee members for an additional member ; and

WHEREAS, additions to memberships must be approved by Council

THEREFORE BE IT RESOLVED:

That the appointments of K. Burke and G. Carroll as a members of the Heritage Permit Review Sub-Committee, be referred to Council for their consideration.

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 2)**

The Clerk advised the Committee of the following changes:

5. COMMUNICATIONS

- 5.2. Correspondence from Chris Redmond, President, Durand Neighbourhood Association respecting the Absence of a Heritage Permit for the Property Located at 51 Herkimer Street, Hamilton (The Manse)

7. CONSENT ITEMS

- 7.2. Heritage Permit Review Sub-Committee Minutes - March 16, 2021
- 7.3. Inventory and Research Working Group Meeting Notes - March 22, 2021

8. STAFF PRESENTATIONS

- 8.1. Hamilton 175 Update

12. NOTICES OF MOTION

- 12.1. Membership of the Heritage Permit Review Sub-Committee

The Agenda for the April 30, 2021 Hamilton Municipal Heritage Committee was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 3)**

No declarations of interest were made.

**(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**

**(i) March 26, 2021 (Item 4.1)**

The Minutes of the March 26, 2021 meeting of the Hamilton Municipal Heritage Committee were approved, as presented.

**(d) COMMUNICATIONS ITEMS (Item 5)**

The following Communications were approved, as amended:

**(i) Council Follow Up Notice respecting City Council Meeting – April 14, 2021 – Hamilton Municipal Heritage Committee Report 21-002 (Item 5.1)**

Recommendation: Be received.

**(ii) Correspondence from Chris Redmond, President, Durand Neighbourhood Association respecting the Absence of a Heritage Permit for the Property Located at 51 Herkimer Street, Hamilton (The Manse) (Added Item 5.2)**

Recommendation: Be received and *referred to the Policy and Design Working Group for consideration.*

**(e) CONSENT ITEMS (Item 7)**

The following items were received:

**(i) Heritage Permit Designations - Delegated Approvals (Item 7.1)**

**(a)** Heritage Permit Application HP2021-007, Proposed construction of a one storey, 630 square foot, rear addition to 37 Mill Street North, Flamborough (Ward 15), located within the Mill Street Heritage Conservation District (Bylaw No. 96-34-H) (Item 7.1(a))

**(b)** Heritage Permit Application HP2021-008: Low-pressure cleaning and removal of rust stains from exterior lower-floor walls of the James Street South facades at 36 - 42 James Street South, Hamilton (Ward 2) (Designation By-law Numbers 84-67 and 84-68) (Item 7.1(b))

**(c)** Heritage Permit Application HP2021-009: Repair of parapet walls and replacement of eavestroughs at 323-325 Dundas Street East, Flamborough (Ward 15), located within the Mill Street Heritage Conservation District (By-law No. 96-34-H) (Item 7.1(c))

- (d) Heritage Permit Application HP2021-010: Installation of exterior signage for the new retail store at 5 Mill Street South, Waterdown (Ward 15), located within the Mill Street Heritage Conservation District (By-law No. 96-34-H) (Item 7.1(d))
  - (ii) Heritage Permit Review Sub-Committee Minutes - March 16, 2021 (Added Item 7.2)
  - (iii) Inventory and Research Working Group Meeting Notes - March 22, 2021 (Added Item 7.3)
- (f) STAFF PRESENTATION (Item 8)**

**(i) Hamilton 175 Update (Added Item 8.1)**

John Summers, Manager, Heritage Resource Management and Cynthia Roberts, Heritage Presentation Coordinator, addressed the Committee with a Hamilton 175 Update, with the aid of a PowerPoint presentation. A copy of the presentation has been included in the official record.

The Presentation respecting a Hamilton 175 Update, was received.

**(g) VIRTUAL PUBLIC DELEGATIONS (Item 9)**

The following Virtual Public Delegations were received:

**(i) Adam Colalillo respecting the Proposed Inclusion of 322 Mt Albion Rd, Hamilton on the Municipal Heritage Register and to the Staff Work Plan for Heritage Designation (Added Item 9.1)**

Adam Colalillo addressed the Committee respecting the Proposed Inclusion of 322 Mt Albion Rd, Hamilton on the Municipal Heritage Register and to the staff work plan for heritage designation. He requested that the property not be added to the Municipal Heritage Register and to the Staff Work Plan for Heritage Designation.

For further disposition of the matter, refer to Item 1

**(h) DISCUSSION ITEM (Item 10)**

**(i) Inventory and Research Working Group Recommendations respecting 322 Mt. Albion Road, Hamilton (Item 10.1)**

J. Brown wished to be recorded as OPPOSED to sub-section (b) of the recommendations:

- (b) That the property located at 322 Mt Albion Road be added to the Staff Work Plan for Heritage Designation Under the *Ontario Heritage Act*

For further disposition of this item, refer to Item 1.

**(i) MOTION (Item 11)**

**(i) Membership of the Heritage Permit Review Sub-Committee (Added Item 11.1)**

The recommendation respecting the Membership of the Heritage Permit Review Sub-Committee, was amended by adding the name G. Carroll as an additional member of the Heritage Permit Review Sub-Committee.

For further disposition, refer to Item 2

**(j) NOTICE OF MOTION (Item 12)**

**(i) Membership of the Heritage Permit Review Sub-Committee (Added Item 12.1)**

The rules of order were waived to allow for the introduction of a motion respecting the Membership of the Heritage Permit Review Sub-committee.

For further disposition, refer to Items 1 and (i)(i)

**(k) GENERAL INFORMATION / OTHER BUSINESS (Item 13)**

**(i) Buildings and Landscapes (Item 13.1)**

The Former St. Giles Church, located at 679 Main Street East, and 85 Holton Street South, Hamilton was added to the Endangered Buildings and Landscapes (RED) list and be monitored by D. Beland.

The property located at 179 Mary Street, Hamilton, was added to the Heritage Properties Update (GREEN) list and be monitored by T. Ritchie.

**(Carroll/Brown)**

That the following updates be received:

**(a) Endangered Buildings and Landscapes (RED):  
(Red = Properties where there is a perceived immediate threat to heritage resources through: demolition; neglect; vacancy; alterations, and/or, redevelopment)**

- (i) Tivoli, 108 James Street North, Hamilton (D) – T. Ritchie



- (ii) Andrew Sloss House, 372 Butter Road West, Ancaster (D) – C. Dimitry
  - (iii) Century Manor, 100 West 5th Street, Hamilton (D) – G. Carroll
  - (iv) 18-22 King Street East, Hamilton (D) – W. Rosart
  - (v) 24-28 King Street East, Hamilton (D) – W. Rosart
  - (vi) 2 Hatt Street, Dundas (R) – K. Burke
  - (vii) James Street Baptist Church, 98 James Street South, Hamilton (D) – J. Brown
  - (viii) Long and Bisby Building, 828 Sanatorium Road – G. Carroll
  - (ix) 120 Park Street, Hamilton (R) – R. McKee
- Staff have been asked to follow-up with Property Standards regarding the state of the windows.
- (x) 398 Wilson Street East, Ancaster (D) – C. Dimitry
  - (xi) Lampman House, 1021 Garner Road East, Ancaster (NOID) – C. Dimitry
  - (xii) Cathedral Boys School, 378 Main Street East, Hamilton (R) – T. Ritchie
  - (xiii) Firth Brothers Building, 127 Hughson Street North, Hamilton (NOID) – T. Ritchie
  - (xiv) Auchmar Gate House, Claremont Lodge 71 Claremont Drive (R) – R. McKee
  - (xv) 80 to 92 Barton Street East (Hanrahan Hotel) – T. Ritchie
  - (xvi) Television City, 163 Jackson Street West – J. Brown
  - (xvii) 1932 Wing of the Former Mount Hamilton Hospital, 711 Concession Street – G. Carroll
  - (xviii) 215 King Street West, Dundas – K. Burke
  - (xix) Former St. Giles Church, located at 679 Main Street East, and 85 Holton Street South – D. Beland

**(b) Buildings and Landscapes of Interest (YELLOW):**

**(Yellow = Properties that are undergoing some type of change, such as a change in ownership or use, but are not perceived as being immediately threatened)**

- (i) Delta High School, 1284 Main Street East, Hamilton (D) – D. Beland
- (ii) 2251 Rymal Road East, Stoney Creek (R) – B. Janssen
- (iii) Former Valley City Manufacturing, 64 Hatt Street, Dundas (R) – K. Burke
- (iv) St. Joseph’s Motherhouse, 574 Northcliffe Avenue, Dundas (ND) – W. Rosart
- (v) Copley Building, 104 King Street West; 56 York Blvd., and 63-76 MacNab Street North (NOI) – G. Carroll
- (vi) Dunington-Grubb Gardens, 1000 Main Street East (within Gage Park) (R) – D. Beland
- (vii) St. Clair Blvd. Conservation District (D) – D. Beland
- (viii) 52 Charlton Avenue West, Hamilton (D) – J. Brown
- (ix) 292 Dundas Street East, Waterdown (R) – L. Lunsted
- (x) Chedoke Estate (Balfour House), 1 Balfour Drive, Hamilton (R) – T. Ritchie
- (xi) Binkley property, 50-54 Sanders Blvd., Hamilton (R) - J. Brown
- (xii) 62 6<sup>th</sup> Concession East, Flamborough (I) - L. Lunsted
- (xiii) Beach Canal Lighthouse and Cottage (D) – R. McKee
- (xiv) Cannon Knitting Mill, 134 Cannon Street East, Hamilton (R) – T. Ritchie  
  
Boarding has appeared around the perimeter of the property
- (xv) 1 Main Street West, Hamilton – W. Rosart
- (xvi) 54 Hess Street South, Hamilton – J. Brown

**(c) Heritage Properties Update (GREEN):**

**(Green = Properties whose status is stable)**

- (i) The Royal Connaught Hotel, 112 King Street East, Hamilton (R) – T. Ritchie
- (ii) Auchmar, 88 Fennell Avenue West, Hamilton (D) – R. McKee
- (iii) Treble Hall, 4-12 John Street North, Hamilton (R) – T. Ritchie
- (iv) 104 King Street West, Dundas (Former Post Office) (R) – K. Burke
- (v) 45 Forest Avenue, Hamilton – G. Carroll
- (vi) 125 King Street East, Hamilton – T. Ritchie
- (vii) 179 Mary Street, Hamilton – T. Ritchie

**(d) Heritage Properties Update (black):**

**(Black = Properties that HMHC have no control over and may be demolished)**

No properties.

**(I) ADJOURNMENT (Item 15)**

There being no further business, the Hamilton Municipal Heritage Committee, adjourned at 11:41 a.m.

Respectfully submitted,

Alissa Denham-Robinson, Chair  
Hamilton Municipal Heritage Committee

Loren Kolar  
Legislative Coordinator  
Office of the City Clerk



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 18, 2021
<b>SUBJECT/REPORT NO:</b>	Application for a Zoning By-law Amendment for lands located at 974 and 980 Upper Paradise Road and Blocks 131, 132, 133 and 134 of Registered Plan 62M-1085 (Hamilton) (PED21086) (Ward 14)
<b>WARD(S) AFFECTED:</b>	Ward 14
<b>PREPARED BY:</b>	Emily Bent (905) 546-2424 Ext. 2266
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION(S)**

- a) That **Zoning By-law Amendment application ZAC-19-021, by T. Johns Consulting Group Ltd. on behalf of Winzen Ancaster Residential Homes Ltd., (Owner)**, for changes in zoning from “C/S-1534” and “C/S-1788” (Urban Protected Residential Etc.) District, Modified to “C/S-1534-H” (Urban Protected Residential, Etc.) District, Modified, Holding (Block 1); from “AA” (Agricultural) District to “C/S-1534a-H” (Urban Protected Residential, Etc.) District, Modified, Holding (Block 2); from “AA” (Agricultural) District to “C-H” (Urban Protected Residential, Etc.) District, Holding (Block 3); and from “AA” (Agricultural) District to “C” (Urban Protected Residential, Etc.) District (Block 4) to facilitate the creation of four lots fronting onto Woodvalley Court, as well as the creation of one new lot fronting onto Upper Paradise Road, for the lands located at 974 and 980 Upper Paradise Road and Blocks 131-134 of Registered Plan 62M-1085, as shown on Appendix “A” to Report PED21086, be **APPROVED**, on the following basis:

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**SUBJECT: Zoning By-law Amendment for lands located at 974 and 980 Upper Paradise Road and Blocks 131, 132, 133 and 134 of Registered Plan 62M-1085, Hamilton (PED21086) (Ward 14) - Page 2 of 21**

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- (i) That the draft By-law, attached as Appendix “B” to Report PED21086, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) 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 ‘H’ as a suffix to the proposed zoning for a portion of 974 Upper Paradise Road and Blocks 131, 132, 133 and 134 of Registered Plan 62M-1085, as shown on Schedule “A” of Appendix “B” to Report PED21086.

The Holding Provisions “C/S-1534-H” (Urban Protected Residential Etc.) District, Modified, Holding, “C/S-1534a-H” (Urban Protected Residential Etc.) District, Modified, Holding and “C-H” (Urban Protected Residential Etc.) District, Modified, Holding be removed:

- (1) upon the completion of the required upgrades to the City’s sanitary infrastructure (Twenty Road Pumping Station) to the satisfaction of the Senior Director of Growth Management.
- (iii) That the proposed changes in zoning comply with the Urban Hamilton Official Plan.

### **EXECUTIVE SUMMARY**

The subject property is municipally known as 974 and 980 Upper Paradise Road and Blocks 131, 132, 133 and 134 of Registered Plan 62M-1085 (Paradise Green), Hamilton. The owner, Winzen Ancaster Residential Homes Ltd., has applied for a Zoning By-law Amendment to Hamilton Zoning By-law No. 6593 that will allow for the creation of a total of seven lots comprised of four lots fronting onto Woodvalley Court and one new lot and two lots for the residential uses, for a total of three lots fronting onto Upper Paradise Road.

Single detached dwellings will be constructed on the proposed lots. The existing dwelling at 980 Upper Paradise Road is intended to remain, while the existing dwelling at 974 Upper Paradise will be demolished and replaced with a new single detached dwelling.

Blocks 131, 132, 134 and 134 of Registered Plan 62M-1085, part of the Paradise Green Subdivision, are vacant. The remnant parcels could not be developed without land assembly. As part of the plan to develop Blocks 131, 132, 133 and 134, these lands will be assembled with 974 and 980 Upper Paradise Road.

**SUBJECT: Zoning By-law Amendment for lands located at 974 and 980 Upper Paradise Road and Blocks 131, 132, 133 and 134 of Registered Plan 62M-1085, Hamilton (PED21086) (Ward 14) - Page 3 of 21**

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The applicant has requested that the existing site specific zoning on the adjacent lands be applied to the subject lands to create a consistent built form.

A Holding Provision will apply to the proposed zoning of Blocks 1, 2 and 3 to ensure that orderly development occurs. Specifically, the lands cannot be developed until such time as the upgrades to the City's sanitary infrastructure (Twenty Road Pumping Station) are completed. The existing dwelling of 980 Upper Paradise and the replacement of the existing dwelling at 974 Upper Paradise Road will not be subject to the holding provision as it is like-for-like replacement and would maintain the existing level of sanitary demand at the Twenty Road Pumping Station.

The proposed Zoning By-law amendment can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (PPS, 2020);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
- It complies with the Urban Hamilton Official Plan and the Falkirk West Neighbourhood Plan; and,
- It is compatible with and complementary to the existing and planned development in the immediate area.

**Alternatives for Consideration – See Page 20**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one public meeting to consider an application for an amendment to the Zoning By-law.

**HISTORICAL BACKGROUND**

**Report Fact Sheet:**

<b>Application Details</b>	
Applicant/Owner:	Winzen Ancaster Residential Homes Ltd.
File Number:	ZAC-19-021

**SUBJECT: Zoning By-law Amendment for lands located at 974 and 980 Upper Paradise Road and Blocks 131, 132, 133 and 134 of Registered Plan 62M-1085, Hamilton (PED21086) (Ward 14) - Page 4 of 21**

Type of Application:	Zoning By-law Amendment application
Proposal:	<p>Consolidate lands to facilitate four residential lots fronting onto Woodvalley Court and one new lot fronting onto Upper Paradise Road.</p> <p>The existing single detached dwelling at 974 Upper Paradise Road will be demolished and a new dwelling constructed. The existing single detached dwelling at 980 Upper Paradise Road will remain.</p> <p>Therefore, the effect of the application is to allow for a total of seven lots for single detached dwellings.</p>
<b>Property Details</b>	
Municipal Address:	974 Upper Paradise Road, Hamilton 980 Upper Paradise Road, Hamilton Blocks 131, 132, 133 and 134 of Registered Plan 62M-1085, Hamilton
Lot Area Combined:	0.54 ha (5,410.5 m <sup>2</sup> ) approximately
Servicing:	Water service is available but sanitary infrastructure must be upgraded (Twenty Road Pumping Station) to service the lands.
Existing Use:	Two single detached dwellings and vacant land.
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019	The proposal conforms with A Place to Grow 2019, as amended.
Official Plan Existing:	Neighbourhoods on Schedule "E-1" – Urban Land Use Designations.



**SUBJECT: Zoning By-law Amendment for lands located at 974 and 980 Upper Paradise Road and Blocks 131, 132, 133 and 134 of Registered Plan 62M-1085, Hamilton (PED21086) (Ward 14) - Page 5 of 21**

Official Plan Proposed:	No change.
Falkirk West Neighbourhood Plan:	Neighbourhood Plan identifies the subject lands as “Single and Double” Residential.
Zoning Existing:	974 and 980 Upper Paradise Road: “AA” (Agricultural) District – Hamilton Zoning By-law No. 6593  Blocks 131, 132, 133 and 134 of Registered Plan 62M-1085: “C/S-1534” and “C/S-1788” (Urban Protected Residential Etc.) District, Modified – Hamilton Zoning by-law No. 6593.
Zoning Proposed:	“C/S-1534-H” (Urban Protected Residential Etc.) District, Modified, Holding (Block 1).  “C/S-1534a-H” (Urban Protected Residential Etc.) District, Modified, Holding (Block 2).  “C-H” (Urban Protected Residential, Etc.) District, Holding (Block 3).  “C” (Urban Protected Residential, Etc.) District (Block 4).
Modifications Proposed:	The applicant has requested the existing “C/S-1534” District, Modified zoning for Blocks 1 and 2, which will be implemented through the existing site specific for Block 1 and site specific S-1534a for Block 2. This zone is consistent across the neighbouring lots within Registered Plan 62M-1085 and will permit a similar built form through the following regulations: <ul style="list-style-type: none"> <li>• a front yard having a depth of not less than 3.0 m to the main wall of a dwelling; and,</li> <li>• a front yard having a depth of not less than 6.0 m to the garage carport.</li> </ul> <p>The applicant has requested the existing “C” District for Blocks 3 and 4.</p>

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**SUBJECT: Zoning By-law Amendment for lands located at 974 and 980 Upper Paradise Road and Blocks 131, 132, 133 and 134 of Registered Plan 62M-1085, Hamilton (PED21086) (Ward 14) - Page 6 of 21**

	Staff have applied a Holding Provision for Blocks 1, 2 and 3 for the completion of the required upgrades at the Twenty Road Pumping Station.
<b>Processing Details</b>	
Received:	March 18, 2019
Deemed Complete:	March 27, 2019
Notice of Complete Application:	Sent to 227 property owners within 120 m of the subject property on March 27, 2019.
Public Notice Sign:	March 27, 2019 and updated on April 7, 2021.
Notice of Public Meeting:	Sent to 227 property owners within 120 m of the subject property on April 16, 2021.
Public Consultation:	The applicant has posted relevant information related to the purpose and intent of the requested changes to the Zoning By-law on the subject lands and prepared a presentation for the statutory public meeting. The applicant also indicated that if concerns arose from the public, that an open house would be held. As no concerns were received after circulating the public notice, an open house was not held.
Public Comments:	None received
Processing Time:	713 days.

## Background

The subject lands are comprised of the properties municipally known as 974 and 980 Upper Paradise Road, Hamilton, as well as Blocks 131, 132, 133 and 134 of Registered Plan 62M-1085 (Paradise Green), Hamilton, which front onto Woodvalley Court. The Subdivision application 25T-200503 together with Zoning By-law amendment application ZAC-05-33 were approved in 2005 through staff report PED05116.

The proposal implements the lot pattern envisioned by the plan of subdivision, which proposed ten lots fronting onto Woodvalley Court. Presently, there are only six lots along Woodvalley Court. Blocks 131, 132, 134 and 134 of Registered Plan 62M-1085,

**SUBJECT: Zoning By-law Amendment for lands located at 974 and 980 Upper Paradise Road and Blocks 131, 132, 133 and 134 of Registered Plan 62M-1085, Hamilton (PED21086) (Ward 14) - Page 7 of 21**

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part of the Paradise Green Subdivision, are vacant and could not be developed without land assembly.

As part of the plan to develop Blocks 131, 132, 133 and 134, these lands will be assembled with the rear portions of 974 and 980 Upper Paradise Road. The lands will be divided into seven lots through future consent applications, with four lots created along Woodvalley Court, and three lots created along Upper Paradise Road.

**Existing Land Use and Zoning:**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Single detached dwellings	“AA” (Agricultural) District
	Vacant	“C/S-1534” and “C/S-1788” (Urban Protected Residential Etc.) District, Modified
<b>Surrounding Lands:</b>		
<b>North</b>	Single detached dwellings	“C/S-1788” (Urban Protected Residential Etc.) District, Modified, “D/S-587” and “D/S-1788” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified
<b>East</b>	Single detached dwellings	“C/S-1788” (Urban Protected Residential Etc.) District, Modified
<b>South</b>	Townhouses and single detached dwellings	“RT-20/S-1370” (Townhouse-Maisonette) District, Modified and “C/S-1370” (Urban Protected Residential Etc.) District, Modified and “C/S-1788” (Urban Protected Residential Etc.) District, Modified
<b>West</b>	Single detached dwellings	“C/S-1534” (Urban Protected Residential Etc.) District, Modified and “C/S-1788” (Urban Protected Residential Etc.) District, Modified

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**SUBJECT: Zoning By-law Amendment for lands located at 974 and 980 Upper Paradise Road and Blocks 131, 132, 133 and 134 of Registered Plan 62M-1085, Hamilton (PED21086) (Ward 14) - Page 8 of 21**

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## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Policy Statement (PPS, 2020)**

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Local Planning Appeal Tribunal (LPAT) approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of Provincial interest (i.e. efficiency of land use) are reviewed and discussed in the Official Plan analysis that follows.

### **Archaeology**

One exception to the local implementation of the Provincial planning policy framework is that the UHOP has not been updated with respect to cultural heritage policies of the PPS (2020). The following policy amongst others of the PPS 2020 applies:

- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

The subject property meets five of the ten criteria used by the City of Hamilton and the Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 250 m of known archaeological sites;
- 2) Within 300 m of a primary watercourse or permanent waterbody, 200 m of a secondary watercourse or seasonal waterbody, or 300 m of a prehistoric watercourse or permanent waterbody;
- 3) In an area of sandy soil in areas of clay or stone;
- 4) In the vicinity of distinctive or unusual landforms; and,
- 5) Along historic transportation routes.

**SUBJECT: Zoning By-law Amendment for lands located at 974 and 980 Upper Paradise Road and Blocks 131, 132, 133 and 134 of Registered Plan 62M-1085, Hamilton (PED21086) (Ward 14) - Page 9 of 21**

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These criteria define the subject property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to this application.

A Stage 1 and 2 archaeological report (P017-0677-2018) was prepared by Detritus Consulting Ltd dated January 25, 2019 and was submitted to the City and the Ministry of Heritage, Sport, Tourism and Culture Industries for review. The Province signed off on the reports for compliance with licensing requirements in a letter dated April 1, 2019. Therefore, the municipal interest in the archaeological potential of the subject property has been satisfied.

Based on staff's review, the application is:

- consistent with Section 3 of the *Planning Act*;
- consistent with the Provincial Policy Statement (2020); and,
- conforms to A Place to Grow Plan: Growth Plan for the Greater Golden Horseshoe 2019, as amended.

### **Urban Hamilton Official Plan**

The subject lands are designated as "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The following policies, amongst others, apply to the proposal.

### **Neighbourhoods**

- "E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.
- E.3.4.2 Low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade.
- E.3.4.3 Uses permitted in low density residential areas include single-detached, semidetached, duplex, triplex, and street townhouse dwellings.
- E.3.4.4 For low density residential areas the maximum net residential density shall be 60 units per hectare.
- E.3.4.5 For low density residential areas, the maximum height shall be three storeys.
- E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:

**SUBJECT: Zoning By-law Amendment for lands located at 974 and 980 Upper Paradise Road and Blocks 131, 132, 133 and 134 of Registered Plan 62M-1085, Hamilton (PED21086) (Ward 14) - Page 10 of 21**

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- a) Direct access from lots to adjacent to major or minor arterial roads shall be discouraged.
- c) A mix of lot widths and sizes compatible with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features; shall be encouraged. Development shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility.”

The proposal is consistent with the surrounding low density residential land uses. The proposed single detached dwellings will be restricted in height to two and a half storeys (maximum 11 m), which is a standard regulation in the “C” District, and also consistent with the height provisions set out in the Falkirk West Neighbourhood Plan (see Falkirk West Neighbourhood Plan below). The net density for the proposal is 12.9 units per hectare. Therefore, the proposal conforms to the height, form and density criteria outlined in the Official Plan.

As the proposal is located between two existing streets, no new plan of subdivision is required. Blocks 131, 132, 133 and 134 are within the existing Paradise Green Subdivision and will be required to be merged with the rear portions of 974 and 980 Upper Paradise Road. These lots will have access to Woodvalley Court. The new lot fronting onto Upper Paradise Road will be severed from the existing lot at 974 Upper Paradise Road with access onto Upper Paradise Road. Upper Paradise Road is classified as a collector road, therefore, there is no conflict in providing access to the proposed new lot.

The smallest lot area within the proposal is 515.6 m<sup>2</sup>, and the largest lot is 1,257.1 m<sup>2</sup>. The “C” District regulations require a minimum lot area of 360 m<sup>2</sup>. The proposal would create a streetscape that is compatible with the existing homes along Woodvalley Court and Upper Paradise Road.

### **Residential Intensification**

“B.2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:

- a) a balanced evaluation of the criteria in b) through g), as follows;
- b) the relationship of the proposal to the existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;

**SUBJECT: Zoning By-law Amendment for lands located at 974 and 980 Upper Paradise Road and Blocks 131, 132, 133 and 134 of Registered Plan 62M-1085, Hamilton (PED21086) (Ward 14) - Page 11 of 21**

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- c) the development's contribution to maintaining and achieving a range of dwelling types and tenures;
  - d) the compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
  - e) the development's contribution to achieving the planned urban structure as described in Section E.2.0 - Urban Structure;
  - f) infrastructure and transportation capacity; and,
  - g) the ability of the development to comply with all applicable policies.
- B.2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:
- a) the matters listed in Policy B.2.4.1.4;
  - b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
  - c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
  - d) the consideration of transitions in height and density to adjacent residential buildings;
  - f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
  - g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
  - h) the ability to complement the existing functions of the neighbourhood;
  - j) infrastructure and transportation capacity and impacts.”

The proposed development will maintain the character of the existing neighbourhood by proposing the same housing form as the surrounding area and by utilizing existing road networks. The proposed Zoning By-law Amendment includes the same front yard

**SUBJECT: Zoning By-law Amendment for lands located at 974 and 980 Upper Paradise Road and Blocks 131, 132, 133 and 134 of Registered Plan 62M-1085, Hamilton (PED21086) (Ward 14) - Page 12 of 21**

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setbacks as the current zoning on Blocks 131, 132, 133 and 134 of Registered Plan 62M-1085, to match the existing building envelopes and streetscapes in the Paradise Green Subdivision. The three lots fronting onto Upper Paradise Road will meet all of the standard zoning regulations of the “C” District. The two newly created lots will follow a similar lot pattern and housing form to other single detached dwellings on the west side of Upper Paradise Road. The proposal is considerate of the height in the surrounding neighbourhood, as the regulation of the “C” District will ensure there are no shadow or overlook issues with neighbouring properties.

The proposed density complies with the Official Plan and Falkirk West Neighbourhood Plan. As the proposed use is the same as the surrounding area, there are no concerns from staff regarding noise. Regarding traffic impacts, Transportation staff did not have any concerns. Overall, the proposed single detached dwellings are compatible with the existing lot patterns in an area characterized by low density residential housing forms.

The proposed Holding Provision will ensure that orderly development, in particular adequate infrastructure capacity, by restricting future development from occurring until upgrades have been completed at Twenty Road Pumping Station. Two lots remain outside of the Holding Provision at the recommendation of Development Engineering staff. The existing dwellings are factored into and captured in assessment of demand on existing infrastructure. Therefore, the retention of the dwelling at 980 Upper Paradise Road and proposed demolition and reconstruction of the dwelling at 974 Upper Paradise Road would not have an impact on current capacity.

A road widening will be required as a condition of the future consent applications for the lots fronting onto Upper Paradise Road. Approximately 2 m are to be dedicated per Schedule C-2 – Future-Right-of-Way Dedications of the Official Plan (C.4.5.6). The future road widening will create a more consistent setback between neighbouring properties along Upper Paradise Road.

### **Trees**

“C.2.11.1 The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

Trees within the subject properties have been identified. To facilitate the proposed development, trees will be removed. As per policy C.2.11.1 of the UHOP, the City recognizes the importance of trees and woodlands to the health and quality of life in the community and encourages the protection and restoration of trees.



**SUBJECT: Zoning By-law Amendment for lands located at 974 and 980 Upper Paradise Road and Blocks 131, 132, 133 and 134 of Registered Plan 62M-1085, Hamilton (PED21086) (Ward 14) - Page 13 of 21**

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A Tree Protection Plan (TPP) and Landscape Plan were submitted with the Zoning By-law Amendment application. A total of 66 trees have been inventoried on the subject properties and adjacent properties. Of these, 15 trees will be removed from the subject lands, 20 trees will remain on the subject lands and within the road allowance along Upper Paradise Road, and 31 trees will remain on the northerly adjacent properties. Staff have reviewed the proposed TPP in conjunction with the Concept Plan (attached as Appendix “C” to Report PED21086) and note that the removal of the 15 trees is necessary to facilitate the development. Due to the significant change in grade at the southwest corner of the site, it will be necessary to remove many of the trees on the lands to build the required retaining wall. One to one compensation for the removal of the trees will be addressed as a condition of the future consent applications.

Therefore, the proposal complies with the policies outlined above in the Urban Hamilton Official Plan.

### **Falkirk West Neighbourhood Plan**

The Falkirk West Neighbourhood Plan identifies the subject lands as “Single and Double” Residential.

The following goals inform the objectives, policies and actions within the neighbourhood plan:

#### “Objective 1 – Housing

Policies:

3. Low density residential consisting of single-detached and semi-detached housing shall not exceed 15 units per gross hectare (6 units per gross acre).

#### Objective 2 – Neighbourhood Development Design Guidelines

Policies:

1. The following development design guidelines shall apply to all other Residential developments in the Falkirk West Neighbourhood:
  - i. No building shall exceed a height of 2 ½ storeys;
  - ii. Lot widths for single-detached dwellings shall be in the range of 12.2 m to 16.8 m;

**SUBJECT: Zoning By-law Amendment for lands located at 974 and 980 Upper Paradise Road and Blocks 131, 132, 133 and 134 of Registered Plan 62M-1085, Hamilton (PED21086) (Ward 14) - Page 14 of 21**

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- v. Setbacks from the street should be minimized to maintain a street edge presence of the buildings; and,
- vii. Residential developments shall have a clear orientation or focus to the street to ensure an overall attractive streetscape and neighbourhood.

### Objective 3 – Land Use Compatibility

#### Policies:

- i. New development located adjacent to existing dwelling units will be similar in density and character.

#### Actions:

1. Rezoning, site plan approval, plans of subdivision/ condominium will be utilized to ensure that new developments are compatible with existing developments; and,
2. All proposed development immediately adjacent to existing single detached residential housing will be of the same for within the Falkirk West Neighbourhood.”

The proposed single detached dwellings are in an area characterized by the same housing form in accordance with the Neighbourhood Plan policies. The proposed development will achieve a similar streetscape through the application of consistent zoning. The proposal is in keeping with the neighbourhood design guidelines and meets the density targets identified in the plan, with a density of 12.9 units per hectare for the subject lands. Therefore, the proposed Zoning By-law Amendment conforms to the Neighbourhood Plan.

### **City of Hamilton Zoning By-law No. 6593**

The subject lands are currently zoned “C/S-1534” and “C/S-1788” (Urban Protected Residential Etc.) District, Modified and “AA” (Agricultural) District in Hamilton Zoning By-law No. 6593. The “C/S-1534” District, Modified permits single detached dwellings, while the “AA” District permits single detached dwellings, as well as agricultural uses. The “C/ S-1788” District, Modified amends Section 19. (1) of Hamilton Zoning By-law No. 6593 which reduces the required lot area and dwelling unit area for conversions from a single detached dwelling to a two family dwelling.

**SUBJECT: Zoning By-law Amendment for lands located at 974 and 980 Upper Paradise Road and Blocks 131, 132, 133 and 134 of Registered Plan 62M-1085, Hamilton (PED21086) (Ward 14) - Page 15 of 21**

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The Zoning By-law Amendment proposes to:

- change the zoning from “C/S-1534” and “C/S-1788” (Urban Protected Residential Etc.) District, Modified, to “C/S-1534-H” (Urban Protected Residential Etc.) District, Modified, Holding, for Block 1,
- change the zoning from “AA” (Agricultural) District to “C/S-1534a-H” (Urban Protected Residential Etc.) District, Modified, Holding for Block 2,
- change the zoning from the “AA” (Agricultural) District to a “C-H” (Urban Protected Residential Etc.) District, Holding, for Block 3, and,
- change the zoning from “AA” (Agricultural) District to “C” (Urban Protected Residential Etc.) District for Block 4. “C/S-1788” is not being carried forward as it is in the process of being repealed as part of the secondary dwelling unit project and will no longer be applicable.

S-1534a is being applied to Block 2, as these lands are outside of the mapping for Amending By-law 05-280 (identified as S-1534). The new site specific, S-1534a, references Section 3 in Amending By-law 05-280 so that the same zoning regulations are carried forward and ensures that the mapping will be updated accordingly.

The Holding Provision will address comments from Development Engineering that no construction should proceed on the new lots until the required upgrades to the City’s sanitary infrastructure (Twenty Road Pumping Station) are completed. The applicant can apply to remove the Holding Provision through the passing of a By-law.

Notwithstanding, the Holding Provision has not been applied to Block 4. Development Engineering will allow the replacement of the existing dwelling at 974 Upper Paradise prior to the completion of the upgrades at Twenty Road Pumping Station.

## RELEVANT CONSULTATION

Departments and Agencies	
<ul style="list-style-type: none"> <li>• Special Projects, Growth Management Section, Planning and Economic Development Department;</li> <li>• Capitol Budgets &amp; Development, Corporate Services Department;</li> <li>• Healthy Environments Division, Public Health Services;</li> </ul>	No Comment

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OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Zoning By-law Amendment for lands located at 974 and 980 Upper Paradise Road and Blocks 131, 132, 133 and 134 of Registered Plan 62M-1085, Hamilton (PED21086) (Ward 14) - Page 16 of 21**

<ul style="list-style-type: none"> <li>• Strategic Planning, Public Works Department;</li> <li>• Transit Planning and Infrastructure, Public Works Department;</li> <li>• Recreation Division, Healthy and Safe Communities;</li> <li>• Hamilton Fire Department;</li> <li>• Parks and Cemeteries;</li> <li>• Hamilton Conservation Authority;</li> <li>• MPAC;</li> <li>• Union Gas;</li> <li>• Bell Canada;</li> <li>• Canada Post;</li> <li>• Rogers; and,</li> <li>• Hydro One.</li> </ul>		
	<b>Comment</b>	<b>Staff Response</b>
Forestry & Horticulture Section, Public Works Department	Forestry staff approve the tree management plan revision 3, dated 2019-05-16 with no amendments required. Forestry requires the applicable fees prior to permit issuance.	Forestry fees will be collected as a condition of the future Consent applications.
Growth Planning, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>• The proposal appears to conform to the lotting layout described on Plan 62M-1085;</li> <li>• The driveway locations of lots fronting Woodvalley Court should be identified;</li> <li>• It should be determined if the sidewalk on Woodvalley Court will be extended; and,</li> <li>• The owner and agent should be made aware</li> </ul>	<ul style="list-style-type: none"> <li>• There are no existing sidewalks on Woodvalley Court where there are currently five single detached dwellings.</li> <li>• Should sidewalks be required to be extended at the Consent application stage, Development Engineering will request payment in order to facilitate the construction of the sidewalk.</li> </ul>

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**SUBJECT: Zoning By-law Amendment for lands located at 974 and 980 Upper Paradise Road and Blocks 131, 132, 133 and 134 of Registered Plan 62M-1085, Hamilton (PED21086) (Ward 14) - Page 17 of 21**

	that municipal addresses will be assigned when the severance applications are submitted.	
Transportation Planning Section, Planning and Economic Development	Approximately, 2.0 m are to be dedicated to the right-of-way on Upper Paradise Road, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. Upper Paradise Road is to be 30.480 m from Mohawk Road to Rymal Road. The approximate widening has been indicated on the conceptual site plan dated November 30, 2018. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).	The right-of-way dedication will be addressed as a condition of the future Consent applications.
Alectra Utilities	<ul style="list-style-type: none"> <li>• For Residential/ Commercial electrical service requirements, the Developer needs to contact our Customer Connections Department.</li> <li>• Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense.</li> <li>• Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations</li> </ul>	The applicant has been advised of the requirements indicated by Alectra Utilities.

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**SUBJECT: Zoning By-law Amendment for lands located at 974 and 980 Upper Paradise Road and Blocks 131, 132, 133 and 134 of Registered Plan 62M-1085, Hamilton (PED21086) (Ward 14) - Page 18 of 21**

	and all related distribution equipment.	
Development Engineering Approvals, Planning and Economic Development Department	The Development Engineering Approvals section is able to support the rezoning application subject to application of a holding provision. The holding provision will ensure that construction does not proceed until required upgrades to the City's sanitary infrastructure is completed (Twenty Road Pumping Station). The proponent has adequately addressed concerns regarding required and available fire flow as well as sump pump outlets and building setbacks. Please note that there are no objections to the development of one single lot prior to the upgrades to the pumping station after the existing dwelling on Upper Paradise Road has been demolished based on a like-for-like scenario.	<ul style="list-style-type: none"> <li>• Staff note that if the applicant wishes to develop a single lot in advance of the upgrades to the City's sanitary infrastructure that an application, the demolition of an existing dwelling is required.</li> <li>• Once upgrades are completed to the satisfaction of the Manager of Development Engineering Approvals, the applicant may apply to lift the Holding for the rest of the development.</li> </ul>
<b>Public Consultation:</b>		
None to date.		

## PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 227 property owners within 120 m of the subject property on March 27, 2019 for the Zoning By-law Amendment application.

**SUBJECT: Zoning By-law Amendment for lands located at 974 and 980 Upper Paradise Road and Blocks 131, 132, 133 and 134 of Registered Plan 62M-1085, Hamilton (PED21086) (Ward 14) - Page 19 of 21**

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A Public Notice sign was posted on the property on March 27, 2019 and updated on April 7, 2021 with the Public Meeting date. The Notice of the Public Meeting was given on April 16, 2021 in accordance with the requirements of the *Planning Act*.

To date, no submissions have been received as a result of the circulation.

### **Public Consultation Strategy**

Pursuant to the City's Public Consultation Strategy Guidelines, the applicant prepared a Public Consultation Strategy which included the option for hosting an Open House for residents based on the feedback received from the Notice of Complete Application. As there were no comments received after the circulation to 227 property owners, the applicant determined that an Open House would not be necessary.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)**

1. The Zoning By-law Amendment can be supported for the following reasons:
  - (i) The application is consistent with the PPS, 2020 and conforms to A Place to Grow Plan: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
  - (ii) It complies with the policies of the Urban Hamilton Official Plan; and,
  - (iii) The proposed development is compatible with existing land uses in the surrounding area and represents good planning by providing dwellings that are compatible with and complementary to the existing and planned development in the immediate area.
  
2. The subject lands are zoned "C/S-1534" and "C/ S-1788" (Urban Protected Residential Etc.) District, Modified, and "AA" (Agricultural) District in the former City of Hamilton Zoning By-law No. 6593. As the subject lands are located within different zones, it is proposed that the lands identified as Block 1 be changed from the existing zoning designations to "C/S-1534-H" (Urban Protected Residential Etc.) District, Modified, Holding, that Block 2 be changed from the existing zoning to "C/S-1534a-H" (Urban Protected Residential Etc.) District, Modified, Holding, that Block 3 be changed from the existing zoning to "C-H" (Urban Protected Residential Etc) District, Holding, and that Block 4 be changed from the existing zoning to "C" (Urban Protected Residential Etc) District to permit the intended single detached dwellings.

**SUBJECT: Zoning By-law Amendment for lands located at 974 and 980 Upper Paradise Road and Blocks 131, 132, 133 and 134 of Registered Plan 62M-1085, Hamilton (PED21086) (Ward 14) - Page 20 of 21**

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The site specific zoning requested by the applicant currently applies to the adjacent lands and the “C/S-1534,” C/S-1534a and “C” Districts proposed will create a development which is compatible with the existing neighbourhood patterns complies with the UHOP and Falkirk West Neighbourhood Plan and establishes a consistent zoning in terms of lot widths, setbacks and building height. Therefore, staff support the proposed Zoning By-law amendment.

The inclusion of S-1534a ensures that the same provisions in Site Specific 1534 are carried forward on the appropriate mapping for lands described as Block 2 on Appendix B, and that the zoning regulations are the same for Blocks 1 and 2.

3. Future consent applications will be required to create the four lots fronting onto Woodvalley Court and the additional lot fronting onto Upper Paradise Road.
4. A Holding Provision will be placed on the subject lands, except for one proposed lot, to ensure that the necessary upgrades to the City’s sanitary infrastructure are completed at Twenty Road Pumping Station prior to any construction.

The existing dwelling at 974 Upper Paradise Road is proposed to be demolished and replaced and will not be subject to the Holding Provision. Staff support this proposal, as this would not impact the current level of demand at Twenty Road Pumping Station.

## **ALTERNATIVES FOR CONSIDERATION**

Should the proposed Zoning By-law Amendment application be denied, the subject lands will continue to be utilized in accordance with the existing “C/S-1534” (Urban Protected Residential Etc.) District, Modified, “C/S-1788” (Urban Protected Residential Etc.) District, Modified, and “AA” (Agricultural) District within the City of Hamilton Zoning By-law No. 6593, all of which permit single detached dwellings, while the “AA” District also permits agricultural uses.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement & Participation**

*Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.*

### **Economic Prosperity and Growth**

*Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.*



**SUBJECT: Zoning By-law Amendment for lands located at 974 and 980 Upper Paradise Road and Blocks 131, 132, 133 and 134 of Registered Plan 62M-1085, Hamilton (PED21086) (Ward 14) - Page 21 of 21**

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**Healthy and Safe Communities**

*Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.*

**Built Environment and Infrastructure**

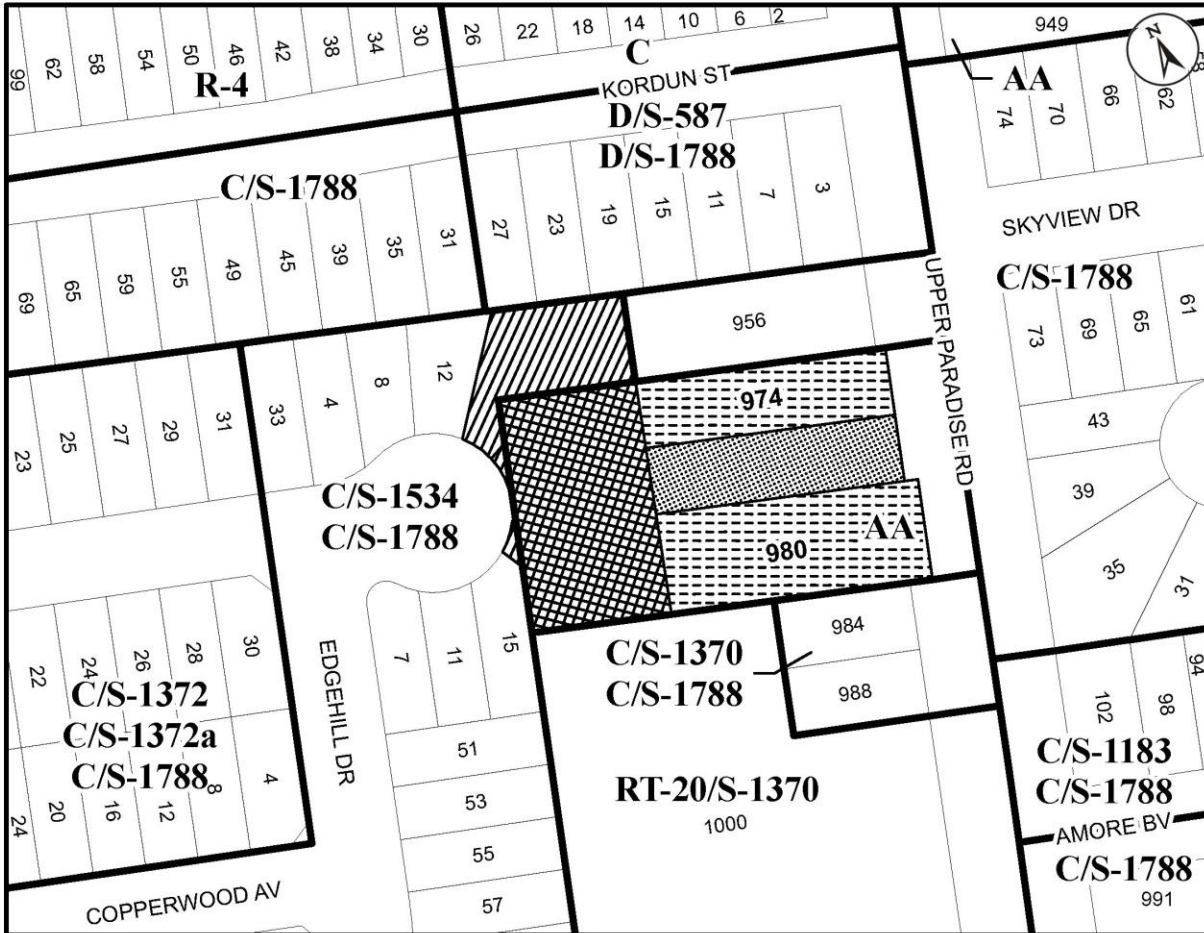
*Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.*

**APPENDICES AND SCHEDULES ATTACHED**

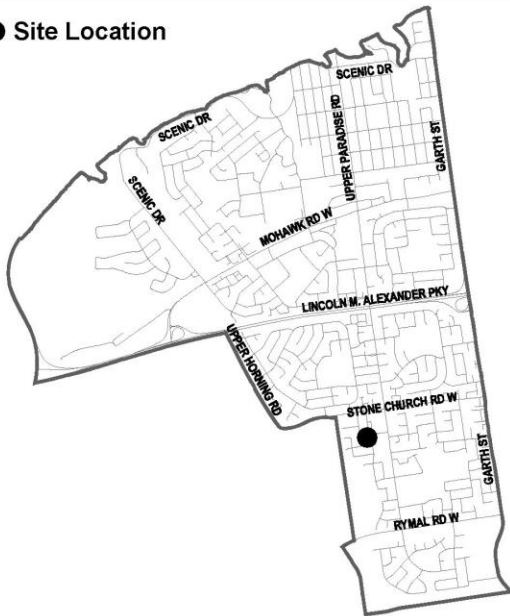
Appendix "A" – Location Map

Appendix "B" – Amendment to Zoning By-law No. 6593

Appendix "C" – Concept Plan



● Site Location



Key Map - Ward 14

## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-19-021

Date:  
March 22, 2021





Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
EB/VS

### Subject Property

974 and 980 Upper Paradise Road & Blocks 131, 132, 133 & 134 of Registered Plan 62M-1068

-  Block 1: Change in Zoning from "C/ S-1534" and "C/ S-1788" (Urban Protected Residential Etc.) District, Modified to the "C/ S-1534 - H" (Urban Protected Residential Etc.) District, Modified, Holding.
-  Block 2: Change in Zoning from the "AA" (Agricultural) District to the "C/ S-1534a - H" (Urban Protected Residential Etc.) District, Modified, Holding.
-  Block 3: Change in Zoning from the "AA" (Agricultural) District to the "C-H" (Urban Protected Residential Etc.) District, Holding.
-  Block 4: Change in Zoning from the "AA" (Agricultural) District to the "C" (Urban Protected Residential Etc.) District.

Authority: Item XX, Planning Committee

Report PED21086

CM: XXXX

Ward: 14

**Bill No. XXX**

## **CITY OF HAMILTON**

### **BY-LAW NO. 21-XXX**

#### **To Amend Zoning By-law No. 6593**

#### **Respecting Lands Located at 974 and 980 Upper Paradise Road and Blocks 131, 132, 133 and 134 of Registered Plan 62M-1068 (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 of the former area municipalities 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 \_\_\_\_\_ of Report 21-\_\_\_\_\_ of the Planning Committee, at its meeting held on the 18<sup>th</sup> day of May 2021, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Sheet No. W37c of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended,

- (a) by changing the zoning from "C/S-1534" (Urban Protected Residential Etc.) District, Modified and "C/S-1788" (Urban Protected Residential Etc.) District, Modified to "C/S-1534-H" (Urban Protected Residential, Etc.) District, Modified, Holding, for the lands comprised of Block 1.

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

2. That Sheet No. W37d of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended,

- (a) by changing the zoning from "AA" (Agricultural) District to "C/S-1534a-H" (Urban Protected Residential, Etc.) District, Modified, Holding, for the lands comprised of Block 2;

- (b) by changing the zoning from the "AA" (Agricultural) District to "C-H" (Urban Protected Residential, Etc.) District, Holding, for the lands to the lands comprised of Block 3; and,

- (c) by changing the zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, Etc.) District, for the lands comprised of Block 4.

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

3. "S-1534a"

- a) Section 3 of By-law No. 05-280 shall apply to the lands shown as Block 2 on Schedule 'A' of this By-law.

4. That the 'H' symbol applicable to the lands referred to in Sections 1 and 2 of this By-law, shall be removed upon:

- i) the completion of the required upgrades to the City's sanitary infrastructure (Twenty Road Pumping Station) to the satisfaction of the Senior Director of Growth Management.

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 and applicable to the lands described in Sections 1, 2 and 3.

6. By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1534a.
7. Sheet Nos. W37c and W37d of the District Maps is amended by marking the lands referred to in Section 1(a) of this By-law as S-1534 and Section 2(a) of this By-law as S-1534a.
8. 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 this \_\_\_\_ day of \_\_\_\_\_, 2021.

---

Fred Eisenberger  
Mayor

---

A. Holland  
City Clerk

ZAC-19-21



<p>This is Schedule "A" to By-law No. 21-</p> <p>Passed the ..... day of ....., 2021</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
--	---

<h2>Schedule "A"</h2> <p>Map forming Part of By-law No. 21- _____</p> <p>to Amend By-law No. 6593</p>	<p><b>Subject Property</b></p> <p>974 and 980 Upper Paradise Road &amp; Blocks 131, 132, 133 &amp; 134 of Registered Plan 62M-1068</p> <ul style="list-style-type: none"> <li> Block 1: Change in Zoning from "C/ S-1534" and "C/ S-1788" (Urban Protected Residential Etc.) District, Modified to the "C/ S-1534 - H" (Urban Protected Residential Etc.) District, Modified, Holding.</li> <li> Block 2: Change in Zoning from the "AA" (Agricultural) District to the "C/ S-1534a - H" (Urban Protected Residential Etc.) District, Modified, Holding.</li> <li> Block 3: Change in Zoning from the "AA" (Agricultural) District to the "C-H" (Urban Protected Residential Etc.) District, Holding.</li> <li> Block 4: Change in Zoning from the "AA" (Agricultural) District to the "C" (Urban Protected Residential Etc.) District.</li> </ul>
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Scale: N.T.S	File Name/Number: ZAC-19-021
Date: March 22, 2021	Planner/Technician: EB/VS
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	



*For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law*

Is this by-law derived from the approval of a Committee Report? No

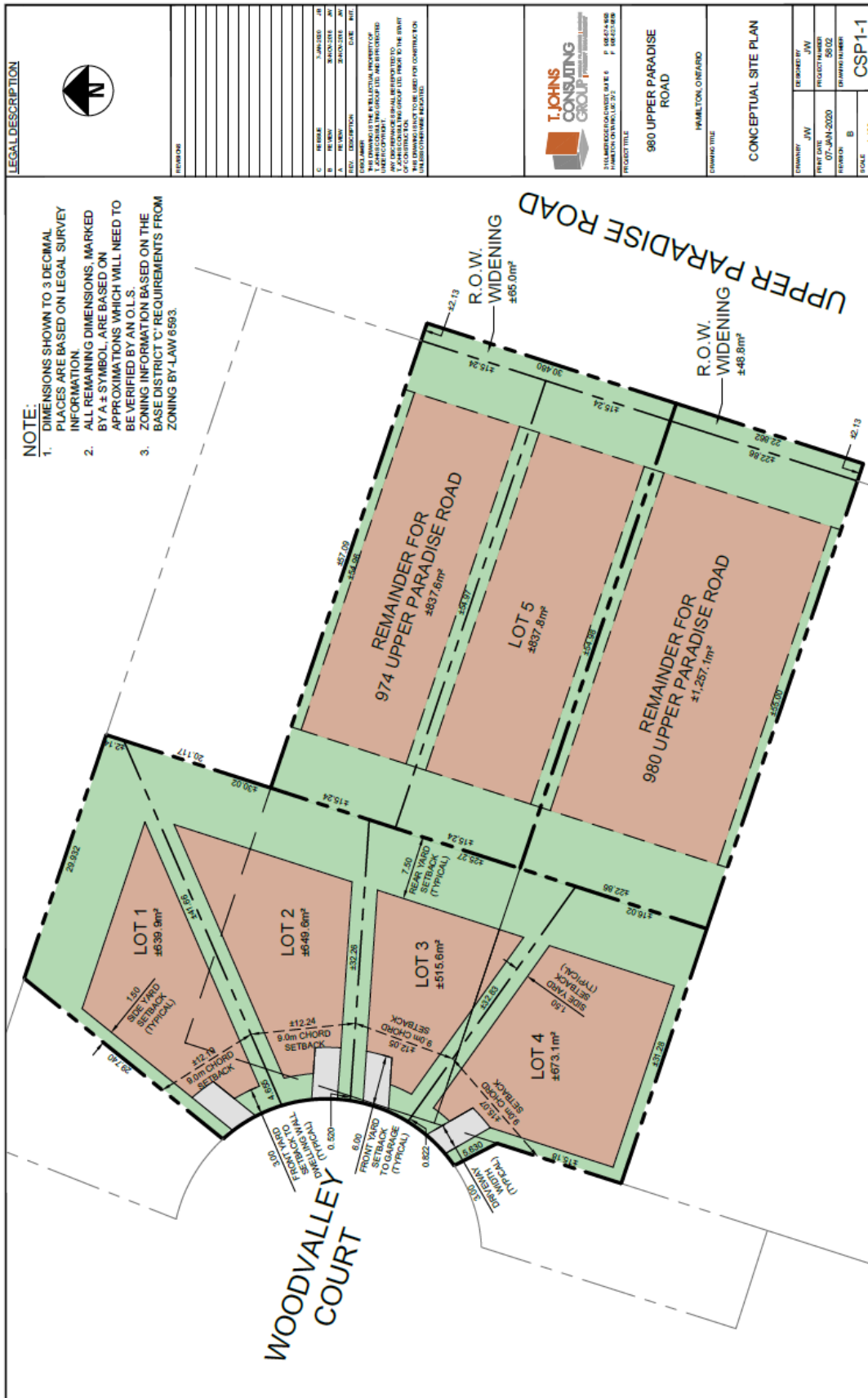
Committee: Chair and Members      Report No.: PED21086      Date: May 4, 2021

Ward(s) or City Wide: Ward: 14      (MM/DD/YYYY)

Prepared by: Emily Bent

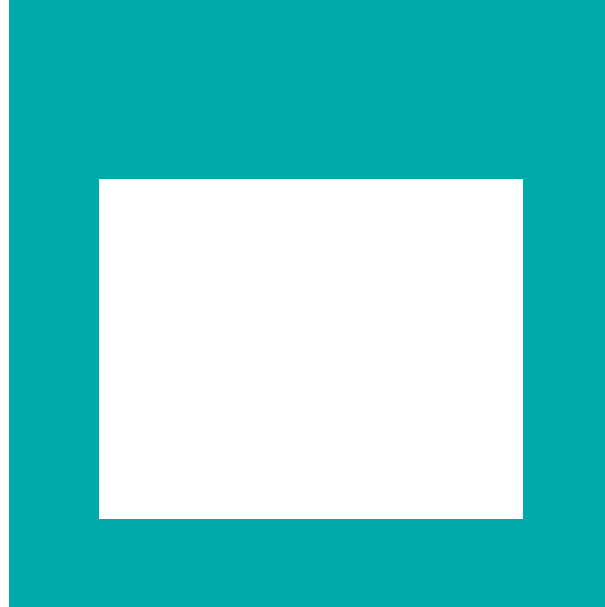
Phone No: 905-546-2424, ext. 2266

*For Office Use Only, this doesn't appear in the by-law*



File Location: C:\Dropbox\T. Johns Consulting\T.J.C.G. SERVER\Projects\5502 - 980 Upper Paradise Road, Hamilton (Woodvalley Court)\Drawings\Planning\980 Upper Paradise Site Plan\_Updated.dwg  
 Printed by: Jennifer Badley; 07-JAN-2020; 4:18PM





WELCOME TO THE CITY OF HAMILTON

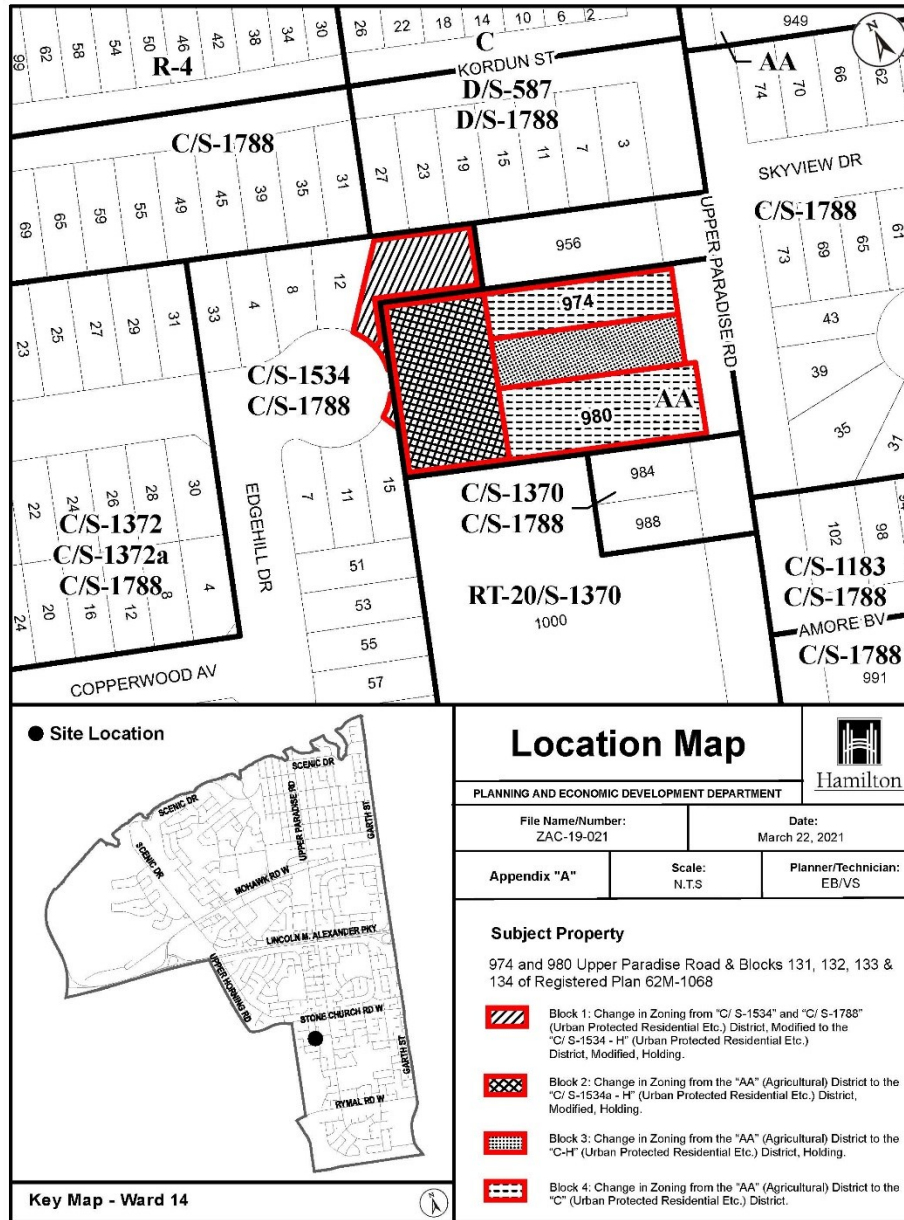
# PLANNING COMMITTEE

May 18, 2021

## PED21086– (ZAC-19-021)

Application for a Zoning By-law Amendment for lands located at 974 and 980 Upper Paradise Road and Blocks 131, 132, 133 and 134 of Registered Plan 62M-1085, Hamilton.

Presented by: Emily Bent



Key Map - Ward 14





### Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	
File Name/Number: ZAC-19-021	Date: March 22, 2021
Appendix "A"	Scale: N.T.S.
Planner/Technician: EB/VS	

#### Subject Property

974 and 980 Upper Paradise Road & Blocks 131, 132, 133 & 134 of Registered Plan 62M-1068

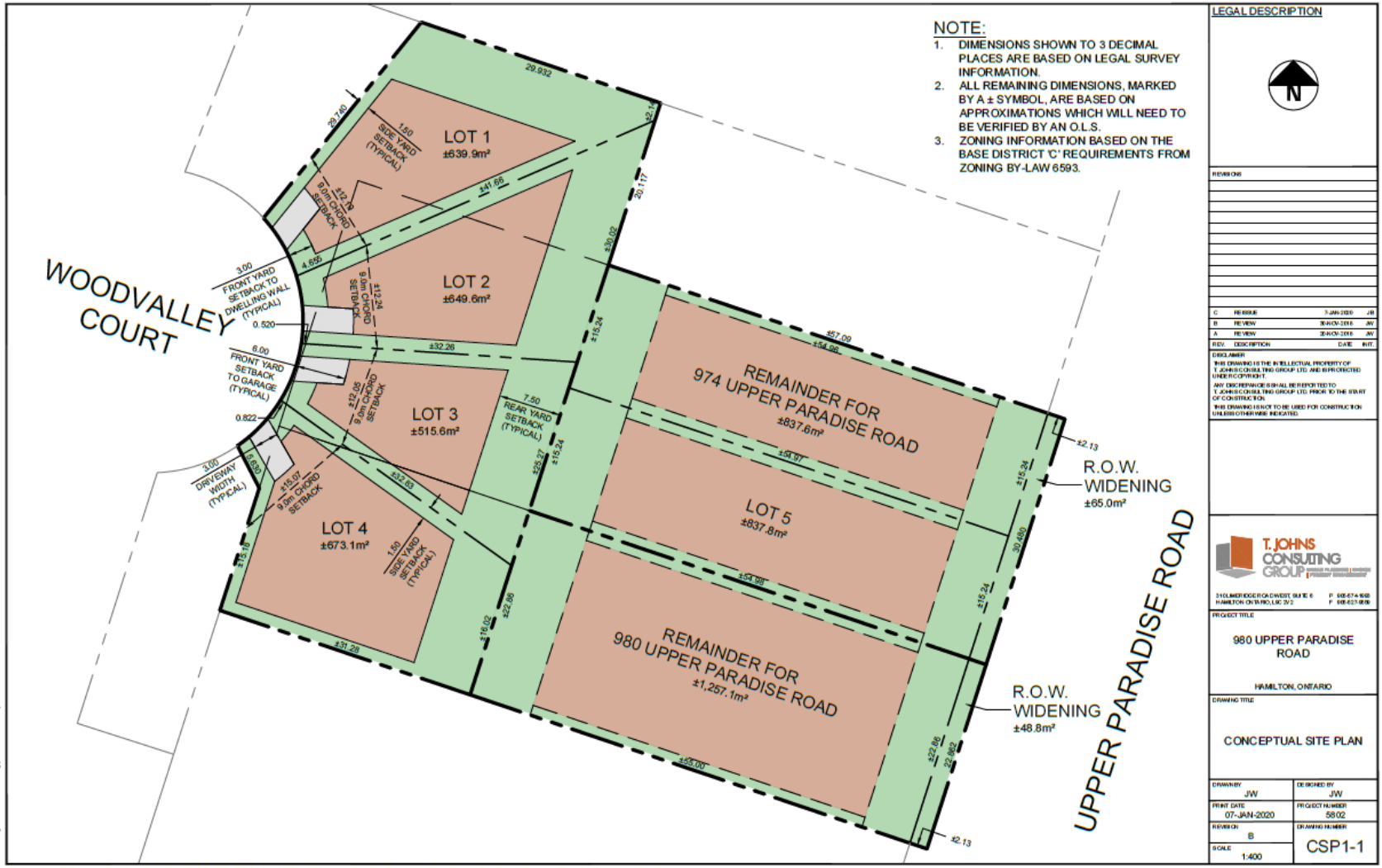
-  Block 1: Change in Zoning from "C/ S-1534" and "C/ S-1788" (Urban Protected Residential Etc.) District, Modified to the "C/ S-1534 - H" (Urban Protected Residential Etc.) District, Modified, Holding.
-  Block 2: Change in Zoning from the "AA" (Agricultural) District to the "C/ S-1534a - H" (Urban Protected Residential Etc.) District, Modified, Holding.
-  Block 3: Change in Zoning from the "AA" (Agricultural) District to the "C-H" (Urban Protected Residential Etc.) District, Holding.
-  Block 4: Change in Zoning from the "AA" (Agricultural) District to the "C" (Urban Protected Residential Etc.) District.



**SUBJECT PROPERTY**



**974 and 980 Upper Paradise Road and Blocks 131, 132, 133 and 134  
of Registered Plan 62M-1085, Hamilton**



Plotted by: Jennifer Badier, 07-JAN-2020, 4:18 PM

File Location: C:\Dropbox (T. Johns Consulting)\TJCG SERVER\Projects\5802 - 980 Upper Paradise Road, Hamilton (Woodvalley Court)\Drawings\Planning\980 Upper Paradise Site Plan\_Updated.dwg



Dwelling at 974 Upper Paradise Road



Dwelling at 974 Upper Paradise Road, with Blocks 131-134 in the background



From Upper Paradise Road to Woodvalley Court



Existing Dwelling at 980 Upper Paradise Road





Context opposite Subject Lands



View of Blocks 131-134 from Woodvalley Court



Blocks 131-134 looking north



Blocks 131-134 looking south



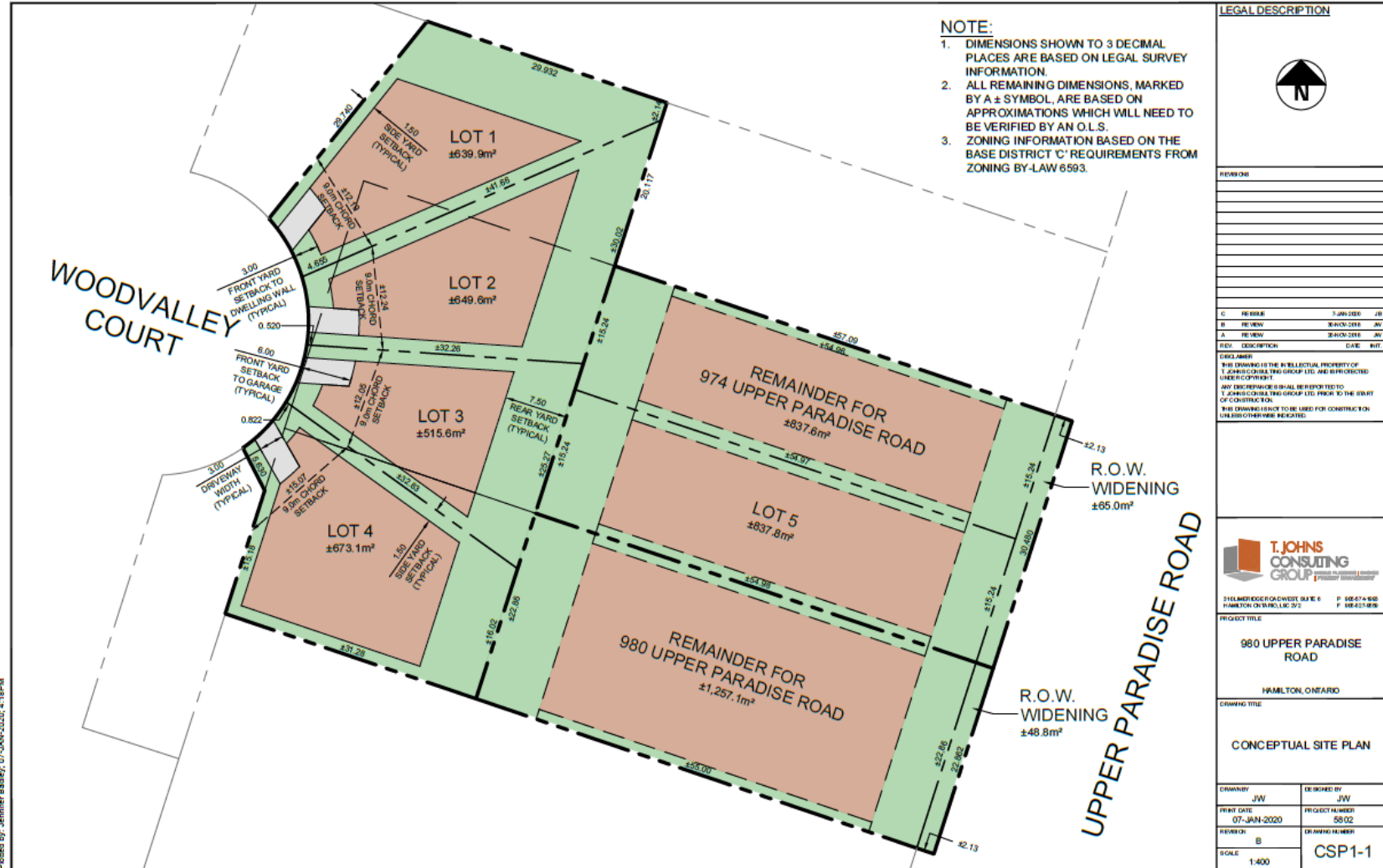
Context Woodvalley Court




View of Blocks 131-134 from Woodvalley Court



Blocks 131-134 Tree

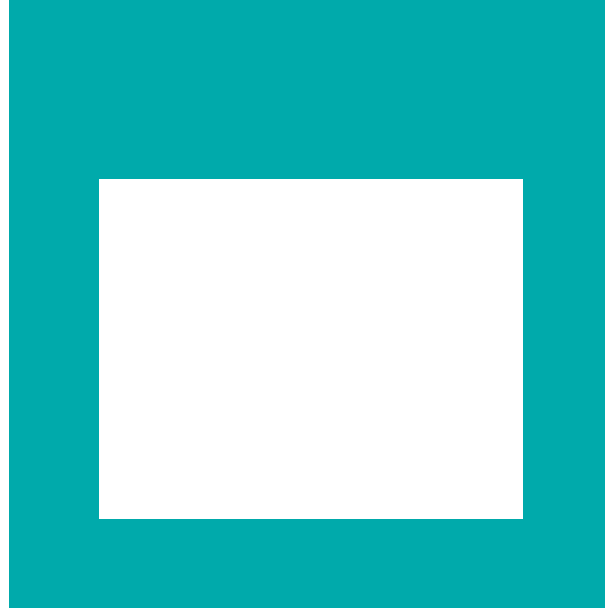


LEGAL DESCRIPTION			
REVISION	DATE	INT	
C	REVISION	3 JAN 2020 JB	
B	REVISION	28 NOV 2019 JW	
A	REVISION	28 NOV 2019 JW	
REV.	DESCRIPTION	DATE	INT.
DESIGNER	THIS DRAWING IS THE SOLE PROPERTY OF T. JOHNS CONSULTING GROUP LTD. AND IS PROTECTED UNDER COPYRIGHT.		
ANY DISCREPANCIES SHALL BE REFERRED TO T. JOHNS CONSULTING GROUP LTD. PRIOR TO THE START OF CONSTRUCTION.	THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNLESS OTHERWISE INDICATED.		
			
311 MILLMEAD ROAD SUITE 4    P. 905-674-9628 HAMILTON ONTARIO L8L 2V2    F. 905-622-9838			
PROJECT TITLE			
980 UPPER PARADISE ROAD HAMILTON, ONTARIO			
DRAWING TITLE			
CONCEPTUAL SITE PLAN			
DRAWN BY	DESIGNED BY		
JW	JW		
PRINT DATE	PROJECT NUMBER		
07-JAN-2020	58102		
REVISION	DRAWING NUMBER		
B	CSP1-1		
SCALE	1:400		

Placed by: Jennifer Butler, 07-JAN-2020, 4:18PM

File Location: C:\Dropbox (T. Johns Consulting)\TJCG SERVER\Projects\5902 - 980 Upper Paradise Road, Hamilton (Woodvalley Court)\Drawings\Planning\980 Upper Paradise Site Plan\_Updated.dwg





# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE

**From:** sandra serafini  
**Sent:** May 8, 2021 9:08 PM  
**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
**Subject:** Zoning By-law (File No. ZAC-19-021)

To Whom It May Concern;

I wish to provide comments to the planning committee regarding ZAC-19-021.

I have resided at my home ## Upper Paradise Rd. adjacent to the property being developed by Winzen Ancaster Homes for the past 16 years.

Winzen Ancaster has built a few homes in this area. My first experience with them was the building of several homes behind my home on Woodvalley Crt. I had approached the foreperson in regards to the amount of garbage (building materials) blowing onto my property. Many times I had to put out an extra bag of garbage because of their garbage blowing onto my property. I was told by this person it wasn't his problem and to call the head office which I did, they never returned my call. I called twice.

I've had to call the Hamilton By-Law Enforcement office several times over the past few years in regards to garbage, not cutting their grass and not shovelling their sidewalk. The lack of not shovelling the snow is very important as my sisters caregiver takes her for a walk in her wheelchair and they could never turn right to go to the park.

My concern is that they will not follow the bylaws. They will not be good corporate citizens. They will leave the area dirty with garbage, dirt and mud on the sidewalks and streets and I'm fearful that they will not be respectful of my property.

I hope the City of Hamilton will give strong warnings and reminders to these builders regarding these issues before they start building.

I'm not opposed to them building next-door or behind my property I just hope that they will take better care and be good corporate citizens.

Thank you for your time.

Sincerely,

Sandra Serafini



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 18, 2021
<b>SUBJECT/REPORT NO:</b>	Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 270 Melvin Avenue, Hamilton (PED21104) (Ward 4)
<b>WARD(S) AFFECTED:</b>	Ward 4
<b>PREPARED BY:</b>	Mark Kehler (905) 546-2424 Ext. 4148
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That **Draft Plan of Condominium application 25CDM-2021007, by Wilson Street., Ancaster Inc., Owner** to establish a Draft Plan of Condominium (Common Element) comprised of a private road, sidewalks, landscaped areas, and eight visitor parking spaces for 42 street townhouse dwellings on lands located at 270 Melvin Avenue (Hamilton), as shown on Appendix "A", attached to Report PED21104, be **APPROVED** subject to the following conditions:
- (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-2021007 applies to the plan prepared by A.T. McLaren Limited, certified by S.D. McLaren, O.L.S., and dated October 20, 2020, comprised of a private road, sidewalks, landscaped areas and eight visitor parking spaces for 42 street townhouse dwellings, attached as Appendix "B" to Report PED21104;
  - (ii) That the conditions of Draft Plan of Condominium Approval 25CDM-2021007, attached as Appendix "C" to Report PED21104, be received and endorsed by City Council.

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**SUBJECT: Application for Approval of Draft Plan of Condominium (Common Element) for Lands Located at 270 Melvin Avenue, Hamilton (PED21104) (Ward 4) - Page 2 of 11**

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## **EXECUTIVE SUMMARY**

The subject property is municipally known as 270 Melvin Avenue. The Owner has applied for approval of a Draft Plan of Condominium (Common Element) comprised of a private road, sidewalks, landscaped areas and eight visitor parking spaces that will be tied to 42 street townhouse dwellings.

The proposed development has received conditional Site Plan approval (Application DA-19-073). The private road will access onto Melvin Avenue.

The proposed Draft Plan of Condominium will conform to the Hamilton Zoning By-law No. 05-200, as amended by Minor Variance application No. HM/A-19:207.

The proposed Draft Plan of Condominium has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2020) (PPS);
- It conforms to the Growth Plan for the Greater Golden Horseshoe 2019, as amended (Growth Plan); and,
- It complies with the Urban Hamilton Official Plan (UHOP).

## **Alternatives for Consideration – See Page 10**

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for a Draft Plan of Condominium (Common Element).

## **HISTORICAL BACKGROUND**

### **Proposal**

The purpose of the application is to establish a Draft Plan of Condominium (Common Element) comprised of a private road, sidewalks, landscaped areas and eight visitor parking spaces that will be tied to 42 street townhouse dwellings. The subject lands are being developed in accordance with Site Plan Control application DA-19-073 attached as Appendix “D” to Report PED21104, that has been conditionally approved. The private road will provide access to Melvin Avenue.

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**SUBJECT: Application for Approval of Draft Plan of Condominium (Common Element) for Lands Located at 270 Melvin Avenue, Hamilton (PED21104) (Ward 4) - Page 3 of 11**

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Site Plan Control Application DA-19-073

On September 25, 2019, Site Plan Control application DA-19-073 was conditionally approved. The Site Plan Control application provides for the site layout and design for 42 street townhouse dwellings, the landscaped amenity areas and eight visitor parking spaces.

Minor Variance Application HM/A-19:207

The Committee of Adjustment approved Minor Variance application HM/A-19:207 on November 28, 2019 to facilitate Site Plan Control application DA-19-073 which permitted adjustments to the following requirements:

- Reduction to the minimum required lot areas for interior and corner lots;
- Reduction to the minimum unit widths;
- Reduction to the minimum flankage yard setback;
- Reduction to the minimum rear yard setback;
- Increase to the maximum building height;
- Increase to the maximum encroachment for balconies and covered porches; and,
- Elimination of a planting strip requirement between parking spaces and the lot line abutting Melvin Avenue.

Part Lot Control Application PLC-21-002

The applicant has submitted a Part Lot Control application (PLC-21-002) to create parcels of tied land for the proposed street townhouse dwellings and to create parcels for the private condominium road. At the time of preparation of the report, the application is currently under review.

**Report Fact Sheet**

<b>Application Details</b>	
Applicant/Owner:	Wilson St., Ancaster Inc.,
File Number:	25CDM-2021007
Type of Application:	Draft Plan of Condominium (Common Element)
Proposal:	To create a private road, sidewalks, landscaped areas and eight visitor parking spaces for 42 street townhouse dwellings.

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**SUBJECT: Application for Approval of Draft Plan of Condominium (Common Element) for Lands Located at 270 Melvin Avenue, Hamilton (PED21104) (Ward 4) - Page 4 of 11**

<b>Property Details</b>	
Municipal Address:	270 Melvin Avenue
Lot Area:	0.683 ha
Servicing:	Full Municipal Services.
Existing Use:	Vacant land, formerly used as a parking lot and open space for the adjacent St. Nicholas Ukrainian Catholic Church.
<b>Documents</b>	
Provincial Policy Statement (PPS)	Proposal is consistent with the PPS.
A Place to Grow:	Proposal conforms to the Growth Plan.
Official Plan Existing:	Neighbourhoods on Schedule "E-1" – Urban Land Use Designations in the UHOP.
Official Plan Proposed:	No proposed amendment.
Zoning Existing:	Community Institutional (I2) Zone
Zoning Proposed:	No proposed amendment.
Modifications Proposed:	N/A
<b>Processing Details</b>	
Received:	February 8, 2021
Deemed Complete:	February 24, 2021
Notice of Complete Application:	Sent to 115 property owners within 120 metres of the subject property on March 11, 2021.
Public Notice Sign:	March 31, 2021 and updated on April 21, 2021.
Notice of Public Meeting:	April 30, 2021

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**SUBJECT: Application for Approval of Draft Plan of Condominium (Common Element) for Lands Located at 270 Melvin Avenue, Hamilton (PED21104) (Ward 4) - Page 5 of 11**

Public Consultation:	N/A
Public Comments:	To date, staff have not received any public submissions through this circulation.
Processing Time:	99 days

## EXISTING LAND USE AND ZONING

	Existing Land Use	Existing Zoning
<b>Subject Lands:</b>	Vacant land	Community Institutional (I2) Zone
<b>Surrounding Lands:</b>		
<b>North</b>	Multiple dwellings	“E” (Multiple Dwellings, Lodges, Clubs, etc.) District
<b>South</b>	Semi detached dwellings	“D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District
<b>East</b>	Single detached dwellings	Community Institutional (I2) Zone and “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District
<b>West</b>	Place of worship	Community Institutional (I2) Zone

## POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

### Provincial Policy Statement (PPS 2020)

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to the Growth Plan for the Greater Golden Horseshoe (A Place to Grow 2019, as amended).

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**SUBJECT: Application for Approval of Draft Plan of Condominium (Common Element) for Lands Located at 270 Melvin Avenue, Hamilton (PED21104) (Ward 4) - Page 6 of 11**

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The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Local Planning Appeal Tribunal approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework.

As the application for a Draft Plan of Condominium complies with the UHOP, it is staff's opinion that the application is:

- consistent with Section 3 of the *Planning Act*;
- consistent with the Provincial Policy Statement (2020); and,
- conforms to A Place to Grow 2019, as amended.

### **Urban Hamilton Official Plan (UHOP)**

The subject lands are identified as "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations in the UHOP. The proposed net residential density of 61 units per hectare falls within the Medium Density Residential category of the Neighbourhoods designation and the following policies, amongst others apply to the proposal.

- "E.3.5.1 Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads.
- E.3.5.2 Uses permitted in medium density residential areas include multiple dwellings except street townhouses.
- E.3.5.7 For medium density residential uses, the net residential density shall be greater than 60 units per hectare and not greater than 100 units per hectare.
- E.3.5.8 For medium density residential uses, the maximum height shall be six storeys."

The proposed townhouse development on a condominium road with a density of 61 units per hectare is considered a block townhouse (multiple dwelling) for the purposes of the UHOP. Block townhouses are a permitted use in the Medium Density Residential category of the Neighbourhoods designation. The dwellings have a height of three storeys and the development is located at the periphery of the neighbourhood in proximity to Parkdale Avenue North, a minor arterial road.

Therefore, the proposal complies with the Urban Hamilton Official Plan.

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**SUBJECT: Application for Approval of Draft Plan of Condominium (Common Element) for Lands Located at 270 Melvin Avenue, Hamilton (PED21104) (Ward 4) - Page 7 of 11**

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**Hamilton Zoning By-law No. 05-200**

The subject lands are zoned Community Institutional (I2) Zone in Hamilton Zoning By-law No. 05-200 which permits street townhouse dwellings. Section 4.3b) of the Zoning By-law permits street townhouses to have frontage on a private condominium road.

Minor Variance application HM/A-19-207 was approved by the Committee of Adjustment on November 28, 2019, which made adjustments to the minimum lot area, minimum unit width, minimum flankage yard setback, minimum rear yard setback, maximum building height, maximum encroachments for balconies and porches and minimum planting strip requirement along a lot line abutting a street of the Community Institutional (I2) Zone.

The proposal conforms to Hamilton Zoning By-law No. 05-200. Condition No. 1 of Appendix "C" to Report PED21104 requires that the proposal is developed in accordance with the Zoning By-law.

**Site Plan Control Application DA-19-073**

Site Plan Control application DA-19-073 received conditional approval on September 25, 2019. The proposed Draft Plan of Condominium will be required to comply with the final approved Site Plan (see Condition No. 2 of Appendix "C" to Report PED21104).

**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Growth Management, Planning and Economic Development Department	<p>The municipal address 270 Melvin Avenue will be retained for the common element.</p> <p>The Owner shall finalize municipal addressing for the parcels of tied lands and street naming for the common element with Growth Planning staff.</p> <p>A note shall be added to the Draft Approval Conditions advising that draft approval shall lapse if final approval is not given within three years.</p>	<p>The requirement to finalize municipal addressing and street naming is addressed through Condition No. 13 of Appendix "C" to Report PED21104.</p> <p>The note has been included in Appendix "C" to Report PED21104.</p>

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**SUBJECT: Application for Approval of Draft Plan of Condominium (Common Element) for Lands Located at 270 Melvin Avenue, Hamilton (PED21104) (Ward 4) - Page 8 of 11**

	Extensions will be considered if a written request is received two months before the draft approval lapses.	
Recycling and Waste Disposal Section, Public Works Department	<p>The site is eligible for municipal waste collection, subject to meeting design requirements.</p> <p>The Owner is responsible for all waste removal up until the time that an "Agreement for On-site Collection of Solid Waste" is finalized, and municipal collection services are initiated.</p> <p>If the development is not designed according to municipal waste collection specifications, the developer must arrange for a private waste hauler and advise as part of any agreement of purchase and sale or lease agreement that the property is not serviceable for municipal waste collection.</p>	<p>Details regarding eligibility for municipal waste collection is being addressed through Site Plan Control Application DA-19-073.</p> <p>The requirement for waste removal prior to the initiation of municipal collection services is addressed in Condition No. 11 of Appendix "C" to Report PED21104.</p> <p>The requirement to arrange for a private waste hauler and advise residents should municipal waste collection specifications not be met is addressed in Condition No. 12 of Appendix "C" to Report PED21104.</p>
Development Engineering Approvals Section, Planning and Economic Development Department	<p>Site grading, drainage and servicing design shall be in accordance with Site Plan Control Application DA-19-073.</p> <p>Recommend the inclusion of conditions for the on-going maintenance and / or replacement costs for any structures within the condominium lands.</p>	These requirements are addressed through Condition Nos. 2, 14, 15, and 16 of Appendix "C" to Report PED21104.
Canada Post Corporation	The site will be serviced by a centralized mailbox. The applicant will need to locate the	Associated warning clause and conditions regarding these requirements have been included as

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**SUBJECT: Application for Approval of Draft Plan of Condominium (Common Element) for Lands Located at 270 Melvin Avenue, Hamilton (PED21104) (Ward 4) - Page 9 of 11**

	mailbox on site per standard requirements.	Condition Nos. 5 (ii) and 6 to 10 in Appendix "C" to Report PED21104.
Bell Canada	Necessary easements and / or agreements for the provision of communication / telecommunication infrastructure for this project is required.	This has been included as Condition No. 18 in Appendix "C" to Report PED21104.
Union Gas Ltd.	Requires that the applicant provide necessary easements and/or agreements for the provision of gas services for this project.	This has been included as Condition No. 17 in Appendix "C" to Report PED21104.
<b>Public Consultation</b>		
	Comment	Staff Response
	To date, staff have not received any public submissions through this circulation.	N/A - No submissions received.

**ANALYSIS AND 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 A Place to Grow Plan for the Greater Golden Horseshoe;
  - (ii) It complies with the policies of the Urban Hamilton Official Plan; and,
  - (iii) The proposal establishes condominium tenure for a form of development permitted under the Hamilton Zoning By-law No. 05-200. It will implement the conditionally approved Site Plan Control application DA-19-073, which provides for a form of development that is compatible with surrounding land uses.
  
2. The proposed Draft Plan of Condominium (Common Element) is comprised of the following common elements: private road, sidewalks, landscaped areas and eight visitor parking spaces for 42 street townhouse dwellings, as shown on the attached plan, marked as Appendix "B" to Report PED21104. The private

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**SUBJECT: Application for Approval of Draft Plan of Condominium (Common Element) for Lands Located at 270 Melvin Avenue, Hamilton (PED21104) (Ward 4) - Page 10 of 11**

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- condominium road will provide access to Melvin Avenue. All units will be accessed from the private condominium road.
3. Future owners and residents of this development shall be advised through Condition Nos. 5 (i) and (iii) of Appendix “C” to Report PED21104 that their garages are provided for the purposes of parking a vehicle and not for storage purposes. In addition, they will be advised that the Condominium Corporation will be responsible for maintenance and snow removal for the private road network.
  4. Prior to this Common Element Condominium being registered, Site Plan Control application DA-19-073 and Part Lot Control application PLC-21-002 shall receive final approval per Condition Nos. 1, 2 and 3 of Appendix “C” to Report PED21104. The condominium must be created in order to allow the lots created through Part Lot Control application PLC-21-002 to have frontage on a road.
  5. A Development Agreement is required to ensure that the street townhouse dwellings have legal rights tied to the Common Element Condominium and has been included as Condition No. 4 in Appendix “C” to Report PED21104.
  6. The owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton included as Condition No. 19 in Appendix “C” to Report PED21104).

## **ALTERNATIVES FOR CONSIDERATION**

Should the proposed Draft Plan of Condominium (Common Element) not be approved, the proposal would be considered a block townhouse development, which is not permitted in the Community Institutional (I2) Zone. A Zoning By-law Amendment application would therefore be required to implement the proposal.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement and Participation**

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

### **Healthy and Safe Communities**

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

### **Built Environment and Infrastructure**

*Hamilton* is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

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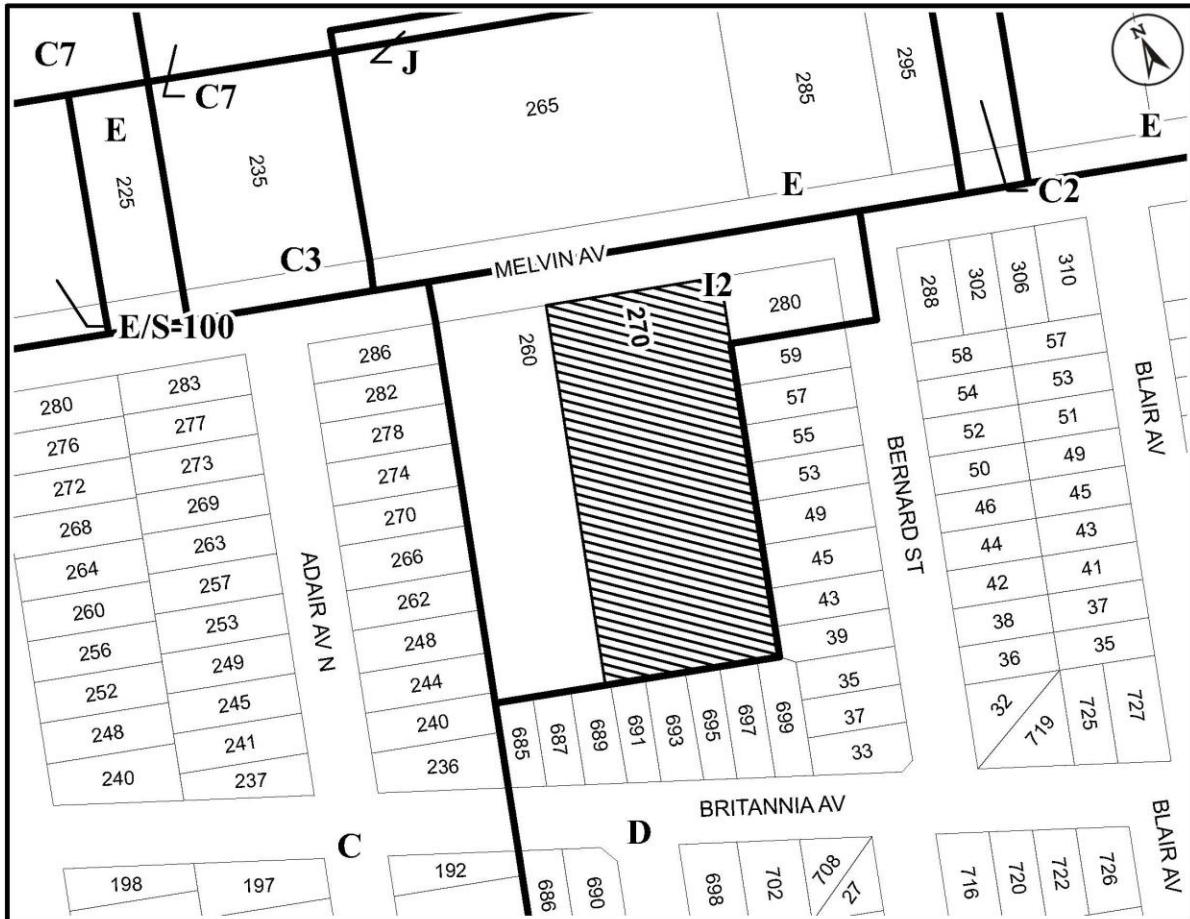
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**SUBJECT: Application for Approval of Draft Plan of Condominium (Common Element) for Lands Located at 270 Melvin Avenue, Hamilton (PED21104) (Ward 4) - Page 11 of 11**

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**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" – Location Map  
Appendix "B" – Draft Plan of Condominium  
Appendix "C" – Draft Plan Conditions  
Appendix "D" – Site Plan



● Site Location



Key Map - Ward 4

### Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
25CDM-2021007

Date:  
March 4, 2021

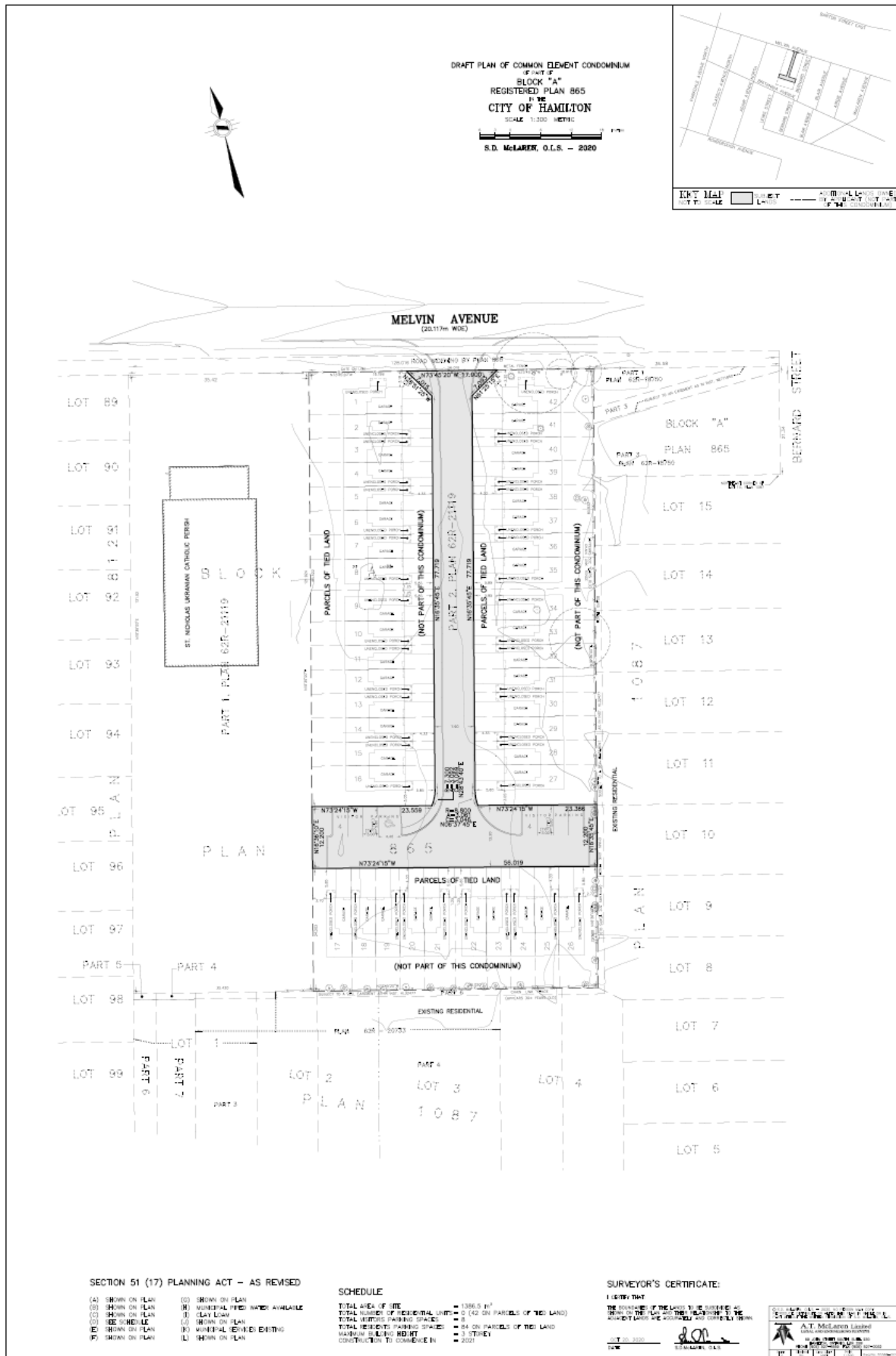
Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
MK/AL

#### Subject Property

 270 Melvin Avenue



### **Recommended Conditions of Draft Plan of Condominium Approval**

That this approval for the **Draft Plan of Condominium Application 25CDM-2021007, by Wilson Street., Ancaster Inc., Owner** to establish a Draft Plan of Condominium (Common Element) comprised of a private road, sidewalks, landscaped areas, and eight visitor parking for 42 street townhouse dwellings on lands located at 270 Melvin Avenue (Hamilton), be received and endorsed by City Council with the following special conditions:

1. That the final Plan of Condominium shall comply with all of the applicable provisions of the Hamilton Zoning By-law No. 05-200, and Minor Variance application HM/A-19:207, at the time of registration of the Draft Plan of Condominium, to the satisfaction of the Director of Planning and Chief Planner.
2. That Site Plan Application DA-19-073 receive final approval and that the final Plan of Condominium complies with the final approved Site Plan, to the satisfaction of the Director of Planning and Chief Planner.
3. The Owner / Developer shall receive final approval of Part Lot Control application PLC-21-002, including the enactment and registration on title of the associated Part Lot Control Exemption By-law, to the satisfaction of the Director of Planning and Chief Planner.
4. The Owner / Developer shall enter into a Development Agreement to ensure that the tenure of each of the proposed street townhouse dwellings have frontage on the condominium road has legal interest, in common, to the common element condominium, to the satisfaction of the City Solicitor.
5. That the Owner / Developer shall agree to include the following in all Purchase and Sale Agreements and Rental or Lease Agreements, to the satisfaction of the Senior Director of Growth Management:
  - (i) Purchasers are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road.
  - (ii) The home mail delivery will be from a Community Mail Box.
  - (iii) Garages and visitor parking areas are provided for the purpose of parking a vehicle. It is the responsibility of the owner / tenant to ensure that their parking needs (including those of visitors) can be accommodated onsite. On-street, overflow parking may not be available and cannot be guaranteed in perpetuity.
6. That the Owner / Developer will be responsible for officially notifying the purchasers of the exact Community Mail Box locations, to the satisfaction of the



Senior Director of Growth Management and Canada Post prior to the closing of any home sales.

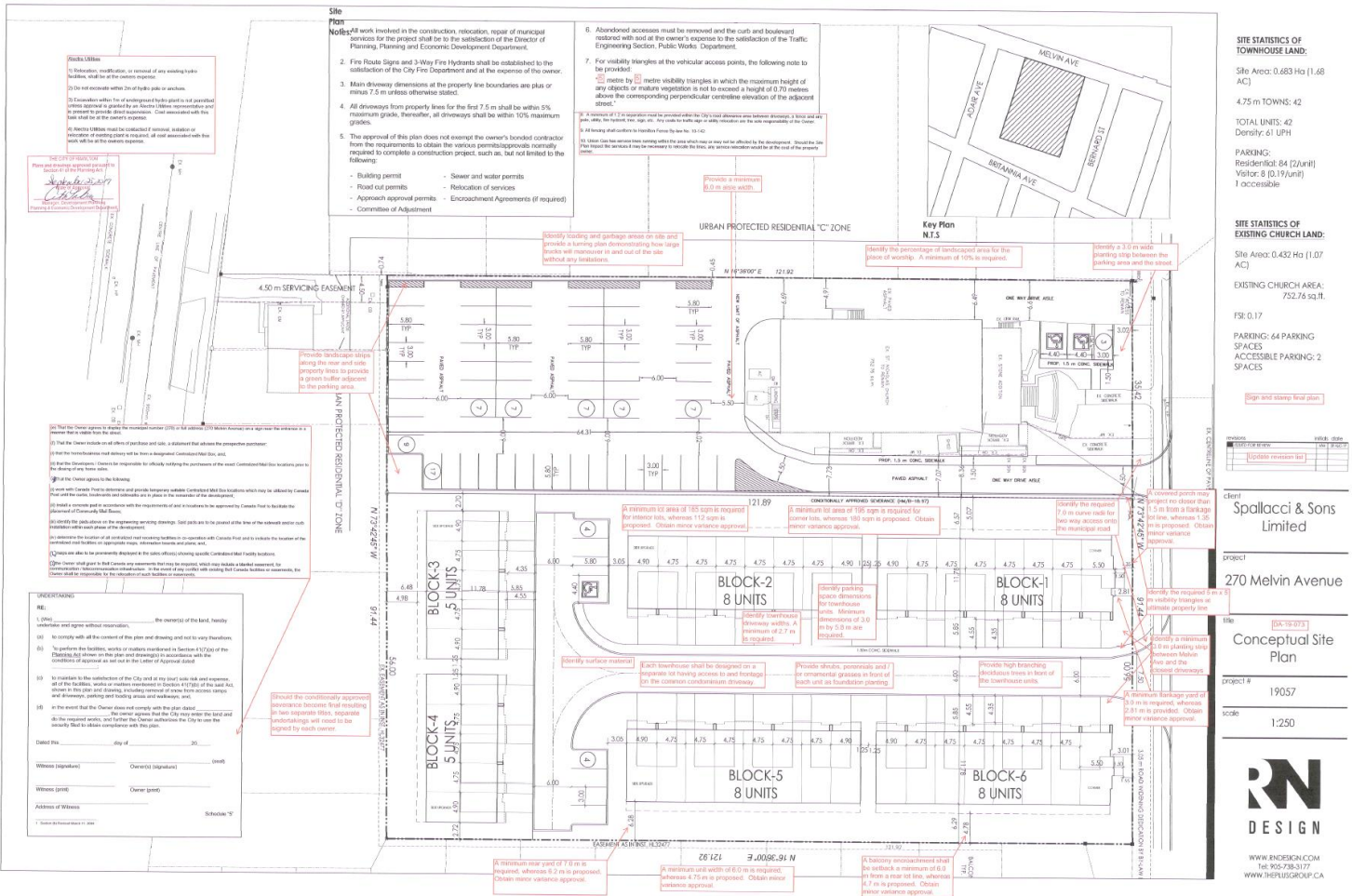
7. That the Owner / Developer work with Canada Post to determine and provide temporary suitable Community Mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision, to the satisfaction of the Senior Director of Growth Management.
8. That the Owner / Developer install a concrete pad in accordance with the requirements of, and in locations to be approved by, the Senior Director of Growth Management and Canada Post, to facilitate the placement of Community Mail Boxes.
9. That the Owner / Developer identify the concrete pads for the Community Mail Boxes on the engineering / servicing drawings. Said pads are to be poured at the time of the sidewalk and / or curb installation within each phase, to the satisfaction of the Senior Director of Growth Management.
10. That the Owner / Developer determine the location of all mail receiving facilities in co-operation with the Senior Director of Growth Management and Canada Post, and to indicate the location of mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s), showing specific mail facility locations.
11. That the Owner / Developer is responsible for all waste removal up until the time that an "Agreement for On-site Collection of Solid Waste" is finalized, and municipal collection services are initiated, to the satisfaction of the Manager of Waste Operations, Public Works Department.
12. If the development is not designed according to municipal waste collection specifications, the Owner / Developer shall complete the following, to the satisfaction of the Manager of Waste Operations, Public Works Department:
  - (i) Arrange a private waste hauler for the removal of waste materials.
  - (ii) Include in all agreements of purchase and sale or lease agreements that the property is not serviceable for municipal waste collection.
13. That the Owner / Developer finalize municipal addressing for the parcels of tied lands and street naming for the proposed common element with Growth Management staff, to the satisfaction of the Senior Director of Growth Management.
14. That the Owner / Developer shall include in the Declaration and Description pursuant to Section 93 of the *Condominium Act*, 1998, a provision to establish a

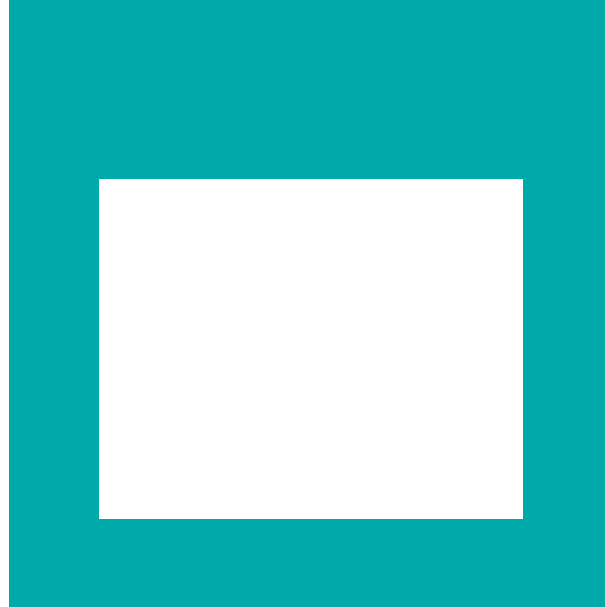
Capital Reserve fund to provide for regular on-going cleaning and maintenance or possible eventual replacement of the underground stormwater Oil/Grit Separator (OGS) unit by a qualified service provider as per the manufacturers' requirements to ensure compliance with the approved stormwater management plan by the City of Hamilton, to the satisfaction of the Senior Director of Growth Management. The Owner is advised to follow the manufacturers' maintenance recommendations for the above stated items.

15. That the Owner / Developer register an easement in a form that has been pre-approved by the City following registration of the Declaration and Description and prior to any transfer of any POTL, reserving unto the Condominium Corporation, its assigns, successors, servants, agents and employees, the right in the nature of an easement, to enter without charge in, over and along all of the POTLs, from time to time, for the purposes of entering, inspecting and undertaking, at any time, modifications to the surface drainage of the said POTLs in accordance with the Detailed Grading Plan and the overall Grading Plan approved by the City of Hamilton, to the satisfaction of the Senior Director of Growth Management. In addition, that the Owner / Developer include and describe the forgoing easement in the Declaration of the Condominium pursuant to Section 20 of the *Condominium Act*, 1998.
16. That the Owner / Developer note in the Declaration and Description that any / all future on-going maintenance and/or replacement costs for any structures within the condominium lands including but not limited to: private water services, booster pumps, private storm and sanitary sewers, area drains, maintenance holes, sewage pumps, roadways, walkways, etc. is the sole responsibility of the condominium corporation.
17. That the Owner / Developer provide to Union Gas the necessary easements and / or agreements required by Union Gas for the provision of gas services, in a form satisfactory to Union Gas.
18. That the Owner / Developer shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement for communication / telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements, in a form satisfactory to Bell Canada.
19. That the Owner / Developer shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

NOTES TO DRAFT PLAN APPROVAL

Pursuant to Section 51(32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if a written request is received two months before the draft approval lapses.





WELCOME TO THE CITY OF HAMILTON

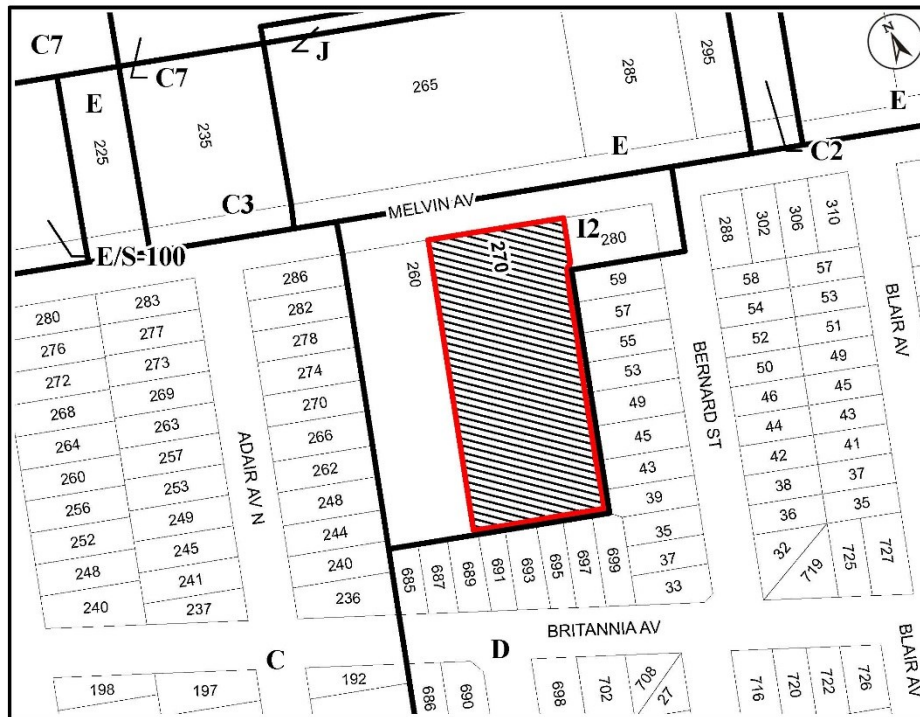
# PLANNING COMMITTEE

May 18, 2021

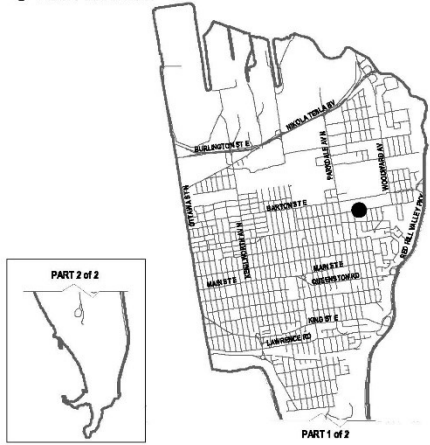
# PED21104– (25CDM-202107)

Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 270 Melvin Avenue, Hamilton.

Presented by: Mark Kehler



● Site Location



Key Map - Ward 4

**Location Map**



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
25CDM-2021007


Date:  
March 4, 2021

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
MK/AL

**Subject Property**

 270 Melvin Avenue

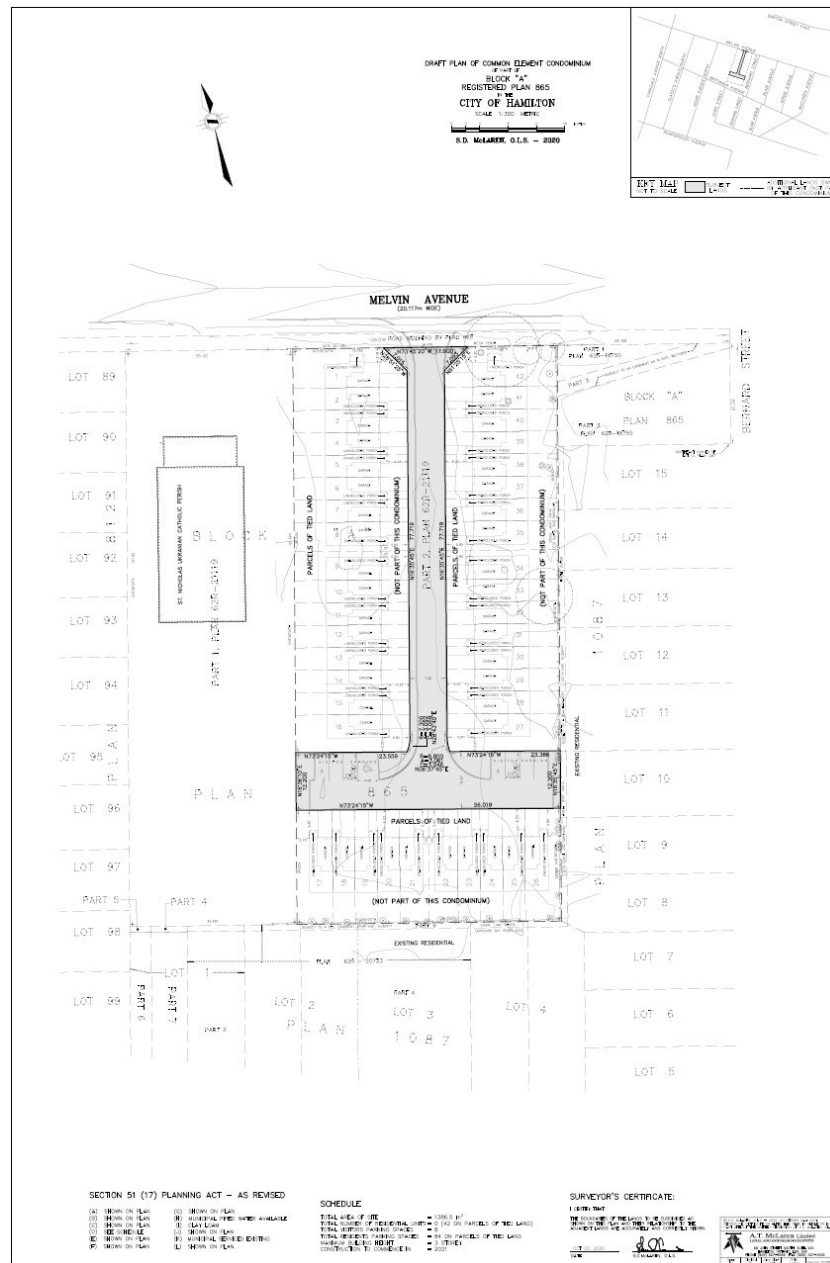


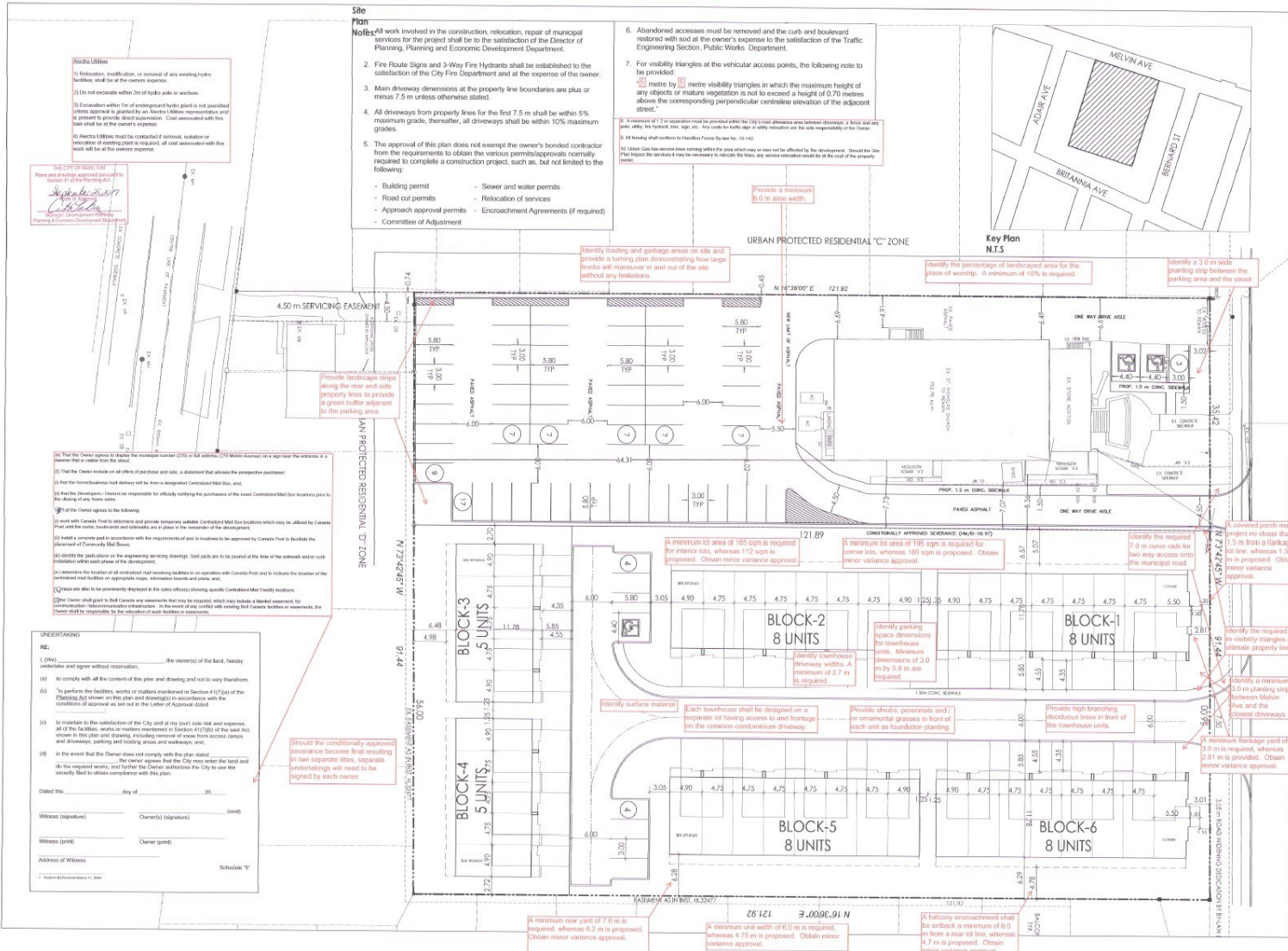
**SUBJECT PROPERTY**



**270 Melvin Avenue, Hamilton**







**SITE STATISTICS OF TOWNHOUSE LAND:**  
 Site Area: 0.683 Ha (1.68 AC)  
 4.75 m TOWNS: 42  
 TOTAL UNITS: 42  
 Density: 61 UPH  
 PARKING:  
 Residential: 84 (2/unit)  
 Visitor: 8 (0.17/unit)  
 1 accessible

**SITE STATISTICS OF EXISTING CHURCH LAND:**  
 Site Area: 0.432 Ha (1.07 AC)  
 EXISTING CHURCH AREA:  
 752.76 sq.ft.  
 FSI: 0.17  
 PARKING: 64 PARKING SPACES  
 ACCESSIBLE PARKING: 2 SPACES

revision	description	date
1	update revision list	08/13/2021

client  
**Spallacci & Sons Limited**  
 project  
 270 Melvin Avenue

title  
 Conceptual Site Plan  
 project #  
 19057  
 scale  
 1:250



WWW.ENDESIGN.COM  
 Tel: 905-738-3177  
 WWW.THELPGROUP.CA



Subject Property, as seen from Melvin Avenue looking south



Existing development to the west, as seen from Melvin Avenue looking south



Existing development to the north, as seen from Melvin Avenue looking north



Existing development to the east, as see from Melvin Avenue looking south

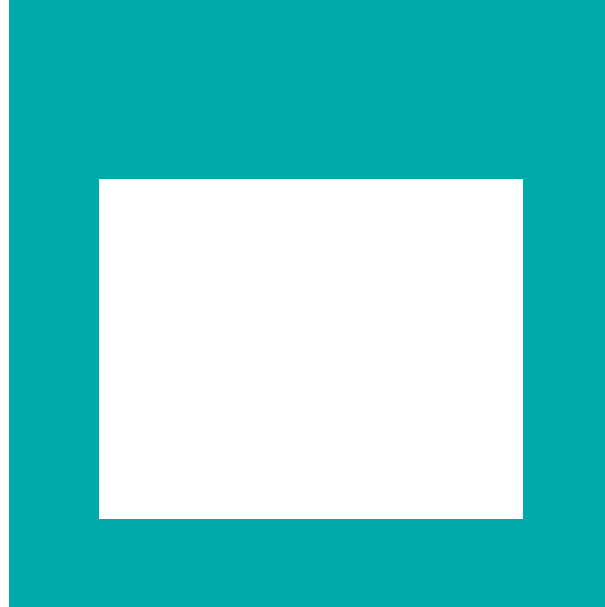


Existing development to the east, as seen from Bernard Street looking south



Existing development to the south, as seen from Britannia Avenue looking east





# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 18, 2021
<b>SUBJECT/REPORT NO:</b>	City Initiative CI-20-C to Amend the Rural Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 435 Carl Luke Road West, Ancaster (PED20073) (Ward 12)
<b>WARD(S) AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	Elyse Meneray (905) 546-2424 Ext. 6360
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That City Initiative CI-20-C, to amend the Rural Hamilton Official Plan designation from “Open Space” to “Agriculture” and to delete the lands from the Neighbourhood Park Classification on Appendix “A” to facilitate the adaptive reuse of the former community centre for a residential use for the lands located at 435 Carl Luke Road West, Ancaster, as shown on Appendix “A” to Report PED20073, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED20073, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council;
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Greenbelt Plan (2017).
- (b) That City Initiative CI-20-C, to change the zoning from the Open Space (P4) Zone to the Agriculture (A1, 743) Zone to limit the residential uses to the existing building on the property in order to facilitate the adaptive reuse of the former

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**SUBJECT: City Initiative CI-20-C to Amend the Rural Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 435 Carluke Road West, Ancaster (PED20073) (Ward 12) – Page 2 of 21**

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community centre for the lands located at 435 Carluke Road West, Ancaster, as shown on Appendix “A” to Report PED20073, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED20073, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to the Greenbelt Plan (2017) and will comply with the Rural Hamilton Official Plan upon approval of Rural Hamilton Official Plan Amendment No. XX.

## **EXECUTIVE SUMMARY**

The subject lands were originally used for agriculture until 1844 when a log schoolhouse was built on the property. The existing Gothic Revival red brick building on the subject lands was built in 1858, was damaged and subsequently rebuilt in 1925. In the late 1960’s the schoolhouse was converted to a community centre (known as Carluke Hall) for use by the former Town of Ancaster.

In 2015, the City rezoned the lands from the Agricultural “A” Zone to the Open Space (P4) Zone to recognize the community centre use. The City of Hamilton continued operate Carluke Hall until March 30, 2017 when the property was declared surplus. Since then the building has remained vacant and the City has been exploring options to divest of the property.

The subject property, comprised of 435 Carluke Road West and known as the former Carluke Schoolhouse or the “Little Red Schoolhouse”, is designated under Part IV of the *Ontario Heritage Act* and is a “protected heritage property” under the *Provincial Policy Statement*. The subject property is also located within the Carluke Historic Settlement Area, an inventoried Cultural Heritage Landscape of interest.

The purpose of the Rural Hamilton Official Plan Amendment is to change the designation from “Open Space” to the “Agriculture” to facilitate the adaptive reuse of the former community centre on the property for residential uses and remove the subject lands from the Neighbourhood Parks Classification on Appendix A of the RHOP.

The proposed Zoning By-law Amendment is to change the zoning from the Open Space (P4) Zone to the Agriculture (A1, 743) Zone is to limit the residential uses to the existing building and facilitate the adaptive reuse of the former community centre on the property. Agricultural uses will also be permitted in accordance with the applicable provisions of the A1 Zone.

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Although, residential uses will be limited to the existing building, minor alterations and additions shall be permitted in accordance with the *Ontario Heritage Act*. Any proposed additions or alterations may require a Heritage Permit.

The City Initiated amendments have merit and can be supported as the proposal is consistent with the Provincial Policy Statement (2020), conforms to the Greenbelt Plan (2017) and the Growth Plan (2019) and complies with the general intent of the policies of the Rural Hamilton Official Plan (RHOP) subject to the amendment.

**Alternatives for Consideration – See Page 20**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for an amendment for an Official Plan Amendment and Zoning By-law Amendment.

**HISTORICAL BACKGROUND**

**Report Fact Sheet**

<b>Application Details</b>	
Owner:	City of Hamilton
Applicant:	City of Hamilton
File Number:	CI-20-C
Type of Application:	Rural Hamilton Official Plan Amendment Zoning By-law No. 05-200 Amendment
Proposal:	<ul style="list-style-type: none"> <li>Change the designation from Open Space to Agriculture and remove the property from the Neighbourhood Park Classification Map on Appendix “A” in the RHOP to facilitate the adaptive reuse of the former community centre for residential uses.</li> </ul>

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	<ul style="list-style-type: none"> <li>To change the zoning from the Open Space (P4) Zone to the Agriculture (A1, 743) Zone to permit residential uses within the existing building on the property in order to facilitate the adaptive reuse of the former community center. Agricultural uses in accordance with the proposed A1 Zone will also be permitted.</li> </ul>
<b>Property Details:</b>	
Municipal Address:	435 Carluke Road West, Ancaster
Lot Area:	0.4 hectares (1.01 acres) (rectangular)
Servicing:	Well and Septic System
Existing Use:	Former Carluke Community Centre (currently vacant)
<b>Documents:</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS, 2020
Greenbelt Plan (2017):	The proposal conforms to the Greenbelt Plan, 2017
Official Plan Existing:	<ul style="list-style-type: none"> <li>“Open Space” on Schedule D – Rural Land Use Designations</li> </ul>
Official Plan Proposed:	<ul style="list-style-type: none"> <li>“Agriculture” on Schedule D – Rural Land Use Designations</li> </ul>
Zoning Existing:	<ul style="list-style-type: none"> <li>Open Space (P4) Zone</li> </ul>
Zoning Proposed:	<ul style="list-style-type: none"> <li>Agriculture (A1, 743) Zone</li> </ul>
Modifications Proposed:	<ul style="list-style-type: none"> <li>To restrict the residential uses to the existing building; and,</li> <li>To permit expansions and minor alterations to the existing building. Any alterations will also be subject to the requirements of the Ontario Heritage Act.</li> </ul>
<b>Processing Details</b>	
Received:	N/A

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Deemed Complete:	N/A
Notice of Complete Application:	Sent to 10 property owners within 120 metres of the subject property on February 26, 2021.
Public Notice Sign:	Sign was posted on the property February 19, 2021.
Notice of Public Meeting:	Sent to 10 property within 120 metres of the subject property on April 30, 2021.
Public Consultation:	A Community meeting was held on August 9, 2016.
Public Comments:	Two submissions received expressing an interest in purchasing the property and two submission received expressing concerns with the potential Official Plan Amendment and Zoning By-law Amendment.
Processing time:	N/A

**EXISTING LAND USE AND ZONING**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Former Carluke Community Centre	Open Space (P4) Zone
<b>Surrounding Land Uses:</b>		
<b>North</b>	Agriculture	Agriculture (A1) Zone
<b>South</b>	Agriculture	Agriculture (A1) Zone
<b>East</b>	Carluka Cemetery Agriculture	Open Space (P4) Zone Agriculture (A1) Zone
<b>West</b>	Single Family Dwelling	Agriculture (A1) Zone

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## **Background**

The subject lands were originally used for agriculture until 1844 when a log schoolhouse was built on the property. In 1858 the log schoolhouse was replaced by the existing Gothic Revival red brick schoolhouse. In 1925 the schoolhouse was damaged in a fire and reconstructed on the original foundation to its present form.

By the late 1960's, the use of the building as a schoolhouse had ceased and the structure was converted into a community centre for the local residents of Ancaster. This facility was named Carluke Hall and was operated by the Town of Ancaster and later the City of Hamilton. The City of Hamilton continued to own and operate Carluke Hall until 2017. At that time, the City was conducting an Indoor Recreation Facilities Study that assessed the City's portfolio of major recreation infrastructure. This property was deemed as having high operating costs and low utilization. The property was declared surplus to the needs of the City on March 30, 2017. Since then the building has remained vacant and the City has been exploring options to divest of the property. In 2015, the City rezoned the lands to Open Space (P4) to recognize the community centre use.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Policy Statement (2020)**

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020) (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The following policies, amongst others, apply to the proposed development.

#### Cultural Heritage and Archaeology

- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.
- 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

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The subject property meets five of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the PPS apply to the lands. If this application is approved, the City does not require an archaeological assessment but retains the authority to require one for any future *Planning Act* applications on the subject property.

Further, staff require that any prospective buyers of the subject property are informed in writing of the following:

*“The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbance, in addition to any areas impacted by the installation of services, such as water, electricity and ground-source heat pumps, and the proponent is advised to conduct an archaeological assessment prior to such impacts in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the MHSTCI. Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”*

The subject property, comprised of 435 Carluke Road West and known as the former Carluke Schoolhouse or the “Little Red Schoolhouse”, is designated under Part IV of the *Ontario Heritage Act* and is a “protected heritage property” under the *Provincial Policy Statement*. The subject property is also located within the Carluke Historic Settlement Area, an inventoried Cultural Heritage Landscape of interest.

The heritage attributes protected by Designation By-law Number 93-16 (former Town of Ancaster) include the “whole of the exterior surfaces” of the structure, including its red brick construction and detailing, stone foundation, roof with chimney and belfry, enclosed front entrance and side wing, and all doors and window and their openings.

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Depending on the proposed use and scope of work required to adaptively reuse the structure, staff may require a Cultural Heritage Impact Assessment to be submitted as part of any *Planning Act* applications required to implement the proposal, or as part of any required Heritage Permit applications under the *Ontario Heritage Act*.

### Residential Development

The following policies, amongst others, are applicable to the proposal:

- “1.1.4.1 Healthy, integrated and viable rural areas should be supported by:
- a) building upon rural character, and leveraging rural amenities and assets;
  - d) encouraging the conservation and redevelopment of existing rural housing stock on rural lands;
  - e) using rural infrastructure and public service facilities efficiently.
- 1.1.5.2 On rural lands located in municipalities, permitted uses are:
- a) the management or use of resources;
  - c) residential development, including lot creation, that is locally appropriate;
  - d) *agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices*, in accordance with provincial standards;
  - g) other rural land uses.
- 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

The Provincial Policy Statement allows for some residential development that is locally appropriate. The subject lands are located in the rural area and the OPA/ZBLA will facilitate the adaptive reuse of the existing building by allowing it to be converted to a residential use. This conversion represents the redevelopment of an existing building on rural lands, which is encouraged to minimize the amount of land being developed in the rural area. The future residential use will use the existing services on the property and not expand into any natural heritage features.

The subject land is designated under Part IV of the *Ontario Heritage Act* and is a “protected heritage property” under the *Provincial Policy Statement*. The building will maintain its school house appearance while allowing for expansion and minor

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alterations. The building is compatible with the surrounding rural landscape, which is predominantly characterized by single detached dwellings and agricultural uses.

Therefore, the proposed amendments are consistent with the PPS (2020).

**Greenbelt Plan (2017)**

The *Greenbelt Act* requires that all municipal land use decisions made under the *Planning Act* conform to the Greenbelt Plan (2017). The Greenbelt Plan designates the subject lands as “Protected Countryside”. The following policies, amongst others, are applicable.

“4.5 Existing Uses

4.5.1 All *existing uses* are permitted.

4.5.4 Expansions to existing buildings and structures, accessory structures and uses and/or conversions of legally existing uses which bring the use more into conformity with this Plan are permitted subject to a demonstration of the following:

- a) Notwithstanding section 4.2.2.2, new municipal services are not required; and
- b) The use does not expand into key natural heritage features or key hydrologic features or their associated vegetation protection zones, unless there is no other alternative, in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure.”

The community centre is an existing use that is recognized and permitted under the Greenbelt Plan (2017). The proposal is to change the designation and zoning of the subject lands to permit a residential use within the existing building. The surrounding land uses are predominantly characterized by single detached dwellings and agricultural uses. This proposal will bring the use more into conformity with the Greenbelt Plan by integrating it into the existing rural landscape, utilizing existing private services and not expanding into key natural heritage features or key hydrologic features or their associated vegetation protection zone.

Therefore, based on the above, the proposal conforms to the Greenbelt Plan (2017).

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**Rural Hamilton Official Plan (RHOP)**

The subject lands are identified as “Open Space” on Schedule D – Rural Land Use Designations, in the Rural Hamilton Official Plan. The following policies, amongst others, apply.

“C.3.3 Hamilton has a diverse and complex network of open spaces including the Niagara Escarpment – a world biosphere reserve, significant environmental features such as wetlands, woodlands, environmentally significant areas; city wide parks and small neighbourhood parks. The Bruce Trail is an essential component of the Niagara Escarpment Parks and Open Space System, linking parks, open space areas, and natural features. Open spaces, both individually and collectively, provide health, environmental, aesthetic and economic benefits that are essential elements for a good quality of life in our community. In addition, open spaces play an important role in defining the character of the City and in preserving its natural environment. Open space is the essential part of the urban and rural fabric of our City, providing common linkages between communities and complementing and enhancing our built and rural environments.

It is the City’s goal to establish and maintain an integrated parks and recreation system. This system contributes to a healthy, environmentally sound, and economically diverse community by providing benefits critical for good quality of life. As part of the natural fabric of a community, parks and open spaces are a source of pride and identity. Wherever possible parks shall be linked with other open space lands, walkways, bicycle /multi- use paths and trails. Parkland classifications and standards shall be used to determine the amount and type of parkland required for the community.

Planning policies ensure sufficient and viable opens spaces are retained, enhanced expanded and appropriately acquired. Such policies are necessary to achieve the environmental, social, economic, health and aesthetic benefits that parklands and open space provide for our communities.

The subject lands were designated Open Space and added to the Neighbourhood Parks Classification Map on Appendix A of the Rural Hamilton Official Plan through the adoption of the RHOP in 2012. These changes were to recognize the community centre use. Neighbourhood Parks primarily cater to the recreational needs and interests of the residents living within its general vicinity. They are generally comprised of municipal

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parkland, containing a mixture of passive areas, sports facilities, informal and formal play areas, and may include natural areas.

In 2017, the City conducted an Indoor Recreation Facilities Study that assessed the City's portfolio of major recreation infrastructure. This property was deemed as having high operating costs and low utilization. The property was declared surplus to the needs of the City on March 30, 2017. Since then the building has remained vacant and the City has been exploring options to divest of the property.

Through the review of the applications it was determined that removing the property from the Neighbourhood Parks Classification would result in a parkland deficit of 0.364 hectares. Staff note that based on assessment of the play structures on site they should be removed. They are currently utilized by members of the community, however there are two parks located within 6 km of Carluke Hall. Therefore, based on the above, staff are supportive of removing the lands from the Parks Classification Map on Appendix A of the RHOP.

C.3.3.1 Lands designated as Open Space on Schedule D – Rural Land Use Designations are public or private areas where the predominant use of or function of the land is for recreational activities, conservation management and other open space uses. These uses include, but are not limited to, parks for both active and passive recreational activities including resource-based recreational and tourism uses, recreation/community centres, pedestrian pathways, trails, bikeways and walkways, seasonal campgrounds, marinas, woodlots, forestry and wildlife management areas, fishing reserves, hazard lands and cemeteries. Ancillary commercial uses may be permitted as defined by Section B.3.5.3, Parkland Policies and Section C.2, Natural Heritage System policies of this Plan.”

The Open Space designation of the Rural Hamilton Official Plan limits the permitted uses on a property to recreational activities, conservation management and other open space uses. One ancillary residential dwelling in conjunction with a *resource-based* recreational and tourism use is permitted provided that it does not interfere with or have any negative impacts on the open space nature of the land. As the community centre is not a *resource-based* recreational and tourism use, an ancillary residential use is not permitted.

The subject property was designated Open Space to recognize the community centre use, which is no longer in operation. The proposed Rural Hamilton Official Plan Amendment will change the designation from Open Space to Agriculture to allow residential within the existing building. This designation change represents the best option for disposing of the city owned property. This will allow for conservation and adaptive reuse of the existing community centre into a residential use by protecting the

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cultural heritage features of the building, respecting the surrounding farming-related properties and limiting the amount of land being developed in the rural area.

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

#### Rural Area General Provisions

- “C.3.1.4 The following uses shall be permitted in the Agriculture, Specialty Crop, and Rural designations, provided the applicable conditions are met: (OPA 5)
- a) Except as permitted in Sections D.2.1.1.6 and C.3.1.4 b) and c) of this Plan, a maximum of one dwelling per lot shall be permitted in designations where residential uses are permitted. The Zoning By-law shall limit permitted dwellings to a maximum of one residence per lot in designations where residential uses are permitted; and (OPA 23)

#### Agriculture Permitted Uses

- D.2.1 Uses permitted in the Agriculture designation are limited to agricultural uses, agricultural-related commercial and agricultural-related industrial uses and on farm secondary uses as set out in the following policies.”

The Agriculture designation permits a maximum of one dwelling per lot, agriculture, agricultural related and on farm secondary uses. The subject lands are 0.4 ha (1 acre) in size, contain a manicured lawn and are situated between a single detached dwelling and cemetery on the neighbouring properties. The property is constrained by what can be accommodated on site due to the small lot size and the inability to further expand the lot for larger uses.

As the Open Space designation does not permit a residential use and is limited to only recreational activities, conservation management and other open space uses, staff feel that the Agriculture designation is the best option for disposing of the property. This will allow for the adaptive reuse of the existing community centre to a residential use, protect the cultural heritage features of the building and integrate into the surrounding rural area.

Therefore, based on the above, the proposal complies with the RHOP.

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**SUBJECT: City Initiative CI-20-C to Amend the Rural Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 435 Carluke Road West, Ancaster (PED20073) (Ward 12) – Page 13 of 21**

---

Servicing

- “C.5.1.1
- d) Development of a new land use or a new or replacement building on an existing lot that require(s) water and/or sewage servicing, may only be permitted where it has been determined by the requirements of Policies C.5.1.1 a) and b) that the soils and size of the lot size are sufficient to accommodate the water system and sewage disposal system within acceptable levels of on-site or off-site impacts including nitrate impact, and shall include sufficient land for a reserve discharge site or leaching bed. The maximum lot size shall be in accordance with F.1.14.2.1 g);
  - e) The private water supply and sewage disposal systems shall be capable of sustaining the proposed and existing uses within acceptable levels of on-site and off-site water quantity and quality impacts, including nitrate impact;
  - f) The existing or proposed wastewater system shall not include a sewage disposal holding tank; and,
  - g) The existing or proposed water supply system shall include a well with sufficient quantity of water to sustain the use. A cistern system that meets current accepted standards, may, to the satisfaction of the City, be an additional component of the water supply system.”

In Spring 2020, WSP was retained to conduct a Hydrogeological Study to evaluate the existing well and sewage system. The purpose of the study was to demonstrate that there will be no negative impacts to the surrounding environment as a result of the proposed residential use. It was determined that the existing septic tank would be adequate for re-use and the water quality of the well met City standards.

The study also concluded that the existing leaching bed is not adequately sized for a residential use based on current Ontario Building Code (OBC) guidelines. The existing leaching bed would need to be upgraded or replaced in order to accommodate a residential use. Staff will require the upgraded/replacement sewage system design to be completed by a qualified professional. Upgrades to the sewage system will be required at the building permit stage as part of the conversion to a single family dwelling use from the City of Hamilton.

Based on the above, the proposal complies with the Private Water and Wastewater Service policies of the RHOP.

---

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**City of Hamilton Zoning By-law No. 05-200**

The subject property is currently zoned Open Space (P4) Zone in the City of Hamilton Zoning By-law No. 05-200. The Open Space (P4) Zone permits a variety of open space uses including botanical gardens, cemeteries, community gardens, nature centres, a seasonal campground and an urban farm. One ancillary residential dwelling may be permitted in conjunction with a *resource-based* recreational and tourism use provided that it does not interfere with or have any negative impacts on the open space nature of the land.

The purpose of the Zoning By-law Amendment is to change the zoning from Open Space (P4) Zone to the Agriculture (A1, 743) Zone in order to permit a residential use in the existing building and agricultural uses. Staff identified a site specific modification that is required to implement the proposal. This modification is listed in the table on page four and discussed in greater detail in Appendix “D” to Report PED20073.

**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
<ul style="list-style-type: none"> <li>Recycling &amp; Waste Disposal, Operations Division, Public Works Department; and</li> <li>Grand River Conservation Authority</li> </ul>	<ul style="list-style-type: none"> <li>No Comment</li> </ul>	
Forestry and Horticulture Section, Public Works Department	<ul style="list-style-type: none"> <li>Have advised that there are municipal tree assets on site, however it is determined that no impacts are anticipated. Therefore, a Tree Management Plan and Landscape Plan will not be required.</li> </ul>	
Engineering Approvals	<ul style="list-style-type: none"> <li>Reviewed the applications and have no concerns with the Official Plan</li> </ul>	<ul style="list-style-type: none"> <li>A road widening will be required for any future development. Staff note that the road widening</li> </ul>

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**SUBJECT: City Initiative CI-20-C to Amend the Rural Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 435 Carluke Road West, Ancaster (PED20073) (Ward 12) – Page 15 of 21**

	<p>Amendment and Zoning By-law Amendment.</p> <ul style="list-style-type: none"> <li>• Development Approvals has advised that Carluke Road is defined as a rural arterial road and a future road widening will be required.</li> <li>• Hamilton Water has reviewed the Hydrogeological Study and determined that the site can be sustainably serviced. However, staff note that the existing septic system may need to be upgraded or replaced through the future building permit application.</li> </ul>	<p>can only be taken through a Severance or Site Plan application.</p> <ul style="list-style-type: none"> <li>• Building staff have advised that a new septic tank will not be required as long as the current septic tank does not leak and can accommodate the future dwelling use.</li> </ul>
<p>Transportation Planning, Planning and Economic Department</p>	<ul style="list-style-type: none"> <li>• Transportation Planning staff have reviewed the applications and have no objection to Official Plan Amendment and Zoning By-law Amendment.</li> <li>• Transportation Planning staff will require a future right of way dedication of 5.18 m along Carluke Road West.</li> <li>• Staff also note that careful consideration should be taken during the functional design of the site to ensure there is adequate sight distance at the access as per the TAC manual.</li> </ul>	<ul style="list-style-type: none"> <li>• A road widening will be required for any future development. Staff note that the road widening can only be taken through a Severance or Site Plan application.</li> </ul>

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**SUBJECT: City Initiative CI-20-C to Amend the Rural Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 435 Carluke Road West, Ancaster (PED20073) (Ward 12) – Page 16 of 21**

<p>Recreation, Healthy and Safe Communities Department.</p>	<ul style="list-style-type: none"> <li>• Recreation Planning staff advise that the lands are not conducive for recreation purposes. There is no interest from a Recreation programming respect.</li> <li>• Recreation Planning note, that Staff have taken appropriate measures to prepare for the eventual sale of the asset and have offered rental groups alternative space.</li> </ul>	
<p>Natural Heritage</p>	<ul style="list-style-type: none"> <li>• Natural Heritage staff advise that the property is not within or adjacent to any Core Areas or Linkages shown on Schedule B (Natural Heritage System) of the Rural Hamilton Official Plan.</li> <li>• The site is within the Greenbelt Plan Protected Countryside, and a portion of Grand River Conservation Authority (GRCA) regulated area is just off-site, to the north east. Since the site is within an existing manicured area, is more than 120 metres from any Core Areas.</li> <li>• There are trees on site which would be regulated by the Public Tree By-law (if the site remains City-owned). If</li> </ul>	<ul style="list-style-type: none"> <li>• The Town of Ancaster private tree by-law regulates trees on site and a permit may be required for any proposed changes.</li> </ul>

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**SUBJECT: City Initiative CI-20-C to Amend the Rural Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 435 Carluke Road West, Ancaster (PED20073) (Ward 12) – Page 17 of 21**

	the land is eventually sold to a private landowner, the Town of Ancaster private tree by-law would regulate trees on site and a permit may be required.	
<b>Public Consultation</b>		
	<b>Comment</b>	<b>Staff Response</b>
Potential Purchase	<p>Interest in purchasing the property and converting it into a single detached dwelling.</p> <p>Interest in purchasing the property and operating an art and music school or an early education centre.</p>	Staff have forwarded this information to the Real Estate Department.
Cultural Heritage Conservation	Concern regarding the preservation of the building and it's heritage features.	<p>The subject property is designated under the Ontario Heritage Act and is a "protected heritage property" under the Provincial Policy Statement.</p> <p>The heritage attributes are protected by Designation By-law Number 93-16 and depending on the proposed use and scope of work, staff may require a Cultural Heritage Impact Assessment and/or a Heritage permit to implement the proposal.</p>
School Bell Preservation	Interest in keeping the original school house bell in the Carluke Community	Staff, in consultation with the Heritage Resource Management Section, the Tourism and Culture

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**SUBJECT: City Initiative CI-20-C to Amend the Rural Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 435 Carluke Road West, Ancaster (PED20073) (Ward 12) – Page 18 of 21**

	<p>by placing it in the neighbouring cemetery.</p>	<p>Division and the Conservator, note that the subject property is a designated heritage property and the best course of action is to leave the bell in the belfry to avoid any potential damage from removal.</p> <p>Further, displaying the bell outside has drawbacks as there is no care plan or budget in place for the bell and exposing the bell to the elements will cause the metal to deteriorate /degrade overtime.</p> <p>Therefore, staff are recommending that the bell remain in belfry and that it is considered as part of the designation and protected. A heritage permit application would be required by a future owner should they want to remove the bell.</p>
--	--	---

### Public Consultation

In accordance with the Council Approved Public Participation Policy, Notice and Preliminary Circulation was sent to 10 property owners within 120 m of the subject property on February 26, 2021.

A Public Notice Sign was posted on the property on February 19, 2021 and updated on April 21, 2021 with the Public Meeting date. A Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on April 22, 2021 and a newspaper ad was placed in the Hamilton Spectator.

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**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposed Rural Hamilton Official Plan and Zoning By-law Amendments have merit and can be supported for the following reasons:
  - (i) The proposed amendments are consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan (2019) and the Greenbelt Plan (2017);
  - (ii) It complies with the general intent and purpose of the Rural Hamilton Official Plan, subject to the recommended Official Plan Amendment; and,
  - (iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area.
  
2. The proposed Rural Hamilton Official Plan Amendment will:
  - Re-designate the lands from “Open Space” to “Agriculture” on Schedule D – Rural Land Use Designations;
  - Remove the lands from the Neighbourhood Park Classification on Appendix “A”.
  - Allow for the adaptive reuse of the subject lands for residential purposes; and,
  - Permit agricultural uses, agricultural-related commercial and agricultural-related industrial uses and on-farm secondary uses in accordance with the applicable Agricultural permissions.

The proposal facilitates an adaptive reuse of a rural property from an existing community centre to a residential use. The future residential use will facilitate the preservation of the cultural heritage features of the existing building. The property can be sustainably serviced in accordance with the RHOP water and wastewater servicing policies and will utilize the existing private waste system.

Removing the property from the Neighbourhood Parks Classification will result in a parkland deficit of 0.364 hectares. However, the community centre has been vacant since 2017, and there are two parks within 6 km of the subject lands. The existing play structures on site have been assessed and have recommended that they be removed.

Based on the above, staff support the proposed amendment and feel that this is the best option for divesting the property.

3. The proposed Zoning By-law Amendment will rezone the lands from the Open Space (P4) Zone to the Agriculture (A1, 743) Zone in the City of Hamilton Zoning

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**SUBJECT: City Initiative CI-20-C to Amend the Rural Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 435 Carluke Road West, Ancaster (PED20073) (Ward 12) – Page 20 of 21**

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By-law No. 05-200. The amendment will limit residential uses to the existing building on the property and facilitate the adaptive reuse of the former community centre to a single detached dwelling. Minor alterations and additions will be permitted in accordance with the *Ontario Heritage Act* and may require a Heritage Permit. These modifications are discussed in greater detail in Appendix “D” to Report PED20073.

The City is moving forward with the proposed amendment to expand the permitted uses on the property to make it more saleable as the current Open Space zoning is very limited. The subject property was rezoned to the Open Space (P4) Zone to recognize the community centre use, which is no longer in operation. Staff feel that the best option for the property is to rezone to the Agriculture (A1, 743) Zone to permit residential and agricultural uses. This zone change will allow for a more diverse set of uses on the property that will ingrate with the surrounding rural neighbourhood. As such, staff are supportive of the amendments.

4. The property is designated under Part IV of the *Ontario Heritage Act* and is a “protected heritage property” under the *Provincial Policy Statement*. The heritage attributes are protected by Designation By-law Number 93-16 (former Town of Ancaster). Depending on the proposed use and scope of work required to adaptively reuse the structure, staff may require a Cultural Heritage Impact Assessment to be submitted as part of any *Planning Act* applications required to implement the proposal, or as part of any required Heritage Permit applications under the *Ontario Heritage Act*.

Through the review of the Hydrogeological Study, it was determined that the existing septic tank is adequate for re-use and the water quality of the well met City standards. Staff note that the existing leaching bed is not sized for a residential use based on current Ontario Building Code (OBC) guidelines. The existing leaching bed would need to be upgraded or replaced in order to accommodate a residential use. Staff will require the upgraded/replacement sewage system design to be completed by a qualified professional. Upgrades to the sewage system will be required at the building permit stage as part of the conversion to a single family dwelling use from the City of Hamilton.

## **ALTERNATIVES FOR CONSIDERATION**

City Council could choose to not adopt the proposed amendments. The existing Open Space designation and Open Space (P4) Zone would continue to apply to the property thereby limiting the uses permitted on the subject lands. This option is not preferred. The Carluke Hall Community Centre ceased operations in 2017 and since that time the

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building has remained vacant. This option would limit the City's opportunity to divest of the property.

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Economic Prosperity and Growth**

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

**Healthy and Safe Communities**

*Hamilton is* a safe and supportive city where people are active, healthy, and have a high quality of life.

**Built Environment and Infrastructure**

*Hamilton is* supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" – Location Map

Appendix "B" – Draft Rural Hamilton Official Plan Amendment

Appendix "C" – Draft Zoning By-law No. 05-200 Amendment

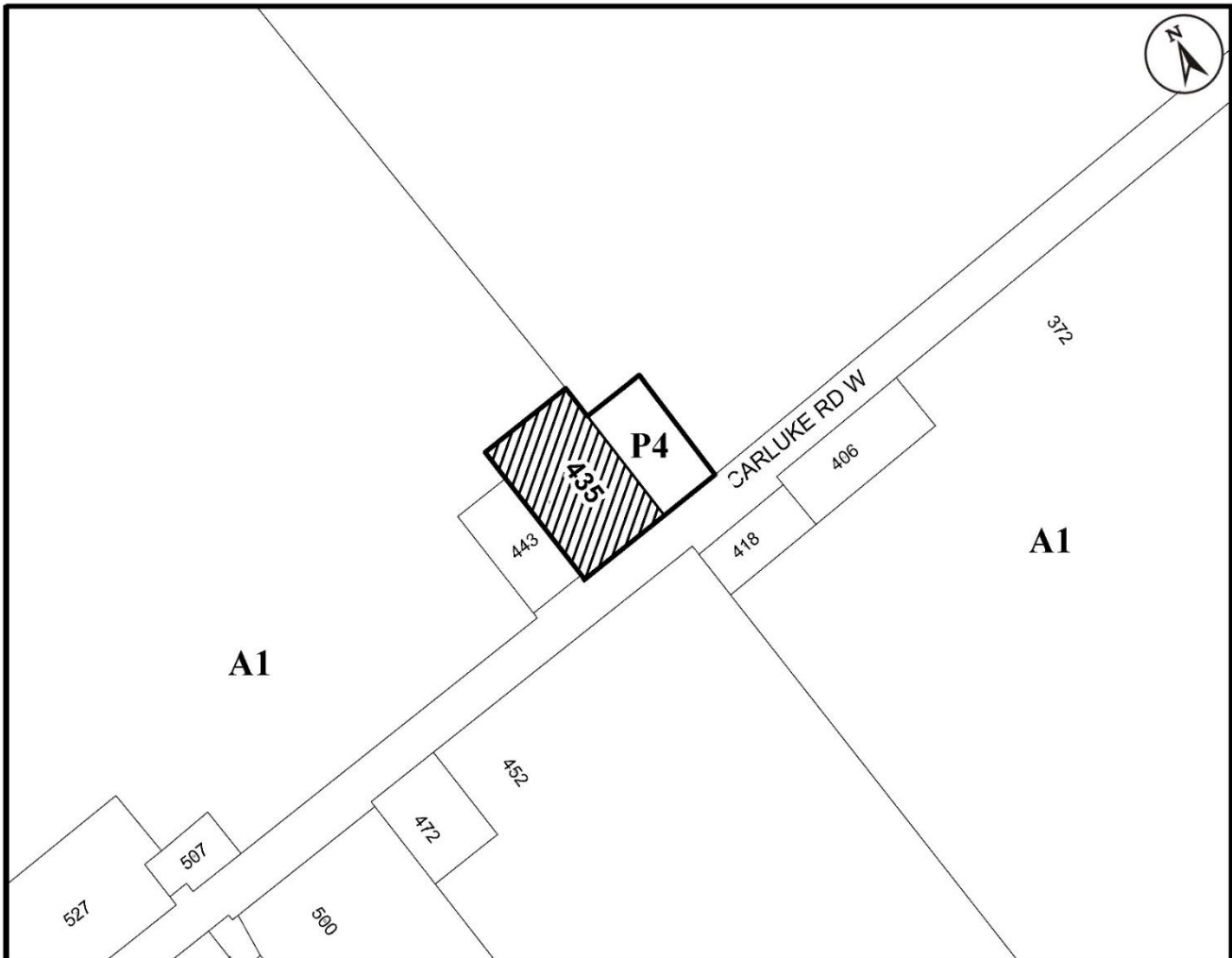
Appendix "D" – Modifications Summary

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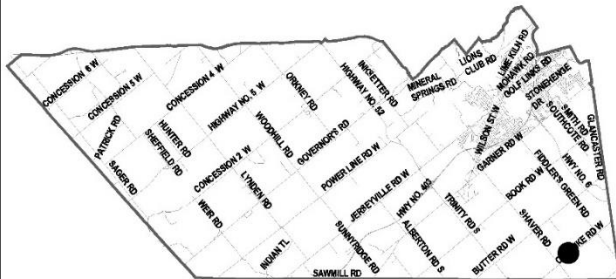
OUR Vision: To be the best place to raise a child and age successfully.

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● Site Location



Key Map - Ward 12



# Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
CI-20-C

Date:  
April 21, 2021

Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
EM/NB

### Subject Property

435 Carl Luke Road West, Ancaster

Change in zoning from the Open Space (P4) Zone to the Agriculture (A1, 743) Zone

## **DRAFT Rural Hamilton Official Plan Amendment No. X**

The following text, together with:

Appendix "A"	Volume 1, Schedule D – Rural Land Use Designations
Appendix "B"	Volume 1, Appendix A – Parks Classification

attached hereto, constitutes Official Plan Amendment No. X to the Rural Hamilton Official Plan.

### **1.0 Purpose and Effect:**

The purpose and effect of this Amendment is to redesignate the lands from the "Open Space" designation to the "Agriculture" designation because the lands are no longer required for open space uses.

### **2.0 Location:**

The lands affected by this Amendment are known municipally as 435 Carluke Road West, in the former Town of Ancaster.

### **3.0 Basis:**

The basis for permitting this Amendment is:

- The City no longer requires the property for open space uses;
- The proposed designation will allow for the adaptive reuse of the existing heritage building; and,
- The proposed Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Greenbelt Plan, 2017.



#### **4.0 Actual Changes:**

#### **4.1 Volume 1 – Parent Plan**

##### ***Schedules and Appendices***

##### **4.1.1 Schedule**

- a. That Volume 1, Schedule D – Rural Land Use Designations be amended by redesignating the subject lands from "Open Space" to "Agriculture", as shown on Appendix "A", attached to this Amendment.

##### **4.1.2 Appendix**

- a. That Volume 1, Appendix A – Parks Classification be amended by removing the Neighbourhood Park Classification, as shown on Appendix "B", attached to this Amendment.

#### **5.0 Implementation:**

An implementing Zoning By-Law Amendment will give effect to these amendments.

This Official Plan Amendment is Schedule "1" to By-law No. \_\_\_\_ passed on the \_\_\_\_\_<sup>th</sup> of \_\_\_\_\_, 2020.

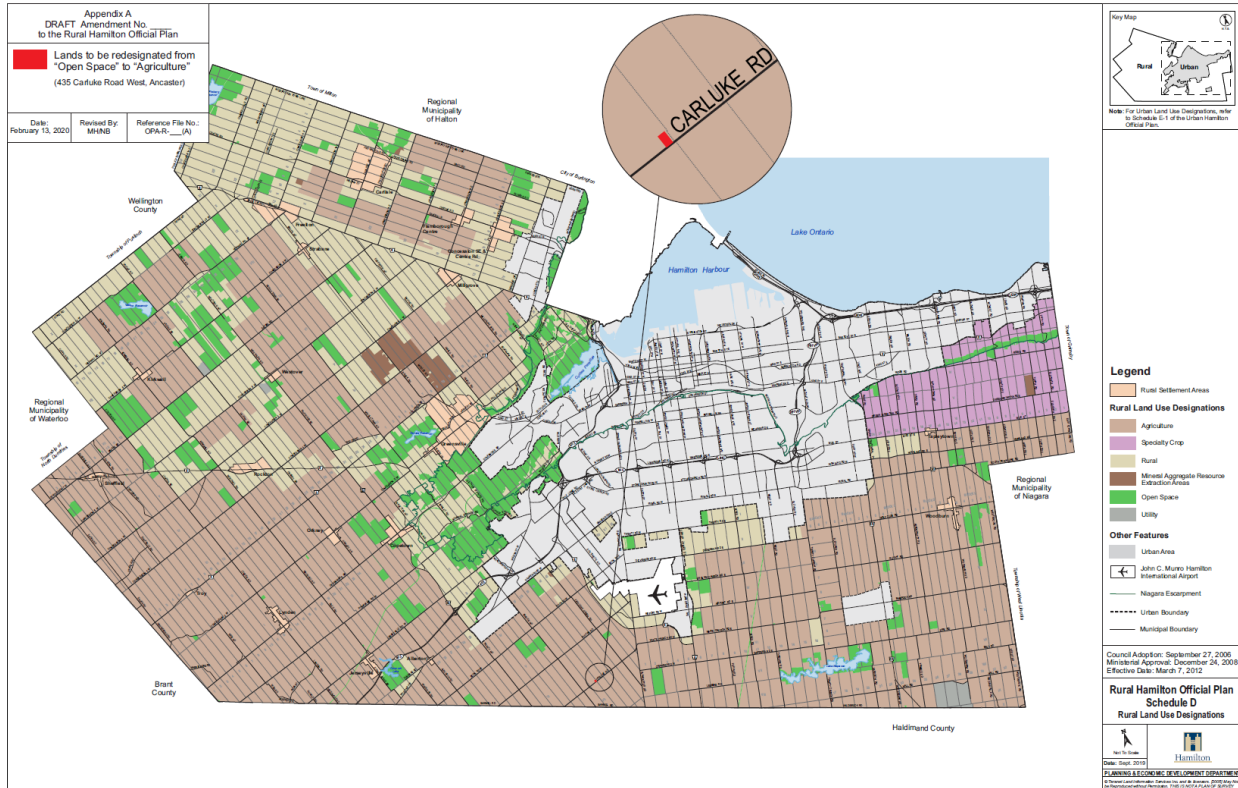
**The  
City of Hamilton**

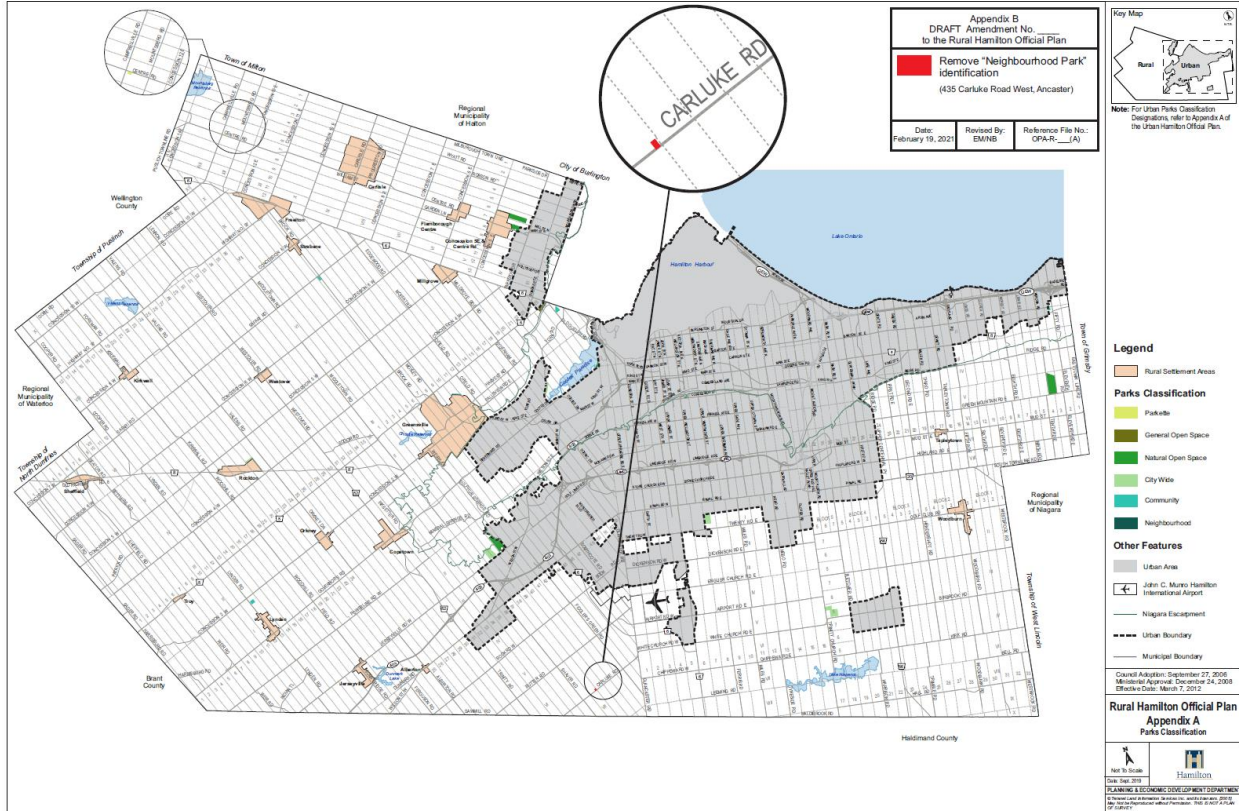
---

F. Eisenberger  
MAYOR

---

A. Holland  
CITY CLERK





**Authority:** Item  
Report: (PED20073)  
CM:  
Ward: 12

**Bill No.**

## **CITY OF HAMILTON**

### **BY-LAW NO.**

**To Amend Zoning By-law No. 05-200 with respect to lands located at 435 Carluke Road West, Ancaster**

**AND WHEREAS** this By-law conforms with the Rural Hamilton Official Plan upon the adoption of Rural Hamilton Official Plan Amendment No. XXX;

**NOW THEREFORE** Council of the City of Hamilton amends Zoning By-law No. 05-200 as follows:

1. That Map RU188 of Schedule "A" - Zoning Maps, of Zoning By-law No. 05-200, be amended by changing the zoning from the Open Space (P4) Zone to the Agriculture (A1,743) Zone, for the lands identified in the Location Map attached as Schedule "A" to this By-law.
2. That Schedule C - Special Exceptions, of By-law No. 05-200 is amended by adding a special exception as follows:
  743. Within the lands zoned Agriculture (A1) Zone, identified on Map RU188 of Schedule "A" – Zoning Maps and described as 435 Carluke Road West, the following special provisions shall apply:
    - i) In addition to Subsection 12.1.3.3, residential uses shall be limited to the building existing at the date of the passing of the by-law (date).

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

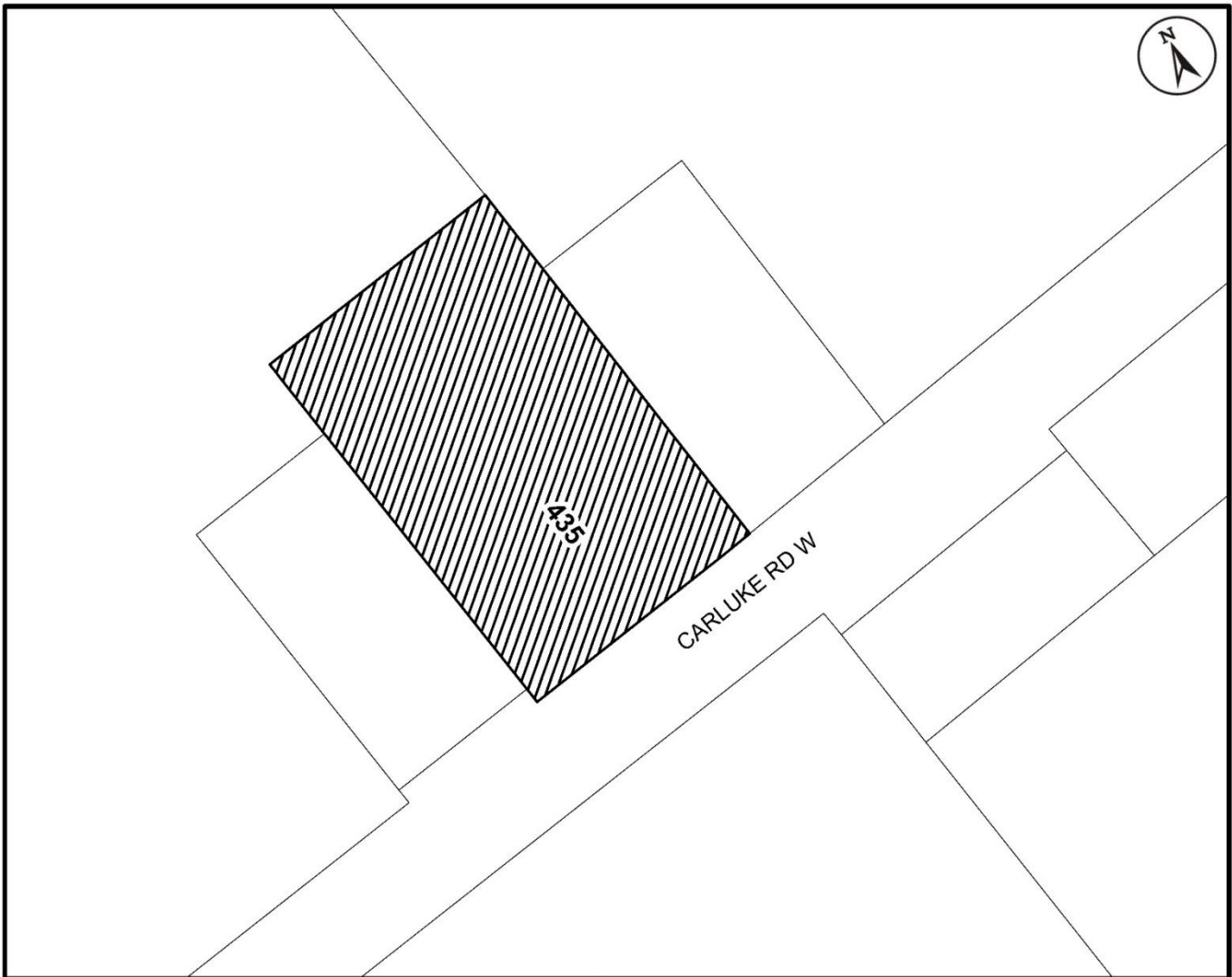
---

F. Eisenberger  
Mayor

---

A. Holland  
City Clerk


CI-20-C



This is Schedule "A" to By-law No. 21-  
Passed the ..... day of ....., 2021

-----  
Mayor  
-----  
Clerk

**Schedule "A"**  
  
Map forming Part of  
By-law No. 21-\_\_\_\_\_  
  
to Amend By-law No. 05-200  
Map 188

**Subject Property**  
435 Carluke Road West, Ancaster  
  
 Change in zoning from the Open Space (P4) Zone to the Agriculture (A1, 743) Zone

Scale:  
N.T.S

File Name/Number:  
CI-20-C

Date:  
April 21, 2021

Planner/Technician:  
MH/NB



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

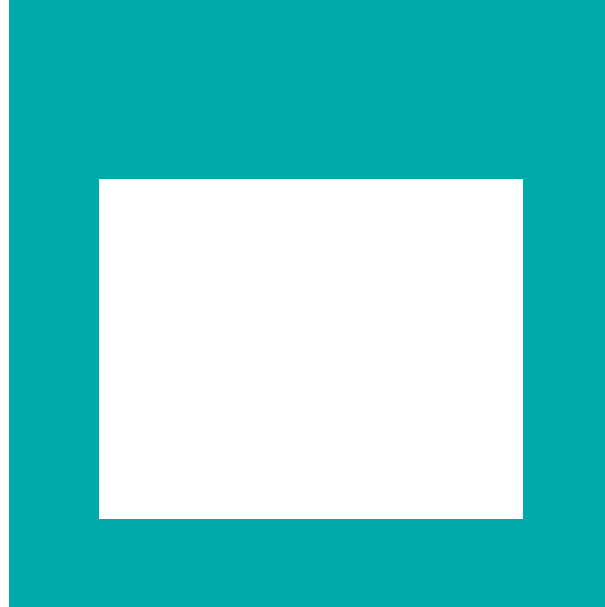
*Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law*

Is this by-law derived from the approval of a Committee Report? Yes		
Committee: PC	Report No.: CI-20-C	Date: 05/18/2021
Ward(s) or City Wide: Ward 12		

Prepared by: June Christy	Phone No: 5863
<i>For Office Use Only, this doesn't appear in the by-law</i>	

<b>ZONING BY-LAW AMENDMENT MODIFICATION CHART</b>			
<b>Provision</b>	<b>Required</b>	<b>Requested Amendment</b>	<b>Analysis</b>
Section 12.1.3.3	None	Limit residential uses to the existing building.	<p>The existing building is designated under the Ontario Heritage Act and protected by the Provincial Policy Statement.</p> <p>Staff recommend limiting the residential uses to the existing building to facilitate the adaptive reuse of the building in order to protect the designated heritage structure on the property. Staff are not supportive of allowing zoning permissions that could permit a new single detached dwelling on the property.</p> <p>Based on the above, the proposed modification can be supported.</p>





WELCOME TO THE CITY OF HAMILTON

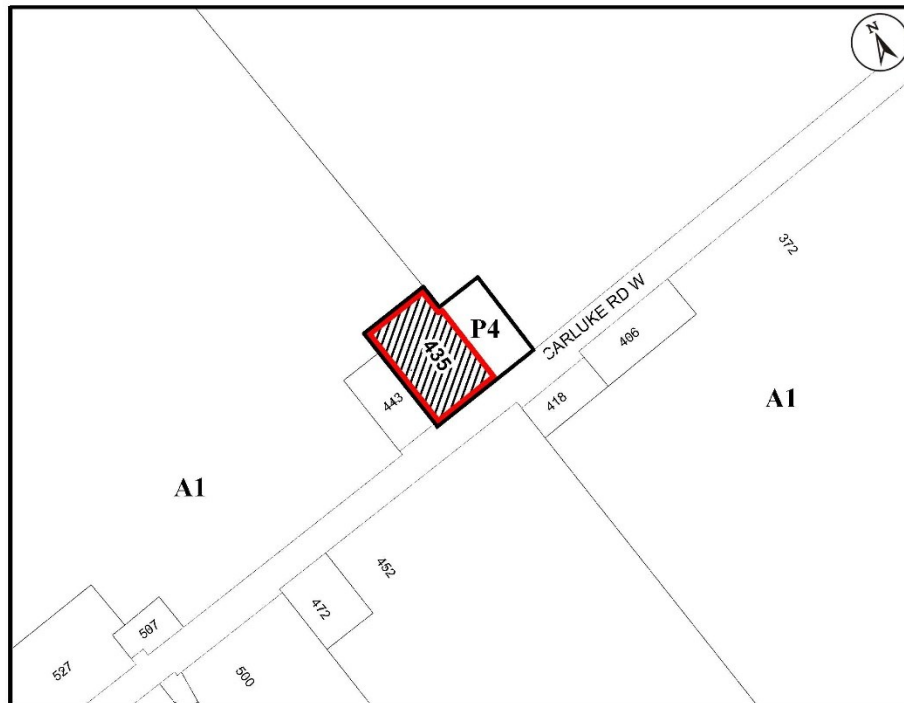
# PLANNING COMMITTEE

May 18, 2021

## PED20073 - (CI-20-C)

City Initiative CI-20-C to Amend the Rural Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 435 Carluke Road West, Ancaster.

Presented by: Elyse Meneray



● Site Location



Key Map - Ward 12



### Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
CI-20-C

Date:  
April 21, 2021


Appendix "A"

Scale:  
N.T.S

Planner/Technician:  
EM/NB

#### Subject Property

435 Carluke Road West, Ancaster

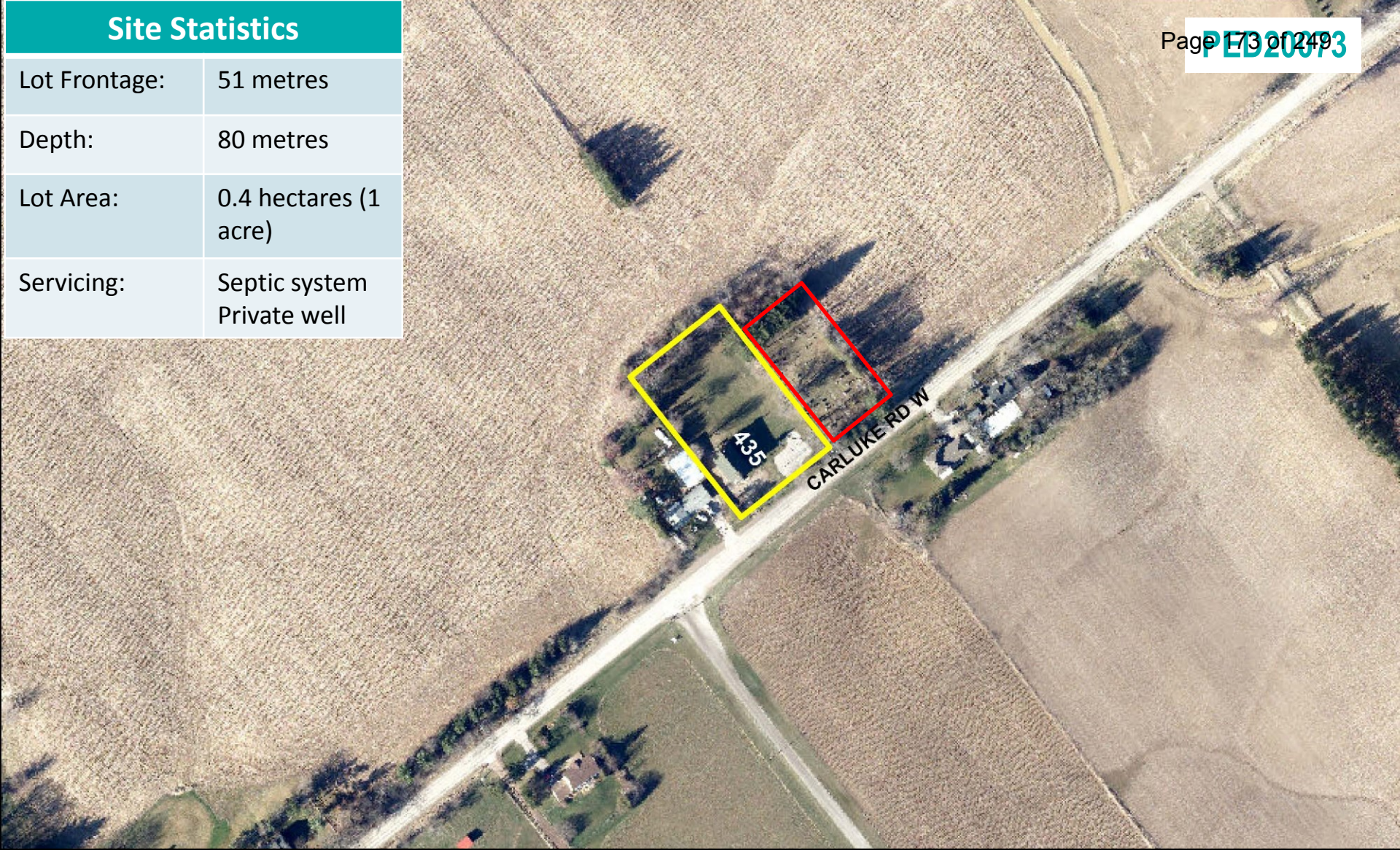
 Change in zoning from the Open Space (P4) Zone to the Agriculture (A1, 743) Zone

## HISTORY

- 1844 – log school house built on the property.
- 1858 – Gothic Revival red brick building was built.
- Late 1960's – schoolhouse was converted to a community centre (known as Carluke Hall) for use by the former Town of Ancaster.
- 2015 – City rezoned the lands to recognize the community centre use.
- 2017 - City conducted an Indoor Recreation Facilities Study. Property was deemed as having high operating costs and low utilization.
- March 30, 2017 – property declared surplus.

# Site Statistics

Lot Frontage:	51 metres
Depth:	80 metres
Lot Area:	0.4 hectares (1 acre)
Servicing:	Septic system Private well



**SUBJECT PROPERTY**



**435 Carl Luke Road West, Ancaster**



**Red Brick Cemetery**





Single Detached dwelling to the west of the property



Farm property to the north



Red Brick Cemetery to the east





Red Brick Cemetery



East side of Ray Street North



Farm Property and Single Detached Dwellings to the Southeast

## Built Heritage

- Known as the “Little Red School House”
- School house was built in 1858 and was converted to a community centre in the 1960’s
- Designated under Part IV of the *Ontario Heritage Act* and is a “protected heritage property” under the *Provincial Policy Statement*.
- The heritage attributes are protected by Designation By-law Number 93-16 (former Town of Ancaster) and include:
  - The “whole of the exterior surfaces” of the structure, including its red brick construction and detailing;
  - Stone foundation;
  - Roof with chimney and belfry;
  - Enclosed front entrance and side wing; and,
  - All doors and window and their openings.





Carluke Hall - front



Carluke Hall - Rear



Corner of Market Street and Queen Street North looking east



Carluke Hall East Facade





Red Brick and Detailing



Red Brick and Detailing



Red Brick and Detailing



Stone Foundation and west windows



Roof, Chimney, Belfry and east windows



Belfry



Enclosed Front Entry and Side wing



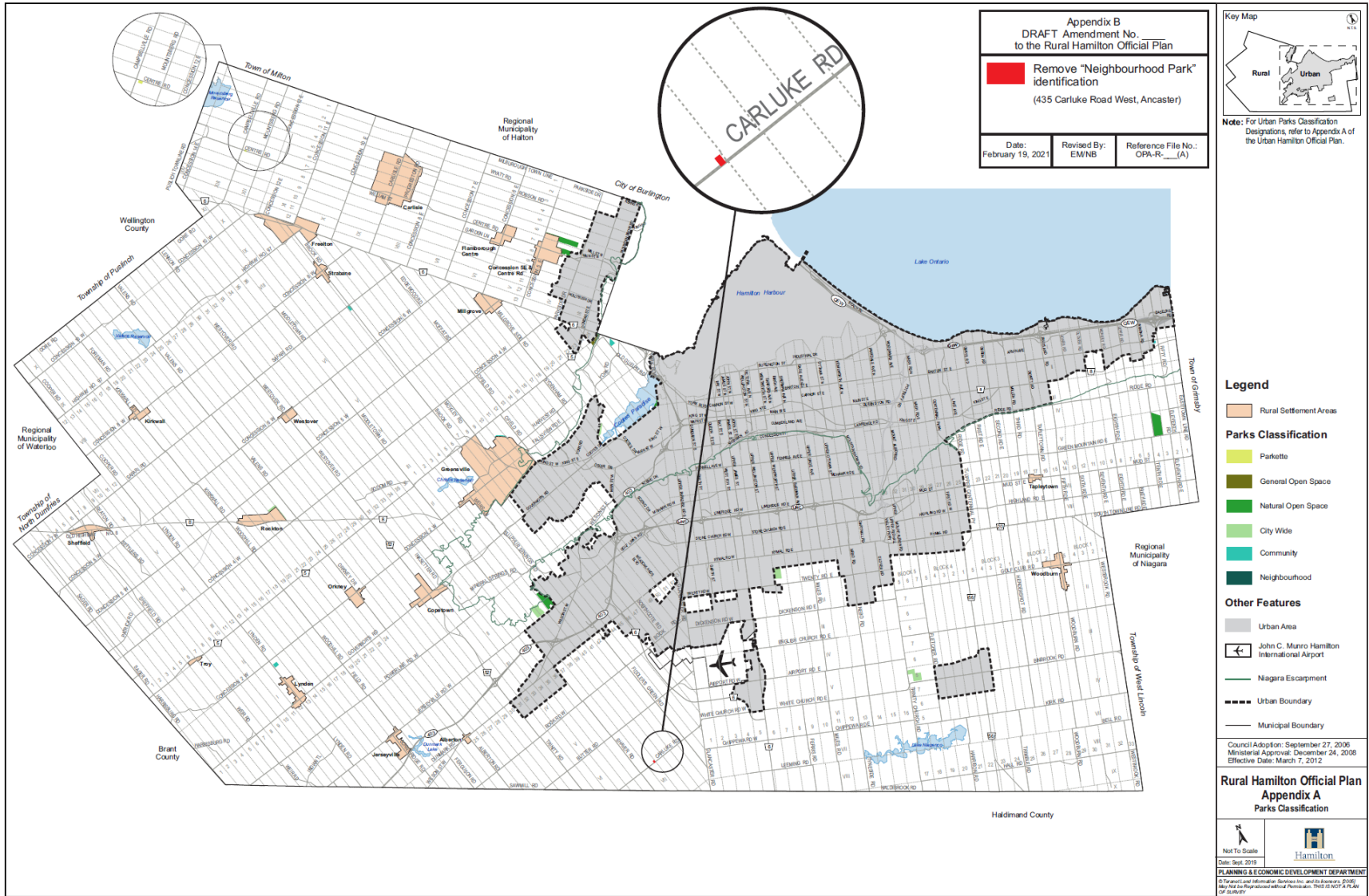
Front Window



# PROPOSED RURAL HAMILTON OFFICIAL PLAN AMENDMENT

<b>EXISTING OFFICIAL PLAN DESIGNATION</b>	<b>PROPOSED OFFICIAL PLAN AMENDMENT</b>
<p><b>Open Space</b></p> <ul style="list-style-type: none"> <li>• Recreational activities, conservation management and other open space uses.</li> <li>• Including, but not limited to parks, resource-based recreational and tourism uses, recreation/community centers, pedestrian pathways, trails, bikeways and walkways, seasonal campgrounds, marinas, woodlots, forestry and wildlife management areas, fishing reserves, hazard lands and cemeteries</li> <li>• Ancillary commercial uses</li> </ul> <p><b>Identified as Neighbourhood Park on Appendix A of the RHOP.</b></p>	<p><b>Agriculture</b></p> <ul style="list-style-type: none"> <li>• Agricultural uses, agricultural-related commercial and agricultural-related industrial uses and on-farm secondary uses</li> <li>• A single detached dwelling</li> </ul> <p><b>Remove the lands from the Neighbourhood Park Classification</b></p>

# RURAL HAMILTON OFFICIAL PLAN APPENDIX A PARKS CLASSIFICATION





Playground Equipment



Septic System Layout

# PROPOSED ZONING BY-LAW AMENDMENT

## City of Hamilton Zoning By-law No. 05-200

### EXISTING ZONING

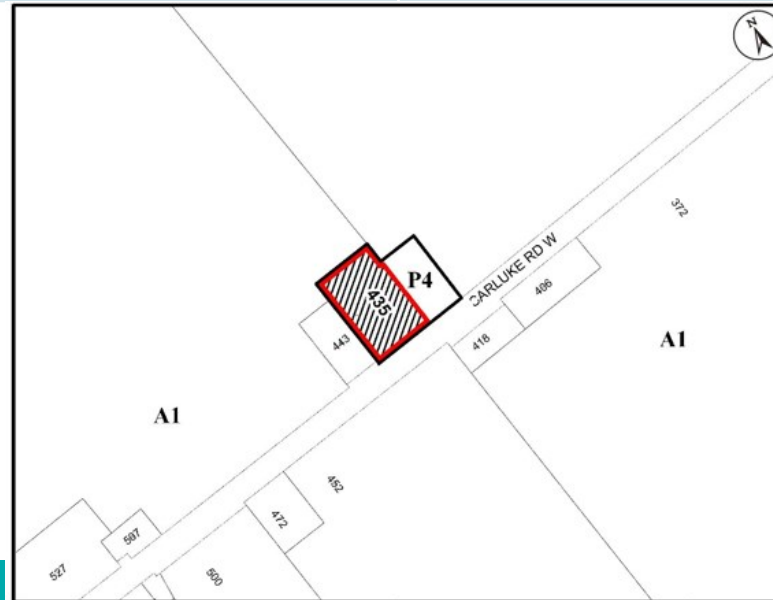
#### Open Space (P4) Zone

- Botanical gardens, cemetery, community garden, conservation, golf course (Excluding mini golf), Nature Centers, Marina, Recreation, Seasonal Campground and Urban Farm.

### PROPOSED ZONING

#### Agriculture (A1, 743) Zone

- Agriculture, Residential Care Facility, Secondary Uses to Agriculture, Single Detached Dwelling and Veterinary Service – Farm Animal



# PROPOSED ZONING BY-LAW AMENDMENT

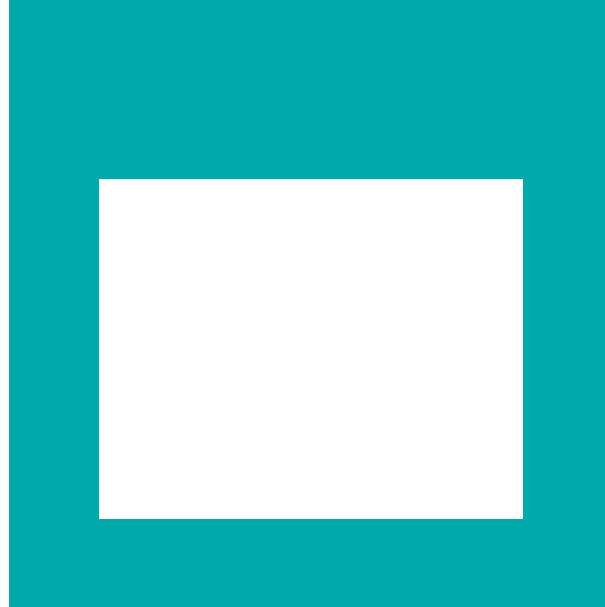
## ZONE MODIFICATIONS (Appendix “D” to Report PED20073)

Modification	Analysis
<p>Limit residential uses to the existing building.</p>	<p>To protect Staff recommend limiting the residential uses to the existing building to facilitate the adaptive reuse of the building in order to protect the designated heritage structure on the property. Staff are not supportive of allowing zoning permissions that could permit a new single detached dwelling on the property.</p>

## **RECOMMENDATION**

### **That the proposed Official Plan and Zoning by-law Amendments have merit and can be supported for the following reasons:**

- The amendments are consistent with the PPS (2020) and conforms to the Growth Plan (2019, as amended) and the Greenbelt Plan (2017);
- It complies with the general intent and purpose of the Rural Hamilton Official Plan, subject to the recommended Official Plan Amendment;
- It will allow for the adaptive reuse of a rural property from an existing community centre to a residential use, while preserving the cultural heritage features of the building and integrating into the rural landscape.



# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE





**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 18, 2021
<b>SUBJECT/REPORT NO:</b>	Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Application FL/B-20:86 for the Lands Located at 173 Highway No. 52, Flamborough (PED21059) (Ward 12)
<b>WARD(S) AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	June Christy (905) 546-2424 Ext. 5863
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

That Council gives approval to the following actions, as detailed in Report PED21059, respecting Committee of Adjustment Consent application FL/B-20:86 submitted by Don Robertson on behalf of Owners Jacob and Cassidy DeJong for the lands located at 173 Highway 52, Flamborough as shown on Appendix "A" to Report PED21059 approved by the Committee of Adjustment but recommended for Denial by the Planning and Economic Development Department:

- (i) That Council of the City of Hamilton proceed with the appeal to the LPAT against the decision of the Committee of Adjustment to approve application FL/B-20:86;
- (ii) That Council directs appropriate Legal Services and Planning Staff to attend the future LPAT Hearing in opposition to the decision of the Committee of Adjustment to approve application FL/B-20:86.

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**SUBJECT: Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Application FL/B-20:86 for the Lands Located at 173 Highway No. 52, Flamborough (PED21059) (Ward 12) - Page 2 of 11**

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## **EXECUTIVE SUMMARY**

On January 21, 2021, the Committee of Adjustment heard Consent application FL/B-20:86 to permit the conveyance of a 19.2 ha parcel of land at 173 Highway No. 52 and to retain a 1.14 ha parcel containing an existing single detached dwelling. The 19.2 ha parcel would be merged with an abutting vacant parcel of land at 1372 Concession 2 West for agricultural purposes (see Appendix “C” to Report PED21059). Although the conveyed parcel would be for agricultural purposes, the retained 1.14 ha parcel would be too small for agricultural purposes and would become a residential lot.

Staff comments to the Committee of Adjustment noted that there were conflicts with the Greenbelt Plan and the Rural Hamilton Official Plan with the application for a severance of land that has the effect of creating a lot for residential purposes. The proposed consent does not meet RHOP policy F.1.14.2.5 c). where if a severance was to occur, the lands must have a resulting lot size of greater than 40.4 ha. The intent of this policy is to ensure that the severed lands are viable for agricultural purposes. Only severances for surplus farm dwellings are permitted and the subject application is not for a surplus farm dwelling. Furthermore, the proposed Consent does not conform to the Agriculture (A1) Zone as a minimum lot size required is 40.4 ha for an agricultural use.

The Committee of Adjustment approved the application for the reasons set out in the decision of the Committee of Adjustment (see Appendix “E” to Report PED21059).

Under the *Planning Act*, appeals must be filed within 20 days of the decision. As such, as per the standing instructions to staff, Planning and Economic Development staff submitted an appeal letter and the required fee to the Secretary-Treasurer of the Committee of Adjustment to initiate the appeal process, subject to Council’s approval/ratification. The purpose of this Report is to seek Council direction on the appeal.

### **Alternatives for Consideration – See Page 11**

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** Planning and Economic Development Department staff has submitted the required fee of \$400.00 to the Minister of Finance to begin the appeal process. Other than this one-time fee, the costs for the Hearing are covered by the respective Departmental Work Programs/Budgets. The Hearing would likely take one day.

**Staffing:** One representative each from Planning and Legal Services would be required for preparation and attendance at an LPAT Hearing.

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**SUBJECT: Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Application FL/B-20:86 for the Lands Located at 173 Highway No. 52, Flamborough (PED21059) (Ward 12) - Page 3 of 11**

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Legal: No legal implications are expected.

## **BACKGROUND**

### **Consent Application FL/B-20:86**

The Consent to Sever application FL/B-20:86 was heard by the Committee of Adjustment on January 21, 2021. The proposal was to sever a 19.2 ha agricultural parcel at 173 Highway No. 52 and retain a 1.14 ha parcel containing an existing dwelling. An existing barn on the retained portion would be demolished. The larger 19.2 ha parcel would be conveyed to the adjacent vacant 17.9 ha lot at 1372 Concession 2 West. The agent for the applicant advised that the present owners are not farmers and that the adjacent owner at 1372 Concession 2 West desired a larger agricultural parcel for their farming operation.

Staff comments noted that the proposed severance did not meet the severance policies of the RHOP (see staff comments in Appendix "C" to Report PED21059). Severances that create new lots for residential uses in the Agricultural designation are prohibited except where a dwelling unit may be severed as a result of a farm consolidation. In this case, farm consolidation with another agricultural farm has not occurred. Therefore there is no surplus farm dwelling. In order for the severance to proceed, a successful Official Plan amendment and Zoning By-law amendment would be required to recognize the deficient lot sizes. The minimum lot size in the Agriculture (A1) Zone is 40.4 ha. Staff noted in their comments to the Committee of Adjustment that the proposed severance conflicts with the Greenbelt Plan and applicable RHOP policies.

As the minutes of the Committee of Adjustment meeting indicate (see Appendix "D" to Report PED21059), the Agent for the applicant advised that the severance would enhance the agricultural viability of the adjacent farm by creating a larger agricultural parcel. No land would be taken out of agricultural production and no new lots would be created once the two properties were merged. The Committee approved the application with conditions including a successful Official Plan Amendment to permit the proposed severance and a Zoning By-law Amendment to recognize the smaller lot sizes (see Appendix "E" to Report PED21059).

### **Appeal to Local Planning Administrative Tribunal (LPAT)**

On February 1, 2021, Planning Division staff filed an appeal to the LPAT on behalf of the Planning and Economic Development Department with the Committee of Adjustment decision to approve the application. The reasons for the appeal are as follows:

**SUBJECT: Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Application FL/B-20:86 for the Lands Located at 173 Highway No. 52, Flamborough (PED21059) (Ward 12) - Page 4 of 11**

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- a) The proposed Consent conflicts with the Severance policies of the Greenbelt Plan and the RHOP; and,
- b) The lands to be retained do not comply with the applicable provisions of the Zoning By-law.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### ***Planning Act***

The application has been reviewed with respect to the provision of the *Planning Act*.

### **Powers of Committee**

“44(1) If a municipality has passed a by-law under section 34 or a predecessor of such as the council considers advisable. R.S.O. 1990, c. P.13, s, 44(1).

45(1) The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such section, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained. R.S.O. 1990, c. P.13, s, 45(1); 2006, x, 23, s, 18 (1); 2009, c. 33, Sched. 21, s. 10 (11).

45(3) A council that has constituted a committee of adjustment may by by-law empower the committee of adjustment to grant minor variances from the provisions of any by-law of the municipality, that implements an official plan, or from such by-laws of the municipality as are specified and that implement an official plan, and when a committee of adjustment is so empowered subsection (1) applies with necessary modification. R.S.O. 1990, c. P.13, s. 45 (3)).

53(1) An owner of land or the owner’s agent duly authorized in writing may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. 1994, c. 23 s. 32.

54(5) The council of a single-tier municipality authorized to give a consent under section 53 may by by-law delegate the authority of the council under section 53

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**SUBJECT: Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Application FL/B-20:86 for the Lands Located at 173 Highway No. 52, Flamborough (PED21059) (Ward 12) - Page 5 of 11**

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or any part of that authority to a committee of council, to an appointed officer identified in the by-law by name or position occupied, to a municipal planning authority or to the committee of adjustment. 2002, c. 17, Sched. B, s. 21 (4).

54(6) Where, under subsection (2) or (5), a committee of adjustment has had delegated to it the authority to give a consent, section 53 applies with necessary modifications and subsections 45 (4) to (20) do not apply in the exercise of that authority. 1994, c. 23, s. 33 (9).”

Staff did not support the Consent application because the proposal conflicts with the severance policies in the RHOP and did not meet the minimum lot size requirements in the Agriculture (A1) Zone.

### **Provincial Policy Statement (2019)**

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The following policies of the PPS, amongst others, apply to the proposal.

#### Residential Development

“1.1.4.2 In *rural areas*, *rural settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.

1.1.5.2 On *rural lands* located in municipalities, permitted uses are:

- a) the management or use of resources;
- b) resource-based recreational uses (including recreation dwellings);
- c) residential development, including the lot creation, that is locally appropriate;
- d) *agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices*, in accordance with provincial standards;
- e) home occupations and home industries;
- f) cemeteries; and,
- g) other rural land uses.

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**SUBJECT: Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Application FL/B-20:86 for the Lands Located at 173 Highway No. 52, Flamborough (PED21059) (Ward 12) - Page 6 of 11**

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- 2.3.4.1 Lot Creation in *prime agricultural areas* is discouraged and may only be permitted for:
- a) *agricultural uses*, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
  - b) *agriculture-related uses*, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
  - c) *a residence surplus to a farming operation* as a result of farm consolidation, provided that:
    - a. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and,
    - b. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and,
  - d) *infrastructure*, where the facility or corridor cannot be accommodated through the use of easement or rights-of-way.
- 2.3.4.3 The creation of new residential lots *in prime agricultural areas* shall not be permitted, except in accordance with policy 2.3.4.1(c)."

The proposed severance is not consistent with Policy 1.1.4.2 which focuses growth within Rural Settlement Areas, as the proposal is not located in a Rural Settlement Area. The proposed severance will create a residential lot of 1.14 ha which is too small to be an agriculturally viable parcel of land and the effect of the Consent application is to create a non-form, rural residential lot. As per Policy 2.3.4.1, lot creation may only be permitted for agricultural uses, agriculture-related uses or a residence surplus to a farming operation. Finally, as per Policy 2.3.4.3, the creation of new residential lots in prime agricultural areas shall not be permitted and therefore, the proposed Consent is not consistent with the Provincial Policy Statement.

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**SUBJECT: Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Application FL/B-20:86 for the Lands Located at 173 Highway No. 52, Flamborough (PED21059) (Ward 12) - Page 7 of 11**

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### **Greenbelt Plan (2017)**

The lands are designated “Protected Countryside” in the Greenbelt Plan. The following policies of the Greenbelt Plan, amongst others, apply to the proposal.

#### “3.1.4 Rural Lands Policies

3.1.4.2 *Rural lands* may contain existing agricultural operations and provide important linkages between *prime agricultural areas* as part of the overall *Agricultural System*. *Normal farm practices* and a full range of *agricultural uses, agriculture-related uses* and *on-farm diversified uses* are supported and permitted. Proposed *agriculture-related uses* and *on-farm diversified uses* should be compatible with and should not hinder surrounding agricultural operations. Criteria for all these uses shall be based on provincial Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas.

#### 4.5 Existing Uses

4.5.1 *All existing uses* are permitted.

4.5.2 Single dwellings are permitted on existing lots of record, provided they were zoned for such as of the date the Greenbelt Plan came into force. Municipalities are encouraged to retain existing lots of record for *agricultural uses* and discourage non-agricultural uses where appropriate.

#### 4.6 Lot Creation

1. Lot creation is discouraged and may only be permitted for:

- a) Outside *prime* agricultural areas, including *specialty crop areas*, the range of uses permitted by the policies of this Plan;
- f) The severance of a residence surplus to a farming operation as a result of a farm consolidation, on which a habitable residence was an existing use, provided that:
  - i. The severance will be limited to the minimum size needed to accommodate the use and appropriate sewage and water services; and,

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**SUBJECT: Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Application FL/B-20:86 for the Lands Located at 173 Highway No. 52, Flamborough (PED21059) (Ward 12) - Page 8 of 11**

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- ii. The planning authority ensures that a residential dwelling is not permitted in perpetuity on the retained lot of farmland created by this severance. Approaches to ensuring no new residential dwellings on the retained lot of farmland may be recommended by the Province, or municipal approaches that achieve the same objective should be considered.”

The Greenbelt Plan policies provide direction for the severance of a residence surplus to a farming operation as a result of a farm consolidation. The proposed Consent does not meet these policies and does not conform to the Greenbelt Plan.

### **Rural Hamilton Official Plan**

The subject lands are designated as “Agriculture” in Schedule D - Rural Land Use Designations. The following policies, amongst others, apply to the proposal.

#### **Residential Development – Severance Policies**

“F.1.14.2.1 The following policies apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agricultural, Rural, Speciality Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D – Rural Land Use Designations:

- a) Severances that create a new lot for the following purposes shall be prohibited:
- i) Residential uses except in accordance with:
- 1) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a *farm consolidation*.”
  - 2) Policies F.1.14.2.1 b) iv) and F.1.14.2.4, where a dwelling within a designated Rural Settlement Area may be severed.”

Based on the above, the proposed severance does not comply because the creation of a residential non-surplus farm dwelling lot is prohibited, and the proposed severance is not located in a Rural Settlement Area.

“F.1.14.2.5 Lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met:

- a) No new lots shall be created;

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- b) For lands within the Agriculture designation where the *lot addition* is for *agricultural uses*, the minimum lot size of all resulting lots shall be 40.4 hectares (100 acres).
- h) The lands to be severed and conveyed are added to and merged on title with an abutting property or properties.”

The proposed Consent application does not comply with Policy F.1.14.2.5 b). The lands are designated Agriculture, which indicates that the lands are comprised of prime agricultural land. The RHOP requires that if a severance was to occur, the agricultural lands must have a resulting lot size of greater than 40.4 ha. The intent of this policy is to ensure that the severed agricultural property can continue to be agriculturally viable in the future. Staff note that the subject application would create a lot that is only 1.14 ha resulting in a lot size that is too small and not viable for agriculture. It is noted however that the portion to be conveyed is 19.2 ha and would be added to the property at 1372 Concession 2 West which would create a parcel that is a total of 37.17 ha for agricultural purposes. However, the minimum 40.4 ha lot size would not be met, as per Policy F.1.14.2.5 b).

“F.1.14.2.8 An existing farm dwelling that is a residence surplus to a farming operation as a result of a farm consolidation may be severed provided all of the following conditions are met:

- I) The farm consolidation shall have been complicated prior to the time of application.
- II) The farm dwelling shall be determined to be surplus to the farm operation for no reason other than the farm dwelling is surplus to the needs of the farm consolidation. Farm dwellings that have been determined to be surplus to a farm operation prior to December 16, 2004 and prior to the acquisition of the additional farm parcel(s), or as a result of changing agricultural operations, are deemed not to be surplus farm dwellings for the purposes of Section F.1.14.2.8.”

The proposed Consent application does not comply with the RHOP policies for surplus farm dwelling severances because the subject application did not involve a farm consolidation and there is no surplus farm dwelling.

Therefore, the proposal does not comply with the RHOP.

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**Hamilton Zoning By-law No. 05-200**

The subject lands are zoned A1 (Agriculture) Zone. The minimum lot area for an agricultural parcel is 40.4 ha. The retained lands will be 1.14 ha while the lands to be conveyed will be 19.2 ha and upon merging with the abutting lands would be 37.17 ha. The proposed severed and retained lots do not meet the minimum lot area requirements of the (A1) Zone. A successful Zoning By-law Amendment application would be required to recognize the smaller lot sizes.

**RELEVANT CONSULTATION**

- Legal Services Division

**ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)**

**Role and Responsibilities of the Committee of Adjustment (PD02116(a))**

In December 2002, City Council endorsed a staff report related to the Roles and Responsibilities of the Committee of Adjustment. The recommendations included the following:

“That the Planning and Development Department be authorized and directed to prepare an Information Report, to the Committee of the Whole, when an appeal is made to the of a Local Planning Appeal Tribunal (LPAT) decision made by the Committee of Adjustment to support an application(s) that was not supported by staff. In response to such a report, Council may determine its position on the Committee of Adjustment decision and may instruct Legal Services to attend the LPAT Hearing, in support of the Committee’s decision, and to retain outside professional(s) accordingly.”

The proposal cannot be supported for the following reasons:

- (i) The proposed Consent is not consistent with the Provincial Policy Statement because the severance will create a residential lot and severances which create new residential lots in prime agricultural areas are prohibited.
- (ii) The proposed Consent is not consistent with the Greenbelt Plan which discourages lot creation for residential uses and may only be permitted for a residence surplus to a farming operation as a result of a farm consolidation.
- (iii) The proposed Consent does not comply with the policies of the Rural Hamilton Official Plan in regard to severances and would require an Official Plan Amendment in order to address the lot creation policies.

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**SUBJECT: Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Application FL/B-20:86 for the Lands Located at 173 Highway No. 52, Flamborough (PED21059) (Ward 12) - Page 11 of 11**

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## Zoning By-law Amendment

The proposed lots do not conform to the 40.4 ha minimum lot area requirements of the Agriculture (A1) Zone. The lands to be retained will have a lot area of 1.14 ha and the lands to be conveyed will have a lot area of 19.2 ha. The proposed severances would require a Zoning By-law Amendment to modify the zoning to recognize the smaller lot sizes of the lands to be conveyed and the lands to be retained.

## ALTERNATIVES FOR CONSIDERATION

### Option 1:

Council could proceed with the appeal and direct appropriate Legal Services and Planning staff to attend the LPAT Hearing in opposition to the approved severance application, as recommended in this Report.

### Option 2:

Council may direct staff to withdraw the appeal letter, which was filed by staff against the decision of the Committee of Adjustment to the LPAT. Provided that no further appeals are filed, this option would allow the Committee of Adjustment's consent approval to stand. However, a successful Official Plan and Zoning By-law Amendment would be required prior to the Consent being finalized.

## ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

### Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

### Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

### Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

## APPENDICES AND SCHEDULES ATTACHED

Appendix "A": Location Map

Appendix "B": Severance Sketches

Appendix "C": FL/B- 20:86 Consolidated Staff Comments

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**SUBJECT: Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Application FL/B-20:86 for the Lands Located at 173 Highway No. 52, Flamborough (PED21059) (Ward 12) - Page 12 of 12**

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Appendix "D": January 21, 2021 Meeting Minutes

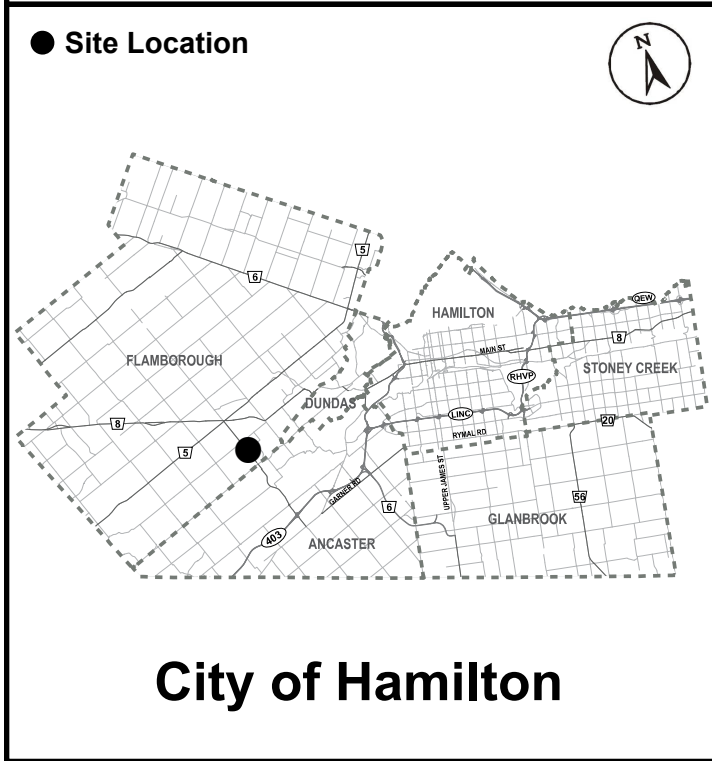
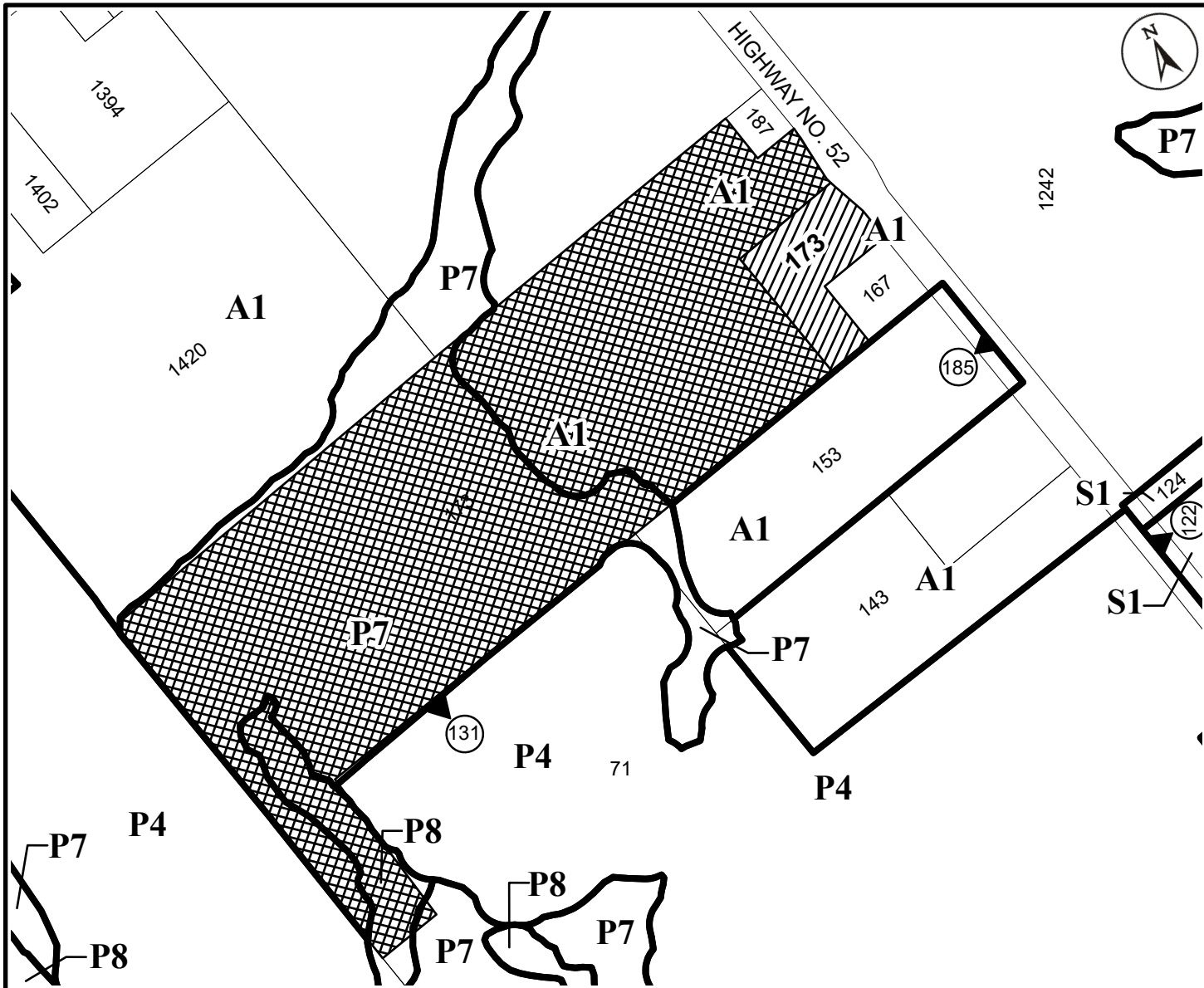
Appendix "E": Notice of Decision

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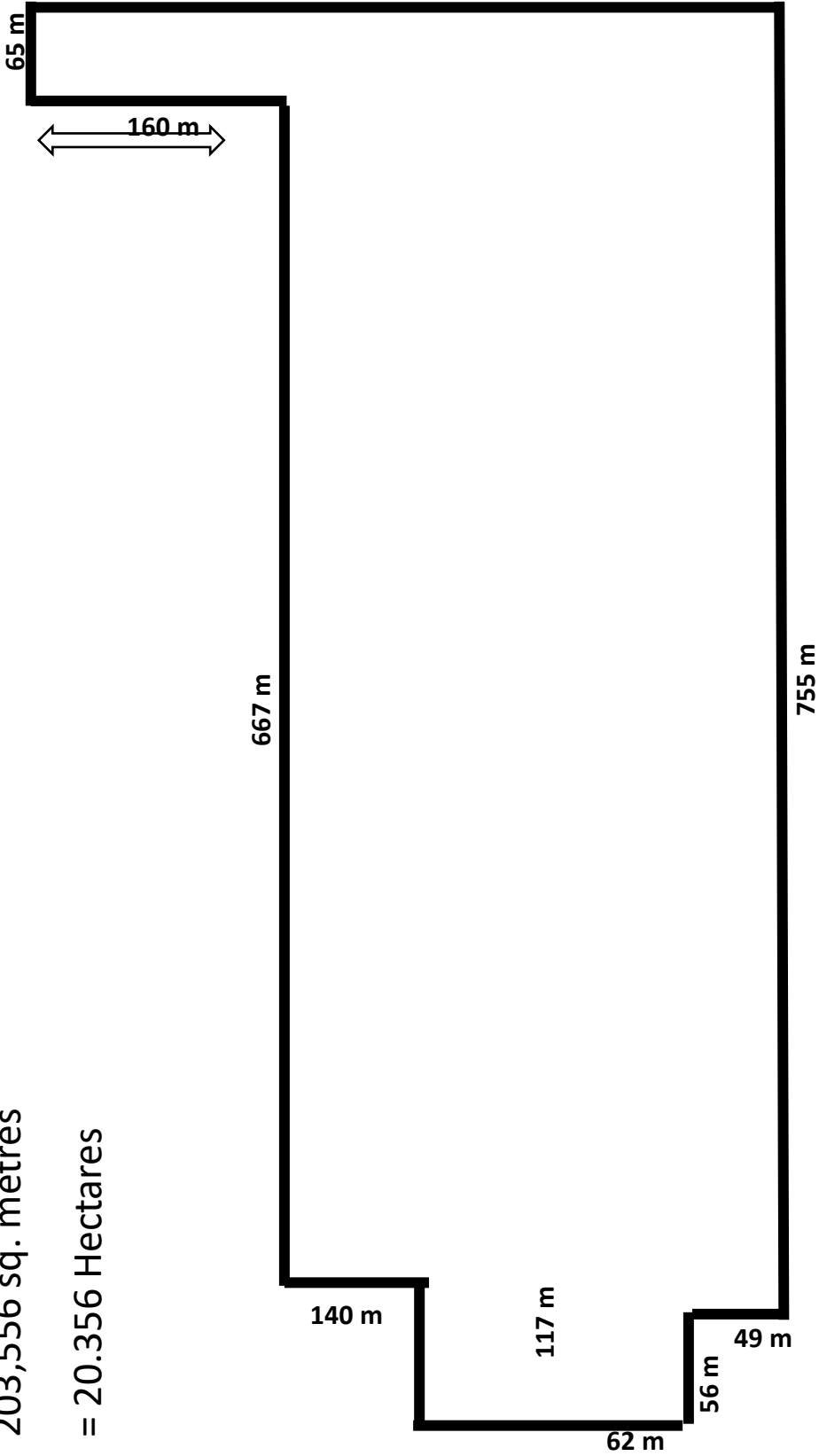
## Location Map

<p><b>Subject Property</b></p> <p>173 Highway 52, Flamborough (Ward 12)</p> <ul style="list-style-type: none"> <li> Lands to be Retained</li> <li> Lands to be Severed</li> </ul>	<p><b>File Name/Number:</b> FL/B-20:86</p> <p><b>Date:</b> January 12, 2021</p> <p><b>Technician:</b> AL</p> <p>Map Not To Scale</p> <p style="text-align: center;"><b>Appendix "A"</b></p> <div style="text-align: center;">               Hamilton         </div>
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PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

# PRESENT LOT

203,556 sq. metres  
= 20.356 Hectares



Hwy 52

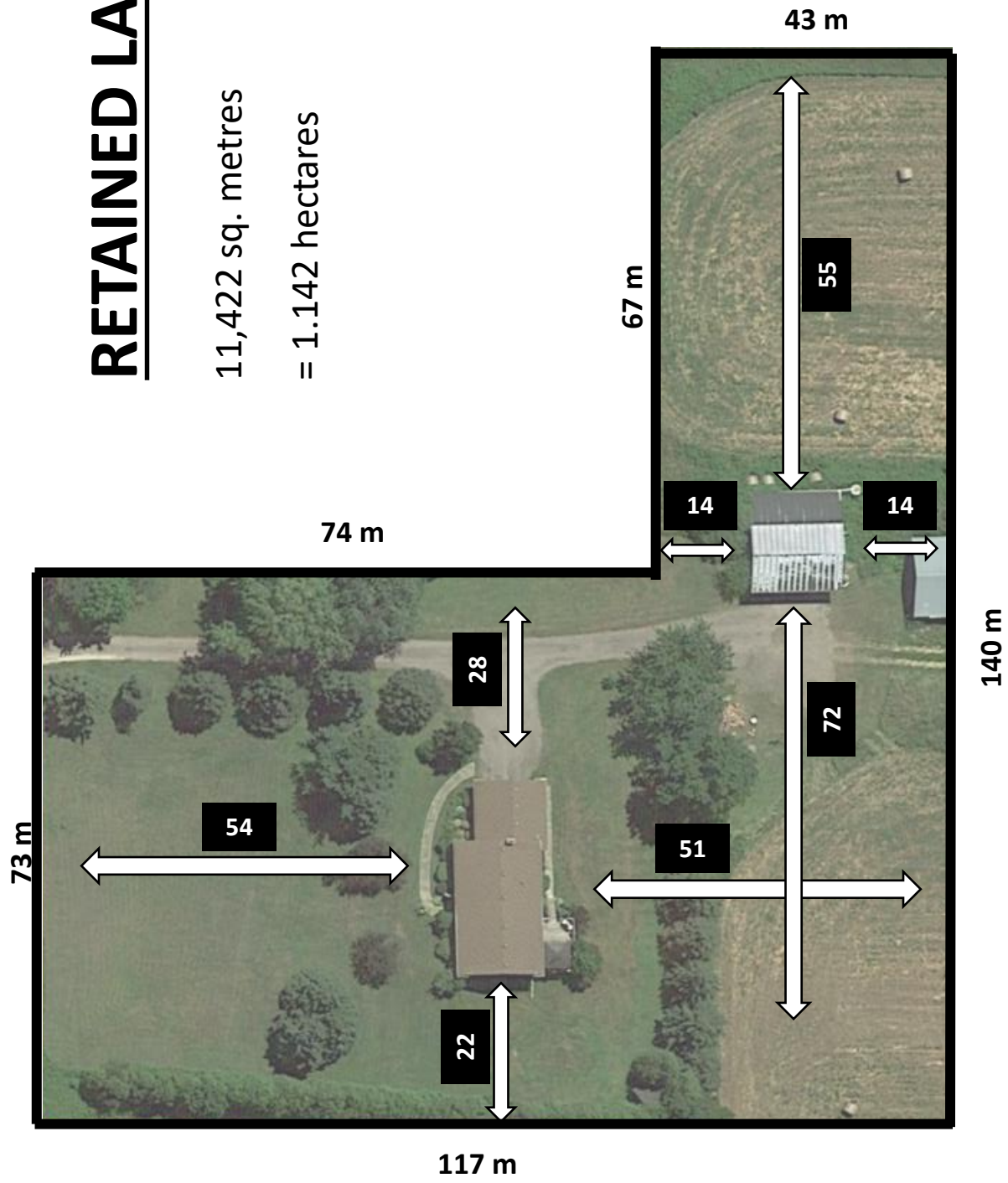


Hwy 52



# RETAINED LAND

11,422 sq. metres  
= 1.142 hectares

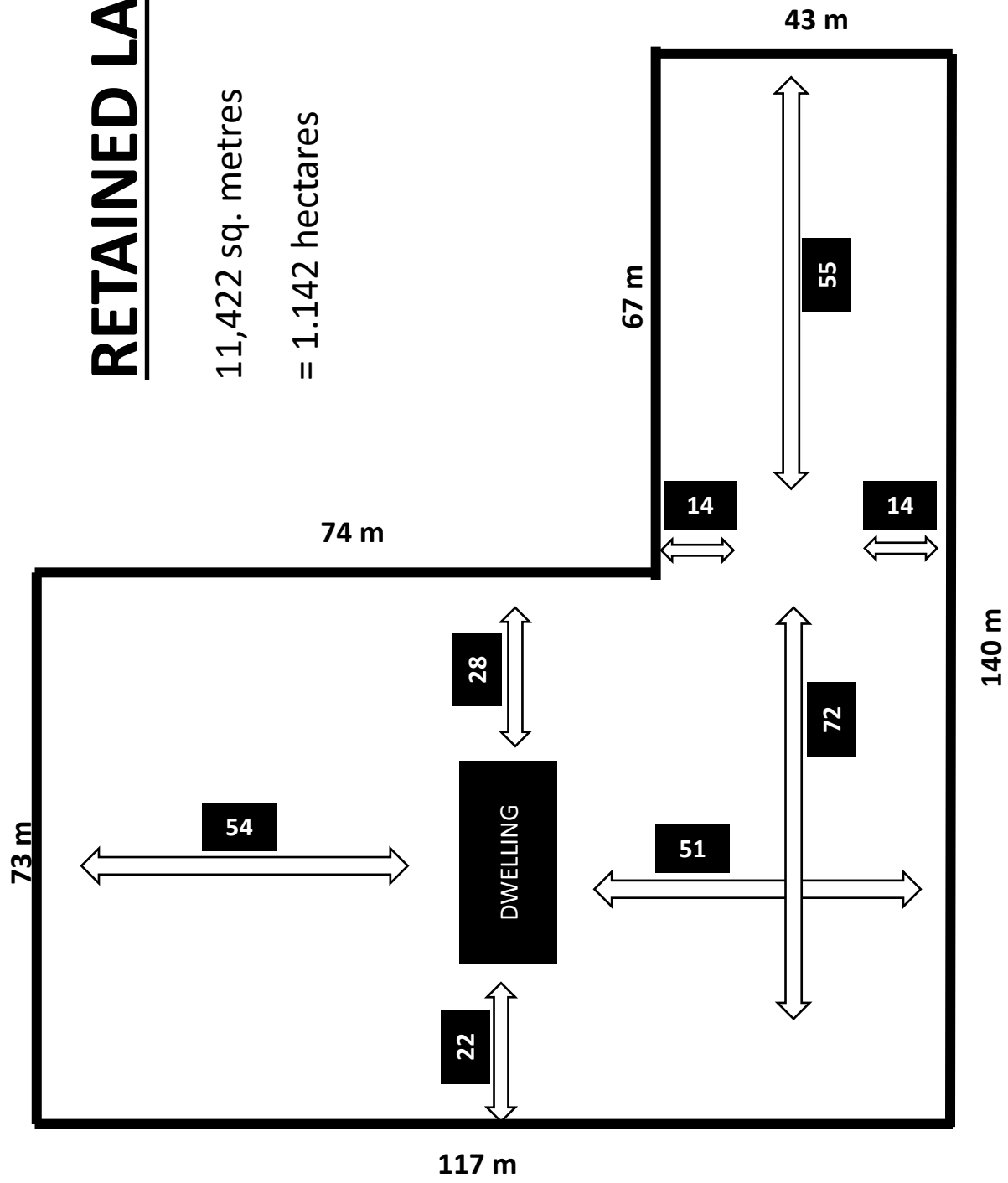


Hwy 52



# RETAINED LAND

11,422 sq. metres  
= 1.142 hectares





# SEVERED LAND

192,134 sq. metres

= 19.213 Hectares



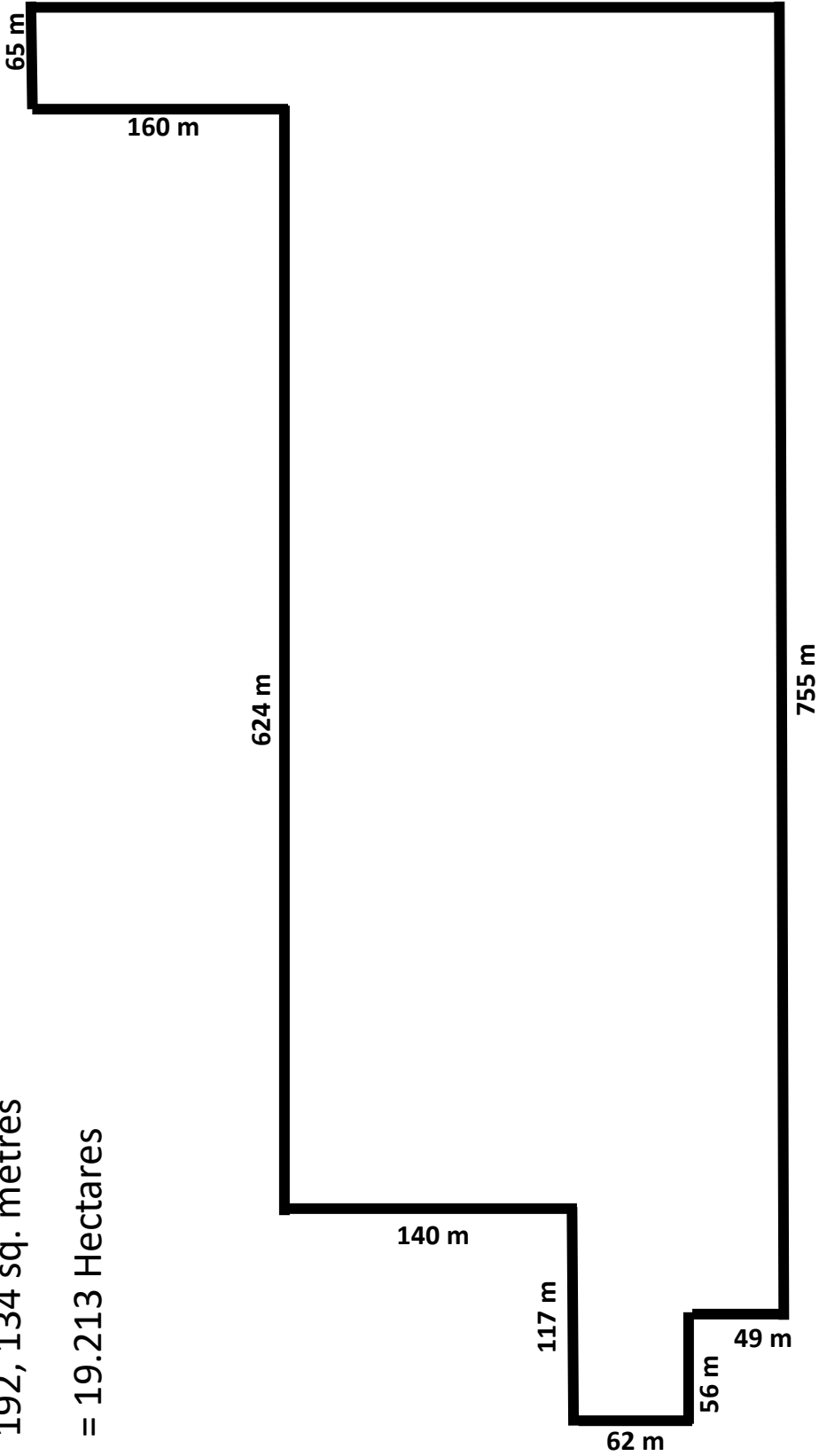
Hwy 52



# SEVERED LAND

192,134 sq. metres

= 19.213 Hectares

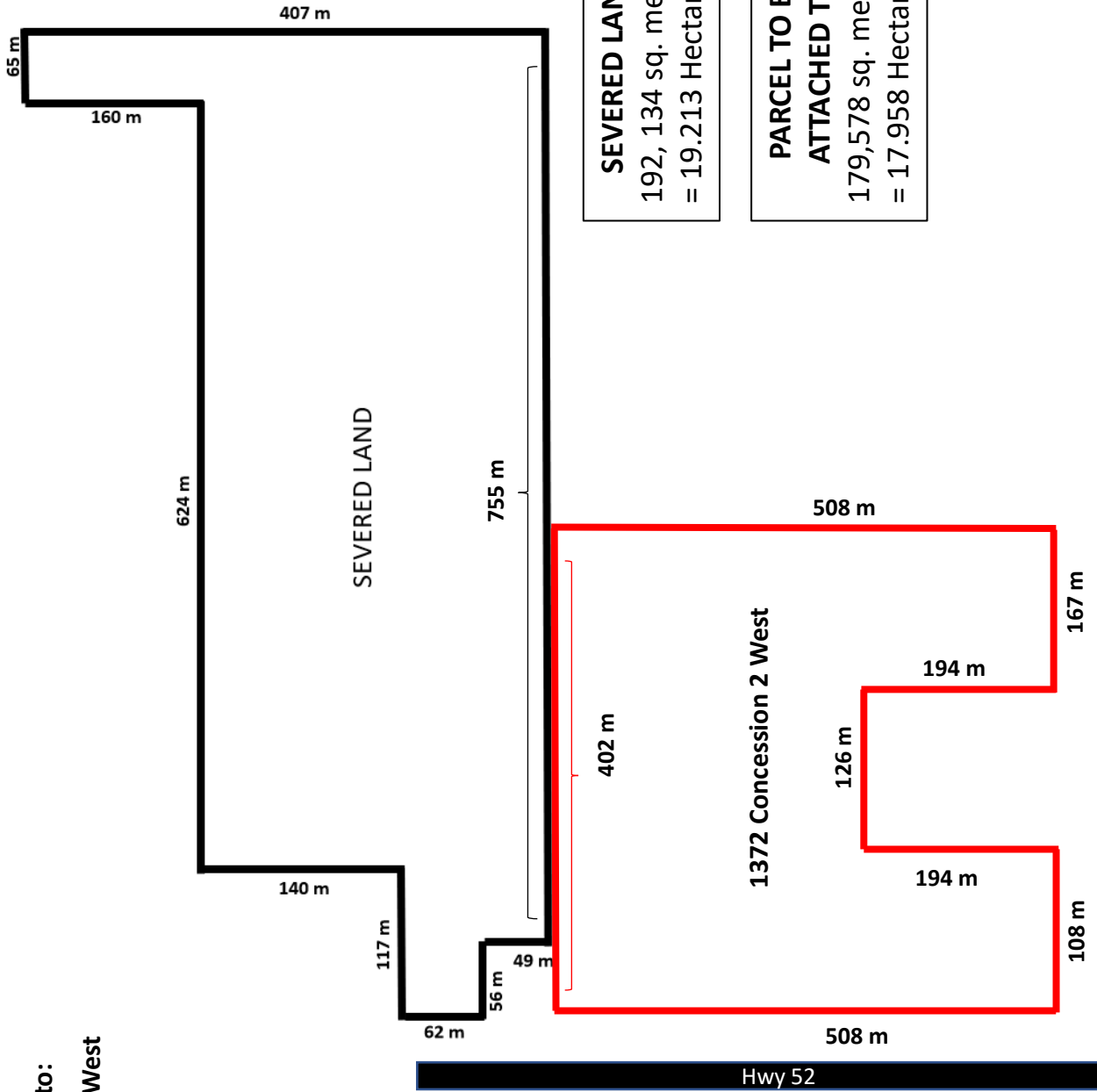


Hwy 52



# SEVERED LAND + PARCEL TO BE ATTACHED TO

- Parcel to be attached to:
- 1372 Concession 2 West



**SEVERED LAND:**  
192, 134 sq. metres  
= 19.213 Hectares

**PARCEL TO BE ATTACHED TO:**  
179,578 sq. metres  
= 17.958 Hectares

**January 21st, 2021**

**FL/B-20:86 – 173 Highway 52, Flamborough**

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should be subject to the following condition(s):

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner shall demolish all or an appropriate portion of any buildings straddling the proposed property line, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.
4. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
5. The owner shall submit survey evidence that the lands to be severed and retained, including the location of any existing structure, lot coverage etc., conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
6. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division – Building Engineering Section).
7. The owner shall demolish the existing farm buildings on the retained residential lot, to the satisfaction of the Planning and Economic Development Department.

8. The applicant shall submit and receive final and binding approval of a Zoning By-law Amendment Application for the subject lands to the satisfaction of the Manager, Development Planning Heritage & Design.
9. The applicant shall submit and receive final and binding approval of an Official Plan Amendment Application for the subject lands to the satisfaction of the Manager, Development Planning Heritage & Design.
10. The owner must merge the severed agricultural lot (19.22 ha) with the vacant agricultural lot at 1372 Concession 2 W., to the satisfaction of the Manager, Development Planning Heritage & Design.

**FL/B-20:86 – 173 Highway 52, Flamborough**

**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT**

**Development Planning – Rural**

The purpose of this application is to sever agricultural lands to be added to the adjacent agricultural lands (1372 Concession 2 W.) and to retain lands containing an existing single detached dwelling.

**Severed lands:**

62m± x 811m± and an area of 19.22 ha±

**Retained lands:**

140m± x 117m± and an area of 1.15 ha±

**Rural Hamilton Official Plan:**

The Rural Hamilton Official Plan designates the property as "Agriculture" in Schedule D – Rural Land Use Designations. The following policies, amongst others, are applicable:

"F.1.14.2.1 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agricultural, Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D – Rural Land Use Designations:

a) Severances that create a new lot for the following purposes shall be prohibited:

i) Residential uses except in accordance with:

1) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation; and,

1.14.2.5 Lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met:

a) No new lots shall be created;

b) All resulting lots shall be:

i) a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and

Wastewater Services of this Plan, except as permitted in F.1.14.2.7 d); and,

- ii) be compatible with and not hinder surrounding agricultural operations.
- c) For lands within the Agriculture designation where the lot addition is for agricultural uses the minimum lot size of all resulting lots shall be 40.4 hectares (100 acres).

F.1.14.2.8 An existing farm dwelling that is a residence surplus to a farming operation as a result of a farm consolidation may be severed provided all of the following conditions are met:

All Lands

- a) In all cases where surplus farm dwellings are to be severed the following shall apply:
  - i) The farm consolidation shall have been completed prior to the time of application.
  - ii) The farm dwelling shall be determined to be surplus to the farm operation for no reason other than the farm dwelling is surplus to the needs of the farm consolidation. Farm dwellings that have been determined to be surplus to a farm operation prior to December 16, 2004 and prior to the acquisition of the additional farm parcel(s), or as a result of changing agricultural operations, are deemed not to be surplus farm dwellings for the purposes of Section F.1.14.2.8.
  - iii) The proposed surplus farm dwelling:
    - 1) shall have been built on or before December 16, 2004; and,
    - 2) shall be habitable on the date of the application for the surplus farm dwelling severance and shall meet the City's standards for occupancy without requiring substantial demolition and new construction.

- iv) The surplus dwelling lot shall be a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Wastewater Services of this Plan. The maximum size of the surplus dwelling lot shall be the size required for servicing in accordance with Section C.5.1, with as little acreage as possible taken out of agricultural production;
- v) A private water well and private sewage disposal system shall be provided in accordance with Section C.5.1, Private Water and Wastewater Services of this Plan;
- vi) The shape and dimensions of the surplus farm dwelling lot shall:
  - 1) not impair agricultural operations on the retained land; and
  - 2) generally not exceed a depth of 122 metres (400 feet);
- vii) The surplus dwelling lot shall not include barns or other farm buildings which are not suitable to be used as accessory structures to a residential use prescribed by the Zoning By-law, and no such buildings or structures shall be used for industrial or commercial purpose
- viii) Where a barn or other farm building exists within the immediate vicinity of the surplus residence, the City may require demolition of the barn.

### Analysis

The proposed consent application does not meet Policy F.1.14.2.5 c). The lands are designated under the Agriculture designation, which indicates that the lands are comprised of prime agricultural land. The RHOP requires that if a severance was to occur, the agricultural lands must have a resulting lot size of greater than 40.4 ha (100 ac.). This intent of this policy is to ensure that the severed agricultural property can continue to be



agriculturally viable in the future. Staff note that the subject severance would create a fragmented agricultural lot resulting in 19.22 ha, for that reason and as per Policy F.1.14.2.5 c), staff cannot support the proposal.

In addition, staff confirm that the referenced lots, 173 Highway 52 and 1372 Concession 2 W., do not qualify in regard to a "surplus farm dwelling severance", as per policy F.1.14.2.8.

Based on the above, staff are of the opinion that the lot addition would not meet policy F.1.14.2.5 c) above, and as a result, the intent of the RHOP is not maintained in this instance and an OPA would be required to facilitate the proposal. As such, the proposed severance is not minor in nature and is not desirable for the appropriate development of the lands. Accordingly, staff **do not support** the severance.

### **Hamilton Zoning By-law No. 05-200:**

The subject lands are zoned A1 (Agriculture) Zone. The subject proposal does not conform to the policies of the City of Hamilton Zoning By-law No.05-200. The minimum lot area for an Agriculture (A1) Zone is 40.4 ha, the retained lands are proposed at 1.15 ha while the severed lands are proposed at 19.22 ha. As such, the proposed severance is not minor in nature and is not desirable for the appropriate development of the lands. Accordingly, staff **do not support** the severance.

### **Recommendation**

Based on the preceding information, the severance application does not meet the general intent and purpose of the Rural Hamilton Official Plan or Zoning By-law since the applicant is proposing to sever a residential use within the Agricultural designation within the RHOP. The severance is not minor in nature and is not desirable for the appropriate development of the lands. Staff recommend that the severance be **denied**.

### **CONDITION:**

**Should the Committee approve the application, staff require the following conditions be added to the application:**

1. The owner shall demolish the existing farm buildings on the retained residential lot, to the satisfaction of the Planning and Economic Development Department.
2. The applicant shall submit and receive final and binding approval of a Zoning By-law Amendment Application for the subject lands to the satisfaction of the Manager, Development Planning Heritage & Design.
3. The applicant shall submit and receive final and binding approval of an Official Plan Amendment Application for the subject lands to the satisfaction of the Manager, Development Planning Heritage & Design.

4. The owner must merge the severed agricultural lot (19.22 ha) with the vacant agricultural lot at 1372 Concession 2 W., to the satisfaction of the Manager, Development Planning Heritage & Design.

**Building Division:**

1. Demolition of all or an appropriate portion of the existing accessory structure ("barn") straddling the proposed property line shall be a condition of consent. Such demolition is subject to a demolition permit issued in the normal manner.
2. The lands to be conveyed shall be merged in title with the lands to which they are to be added.
3. The applicant, as a condition of approval, shall be required to provide evidence from a qualified professional that the existing septic system will be in compliance with the Ontario Building Code with respect to its location to the new property lines. The septic system shall be located entirely within the lands to be retained or the lot lines shall be reconfigured to accommodate the existing septic system. A septic system is not permitted to be located on adjacent lands.
4. In order to clear conditions, the applicant will be required to make an application for a Zoning Compliance Review and pay the relevant fees.
5. Variances for lot area will be required for zoning compliance of the lands to be conveyed.
6. Subject to the Minimum Distance Separation requirements for livestock facilities within agricultural areas as set out in the Zoning By-Law.

**CONDITIONAL UPON:**

If the application is approved, we request the following condition(s):

1. The owner shall demolish all or an appropriate portion of any buildings straddling the proposed property line, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.
2. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
3. The owner shall submit survey evidence that the lands to be severed and retained, including the location of any existing structure, lot coverage etc., conform to the

requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).

4. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division – Building Engineering Section).

### **Development Engineering:**

#### **Information:**

It appears that the proposed severance application is for land assembly purposes only and that new construction is not proposed. Therefore, the Owner must be advised that if the future intent is to develop any of the lands in the future, the lands in question will be subject to an applicable Development Application with and to the satisfaction of the Manager Development Engineering Approvals.

#### **Municipal Services**

According to our GIS records, there are no existing municipal services that front the subject property.

#### **Right-of-way Widening**

According to our GIS records, the subject section of Highway 52 is classified as an arterial roadway with an ultimate road allowance right-of-way width of 30.480m by Schedule C-1 of the Rural Hamilton Official Plan. The current road allowance right-of-way width of the subject section of Highway 52 ranges between  $\pm 30.3\text{m}$  to  $\pm 44.3\text{m}$ . Therefore, Development Engineering will not require a road widening dedication.

#### **Recommendations:**

The Development Approvals Section has no requirements with respect to the proposed severance for land assembly purposes only.

### **Growth Planning:**

No comments.

### **Transportation Planning:**

1. Transportation Planning has no objections to the land severance application.

**Source Water Protection Planning:**

Given the retained lot will be greater than 1 ha in area, it would meet the sustainable servicing policies of the Rural Hamilton Official Plan and as a result, we can support the application.

We would recommend that Building Division confirm the proposed severance meets minimum clearance distances of Part 8 of the Ontario Building Code as it pertains to the septic system on the retained lot.

**See attached for additional comments.**



Sam Brush, Urban Forest Health Technician  
City Centre, 77 James Street North, Suite 400  
Hamilton, ON L8R 2K3  
Phone (905) 546-2424 Ext. 7375, Fax (905) 546-4473  
Email – Sam.Brush@hamilton.ca

## Hamilton

Forestry & Horticulture Section  
Environmental Services Division  
Public Works Department

**Date:** January 13, 2021

**To:** Jamila Sheffield, Committee of Adjustment Secretary/Treasurer  
Development Planning  
City Hall – 71 Main Street West – 5<sup>th</sup> Floor

**From:** Sam Brush – Urban Forestry Health Technician

**Subject:** 173 Highway 52, Flamborough  
File: FL/B-20:86

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### **PREAMBLE**

In response to your Agenda listing for the upcoming meeting on Thursday, January 21, 2021, regarding the above subject area under discussion, the Forestry & Horticulture Section has reviewed the submission associated with the Application for Consent/Land Severance for this site and provides the following opinion:

### **SCOPE**

There are municipal tree assets on site although it is determined that no impacts are anticipated therefore no Tree Management Plan is required.

Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.

### **TREE MANAGEMENT**

Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.

### **LANDSCAPE PLAN**

No new Landscape Strips are shown on the submission and none are requested by the Forestry and Horticulture Section.

## SUMMARY

- There are Municipal Tree Assets on site, although no impacts are anticipated therefore no Tree Management Plan or Landscape plan is required.
- Note: Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to the Director.

We encourage you to forward a complete copy of our comments to the applicant and should you or the Applicant require clarification or technical assistance, please do not hesitate to contact me at (905) 546- 2424 Ext. 7375.

Regards,

A handwritten signature in black ink, appearing to read "Sam Brush". The signature is stylized and cursive.

Sam Brush  
Urban Forest Health Technician



400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519.621.2761 Toll free: 866.900.4722 Fax: 519.621.4844 Online: www.grandriver.ca

**PLAN REVIEW REPORT: City of Hamilton  
Jamila Sheffield, Secretary Treasurer**

**DATE:** January 15, 2021 **YOUR FILE:** FL/B-20:86

**RE:** **Application for Consent FL/B-20:86**  
173 Highway 52, Flamborough, City of Hamilton  
J & C DeJong

**GRCA COMMENT:\***

The Grand River Conservation Authority (GRCA) has no objection to the proposed consent application.

**BACKGROUND:**

**1. Resource Issues:**

Information currently available at this office indicates that the proposed severed and merged lands contain watercourses, floodplain, wetlands and the regulated allowances adjacent to these features.

The lands to be retained do not contains any features of interest to the GRCA.

**2. Legislative/Policy Requirements and Implications:**

The features noted above are identified as natural hazard and natural heritage features by the Provincial Policy Statement (PPS, 2020).

The proposed application will merge the severed parcel with the adjacent agricultural lands and the existing agricultural uses are proposed to continue. Based on the above, GRCA staff do not anticipate any negative impacts to the natural hazard and natural heritage features as a result of the proposed lot line adjustment.

Due to the presence of the above-noted features, portions of the subject lands are regulated by the GRCA under Ontario Regulation 150/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. Any future development or other alteration within the regulated area will require prior written approval from the GRCA in the form of a permit pursuant to Ontario Regulation 150/06.

**3. Additional Information/Suggestions provided in an advisory capacity:**

We wish to acknowledge receipt of the applicable plan review fee in the amount of \$420.00.

Should you have any questions or require further information, please contact me at 519-621-2763 ext. 2228.

Yours truly,



Andrew Herreman, CPT  
Resource Planning Technician  
Grand River Conservation Authority

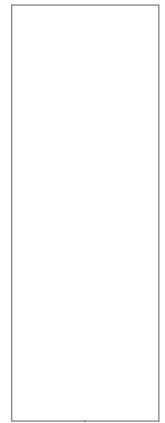
Encl.

***\*These comments are respectfully submitted to the Committee and reflect the resource concerns within the scope and mandate of the Grand River Conservation Authority.***

cc: Jacob and Cassidy DeJong (via email only)  
Don Robertson (via email only)



FLB-20-86

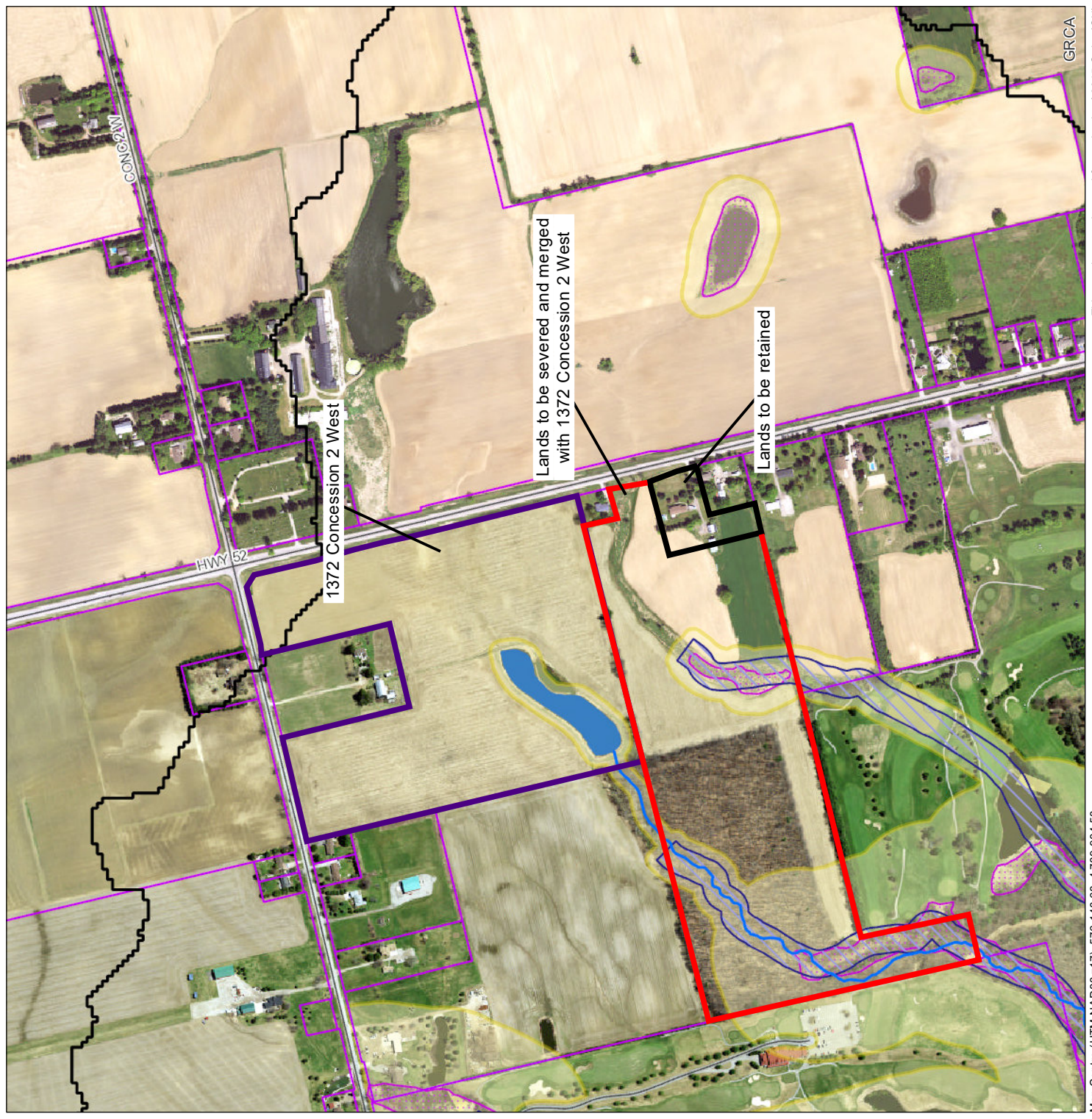
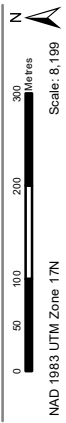


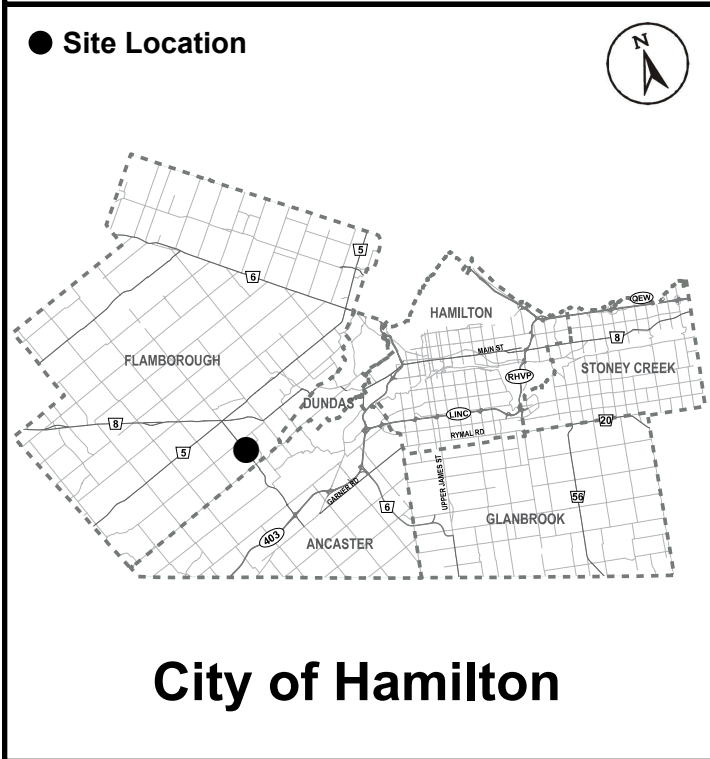
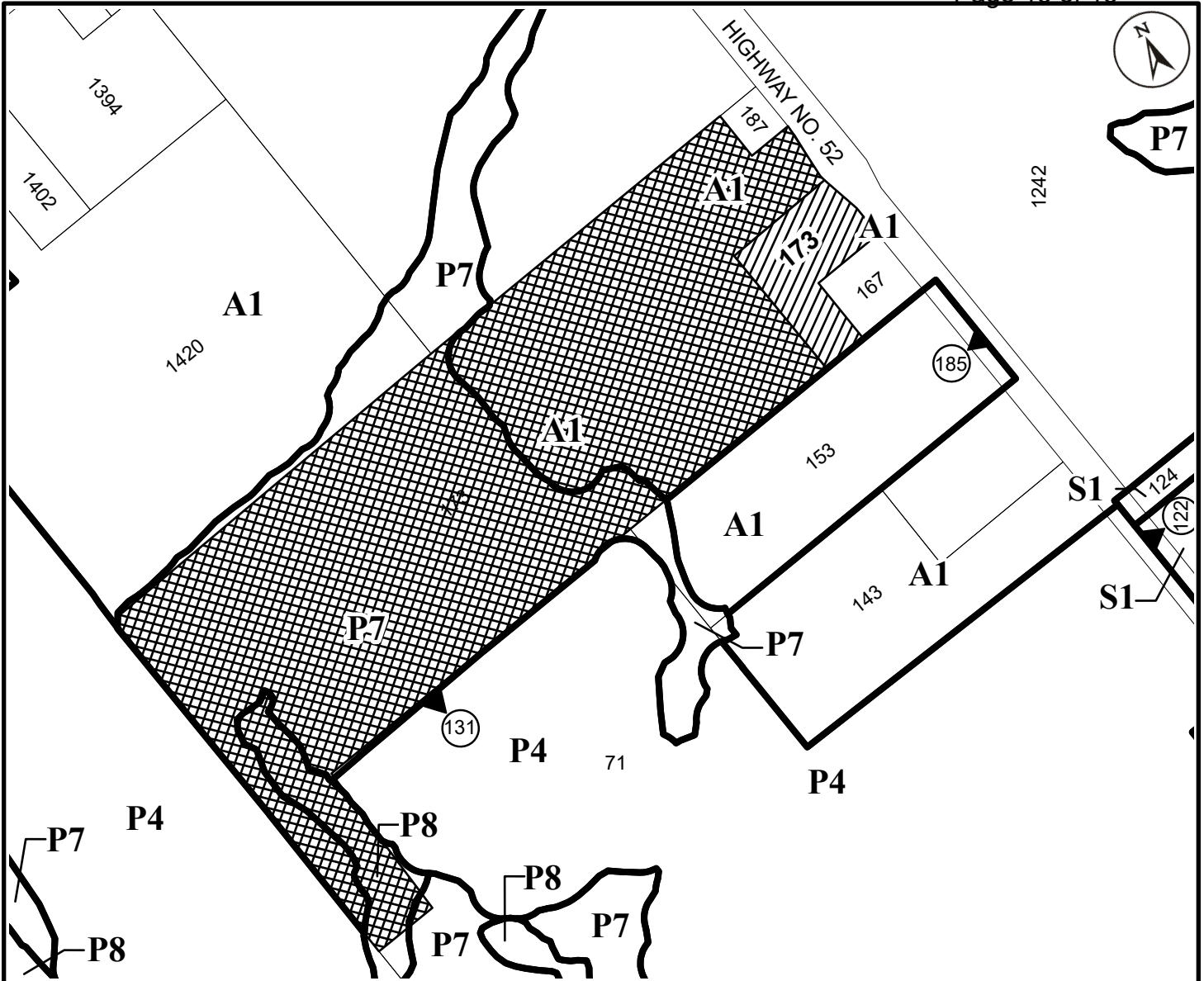
Legend

- Regulation Limit (GRCA)
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Floodplain (GRCA)
- Engineered
- Estimated
- Approximate
- Special Policy Area
- Slope Valley (GRCA)
- Steep
- Oversteep
- Steep
- Slope Erosion (GRCA)
- Oversteep
- Toe
- Lake Erie Flood (GRCA)
- Lake Erie Shoreline Reach (GRCA)
- Lake Erie Dynamic Beach (GRCA)
- Lake Erie Erosion (GRCA)
- Parcel - Assessment (MPAC/MNRF)

This legend is static and may not fully reflect the layers shown on the map. The text of Ontario Regulation 150/06 supercedes the mapping as represented by these layers.

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Disclaimer: This map is for illustrative purposes only. Information herein is not to be substituted for a professional site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for any omissions, inaccuracies or conclusions drawn from this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.  
The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to: <https://maps.grandriver.ca/Sources-and-Citations.pdf>





## Committee of Adjustment

<b>Subject Property</b>	File Name/Number:
173 Highway 52, Flamborough (Ward 12)	FL/B-20:86
<ul style="list-style-type: none"> <li> Lands to be Retained</li> <li> Lands to be Severed</li> </ul>	<b>Date:</b> January 12, 2021
	<b>Technician:</b> AL
	Map Not To Scale
	<b>Appendix "A"</b>
	Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



**Committee of Adjustment**

CITY HALL  
 5<sup>th</sup> Floor – 71 Main Street West  
 Hamilton, ON L8P 4Y5  
 Telephone (905) 546-2424, ext. 4144  
 Fax (905) 546-4202  
 Email: cofa@hamilton.ca

**AGENDA  
 COMMITTEE OF ADJUSTMENT**

\*\*\*\*\*

**Date: Thursday, January 21st, 2021**  
**Time: 1:00 p.m.**  
**Location: Virtual Hearing**  
**Contact: Jamila Sheffield (905) 546-2424, ext. 4144**

TIME	SUBJECT	BY
<b>RURAL</b>		
1:30 p.m.	FL/B-20:86 173 Highway 52., Flamborough (Ward 12)	Agent Don Robertson Owners J & C DeJong

Agent – Don Robertson  
 Owner J & C DeJong

Agent D. Robertson – Aware that the City of Hamilton wants 40 hectars threshold and they have only 37 hectars currently proposed. We want to enhance agriculture practise for neighbouring farm.

T. Lofchik – The farming objection is that a 1 acre residential lot will be created.

V. Lazarevic – The objection is the size of the lot being added is too small, does not meet intent of official plan.

D. Smith –  
 Is parcel land on Conc W is it vacant?  
 Can a home be bult or zoned you cannot?  
 All doing is a lot line adjustment, not creating a new building lot; opportunity is already there  
 Agriculture lands will be larger than it was before  
 No land is being taken out of production  
 No negative impact on the area

V. Lazarevic – Yes, you can build a single detached and is currently vacant.

T. Lofchik – There is a resident on the retained land and becomes a residential lot and is not AA anymore  
 1.1h parcel becomes a residential lot

M. Smith – Agrees with T. Lofchik the OP does not permit the sev despite the fact that a home can be built on either property

Councillor Ferguson –

I support this application and should be approved.

Not creating a new home, home is already there.

Consolidating farm and making land more productive.

M. Switzer – Motion to approved

D. Smith– Seconded

M. Smith – Opposed to the motion for approval

Decision – Approved

---



Committee of Adjustment  
Hamilton City Hall  
71 Main Street West, 5<sup>th</sup> floor  
Hamilton, ON L8P 4Y5  
Telephone (905) 546-2424  
ext. 4221, 3935  
Fax (905) 546-4202

**COMMITTEE OF ADJUSTMENT**  
**NOTICE OF DECISION**

**APPLICATION FOR CONSENTLAND SEVERANCE**

**APPLICATION NO. FL/B-20:86**  
**SUBMISSION NO. B-86/20**

**APPLICATION NUMBER: FL/B-20:86**

**SUBJECT PROPERTY: 173 Highway 52, Flamborough**

**APPLICANT(S):** Owners: Jacob and Cassidy DeJong  
Agent: Don Robertson

**PURPOSE OF APPLICATION:** To sever agricultural lands to be added to adjacent agricultural lands (1372 Concession 2 W.) and to retain lands containing an existing single family dwelling.

**Severed lands:**  
62m<sup>±</sup> x 811m<sup>±</sup> and an area of 19.22 ha<sup>±</sup>

**Retained lands:**  
140m<sup>±</sup> x 117m<sup>±</sup> and an area of 1.15 ha<sup>±</sup>

**THE DECISION OF THE COMMITTEE IS:**

That the said application, as set out in paragraph three above, **IS APPROVED**, for the following reasons:

1. The proposal does not conflict with the intent of the Rural Hamilton Official Plan.
2. The Committee considers the proposal to be in keeping with development in the area.
3. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
4. The submissions made regarding this matter affected the decision by supporting the granting of the application.

**Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions:**

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)

FL/B-20:86  
Page 2

3. The owner shall demolish all or an appropriate portion of any buildings straddling the proposed property line, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner.
4. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
5. The owner shall submit survey evidence that the lands to be severed and retained, including the location of any existing structure, lot coverage etc., conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
6. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division – Building Engineering Section).
7. The owner shall demolish the existing farm buildings on the retained residential lot, to the satisfaction of the Planning and Economic Development Department.
8. The applicant shall submit and receive final and binding approval of a Zoning By-law Amendment Application for the subject lands to the satisfaction of the Manager, Development Planning Heritage & Design.
9. The applicant shall submit and receive final and binding approval of an Official Plan Amendment Application for the subject lands to the satisfaction of the Manager, Development Planning Heritage & Design.
10. The owner must merge the severed agricultural lot (19.22 ha) with the vacant agricultural lot at 1372 Concession 2 W., to the satisfaction of the Manager, Development Planning Heritage & Design.

DATED AT HAMILTON this 21st day of January, 2021.

\_\_\_\_\_  
M. Dudzic (Chairman)

\_\_\_\_\_  
N. Mleczko

\_\_\_\_\_  
D. Serwatak

\_\_\_\_\_  
L. Gaddye

\_\_\_\_\_  
D. Smith

\_\_\_\_\_  
B. Charters

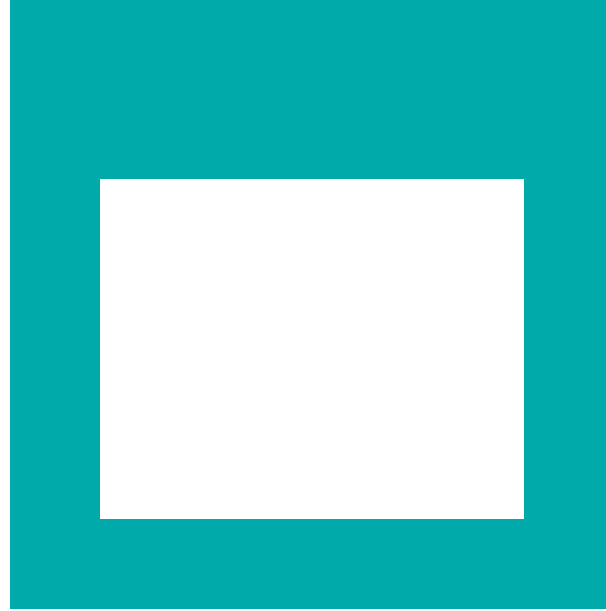
\_\_\_\_\_  
M. Switzer

\_\_\_\_\_  
T. Lofchik

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS January 28th, 2021.  
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (January 28th, 2022) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS **February 17th, 2021**

**NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.**



WELCOME TO THE CITY OF HAMILTON

# PLANNING COMMITTEE

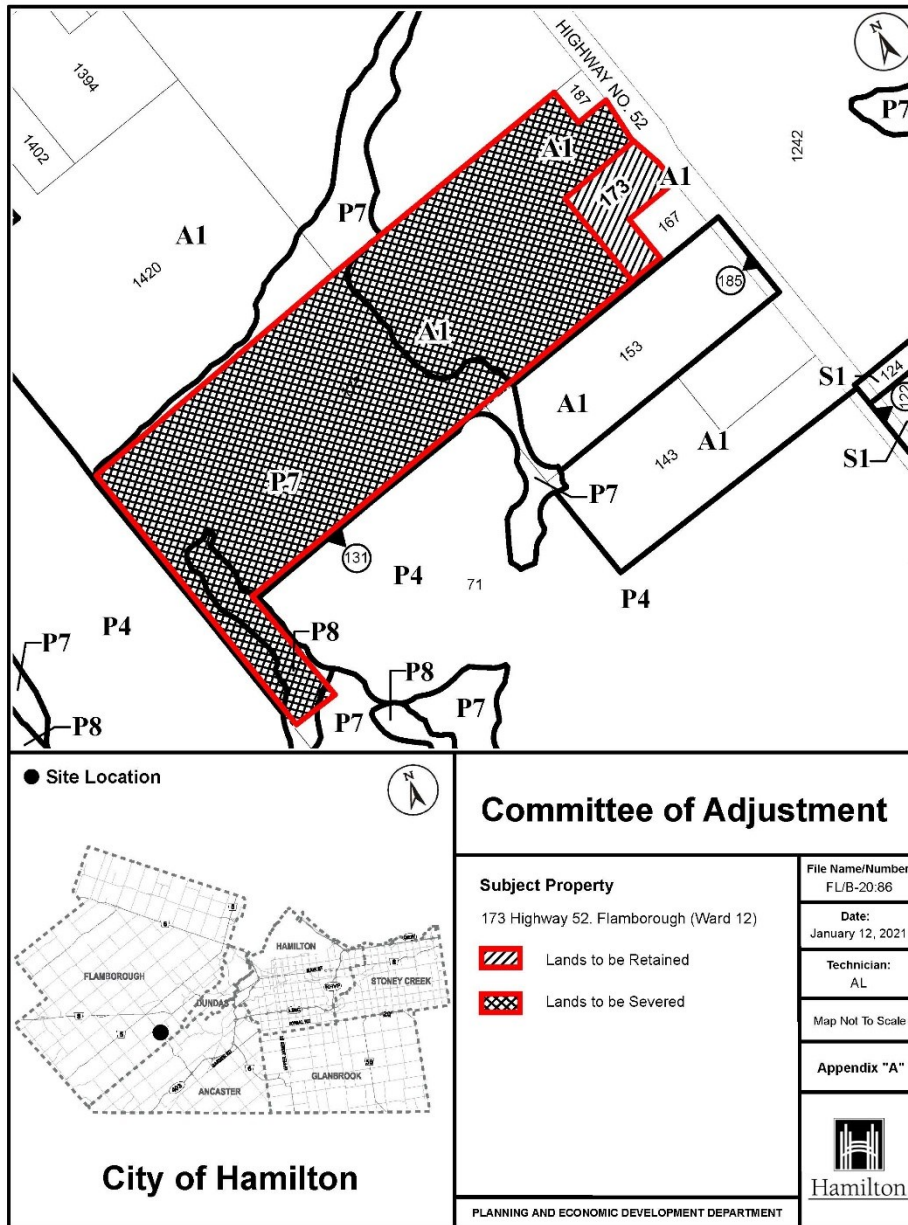
May 18, 2021

## **PED21059– (FL/B-20:86)**

Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Application FL/B-20:86 for the Lands Located at 173 Highway No. 52, Flamborough.

Presented by: June Christy







SUBJECT PROPERTY

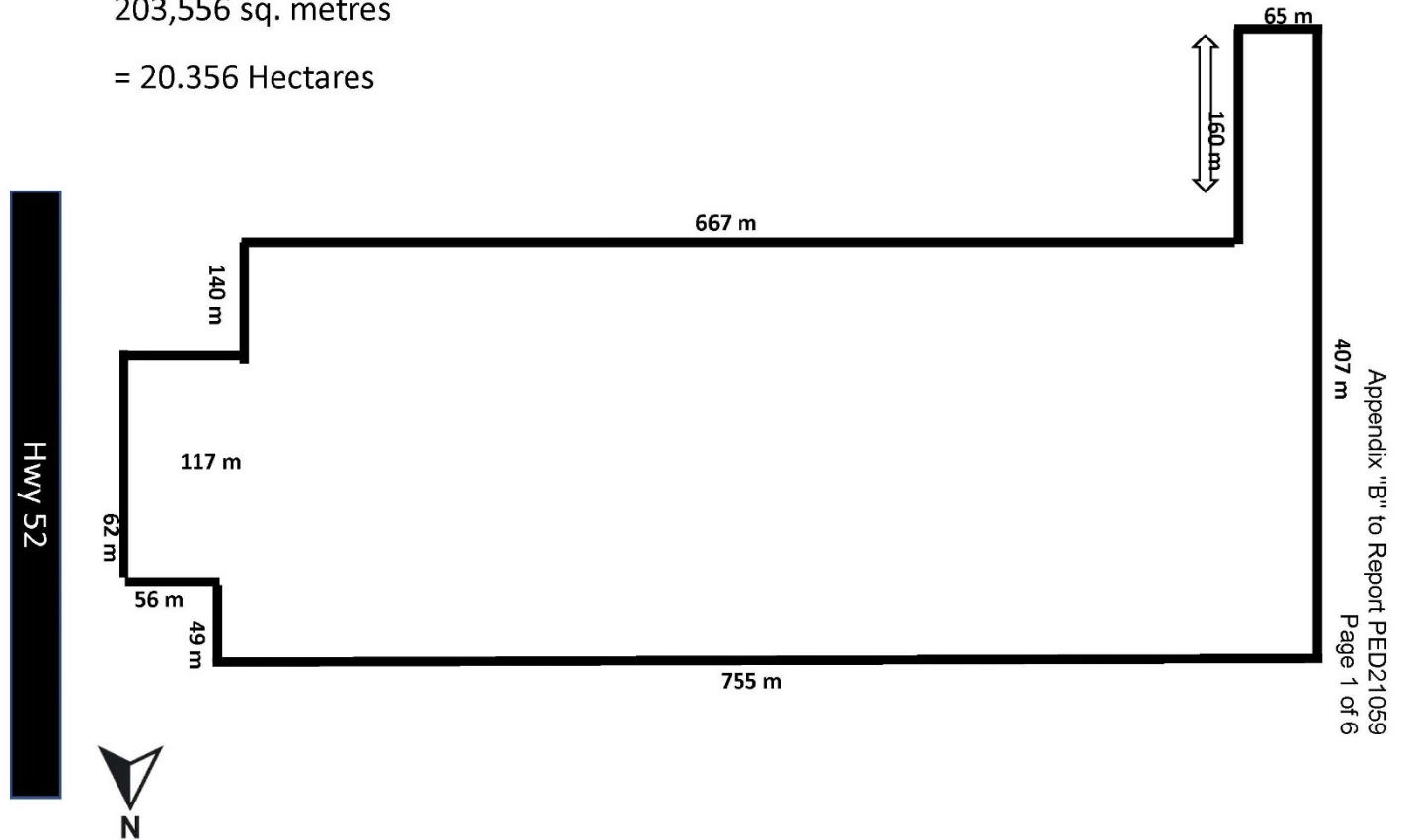


173 Highway No. 52, Flamborough

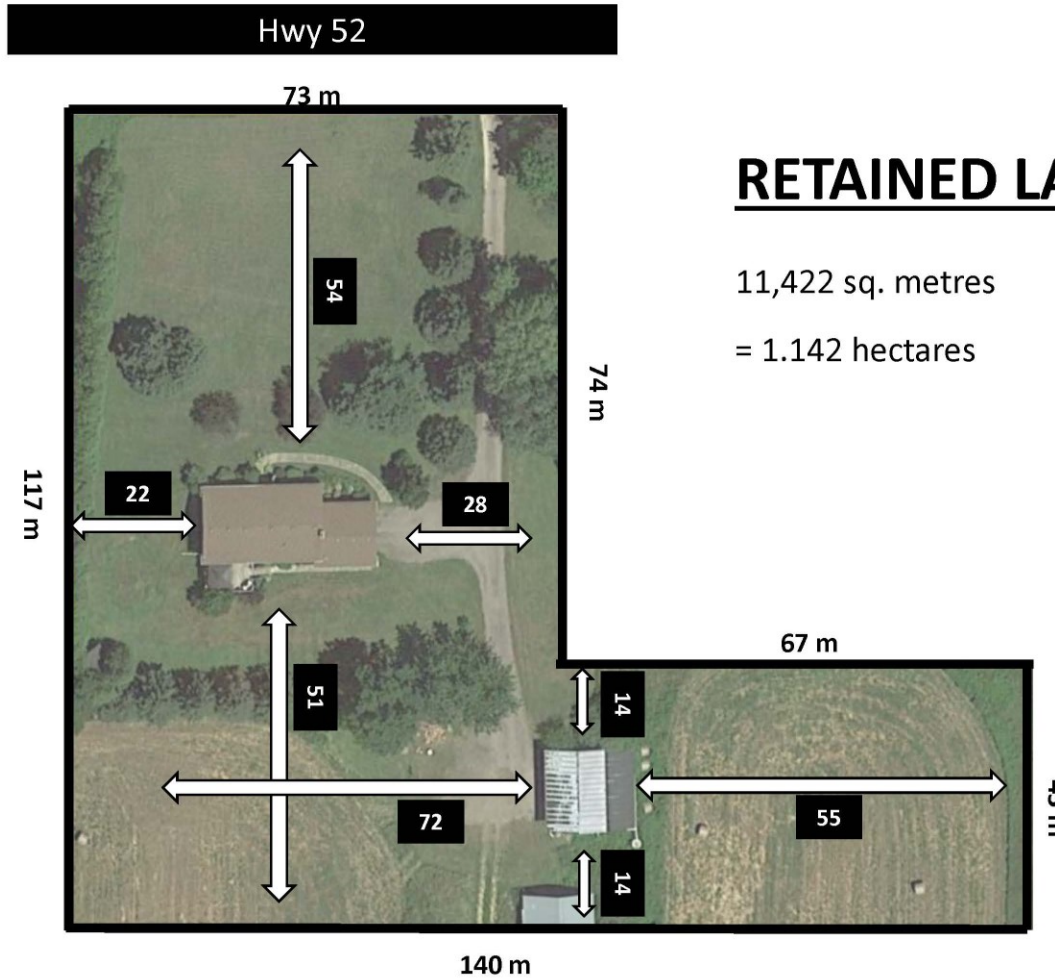
## PRESENT LOT

203,556 sq. metres

= 20.356 Hectares



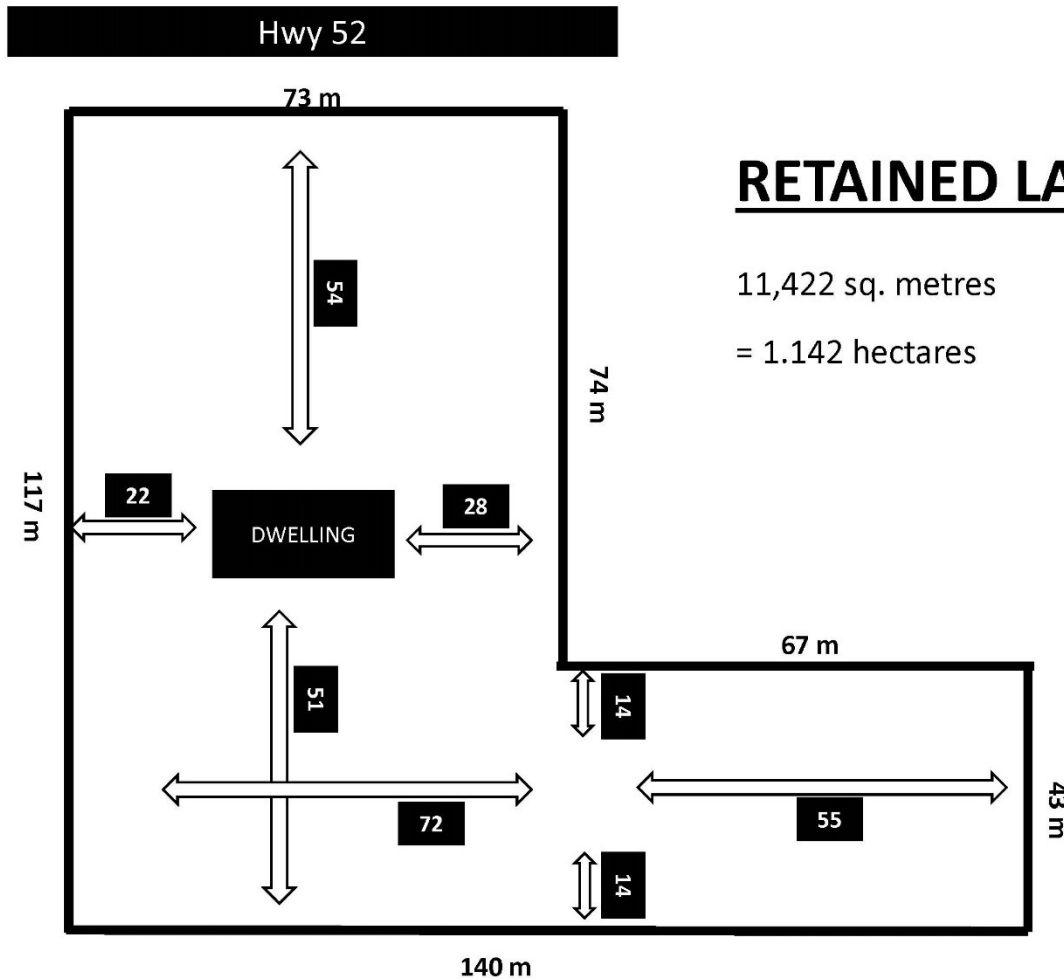
Appendix "B" to Report PED21059  
Page 1 of 6



## RETAINED LAND

11,422 sq. metres  
= 1.142 hectares

Appendix "B" to Report PED21059  
Page 2 of 6



## RETAINED LAND

11,422 sq. metres  
= 1.142 hectares

Appendix "B" to Report PED21059  
Page 3 of 6

## SEVERED LAND

192, 134 sq. metres

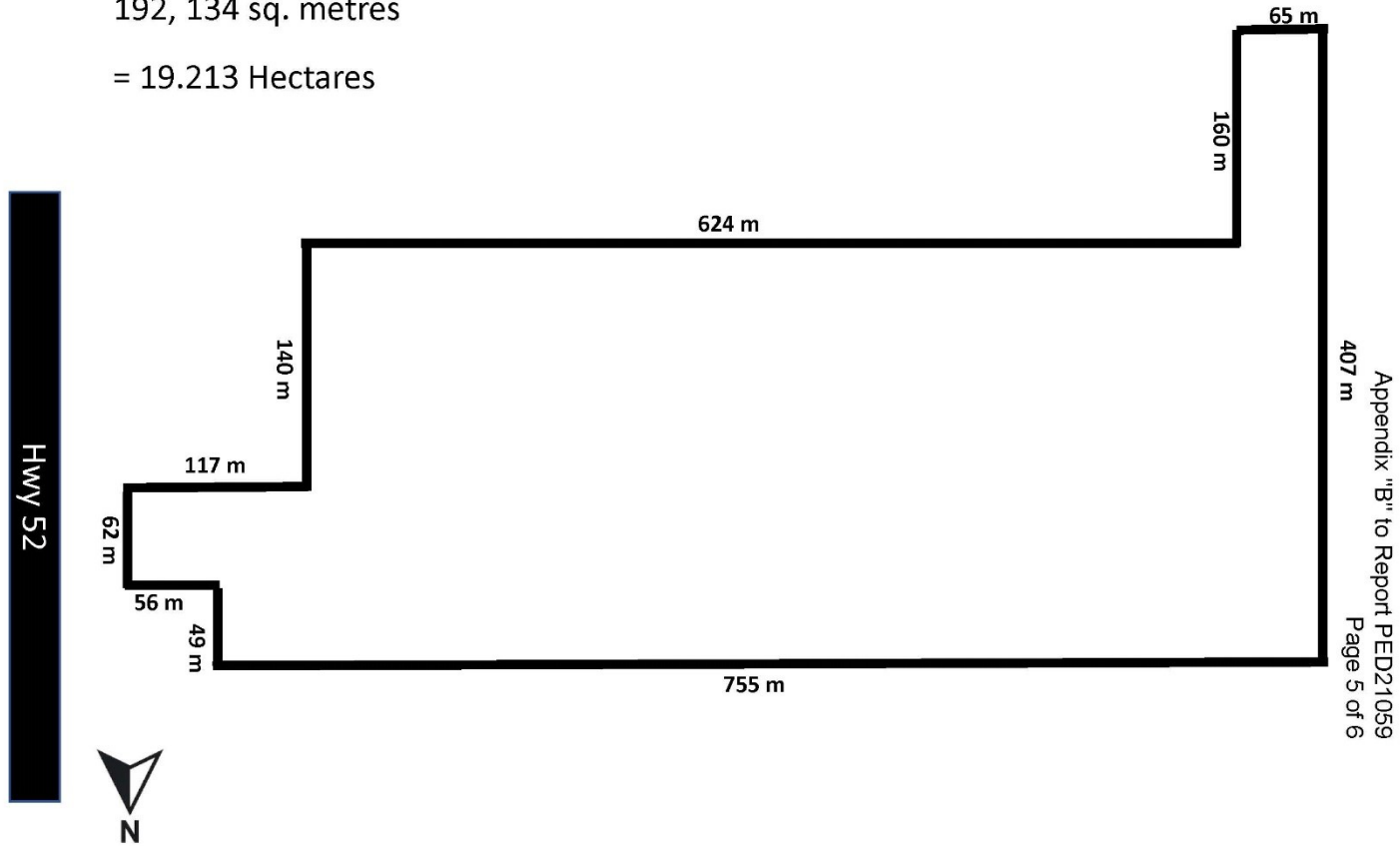
= 19.213 Hectares



## SEVERED LAND

192, 134 sq. metres

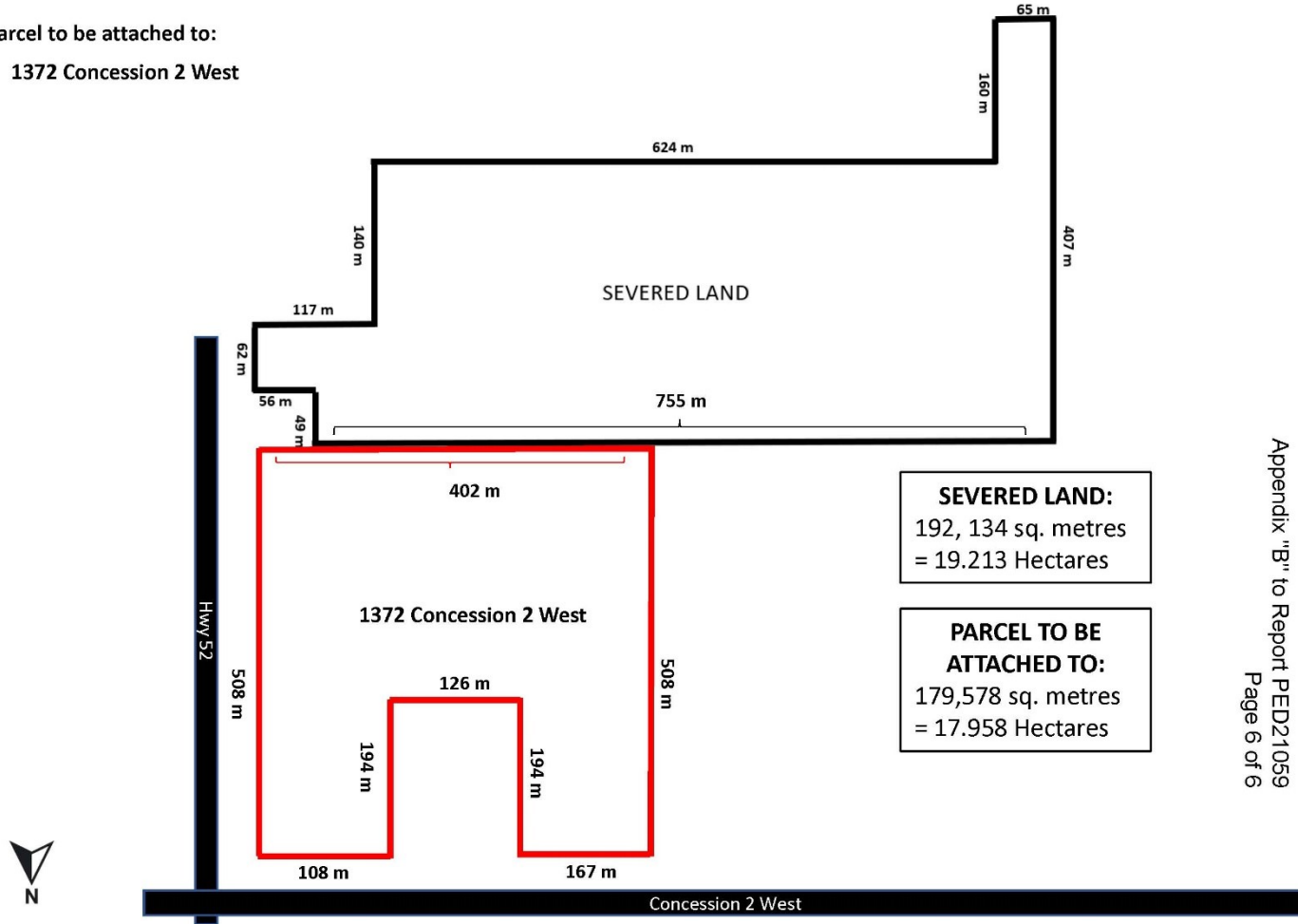
= 19.213 Hectares



## SEVERED LAND + PARCEL TO BE ATTACHED TO

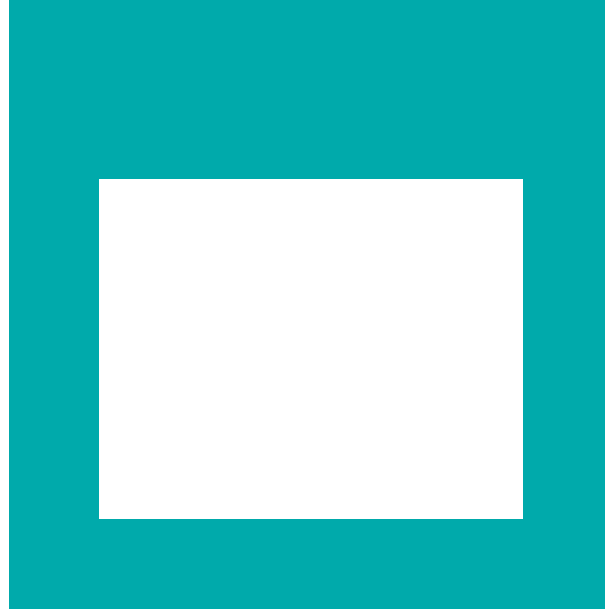
Parcel to be attached to:

- 1372 Concession 2 West



Appendix "B" to Report PED21059  
Page 6 of 6





# THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE