



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 18, 2018
SUBJECT/REPORT NO:	City Initiative CI-18-I to Amend the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 1215, 1217, 1219, 1221, 1227, 1229, 1231, 1235, 1239 Barton Street, and 41, 43, 45, 46, 47, 49, 50, 51, 53, 54, 55, 57, 58, 59, 61, 62, 63, 65, 66, 67, 69, 70 Escarpment Drive (Stoney Creek) (PED18198) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Mark Hefferton (905) 546-2424 Ext. 1251
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That City Initiative CI-18-I, to amend the Fruitland-Winona Secondary Plan to add an Area Specific Policy Area to the lands located at 1215, 1217, 1219, 1221, 1227, 1229, 1231, 1235, and 1239 Barton Street, Stoney Creek, to permit the development of the lands with a net residential density of 0 to 40 units per hectare; and to remove the lands located at 1215, 1217 Barton Street, Stoney Creek, and 41, 43, 45, 46, 47, 49, 50, 51, 53, 54, 55, 57, 58, 59, 61, 62, 63, 65, 66, 67, 69, 70 Escarpment Drive, Stoney Creek, from Block 3 on Map B.7.4-4 Fruitland-Winona Secondary Plan – Block Servicing Strategy Area Delineation, as shown on Appendix “A” to report PED18198, be **APPROVED** on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18198, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017) (Places to Grow).

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- (b) That City Initiative CI-18-I, to rezone the lands located at 1215, 1217, 1219, 1221, 1227, 1229, 1231, 1235, and 1239 Barton Street, Stoney Creek, from Neighbourhood Development “ND” Zone to Residential “R6” Zone in the City of Stoney Creek Zoning By-law No. 3692-92, as shown on Appendix “A” to Report PED18198, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED18198, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

EXECUTIVE SUMMARY

City Council, at their meeting of June 27, 2018, passed the following motion:

“That staff be directed to prepare an Official Plan Amendment and associated Zoning By-law changes for consideration at a public meeting of the Planning Committee no later than September 18, 2018, for the lands located at 1215, 1217, 1219, 1221, 1227, 1231, 1235 and 1239 Barton Street, Stoney Creek, to recognize the existing single-family dwellings and to permit the severing of single family lots, which would be in keeping with the existing homes”.

Staff note that the property known municipally as 1229 Barton Street was not identified in the Council motion, as 1227 and 1229 Barton Street are under single ownership. However, it is recognized that the intent of this motion is to encompass all properties from 1215 Barton Street to 1239 Barton Street inclusive, as shown as Appendix “A” to Report PED18198, as all of these properties are intended for residential, as reflected in the existing “Low Density Residential 2” designation of these lands in the Fruitland – Winona Secondary Plan.

Through this City Initiative, it is recommended that an Official Plan Amendment be carried out that will add an Area Specific Policy Area to the lands located at 1215, 1217, 1219, 1221, 1227, 1231, 1235 and 1239 Barton Street to allow the lands to be developed with a net residential density of 0 to 40 units per hectare, whereas the existing policy framework permits a net residential density of 20 to 40 units per hectare. The Official Plan Amendment will also remove lands from Block 3 on Map B.7.4-4 – Fruitland-Winona Secondary Plan – Block Servicing Strategy Area Delineation.

This City initiative is also recommending that the subject lands be rezoned from Neighbourhood Development “ND” Zone to Residential “R6” Zone in the City of Stoney

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Creek Zoning By-law No. 3692-92 to implement the residential designation of the subject lands as set out in the Fruitland-Winona Secondary Plan.

Alternatives for Consideration – N/A

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 Official Plan and Zoning By-law.

HISTORICAL BACKGROUND

1215 – 1239 Barton Street, Stoney Creek

There are nine residential properties located along the north side of Barton Street, west of Winona Road in Stoney Creek, known municipally as 1215, 1217, 1219, 1221, 1227, 1229, 1231, 1235, and 1239 Barton Street, that are designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations, in the Urban Hamilton Official Plan and “Low Density Residential 2” in the Fruitland-Winona Secondary Plan (refer to Appendix “A” to Report PED18198 for a location map). These lands are remnant lands from a previous Official Plan Amendment and Local Planning Area Tribunal (formerly the Ontario Municipal Board (OMB)) decision, which converted adjoining properties from “Industrial” to “Residential” uses. These properties formed a small, isolated pocket of land that was formerly designated for industrial use in an area primarily surrounded by lands designated for residential use. Of the nine properties only two are vacant and one is occupied by a Bell Canada transformer/utility office. The remaining parcels contain single detached residential dwellings. The total land area for the parcels is approximately 1.5 hectares. Further background on the history of these lands can be found in Reports PED13099 and PED13099(a) (Fruitland – Winona Secondary Plan).

41 – 70 Escarpment Drive, Stoney Creek

There are 22 properties on the north and south side of Escarpment Drive, known municipally as 41, 43, 45, 46, 47, 49, 50, 51, 53, 54, 55, 57, 58, 59, 61, 62, 63, 65, 66, 67, 69, 70 Escarpment Drive, Stoney Creek, that are designated “Neighbourhoods” on

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Schedule E-1 – Urban Land Use Designations, in the Urban Hamilton Official Plan and “Low Density Residential 2” and “Low Density Residential 3” in the Fruitland-Winona Secondary Plan (refer to Appendix “A” of Report PED18198 for a location map). These are the lands that were converted from “Industrial” to “Residential” uses through a previous Official Plan Amendment and LPAT (formerly OMB) decision. These lands contain recently built single family dwellings and street townhouses. These lands were included in the Fruitland-Winona Secondary Plan.

Fruitland - Winona Secondary Plan

Staff in their Reports to Planning Committee dated June 4, 2013 (PED13099) and November 19, 2013 (PED13099(a)), provided a detailed explanation of the planning policy framework for conversion of the properties located at 1215 - 1239 Barton Street from employment uses to non-employment uses and the subsequent addition of these lands into the Fruitland-Winona Secondary Plan.

In summary, these lands were initially excluded from the original Winona Urban Community Secondary Plan in the former City of Stoney Creek Official Plan. The former City of Stoney Creek Official Plan also contained a special policy area (Special Policy Area “F” (SPA) which required the completion of a Secondary Plan for the Fruitland-Winona area. These lands were also not included in the SPA because they were already in the Urban Area.

On March 20, 2012, a motion was passed by Council, with regards to 1215 - 1239 Barton Street, directing staff to bring forward Official Plan Amendments for the subject lands to re-designate the properties from “Business Park” to “Neighbourhoods” within the Urban Hamilton Official Plan.

Staff were in the process of completing the Secondary Plan for Fruitland-Winona and it was deemed appropriate to include the subject lands within the Secondary Plan rather than carry out a separate amendment to the Urban Hamilton Official Plan at a later date. The lands are designated “Low Density Residential 2” on Map B.7.4-1 - Land Use Plan, in the Fruitland – Winona Secondary Plan, which was approved by the Local Planning Area Tribunal (LPAT) on June 22, 2018.

City Initiative CI-17-D (November 8, 2018)

On November 8, 2017, City Council approved a City Initiative (CI-17-D) to rezone the lands at 1215 – 1239 Barton Street, from Prestige Business Park “M3” Zone in Zoning By-law No. 05-200, to Neighbourhood Development “ND” Zone, in the City of Stoney

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Creek Zoning By-law No. 3692-92, to reflect the residential intent of the lands as set out in the Fruitland-Winona Secondary Plan. Information regarding the zoning by-law amendment can be found in Report PED17189. At the time of the City Initiative, the Fruitland-Winona Secondary Plan was still under appeal therefore staff recommended the Neighbourhood Development “ND” Zone be applied which essentially represents a holding zone whereby no person shall use any building, structure or land in the “ND” Zone for any purpose other than that for which it was used on the date of passing of the Zoning By-law. The permitted uses in the “ND” Zone are limited in scope and include one single detached dwelling and related accessory buildings and/or uses existing at the date of the passing of the Zoning By-law.

Council Motion (June 27, 2018)

On June 27, 2018, City Council passed the following motion:

“That staff be directed to prepare an Official Plan Amendment and associated Zoning By-law changes for consideration at a public meeting of the Planning Committee no later than September 18, 2018, for the lands located at 1215, 1217, 1219, 1221, 1227, 1231, 1235 and 1239 Barton Street, Stoney Creek, to recognize the existing single-family dwellings and to permit the severing of single family lots, which would be in keeping with the existing homes”.

This motion directs Staff to complete amendments to the Urban Hamilton Official Plan and to the Stoney Creek Zoning By-law No. 3692-92 now that the Fruitland-Winona Secondary Plan had been approved by the Local Planning Area Tribunal (LPAT).

Proposed Official Plan and Zoning By-law Amendment

Official Plan Amendment

The proposed Official Plan Amendment will add an Area Specific Policy Area to the properties located at 1215 – 1239 Barton Street that will permit a net residential density of 0 to 40 units per hectare (the existing “Low Density Residential 2” designation in the Fruitland-Winona Secondary Plan permits a range of 20 to 40 units per hectare).

For the lands along the north side of Barton Street (1215 – 1239 Barton Street), it is currently difficult to facilitate residential development that can meet the minimum density required for the current “Low Density Residential 2” designation. The average size of existing lots is relatively small; therefore, land consolidation would be required in order to facilitate development to meet the minimum net residential density of 20 units per

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hectare. Land consolidation is difficult to achieve due recent residential development to the north of these properties, the presence of existing residential dwellings on the properties and the existing Bell Canada transformer/utility office located at 1231 Barton Street.

The proposed Official Plan Amendment will permit a lower density which will allow the remaining two vacant properties to develop without having to wait for the opportunity to land assemble.

The proposed Official Plan Amendment will also remove the properties located at 1215 and 1217 Barton Street, and 41, 43, 45, 46, 47, 49, 50, 51, 53, 54, 55, 57, 58, 59, 61, 62, 63, 65, 66, 67, 69, 70 Escarpment Drive from Block 3 on Map B.7.4-4 – Fruitland-Winona Secondary Plan – Block Servicing Area Delineation. These properties can be serviced from Escarpment Drive and Barton Street and therefore participation in the Block Servicing Strategies for the Fruitland-Winona Secondary Plan is not necessary for these parcels.

Zoning By-law Amendment

An implementing Zoning By-law Amendment will rezone the lands located at 1215 – 1239 Barton Street from the Neighbourhood Development “ND” Zone to Residential “R6” Zone in the City of Stoney Creek Zoning By-law No. 3692-92 to implement the “Low Density Residential 2” Secondary Plan designation for these lands as directed by the June 27, 2018 Council Motion.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent LPAT (formerly the OMB) approval of the Urban Hamilton Official Plan, 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 (e.g. efficiency of land use, balanced growth, environmental protection and sensitive land uses) are reviewed and

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discussed in the Official Plan analysis that follows. The update to the Growth Plan for the Greater Golden Horseshoe came into effect on July 1, 2017 and as such, is reviewed separately.

As this City Initiative to amend the Secondary Plan and the zoning on the subject lands complies with the Urban Hamilton Official Plan, the City Initiative is therefore:

- Consistent with Section 3 of the *Planning Act*; and,
- Consistent with the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe (2017)

Section 1.2.1 of the Growth Plan outlines a number of Guiding Principles regarding how land is developed, resources are managed and protected, and public dollars are invested. This proposed Official Plan and Zoning By-law Amendments conform to these Guiding Principles in that it supports the achievement of a complete community that is designed to support healthy and active living, meeting people's needs for daily living throughout an entire lifetime.

The Growth Plan is focused around accommodating forecasted growth in complete communities and provides policies on managing growth. The following policy, amongst others, applies:

- “2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:
- a) feature a diverse mix of land uses, including residential and employment uses, convenient access to local stores, services, and *public service facilities*;

The Official Plan and Zoning By-law Amendments will implement the residential intent of the lands as set out in the Fruitland-Winona Secondary Plan. The Amendments are in keeping with the Growth Plan's emphasis on supporting growth towards the achievement of complete communities. The Official Plan and Zoning By-law Amendments support the Fruitland-Winona Secondary Plan land use objectives towards the development of a complete community that offers a diversity of land uses including residential, and access to a range of commercial, services, and facilities. Therefore, the proposed Amendments conform to the Growth Plan.

Urban Hamilton Official Plan

The subject lands are designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations, in the Urban Hamilton Official Plan.

The following policies, amongst others, apply:

- “E.3.2.1 Areas designated Neighbourhoods shall function as *complete communities*, including the full range of residential dwelling types and densities, as well as supporting uses intended to serve the local residents.
- E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E -1 – Urban Land Use Designations:
- a) residential dwellings, including second dwelling units and *housing with supports*;
 - b) open space and parks;
 - c) local *community facilities / services*; and,
 - d) local commercial uses.
- E.3.4 Low Density Residential
- 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, semi-detached, duplex, triplex, and street townhouse dwellings.”

The proposed Official Plan and Zoning By-law Amendments comply with the intent and purpose of the Neighbourhoods general policies for creating complete communities that include a full range of residential dwelling types and densities.

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Fruitland – Winona Secondary Plan

The subject lands are designated “Low Density Residential 2” on Map B.7.4-1 - Land Use Plan and are identified as part of Block 3 on Map B.7.4-4 – Block Servicing Strategy Area Delineation, in the Fruitland – Winona Secondary Plan.

The following policy, amongst others, applies:

“B.7.4.4.4 Low Density Residential 2 Designation

In addition to Section E.3.4 - Low Density Residential Policies of Volume 1, for lands designated Low Density Residential 2 on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan, the following policy shall apply:

- a) Notwithstanding Policy E.3.4.4 of Volume 1, the net residential density shall be greater than 20 units per hectare and shall not exceed 40 units per hectare.

The proposed Amendments will allow for the development of the subject lands that is in keeping with the intent and vision of the residential policies of the Fruitland – Winona Secondary Plan.

RELEVANT CONSULTATION

Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on August 31, 2018, by way of a newspaper ad in the Hamilton Spectator and was mailed to landowners subject to the Official Plan and Zoning By-law Amendments.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed changes have merit and can be supported for the following reasons:
 - (i) It complies with the Urban Hamilton Official Plan;
 - (ii) It complies with the Fruitland – Winona Secondary Plan by implementing the residential policies of the Secondary Plan as they apply to the subject lands;

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- (iii) The proposed rezoning is compatible with the existing predominantly residential land uses in the immediate area; and,
 - (iv) It is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe (Growth Plan) which encourages the development of complete communities within built-up areas.
2. The proposed Official Plan Amendment will add an Area Specific Policy Area to the subject lands that will permit a net residential density of 0 to 40 units per hectare where the existing permissions under the “Low Density Residential 2” designation in the Fruitland-Winona Secondary Plan permits 20 to 40 units per hectare. The Amendment will also remove lands from Block 3 on Map B.7.4-4 – Fruitland-Winona Secondary Plan – Block Servicing Area Delineation.
3. The proposed Zoning By-law Amendment will rezone the lands from the Neighbourhood “ND” Zone to the Residential “R6” Zone in the City of Stoney Creek Zoning By-law No. 3692-92 to implement the “Low Density Residential 2” Secondary Plan designation for these lands as established in the Fruitland-Winona Secondary Plan. The Residential “R6” Zone allows for the greatest amount of variation of low density development, allowing single detached and semi-detached dwellings to duplexes and Home Occupations. This R6 Zone would allow for the widest range of housing forms with the least amount of modifications being required during future redevelopment of the area.

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.

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APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Location Map

Appendix "B" – Draft Urban Hamilton Official Plan Amendment

Appendix "C" – Draft Zoning By-law No. 3692-92 Amendment

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