



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	July 7, 2020
<b>SUBJECT/REPORT NO:</b>	Application for Zoning By-law Amendment for Lands Located at 378 Harmony Hall Drive and Part of Block 117, Plan 62M-1122 (Ancaster) (PED20056) (Ward 12)
<b>WARD(S) AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	Mark Andrews (905) 546-2424 Ext. 1384
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION(S)**

That **Zoning By-law Amendment Application ZAR-19-034 by T. Johns Consulting Group on behalf of Gregorio Homes Inc., Owner**, for a change in zoning from the Agricultural “A-216” Zone, Modified (Block 1), Public “P” Zone (Block 2), and Residential “R4-514” Zone, Modified (Block 3) to the Residential “R4 -709” Zone, Modified in the Town of Ancaster Zoning By-law No. 87-57 to facilitate the development of two residential building lots for single detached dwellings on lands located at 378 Harmony Hall Drive and Part of Block 117, Plan 62M-1122 (Ancaster), as shown on Appendix “A” to Report PED20056, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED20056, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014) and conforms to A Place to Grow (2019); and,
- (iii) That the proposed changes in zoning comply with the Urban Hamilton Official Plan and the Garner Neighbourhood Secondary Plan.

## **EXECUTIVE SUMMARY**

The subject property is located on the northwest corner of the Harmony Hall Drive intersection with Gregorio Avenue and is comprised of two parcels, with one of the parcels municipally known as 378 Harmony Hall Road. The other “L” shaped parcel does not have a municipal address and fronts on Gregorio Avenue and is legally described as Part of Block 117, Plan 62M-1122. The properties are currently vacant and previously contained a decommissioned sanitary pumping station that has since been demolished. A Phase II Environmental Site Assessment (ESA) was completed in July 2012. Based on field observations and analytical results of the subsurface investigation, no significant environmental impact of soil and groundwater was identified. As such, no further investigation of soil and groundwater was required, and no site remediation is required.

The proposed Zoning By-law Amendment is for a change in zoning from the Agricultural “A-216” Zone, Modified, Public “P” Zone, and Residential “R4-514” Zone, Modified to a site specific Residential “R4” to facilitate the development of two residential building lots for two single detached dwellings. A future consent application will be required to create the lots. Modifications to the maximum coverage, minimum front yard and minimum side yard are proposed to facilitate the development.

The application has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2014) (PPS);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019);
- It complies with the Garner Neighbourhood Secondary Plan;
- It is compatible with and complementary to the existing surrounding neighbourhood; and,
- It represents good planning by, among other things, providing a compact and efficient urban form that is compatible with the area, enhances and continues the streetscape of the neighbourhood and further provides additional housing opportunities.

## **Alternatives for Consideration – See Page 12**

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

Financial: N/A

Staffing: N/A

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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:	T. Johns Consulting Group on behalf of Gregorio Homes Inc.
File Number:	ZAR-19-034
Type of Application:	Zoning By-law Amendment
Proposal:	To facilitate the development of two residential building lots for constructing two single detached dwellings having access to Gregorio Avenue.
<b>Property Details</b>	
Municipal Address:	378 Harmony Hall Drive and Part of Block 117, Plan 62M-1122.
Lot Area:	993.5 m <sup>2</sup> (0.099 ha) combined.
Lot Frontage:	31.63 m (along Harmony Hall Drive) combined.
Servicing:	Full municipal services (water, sanitary and storm).
Existing Use:	Vacant. 378 Harmony Hall Drive previously contained a decommissioned sanitary pumping station.
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS.
A Place to Grow:	The proposal conforms to A Place to Grow.

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Official Plan Existing:	<ul style="list-style-type: none"> <li>• Neighbourhoods</li> <li>• <u>Garner Neighbourhood Secondary Plan</u> <ul style="list-style-type: none"> <li>• Low Density Residential 1a.</li> <li>• Permitted uses shall be limited to single detached dwellings.</li> <li>• Maximum building height shall be three storeys.</li> </ul> </li> </ul>
Official Plan Proposed:	No amendment proposed.
Zoning Existing:	<ul style="list-style-type: none"> <li>• Residential "R4-514" Zone, Modified</li> <li>• Agricultural "A-216" Zone, Modified</li> <li>• Public "P" Zone</li> </ul>
Zoning Proposed:	<ul style="list-style-type: none"> <li>• Residential "R4-709" Zone, Modified</li> </ul>
Modifications Proposed:	<p>Applicant Requested:</p> <ul style="list-style-type: none"> <li>• Maximum coverage of 40%;</li> <li>• Minimum front yard of 6 m; and,</li> <li>• Minimum side yard of 1.2 m; except on a corner lot, the minimum side yard abutting a street shall be 4.5 m or 6 m to an attached garage or attached carport.</li> </ul>
<b>Processing Details</b>	
Received:	May 8, 2019
Deemed Complete:	June 8, 2019
Notice of Complete Application:	Sent to 85 property owners within 120 m of the subject property on July 2, 2019.
Public Notice Sign:	July 11, 2019 and updated June 10, 2020.
Notice of Public Meeting:	June 19, 2020
Public Consultation:	Information letter was sent to 69 neighbouring property owners on July 9, 2019 by T. Johns Consulting Group on behalf of the owner.

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Public Comments:	None.
Processing Time:	395 days.

**EXISTING LAND USE AND ZONING:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Vacant	Agricultural “A-216” Zone, Modified, Public “P” Zone, and Residential “R4-514” Zone, Modified
<b><u>Surrounding Lands:</u></b>		
<b>North</b>	Single detached dwellings	Existing Residential “ER” Zone
<b>East</b>	Single detached dwellings	Public “P-552” Zone, Modified and Residential “R4-514” Zone, Modified
<b>South</b>	Single detached dwellings	Residential “R4-514” Zone, Modified
<b>West</b>	Single detached dwellings	Residential “R4-514” Zone, Modified

**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). 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). The application has been reviewed with respect to the Provincial Policy Statement (PPS), which came into force and effect on May 1, 2020.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board 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 (e.g. efficiency of land use, balanced growth, environmental protection and sensitive land uses) are reviewed and discussed in the Official Plan analysis that follows.

### Cultural Heritage and Archaeology

Staff note the Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS. The following policy of the PPS also applies:

“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 two of ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 250 m of known archaeological sites; and,
- 2) In an area of sandy soil in areas of clay or stone.

Notwithstanding current surface conditions, these criteria define the 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 the subject application. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property, the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries should be notified immediately. In the event that human remains are encountered during construction, the proponent should immediately contact both the Ministry of Heritage, Sport, Tourism and Culture Industries and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services. Staff are of the opinion that the municipal interest in the archaeology of this portion of the site has been satisfied.

As the application for a change in zoning complies with the Official Plan and the relevant policies in the PPS, 2020, 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).

### Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations, in the Urban Hamilton Official Plan. The following policies, amongst others, apply to the proposal.

Neighbourhoods Designation

- “E.3.4.1      The preferred location for low density residential uses is within the interior of neighbourhoods.
- 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:
- 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 designated Neighbourhoods. The proposed housing form, being single detached dwellings, as well as the development criteria dealing with lot areas, frontages, coverage and front yard are consistent with surrounding land uses which are dominated by low density residential uses (i.e., single detached dwellings). In addition, the building footprints will be compatible with the existing single detached dwellings in the surrounding neighbourhood in terms of scale and massing and parking will be provided on site. The subject lands are within the interior of the neighbourhood and will be accessed from Gregorio Avenue, identified as a Local Road.

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

**Garner Neighbourhood Secondary Plan**

The subject lands are designated “Low Density Residential 1a” (LDR 1a) within the Garner Neighbourhood Secondary Plan. The following policies, amongst others, apply to the proposal.

- “2.3.1.2      General Residential Policies
- a)      Residential buildings in the Low Density Residential and Medium Density Residential designations shall have no more than three occupied storeys entirely above grade.

- b) To minimize the impact of new residential development on existing single detached residential uses to the immediate east and west of the neighbourhood, a transition in dwelling type and density shall be applied. Adjacent to those existing single detached residential areas, single detached dwellings shall be located on minimum 15 m frontage lots and larger.

#### **2.3.1.3 Low Density Residential Designations**

Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the Low Density Residential designations identified on Map B.2.3-1 – Garner Neighbourhood – Land Use Plan.

- c) In the Low Density Residential 1a designation:
  - i. the permitted uses shall be single detached dwellings;
  - ii. the lot frontages shall be a minimum of 15 m; and,
  - iii. the density shall not exceed 18 dwelling units per gross/net residential hectare.”

The proposal is for two new building lots for the purpose of constructing single detached dwellings, which is a permitted use in the Neighbourhoods designation and in the Garner Neighbourhood Secondary Plan LDR 1a designation. The building footprints (coverage) complies with the Secondary Plan and is consistent with the existing single detached dwellings in the surrounding neighbourhood. Height will be restricted to three occupied storeys and is restricted in the Residential “R4” Zone to 10.5 m, which is consistent with the homes in the surrounding neighbourhood. The proposed lots meet the minimum frontage of 15 m and provide a gross density of 11.37 units per hectare which complies with the Garner Neighbourhood Secondary Plan.

Based on the above, staff are of the opinion that the proposal complies with the Garner Neighbourhood Secondary Plan.

#### **Town of Ancaster Zoning By-law No. 87-57**

The subject lands are currently zoned Agricultural “A-216” Zone, Modified, Public “P” Zone, and Residential “R4-514” Zone, Modified in the former Town of Ancaster Zoning By-law No. 87-57. The Agricultural “A-216” Zone, Modified does not permit single detached dwellings, unless it is an accessory use to an agricultural or farming use. The Public “P” Zone does not permit the use of a single detached dwelling and permits uses such as municipal offices, water treatment and pumping facilities, waste



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processing/transfer facilities and accessories to those uses. While the portion of the subject lands that is presently zoned Residential “R4-514” Zone, Modified does permit a single detached dwelling, the subject lands require the entirety of the lands to be rezoned to Residential “R4-709” Zone, Modified in order to facilitate development of two single detached dwellings.

An evaluation of the proposed modifications is included in Appendix “D” to Report PED20056.

**RELEVANT CONSULTATION**

Departments and Agencies		
	Comment	Staff Response
<ul style="list-style-type: none"><li>• Hydro One;</li><li>• Budgets and Finance;</li><li>• CRTO;</li><li>• Transit Planning (HSR);</li><li>• Recreation Division;</li><li>• Hamilton Fire Department;</li><li>• Union Gas;</li><li>• Bell Canada;</li><li>• Cogeco Cable;</li><li>• Healthy and Safe Communities;</li><li>• Open Space Development; and,</li><li>• School Boards (all).</li></ul>	No comment.	No comment.
Forestry and Horticulture Section	<p>There are no municipal tree assets on site; therefore no Tree Management Plan is required.</p> <p>A Landscape Planting Plan prepared by a <b>Registered Landscape Architect</b>, showing the placement of trees on</p>	This will be required and addressed through the future Consent process.

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	internal/external City property is required.	
Development Engineering	<p>There is a 150 mm watermain and 250 mm sanitary sewer fronting the subject lands on Harmony Hall Drive and flanking the lands on Gregorio Avenue. A 450 mm municipal storm sewer fronts the subject lands on Gregorio Avenue and a 300 mm partially flanks the subject lands on Harmony Hall Road.</p> <p>There are no concerns from a servicing perspective. Our records do not indicate any servicing cost recoveries associated with the subject lands.</p> <p>If dewatering is required to support construction activities, the applicant is reminded that dewatering discharge must comply with City of Hamilton Sewer Use Bylaw standards and Temporary Sewer Discharge Permit requirements.</p> <p>The subject sections of Harmony Hall Drive and Gregorio Avenue are established at their ultimate widths in accordance with the Urban Hamilton Official Plan. As such no future road allowance widenings are anticipated.</p>	No comment.

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Transportation Planning	Transportation Planning has no objections to the approval of the Zoning By-law Amendment.  No future right-of-way widenings are required.  The Applicant is to dedicate a 4.57 m by 4.57 m daylighting triangle to the right-of-way. The Daylighting Triangle must be identified and dimensioned on the Site Plan.	This will be required and addressed through the future Consent process.
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## **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 of the proposal was sent to 85 property owners within 120 m of the subject lands on July 2, 2019.

A Public Notice Sign was posted on the property on July 11, 2019 and updated with the Public Meeting date on June 10, 2020. The Notice of Public Meeting was given in accordance with the provisions of the *Planning Act* on June 19, 2020.

### **Public Consultation Strategy**

Pursuant to the City's Public Consultation Strategy Guidelines, the applicant has prepared a Public Consultation Strategy which included an Information Letter delivered to 69 residents within 120 m of the subject property on July 9, 2019. No letters of concern or public submissions have been received to date.

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

1. The proposal can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe (A Place to Grow), which encourages compact development within built-up areas;
  - (ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan and the Garner Neighbourhood Secondary Plan; and,

- (iii) It represents good planning by, among other things, providing a compact and efficient urban form that is compatible with the area, enhances and continues the streetscape of the neighbourhood and further provides additional housing opportunities.

## **2. Zoning By-law Amendment**

The subject lands are currently zoned Agricultural “A-216” Zone, Modified, Public “P” Zone, Modified and Residential “R4-514” Zone, Modified in the Ancaster Zoning By-law No. 87-57.

The applicant has requested that the subject lands be rezoned to a site-specific Residential “R4” Zone to facilitate the development of two residential building lots for the purpose of constructing single detached dwellings. Single detached dwellings are permitted within the Neighbourhoods designation and within the Low Density Residential 1a designation of the Garner Neighbourhood Secondary Plan. Staff are in support of this change of zoning as the proposal complies with the Urban Hamilton Official Plan policies and the Garner Neighbourhood Secondary Plan.

The subject application will further modify the Residential “R4” Zone to permit a maximum lot coverage of 40%, a minimum front yard of 6 m and a minimum side yard of 1.2 m; except on a corner lot, where the minimum side yard abutting a street shall be 4.5 m or 6 m to an attached garage or attached carport. These modifications are consistent with the existing single detached dwellings in the neighbourhood and are further discussed in Appendix “D” to Report PED20056. Therefore, staff support the proposed change in zoning.

- 3. A future consent application will be required to create the two lots.

## **ALTERNATIVES FOR CONSIDERATION**

Should the proposed Zoning By-law Amendment application be denied, the property would remain under the Agricultural “A-216” Zone, Modified, Public “P” Zone, and Residential “R4-514” Zone, Modified, which would not permit the use of single detached dwellings without a future Zoning By-law Amendment.

## **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.

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**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.

**Clean and Green**

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

**Built Environment and Infrastructure**

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

**Culture and Diversity**

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

**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” – Draft Zoning By-law

Appendix “C” – Concept Plan

Appendix “D” – Zoning Modification Chart