



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	May 31, 2022
SUBJECT/REPORT NO:	Application to Amend Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 250-256 First Road West, Stoney Creek (PED22097) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	Charlie Toman (905) 546-2424 Ext. 5863
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Zoning By-law Amendment Application ZAC-20-026, by UrbanSolutions Planning & Land Development Consultants Inc. on behalf of 256 First Road West Inc.**, for a change in zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-70(H)” Zone, Modified, Holding in order to permit 25 townhouse units for lands located at 250-256 First Road West, Stoney Creek, as shown on Appendix “A” attached to Report PED22097, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED22097, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law apply the Holding Provision of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning for the following:
 - (i) The Holding Provision for the Multiple Residential “RM3-70(H)” Zone, Modified, Holding, shall be removed when the following conditions have been met:

- (1) That there is adequate sanitary service capacity available to the subject lands and that it can be demonstrated that there are appropriate sanitary sewer connections available to the subject lands, to the satisfaction of the Director of Growth Management;
- (c) That the proposed amendment is consistent with the Provincial Policy Statement (2020), conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended) and complies with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The purpose of the Zoning By-law Amendment is to change the zoning from Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-70(H)” Zone Modified, Holding, to permit 25 townhouse units. The Applicant is proposing that townhouses are developed as a standard condominium. The Zoning By-law Amendment Application proposes a total of 14 modifications to the setback, parking, landscaping and density regulations of the Multiple Residential “RM3” Zone.

A Holding Provision is required until there is adequate sanitary service capacity available to the subject lands and that it can be demonstrated that there are appropriate sanitary sewer connections available to the subject property.

The Application has merit and can be supported as they are consistent with the Provincial Policy Statement (2020) (PPS), conform to A Place to Grow Plan (2019), and comply with the Urban Hamilton Official Plan (UHOP). The proposal is compatible with and complementary to the existing and planned development in the immediate area, represents good planning by providing a compact and efficient urban form, provides an alternative housing form and supports developing a complete community.

Alternatives for Consideration – See Page 16

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.

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HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	256 First Road West Inc.
Applicant/Agent:	UrbanSolutions Planning & Land Development Consultants Inc. (c/o Scott Beattie).
File Number:	ZAC-20-026.
Type of Application:	Zoning By-law Amendment.
Proposal:	To permit the development of 25 townhouse units fronting onto a private road with 12 visitor parking spaces (see the Preliminary Site Plan attached as Appendix "D" to Report PED22097).
Property Details	
Municipal Address:	250-256 First Road West, Stoney Creek (see Location Map attached as Appendix "A" to Report PED22097).
Lot Area:	0.54 ha.
Servicing:	Full municipal services.
Existing Use:	Vacant
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	"Neighbourhoods" on Schedule E – Urban Structure and "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed	No amendment proposed.
Secondary Plan Existing:	"Low Density Residential 3c" on Map B.7.6-1 of the West Mountain (Heritage Green) Secondary Plan.
Secondary Plan Proposed:	No amendment proposed.
Zoning Existing:	Neighbourhood Development "ND" Zone.
Zoning Proposed:	Multiple Residential "RM3-70(H)" Zone, Modified, Holding.

Documents	
Modifications Proposed:	<p>The Applicant is requesting the following modifications:</p> <ul style="list-style-type: none"> • A minimum Front Yard Setback from First Road West of 1.50 metres whereas 7.5 metres is required; • The minimum Side Yard Setback of 1.50 metres and a minimum Flankage Yard Setback from Mud Street West of 1.50 metres whereas a 6 metre Side Yard and 7 metre Flankage yard setback are required; • A minimum Rear Yard of 6.0 metres whereas 7.5 metres abutting a zone for single, semi-detached or duplex dwelling is required; • A maximum net residential density of 45 units per hectare whereas 40 units per hectare is permitted; • A maximum lot coverage of 40% whereas 35% lot coverage is permitted, • A minimum landscaped open space of 30% whereas a minimum landscaped open space of 50% is required; • A minimum landscaped strip of 1.5 metres along First Road West and Mud Street East, except 4.0 metres abutting a daylight triangle whereas a 4.5 metre landscape strip abutting a daylight triangle is required; • A rear yard privacy area for each townhouse unit with a depth of 4.0 metres whereas 4.5 metres is required; • An Unenclosed Porch and Deck to project into both the northerly side yard abutting the Mud Street West street line and the southerly side yard whereas a setback of 1.5 metres is permitted; and, • A minimum of 0.45 visitor parking spaces per unit whereas 0.50 visitor parking spaces is required. <p>Staff are recommending the additional modifications:</p> <ul style="list-style-type: none"> • A maximum of four dwelling units shall be permitted to have minimum dwelling unit width of 5.8 metres and a maximum of 21 dwelling units shall be permitted to have a minimum dwelling unit width of 5.9 metres. The RM3 Zone does not have a minimum dwelling width for Block Townhouses; • A minimum 6.0 metre setback from a garage to a condominium road. Note that the RM3 Zone does not have a setback requirement; and, • A minimum 3.5 metre setback from a townhouse dwelling to a condominium road. Note that the RM3 Zone does not have a setback requirement to a condominium road.

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Processing Details	
Received:	June 24, 2020.
Deemed Complete:	July 24, 2020.
Notice of Complete Application:	Sent to 46 property owners within 120 m of the subject lands on August 14, 2020.
Public Notice Sign:	Posted August 27, 2020 and updated on May 4, 2022.
Notice of Public Meeting:	Sent to 46 property owners within 120 m of the subject lands on May 13, 2022.
Public Comments:	One letter requesting information and expressing concern (see Appendix “E” attached to Report PED22097).
Processing Time:	706 days. Note that staff received three subsequent submissions of the proposal with the third and final submission provided on September 22, 2021 (251 days).

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Vacant	Neighbourhood Development “ND” Zone

Surrounding Land Uses:

North	Vacant Lands	Arterial Commercial (C7, 587) Zone
South	Single Detached Dwellings	Single Residential “R2” Zone
East	Stormwater Management Pond	Conservation/Hazard Land (P5) Zone
West	Single Detached Dwellings	Single Residential “R4” Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020)

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2020), and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended. The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the PPS (2020). The following policies of the PPS (2020), amongst others, are applicable to the Applications.

“1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.”

The Applicant submitted a noise study, entitled, “Noise Feasibility Study, 250-256 First Road West, Stoney Creek, prepared by HGC Engineering, dated March 30, 2020 and an Addendum Letter, dated July 5, 2021 in support of the subject proposal. The study reviewed the acoustic requirements for the proposed development with respect to acoustic noise from vehicular traffic along First Road West and Mud Street East. Based on the results of the Study, a 3.0 metre noise barrier will be required along the rear yards of the units facing Mud Street East and a 2.0 m noise barrier will be required along the rear yards of the units facing the Stormwater Management Pond. Additionally, noise warning clauses will be required to be included on the future Site Plan undertaking and in all agreements of purchase and sale or lease and all rental agreements.

“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.”

A Stage 1-2 archaeological report (P017-0577-2017) for the subject property was submitted to the City and the Ministry of Heritage, Sport, Tourism and Culture Industries. The Province signed off on the report for compliance with licensing requirements in a letter dated September 4, 2019. Staff are in concurrence with the archaeological assessment and are satisfied that the municipal interest in the archaeology of the site has been satisfied.

Based on the above, it is staff's opinion that the proposal is consistent with the PPS (2020).

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 addition, the lands are identified as outside of the "Built-up Area" on Appendix "G" – Boundaries Map and the lands are designated as "Low Density Residential 3c" in the West Mountain (Heritage Green) Secondary Plan.

Neighbourhoods Designation

"E.3.4.6 b) Backlotting along public streets and in front of parks shall be discouraged. The City supports alternatives to backlotting, such as laneway housing and window streets, to promote improved streetscapes and public safety, where feasible."

The Applicant's development proposal (see the Preliminary Site Plan attached as Appendix "D" to Report PED22097), includes backlotting of seven townhouse units. Staff are supportive of backlotting for these units as the subject lands are not large enough to accommodate a window street, it allows for the implementation of noise mitigation measures and the proposed layout is consistent with nearby residential lots abutting Mud Street.

West Mountain (Heritage Green) Secondary Plan

Residential Designations

"B.7.6.2.1 The residential areas for West Mountain (Heritage Green) Secondary Plan area are designated Low Density Residential 2b, Low Density Residential 3c, Medium Density Residential 3, and High Density Residential 1 on Map B.7.6-2 – West Mountain Area (Heritage Green) – Land Use Plan. (OPA 85)

B.7.6.2.2 Notwithstanding Section E.3.4 – Low Density Residential of Volume 1, the following policies shall apply to the lands designated Low Density Residential 2b and Low Density Residential 3c on Map B.7.6-1 – West Mountain Area (Heritage Green) – Land Use Plan:

b) Low Density Residential 3c designation:

- i) The permitted uses shall include townhouse dwellings and low rise apartments; and,
- ii) The density shall be approximately 30 to 49 units per net residential hectare.”

The proposal is for the development of 25 townhouse units, which is a permitted use in the Low Density Residential 3c Designation. The proposed development will have a maximum density of 45 units per net residential hectare. Therefore, the proposal complies with the Low Density Residential 3c Designation of the West Mountain (Heritage Green) Secondary Plan.

Landfill Impact Assessment

“B.7.6.1.3 Proponents of development proposals for residential and other sensitive land uses located within 500 metres of the Taro East Quarry/Landfill site and former Taro West Quarry/Landfill site shall be required to submit studies demonstrating there are no adverse effects on the development or that the effects can be mitigated. These studies may include, but not be limited to, ground and surface water, leachate migrating onto the subject lands, traffic, air quality, noise, soil contamination and hazardous waste and landfill generated gases, subject to the requirements of the City.”

A Landfill Impact Assessment was required as part of the Zoning By-law Amendment Application. The Landfill Impact Assessment reviewed the requirements of the Ministry of Environment, Conservation and Parks (MECP) D4 - Land Use on or Near Landfills and Dumps Guidelines in relation to the adjacent TerraPure Landfill. The Landfill Impact Assessment was prepared by Ortech Environmental (Ortech), dated April 6, 2020 and peer reviewed by Golder Associates Ltd (Golder). Golder required updates to the original Assessment and a revised Landfill Impact Assessment, dated July 21, 2021 was received and reviewed. The Assessment evaluated the following:

- Potential of air emissions (dust, odour and other air emissions);
- Noise emissions;
- Nuisance of litter;
- Visual impact;
- Vectors and vermin from the Operating Landfill; and,
- Potential of ground water and surface water contamination by leachate, landfill gas migration and fire hazards from both the Operating Landfill and Closed Landfill.

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The key conclusions of the Landfill Impact Assessment prepared by Ortech Environmental, dated July 21, 2021 are:

- The proposed development will rely on municipal services to supply potable water to the site and therefore, ground water resources will not be utilized;
- Although there is the possibility that impacted ground water from the Landfill has migrated onto the Site over time, based on the use of municipal potable water and the fact that the influence is only observed in the deeper aquifer unit, the potential for leachate impacted ground water to affect the proposed property use is therefore low. As such, no mitigation measures or engineering controls for ground water are recommended for the proposed development at the Site;
- If construction dewatering is required, the discharge water should be sampled prior to release to ensure the relevant water quality standard is met;
- Given that surface water is not observed to flow onto or near the site, no risk of surface water impacts derived from the landfills is considered to exist. Therefore, no mitigation measures or engineering controls for surface run off are recommended;
- The potential for impacts to the development site related to landfill gas should be further evaluated through by either:
 - Monitoring gas levels under frozen ground conditions, when the potential for methane gas migration is greatest; or,
 - Installing lined foundations with a ventilation system at the building permit stage;
- The potential for litter impacts are minimal as litter control is undertaken daily as part of Terrapure's daily inspection program;
- The potential for odour impacts are minimal as the Terrapure Landfill does not receive odorous materials, and the winds in the area predominately blow towards the northeast;
- There is the potential for dust generation, but Terrapure's dust control program is reducing dust emissions and there has not been a complaint filed since 2010; and,
- The potential for impacts related to vehicular traffic, noise, fires, visual impacts and vectors and vermin is minimal as:

- The predicted noise levels are below the measured noise dominated by Mud Street West traffic;
- The active landfill includes screening features including fences, berms and tree plantings, which mitigate visual impact; and,
- The Landfill is 201 metres above sea level and the landfill berm is approximately 213 metres above sea level, which will adequately shield the landfill from the proposed development.

The Landfill Impact Assessment concluded that there will be no adverse impact to the development from the adjacent landfill. However, the peer reviewer recommended that the potential for impacts to the development related to landfill gas (methane) should be further evaluated by either monitoring gas levels in frozen ground conditions or installing a radon liner under the foundation.

Staff met with the Applicant and it was determined that a radon liner would be installed for the development to mitigate any potential methane gas leakage. The following materials are required in order for the radon liner to meet the Ontario Building Code Requirements for Soil Gas Control:

- A soil gas barrier on the foundation walls (bituminous damp-proofing);
- The liner must be installed under the basement floor slab using 6.0 millimetre polyethylene not less than 300 millimetres; and,
- Sealing along the perimeter of the basement floor slab and at all penetrations using flexible sealant (polyurethane caulking).

Staff will require the radon liner for the proposed development to be shown as part of Site Plan Control and implemented through future Building Permits.

Therefore, based on the conclusions of the Landfill Impact Study and peer review, staff are satisfied that the installation of the radon liner will mitigate any potential methane gas leakage. Staff are recommending that warning clauses be included in any future Site Plan and Condominium Application and added into any offer of Purchase and Sale Agreement or Lease Agreement to advise prospective buyers of the potential noise and odour nuisances associated with the adjacent landfill. In addition, staff are recommending that confirmation that the recommended mitigation measures will be implemented be part of the Holding provision.

Staff are satisfied that the proposed development complies with the West Mountain (Heritage Green) Secondary Plan.

Stoney Creek Zoning By-law No. 3692-92

The subject lands are currently zoned Neighbourhood Development “ND” Zone in Stoney Creek Zoning By-law No. 3692-92. The Neighbourhood Development “ND” Zone permits agricultural uses, one single detached dwelling existing at the date of passing of the by-law, an urban farm and community garden. The proposal is to rezone the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-70(H)” Zone, Modified, Holding, to permit the development of 25 townhouses.

Modifications to the parent Multiple Residential “RM3” Zone are required to implement the proposal and are discussed further in Appendix “C” attached to Report PED22097.

RELEVANT CONSULTATION

Departments and Agencies		
<ul style="list-style-type: none">Public Works Department, Strategic Planning Division, Landscape Architectural Services Section;Canada Post Corporation;Conseil Scolaire Viamonde; and,Alectra Utilities.		No Comment
	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none">At this time there is no sanitary outlet available for this site and note the following: No capacity provision was considered in the 450 mm sanitary system outlet to the south per the Penny Lane Estates Ph1 development (dwg 11-5-35), nor the Saltfleet Community development to the east (74-5-509). This site is presumably part of an external drainage area that will ultimately be captured within the drainage limits of the Upper Centennial sanitary trunk system. The existing 450 mm sanitary sewer is at capacity and cannot provide for a sanitary outlet for the site until portions of the sanitary flows from upstream lands are diverted to the trunk sanitary sewer on Upper Centennial.	<ul style="list-style-type: none">Should the Applications be approved, cost recoveries, installation of sidewalk, grading and servicing plans will be addressed at the Site Plan Control stage as conditions of approval.

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	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department (Continued)	<ul style="list-style-type: none"> Therefore, it is recommended that this development is not approved until the flows can be diverted to the sanitary trunk system on Upper Centennial. Development Engineering Approvals recommends that a Holding be applied to this zoning Application and state that the removal of the "H" will be conditional upon the following: "That there is adequate sanitary service capacity available to the subject lands and that it can be demonstrated that there are appropriate sanitary sewer connections available to the subject property to the satisfaction of the Director of Growth Management". Infrastructure Planning will require an updated FSR at the Site Plan stage which confirms the slope of the existing 300 mm storm sewer; Public Works staff has advised that revised water servicing demands and required fire flow calculations will be required at the Site Plan Stage; and, Development Engineering Approvals staff note that the standard items which will be requested as conditions of approval at the future Site Plan Control/Draft Plan and/or Condominium Application stage; however, depending on the full extent of the proposed works conditions may be amended and/or added. 	<ul style="list-style-type: none"> Staff recommend that a Holding Provision be incorporated into the Zoning By-Law Amendment to be lifted by the Applicant following confirmation that adequate sanitary servicing is available.

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	Comment	Staff Response
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> • There are municipal trees on site; and, • It was determined that the Tree Management Plan and Landscape Plan would be reviewed at the Site Plan stage. 	<ul style="list-style-type: none"> • Should the Application be approved, the Applicant will be required to submit a Tree Management Plan and Landscape Plan at the Site Plan Control stage.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> • It should be determined if the proposed development will be condominium tenure; and, • Municipal addresses will be assigned to each building at the Site Plan Control stage. 	<ul style="list-style-type: none"> • Should the Application be approved, these matters will be addressed at the Site Plan Control stage and the Draft Plan of Condominium stage, if condominium tenure is considered.
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<ul style="list-style-type: none"> • The access onto First Road West will be limited to a right-in-right-out with left-in. In order to restrict left-turns out of the site the Applicant will be required to construct a diverter island (pork chop) at the driveway access and a centre median island along First Road West that allows unencumbered access to Branthaven Drive and adequate northbound left-turn storage on First Road West approaching Mud Street West; • A 3.048 metre road widening along First Road West and the dedication of a 12.19 metres x 12.19 metres daylighting triangle are required; • The Applicant will be required to construct municipal sidewalks along First Road West adjacent to the site linking the existing sidewalk to the existing transit pad; and, • 5.0 metres x 5.0 metres visibility triangles are required for the driveway access. 	<ul style="list-style-type: none"> • Should the Application be approved, these matters will be addressed at the Site Plan Control stage.

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	Comment	Staff Response
Waste Management Operations Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> The development is ineligible for municipal waste collection. A private waste hauler will be required for the site. 	<ul style="list-style-type: none"> Should the Application be approved, this matter will be addressed at the Site Plan Control stage.
Hamilton Conservation Authority	<ul style="list-style-type: none"> The property is located on the east side of First Road West, just south of Mud Street West and entirely within the Davis Creek subwatershed area; The subject property is not affected by HCA's Development, Interference with Wetlands, and Alteration to Shorelines and Watercourses Regulation 161/06. Therefore, the proposed new development will not require a permit from HCA; and, HCA staff will require updates to the Stormwater Management Report at the Site Plan Stage. 	<ul style="list-style-type: none"> Should the Application be approved, the Applicant will be required to submit a revised Stormwater Management Report at the Site Plan Control stage.
Public Consultation		
	Comment	Staff Response
Existing Neighbourhood Character, Heritage and Housing Type	<ul style="list-style-type: none"> Prefer if the street remained Single Detached Dwellings, which would raise property values. 	<ul style="list-style-type: none"> Staff are supportive of the proposed Townhouse development as the Urban Hamilton Official Plan permits the proposed townhouse use and the Official Plan encourages a range of diverse housing types and tenures. There is no empirical evidence that property values would decrease if this property is developed for townhouses.

PUBLIC CONSULTATION

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

46 property owners within 120 m of the subject lands on August 14, 2020. A Public Notice Sign was installed on the property on August 27, 2020. To date, one submission has been received by the City and is discussed in the table above (see Appendix “E” attached to Report PED22097).

The Public Notice sign was updated with the Public Meeting date on May 4, 2022. Finally, the Notice of Public Meeting was mailed to 46 property owners within 120 m of the subject lands on May 13, 2022.

Public Consultation Strategy

The Applicants submitted a Public Consultation Strategy with the initial submission of the Application which, in addition to the statutory public notice requirements, proposed the creation of a website for the proposal hosted by the Agent. The Public Engagement Strategy also identified that an additional neighbourhood information meeting would be held if requested by the local Councillor. Staff note the additional neighbourhood information meeting was not requested.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Zoning By-law Amendment Application has merit and can be supported for the following reasons:
 - i. It is consistent with the Provincial Policy Statement and conforms to A Place to Grow;
 - ii. The proposed development complies with the UHOP and the West Mountain (Heritage Green) Secondary Plan; and,
 - iii. The proposal is compatible with the existing and planned neighbourhood.
2. The proposed Zoning By-law Amendment will permit 25 townhouse dwellings on the subject lands. The proposal is to change the zoning from Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-70(H)” Zone, Modified, Holding, in Stoney Creek Zoning By-law No. 3692-92.

The implementing by-law proposes modifications to the Multiple Residential “RM3” Zone with respect to the minimum front yard setback, side yard setback, flankage yard setback, rear yard setback, unit width, maximum density, minimum privacy area, unenclosed porch and deck encroachment, maximum lot coverage, minimum landscape open space, landscape strip, visitor parking spaces and setbacks from a condominium road. These modifications are further discussed in Appendix “C” attached to Report PED22097.

The proposed Zoning By-law Amendment, including all requested modifications, will facilitate a compact residential development that is compatible with existing development within the area. Therefore, staff support the proposed amendment to the Zoning By-law.

3. An “H” Holding Provision is included in the amending Zoning By-law. The Holding Provision may be removed conditional upon the following:
- That there is adequate sanitary service capacity available to the subject lands and that it can be demonstrated that there are appropriate sanitary sewer connections available to the subject property, to the satisfaction of the Director of Growth Management; and,
 - It is demonstrated that development of the subject lands will incorporate adequate methane mitigation measures related to the Terrapure Environmental Stoney Creek Landfill, to the satisfaction of the Director of Planning.

Currently, there is no sanitary outlet available for this site. The Applicant will need to demonstrate that there is adequate capacity available to the subject lands before development can occur (see Appendix “C” attached to Report PED22097).

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment Application be denied, the subject lands could be utilized in accordance with the existing Neighbourhood Development “ND” Zone within Stoney Creek Zoning By-law No. 3692-92. This zone only permits existing single detached dwellings. As the property is currently vacant, no development of these lands could proceed without the submission of a new Zoning By-law Amendment Application.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Economic Prosperity and Growth

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

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.

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED22097 – Location Map

Appendix “B” to Report PED22097 – Draft Zoning By-law Amendment

Appendix “C” to Report PED22097 – Zoning Modification Chart

Appendix “D” to Report PED22097 – Concept Plan

Appendix “E” to Report PED22097 – Public Submission

CT:sd