



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	May 18, 2021
SUBJECT/REPORT NO:	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)
WARD(S) AFFECTED:	Ward 14
PREPARED BY:	Emily Bent (905) 546-2424 Ext. 2266
SUBMITTED BY: SIGNATURE:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department

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:

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

- (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, 133 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

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:

Application Details	
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>
Property Details	
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 ²) 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.
Documents	
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:	<p>974 and 980 Upper Paradise Road: “AA” (Agricultural) District – Hamilton Zoning By-law No. 6593</p> <p>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.</p>
Zoning Proposed:	<p>“C/S-1534-H” (Urban Protected Residential Etc.) District, Modified, Holding (Block 1).</p> <p>“C/S-1534a-H” (Urban Protected Residential Etc.) District, Modified, Holding (Block 2).</p> <p>“C-H” (Urban Protected Residential, Etc.) District, Holding (Block 3).</p> <p>“C” (Urban Protected Residential, Etc.) District (Block 4).</p>
Modifications Proposed:	<p>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:</p> <ul style="list-style-type: none"> • a front yard having a depth of not less than 3.0 m to the main wall of a dwelling; and, • a front yard having a depth of not less than 6.0 m to the garage carport. <p>The applicant has requested the existing “C” District for Blocks 3 and 4.</p>

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.
Processing Details	
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

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:

	Existing Land Use	Existing Zoning
Subject Lands:	Single detached dwellings	"AA" (Agricultural) District
	Vacant	"C/S-1534" and "C/S-1788" (Urban Protected Residential Etc.) District, Modified
Surrounding Lands:		
North	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
East	Single detached dwellings	"C/S-1788" (Urban Protected Residential Etc.) District, Modified
South	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
West	Single detached dwellings	"C/S-1534" (Urban Protected Residential Etc.) District, Modified and "C/S-1788" (Urban Protected Residential Etc.) District, Modified

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.

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:

- 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 m², and the largest lot is 1,257.1 m². The “C” District regulations require a minimum lot area of 360 m². 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;

- 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

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.

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;

- 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

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">• Special Projects, Growth Management Section, Planning and Economic Development Department;• Capitol Budgets & Development, Corporate Services Department;• Healthy Environments Division, Public Health Services;	No Comment

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">• Strategic Planning, Public Works Department;• Transit Planning and Infrastructure, Public Works Department;• Recreation Division, Healthy and Safe Communities;• Hamilton Fire Department;• Parks and Cemeteries;• Hamilton Conservation Authority;• MPAC;• Union Gas;• Bell Canada;• Canada Post;• Rogers; and,• Hydro One.		
	Comment	Staff Response
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">• The proposal appears to conform to the lotting layout described on Plan 62M-1085;• The driveway locations of lots fronting Woodvalley Court should be identified;• It should be determined if the sidewalk on Woodvalley Court will be extended; and,• The owner and agent should be made aware	<ul style="list-style-type: none">• There are no existing sidewalks on Woodvalley Court where there are currently five single detached dwellings.• 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.

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"> • For Residential/ Commercial electrical service requirements, the Developer needs to contact our Customer Connections Department. • Relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. • Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations 	The applicant has been advised of the requirements indicated by Alectra Utilities.

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"> • 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. • 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.
Public Consultation:		
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.

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.

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.

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