



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	March 1, 2016
<b>SUBJECT / REPORT NO:</b>	Application for a Zoning By-law Amendment for Lands Located at 311 Hamilton Drive (Ancaster) (PED16054) (Ward 12)
<b>WARD AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	Melanie Schneider Planner II (905) 546-2424 Ext. 1224  Steve Robichaud Director of Planning and Chief Planner Planning Division
<b>SUBMITTED BY:</b>	Jason Thorne General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATIONS**

That approval be given to **Zoning Application ZAR-15-043, by Angela Maddern, Owner**, for a change in zoning from the Deferred Development “D” Zone to the Residential “R3-671” Zone, Modified, to facilitate the future severance of the property in order to establish two single detached dwellings on lands located at 311 Hamilton Drive (Ancaster), as shown on Appendix “A” to Report PED16054, on the following basis:

- a) That the draft By-law, attached as Appendix “B” to Report PED16054, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
- b) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and complies with the Urban Hamilton Official Plan.

## **EXECUTIVE SUMMARY**

The proposed Zoning By-law Amendment is for a change in zoning from the Deferred Development “D” Zone to the Residential “R3-671” Zone, Modified, to facilitate the future severance of the lands to permit the development of two single detached dwellings. The applicant has requested modifications to the “R3” Zone, specifically to permit a minimum lot frontage of 16.99 m instead of the minimum required 18 m and a maximum lot coverage of 37% instead of the maximum required 35% lot coverage in order to facilitate the proposal.

The application has merit and can be supported because it is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and complies with the Urban Hamilton Official Plan (UHOP). The proposal is considered to be compatible with existing development in the area and provides for a compact and efficient urban form that uses existing infrastructure while being in keeping with the character of the area.

***Alternatives for Consideration – See Page 14***

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

**Financial:** N/A

**Staffing:** N/A

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

## **HISTORICAL BACKGROUND**

### **Chronology:**

July 31, 2015: Application ZAR-15-043 deemed complete.

August 21, 2015: Notice of Complete Application and Pre-Circulation was mailed to 97 property owners within 120 m of the subject property.

September 21, 2015: A Public Notice sign was established on the property.

February 3, 2016: Public Notice sign updated to reflect the date of Public Meeting.

February 12, 2016: Circulation of Notice of Public Meeting to 97 property owners within 120 m of the subject property.

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**Background:**

The subject property is located on the east side of Hamilton Drive, south of Wilson Street West, north-east of Highway 403 and is municipally known as 311 Hamilton Drive, Ancaster. The subject lands are 0.17 ha in size and contain one single detached dwelling. The lands to the east, north and south of the subject property are comprised of single detached dwellings and multiple dwellings to the west. The applicant is intending to demolish the existing dwelling and to construct two single detached dwellings, subject to approval of a future Consent Application and the Zoning Application.

**Zoning By-law Amendment (ZAR-15-043)**

The purpose of the application is for a change in zoning from the Deferred Development “D” Zone to the Residential “R3-671” Zone, Modified to facilitate the future severance of the subject lands in order to establish two single detached dwellings (see Appendix “C” to Report PED16054). The applicant has requested modifications to the Residential “R3” Zone to permit a Minimum Lot Frontage of 16.99m, whereas the Zoning By-law requires a Minimum Lot Frontage of 18 m and a Maximum Lot Coverage of 37%, whereas the By-law requires a Maximum Lot Coverage of 35%, to facilitate the development.

**DETAILS OF SUBMITTED APPLICATION:**

**Owner:** Angela Maddern

**Applicant:** Matthews, Cameron, Heywood – Kerry Survey – Kerry T. Howe Surveying Ltd. c/o Dasha Page

**Location:** 311 Hamilton Drive (Ancaster) (see Appendix “A” to Report PED16054)

**Property Size:**

Frontage	33.988 m
Area	0.1783 ha
Depth	52.1 m

**Servicing:** Full Municipal Services

**EXISTING LAND USE AND ZONING:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	One Single Detached Dwelling	“D” (Deferred Development) Zone

**Surrounding Lands:**

<b>North</b>	Single Detached Dwellings	“R3” (Residential) Zone
<b>East</b>	Single Detached Dwellings	“R3” (Residential) Zone
<b>South</b>	Single Detached Dwellings	“R3-401” (Residential) Zone, Modified
<b>West</b>	Townhouse Dwellings	“RM3-327” (Residential Multiple 3) Zone

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (2014)**

The 2014 Provincial Policy Statement (PPS) provides overall policy directions on matters of Provincial interest related to land use and development in Ontario and applies to all decisions made on or after April 30, 2014.

The following policies from the PPS, amongst others, are considered to be applicable to the applicant’s development proposal:

- “1.1.1 Healthy, liveable and safe communities are sustained by:
  - 1.1.1a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
  - 1.1.1b) Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial, commercial), institutional (including places of worship, cemeteries, and long term care homes), recreation, park and open space, and other uses to meet long-term needs;
  - 1.1.1c) Avoiding development and land use patterns which may cause environmental or public health and safety concerns.
  
- 1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within *settlement areas* shall be based on:

- a) densities and a mix of land uses which:
  - 1. efficiently use land and resources;
  - 2. are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and / or uneconomical expansion;
  - 3. minimize negative impacts to air quality and climate change, and promote energy efficiency.”

The proposed development is consistent with the above-noted policies in that it provides for an appropriate form of residential development within a settlement area, consistent with the existing low density development within the established neighbourhood. The applicant also proposes to mirror the established development pattern along Hamilton Drive which will provide an efficient use of the subject lands in an appropriate manner for the existing infrastructure.

“1.4.3 Planning authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- a) permitting and facilitating:
  - 1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs; and,
- c) promoting densities for new housing which efficiently use land resources, infrastructure and public service facilities, and support the use of alternative transportation modes and public transit in areas where it exists or is to be developed.”

With respect to the above Housing policies, the proposed Zoning By-law Amendment will provide for housing requirements for current and future residents. The proposed low density built form is appropriate for this location as it efficiently uses the subject lands, existing infrastructure and public service facilities.

“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.”

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As part of previous Formal Consultation Application (FC-14-094) staff required the submission of an archaeological assessment. A Stage 1 and 2 Archaeological Assessment Report (P017-0363-2015) was submitted with the subject application and Staff concur with the conclusions, and on this basis there is no longer a municipal interest in the subject property with respect to archaeology.

Based on the foregoing, the proposed development is consistent with the PPS.

**Growth Plan for the Greater Golden Horseshoe**

The following policies, amongst others, from the Growth Plan for the Greater Golden Horseshoe are applicable to the proposal:

“2.2.2.1 Population and employment growth will be accommodated by:

- i) directing development to *settlement areas*, except where necessary for development related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in *settlement areas*.

2.2.3.1 By the year 2015 and for each year thereafter, a minimum of 40 per cent of all residential development occurring annually within each upper- and single-tier municipality will be within the built-up area.”

The proposed Zoning By-law Amendment will allow for the development of two single detached dwellings within a settlement area and the built-up area. The development will connect to existing infrastructure, increasing the efficient use of the existing infrastructure in the area.

Based on the foregoing, the proposal conforms to the Growth Plan for the Greater Golden Horseshoe.

**Urban Hamilton Official Plan**

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure, designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP), and identified within the Built Boundary of the UHOP Appendix “G” – Boundary Map. The following policies, amongst others, apply:

**General Residential Intensification Policies**

“B.2.4.1.3 The residential intensification target specified in Policy A.2.3.3.4 shall generally be distributed through the built-up area as follows:

c) 40% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure.

B. 2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

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 buildings with the height, massing, and scale of nearby residential buildings;

e) the relationship of the proposed lots with the lot pattern and configuration within the neighbourhood;

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.”

The application is to facilitate a future severance of the property in order to construct two single detached dwellings. The site is located in the Neighbourhoods designation which is included in the intensification target area. The proposed change in zoning is compatible with the existing lot pattern, character in terms of lot width and use proposed, existing function of the neighbourhood, and provides intensification by proposing to replace one lot with two lots. Regulations in the Zoning By-law will ensure compatibility with the adjacent “R3” Zone in terms of built form / massing, setbacks from the street and building separation. Staff do not anticipate any impacts with regards to shadowing, overlook, noise, lighting, traffic, and other nuisance effects with the addition of one lot for a single detached dwelling.

### Neighbourhoods

#### Low Density Residential

“E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.

E.3.4.4 For low density residential areas the maximum net residential density shall be 60 units per hectare.

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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:

- 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 subject lands are located on Hamilton Drive, identified as a Collector Road on Schedule “C” – Functional Road Classification of the UHOP, which ensures direct access is not provided directly to a Major or Minor Arterial Road. The proposed density for the subject property is approximately 11 units per hectare and shall be limited to a height of 3 storeys as per the “R3” Zone regulations. The subject lands are located within an existing residential area, bounded by low density residential to the north, east and south and multiple residential to the west. The proposed lot sizes for the two residential dwellings will be compatible with the existing character of the neighbourhood, comprised of a variety of lot widths and types.

### Cultural Heritage

“B.3.4.2.1 The City of Hamilton shall, in partnership with others where appropriate:

- a) Protect and conserve the tangible cultural heritage resources of the City, including archaeological resources, built heritage resources, and cultural heritage landscapes for present and future generations.
- b) Identify cultural heritage resources through a continuing process of inventory, survey, and evaluation, as a basis for the wise management of these resources.
- d) Avoid harmful disruption or disturbance of known archaeological sites or areas of archaeological potential.”

As part of previous Formal Consultation Application (FC-14-094) staff required that an archaeological assessment be submitted for the subject lands. A Stage 1 and 2



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Archaeological Assessment Report (P017-0363-2015) was submitted with the subject application and to the Ministry of Tourism, Culture and Sport in May, 2015. Staff concur with the recommendations made in the report and there is no longer a municipal interest in the subject property with respect to archaeology.

Natural Heritage

Policy C.2.11.1 Tree and Woodland Protection of Volume 1 states the following:

“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.”

The applicant has submitted an Arborist Report and Tree Protection Plan, prepared by Welwyn Consulting, dated July 10, 2015 and revised December 22, 2015 in support of the application. Staff concur with the recommendations made in the Report and note that 40 trees have been identified for removal for this site. To ensure that existing tree cover is maintained, the City requires one for one compensation for trees that have a DBH of 10 cm or greater that are to be removed. Since two trees have been identified as hazards, eight have been identified as dead and two trees have been identified for planting, compensation is required for 28 trees. If it is not possible to replant additional trees on site, cash-in-lieu will be provided to the City to plant trees elsewhere and this will be a condition of any future consent application.

Compensation will be a condition of the future Consent Agreement when the applicant proposes to sever the subject lands. Accordingly, the Arborist Report and Tree Protection Plan is approved.

Servicing

Policy C.5.3 Lake-Based Municipal Water and Wastewater Systems of Volume 1 provides direction with regards to municipal servicing:

“C.5.3.5 All new development and redevelopment within the urban area shall be connected to the City’s water and wastewater system; and,

C.5.3.11 The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system.”

Policy C.5.4 of Volume 1 provides direction with regards to storm water management:

“C.5.4 The City shall ensure that appropriate storm water management facilities are built and maintained to provide a safe and secure system for storm water.”

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The subject lands have full access to the City's water and wastewater system and propose a density that can be accommodated within the municipal water and wastewater system. Staff have reviewed the Stormwater Management Brief, prepared by S. Llewellyn & Associates Limited, submitted with the application, and are satisfied with the findings. The detailed review of grading and sediment control will be a condition of the future Consent Agreement at the Consent to Sever stage of the application.

Based on the foregoing, the proposal complies with the policies of the UHOP.

### **RELEVANT CONSULTATION**

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

- Corridor Management, Public Works Department;
- Forestry and Horticulture, Public Works Department; and,
- Source Water Protection, Public Works Department.

Operations Support noted that the property is eligible for public waste collection and accordingly, have advised that the following note should be placed on any future Plans:

“This property is eligible for weekly collection of garbage, recycling, organics, and leaf and yard waste through the City of Hamilton subject to compliance with specifications indicated by the Public Works Department and subject to compliance with the City's Solid Waste Management By-law 09-067, as amended.

Municipal Waste collection may not be provided if the site does not meet Solid Waste Collection Design Guidelines for Developments.”

The above note will be addressed through a future Consent Agreement.

Transportation Management have advised that any required sidewalks along the public right of way will require a minimum width of 1.5 m. Staff note that since the proposal will not be subject to Site Plan Control, sidewalks may be reviewed as part of a future Consent application.

Hamilton Municipal Parking System has reviewed the site plan and advises that the applicant will be required to apply for individual access permits for each new lot or the widening of the driveway accessing the road allowance.

### **Public Consultation**

In accordance with Council's Public Participation Policy, the Zoning By-law Amendment Application was circulated as part of the Notice of Complete Application to 97 property

owners within 120 m of the subject lands on August 21, 2015. To date there have been no public comments received.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement, which supports compact development and the provision of a full range of housing opportunities;
  - (ii) It conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), which encourages the development of compact communities within built-up areas;
  - (iii) It complies with the policies of the Urban Hamilton Official Plan; and,
  - (iv) The proposal represents good planning by providing a compatible development that is in keeping with existing and planned development in the surrounding area.
2. The issues which have been examined for the proposed Zoning By-law Amendment relate to land use and natural heritage. These issues are summarized below as follows:
  - a. The Proposed Land Use

The proposed development is located on lands which are designated “Neighbourhoods” on Schedule “E-1” of the UHOP, and is consistent with the planned intent of the surrounding area, consisting of low density residential development and infill lots that are not located on a major arterial road. As well, the proposed low density residential development is part of an existing complete community since it is within walking distance of public spaces supporting the area. The proposed lots will be consistent with smaller lots to the south and east, within the established neighbourhood. Existing lot widths to the south and range from approximately 15.2 m to 23.9 m and contain single detached dwellings whereas the two lots directly to the east are 16.9 m wide. Staff are satisfied that the proposal contributes to a complete community with development that will maintain the character of varying dwelling types, consistent setbacks from the street, and similar lot sizes. The proposed change in Zoning will facilitate a future Consent application in order to establish two new single detached dwellings which will not negatively impact the established character of the neighbourhood.

b. Natural Heritage

The applicant has submitted a Tree Protection Plan, prepared by Welwyn Consulting, dated July 10, 2015 and revised December 22, 2015 in support of the application. Staff note that 40 trees have been identified for removal for this site. To ensure that existing tree cover is maintained, the City requires one for one compensation for trees that have a DBH of 10 cm or greater that are to be removed. Since two trees have been identified as hazards, eight have been identified as dead and two trees have been identified for planting, compensation is required for 28 trees. If it is not possible to replant additional trees on site, cash-in-lieu will be provided to the City to plant trees elsewhere.

A Verification of Tree Protection Letter is to be provided to the Director of Planning to confirm that all tree protection measures have been installed.

For file management, Natural Heritage Planning staff should be copied on this correspondence.

Compensation will be a condition of the future Consent Agreement when the applicant proposes to sever the subject lands. Accordingly, the Arborist Report and Tree Protection Plan is approved.

3. Servicing and Stormwater Management

There is a 400 mm public watermain and a 375 mm diameter municipal sanitary sewer on Hamilton Drive all having service availability. A 300 mm municipal storm sewer is available for road side drainage only.

At the development application stage (Consent Application), the applicant will be required to enter into a consent agreement registered on title by the City of Hamilton, with an administrative fee of \$3,870.00 (based on the 2015 fee schedule) to deal with and address issues including but not limited to: grading and drainage (detailed grading plan required), erosion and sediment control measures (to be included on grading plan); cash payment requirements for items such as trees (one street-tree / lot at \$450.00 plus HST), inspection of grading and securities for items such as: lot grading (\$10,000.00 grading security), driveway approaches, relocation of existing infrastructure and any damage during construction (unknown costs at this time). The submitted Stormwater Management Brief has been reviewed and is satisfactory to the Manager of Development Approvals.

4. Zoning

Staff are recommending the proposed development be placed in the Residential “R3-671” Zone, Modified. The proposed zone change would be in keeping with the existing zones within the surrounding area, particularly with the lands to the north, east and south. In addition, the following site specific provisions are proposed:

- 1) The applicant proposes a Minimum Lot Frontage of 16.99 m whereas the Zoning By-law requires a Minimum Frontage of 18 m. The intent of the By-law is to provide sufficient lot size for an adequate building envelope and to maintain the character of the surrounding streetscape. Staff are of the opinion that the proposed lot frontage will continue to accommodate sufficient space for a building envelope with the appropriate side yard setbacks. The surrounding neighbourhood is comprised of varying house styles and sizes with varying lot frontages. Staff are satisfied that the reduction would not be out of character with surrounding properties as it is also consistent with the lot frontages to the south which are comprised of lots ranging from 15.2 m to 23.9 m. The proposed 16.99 m lot frontage ensures the two future lots provide consistent lot widths with the lands directly to the east which contain two lots with frontages of 16.9 m. Accordingly, the proposed modification is supported by staff and have included 16.9 m in the By-law (see Appendix “B” to Report PED16054) to simplify the requirements and maintain the format of the Ancaster Zoning By-law 87-57.
- 2) The applicant also proposes a Maximum Lot Coverage of 37%, whereas the Zoning By-law requires a Maximum Lot Coverage of 35%. The intent of the By-law is to provide adequate permeable surface for drainage and to provide adequate space for amenity areas. The applicant has submitted a Stormwater Management Brief prepared by S. Llewellyn & Associates Ltd., dated July 7, 2015 which confirms that the proposed development will not negatively impact drainage on the subject lands. Staff are satisfied that there will continue to be adequate amenity space and permeable surface for drainage on the subject lands. Accordingly, the proposed modification is reasonable and supported by staff.

Based on the above, staff are satisfied that the proposed modifications are reasonable and can be supported.

## **ALTERNATIVES FOR CONSIDERATION**

Should the proposed Zoning By-law Amendment Application be denied, the property would remain under the Deferred Development “D” Zone.

## **ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN**

### **Strategic Priority #1**

A Prosperous & Healthy Community

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

### **Strategic Objective**

- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.
- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

### **Strategic Priority #2**

Valued & Sustainable Services

*WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.*

## **APPENDICES AND SCHEDULES ATTACHED**

- Appendix “A” - Location Map
- Appendix “B” - Proposed Amending By-law to Hamilton Zoning By-law
- Appendix “C” - Concept Plan

MS/as