



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 6, 2022
SUBJECT/REPORT NO:	Zoning By-law Amendment for Lands Located at 1552 Concession 2 West, Flamborough (PED22179) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Aminu Bello (905) 546-2424 Ext. 5264
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Zoning By-law Amendment Application ZAR-20-040, by Urban in Mind c/o Terrance Glover on behalf of Wendell Thompson, Raymond Thompson and Brad Hood (Owners)**, for a change in zoning from Settlement Institutional (S3) Zone to Settlement Residential (S1, 818) Zone, in order to permit the adaptive reuse of an vacant place of worship for a single detached dwelling, for the lands known as 1552 Concession 2 West, as shown on Appendix "A" attached to Report PED22179, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED22179, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law be added to Schedule "C" of Zoning By-law No. 05-200;
- (c) The proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to the Greenbelt Plan (2017) and Growth Plan for the Greater Golden Horseshoe (2020, as amended), and complies with the Rural Hamilton Official Plan.

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EXECUTIVE SUMMARY

The purpose of this Zoning By-law Amendment application is to change the zoning of the subject lands from the Settlement Residential (S3) Zone to the Settlement Residential (S1, 818) Zone to facilitate the adaptive reuse of the former place of worship into a single detached dwelling.

An existing vacant place of worship, including an accessory residence, built in the 1950s was formerly occupied by the Orkney Church of the Nazarene is located on the subject property. The existing building is listed in the City’s Built Heritage Inventory. The proposal intends to conserve the cultural heritage value of the property through adaptive reuse of the existing place of worship building into a single detached dwelling.

The proposed change in zoning has merit and can be supported as it is consistent with the Provincial Policy Statement, conforms to the Greenbelt Plan (2017) and Growth Plan for the Greater Golden Horseshoe (2020). The proposal complies with the Rural Hamilton Official Plan, provides for the long term conservation of a heritage building through adaptive reuse of the building and maintains the existing rural character of the area.

Alternatives for Consideration – See Page 11

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Applicant/Owner:	Applicant: Urban in Mind c/o Terrance Glover Owner(s): Wendell Thompson, Raymond Thompson and Brad Hood.
File Number:	ZAR-20-040

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Application Details	
Type of Application:	Zoning By-law Amendment
Proposal:	Change in zoning from the Settlement Institutional (S3) Zone to the Settlement Residential (S1, 818) Zone, to permit development of a single detached dwelling and to recognize the existing 0.35 hectare minimum lot area.
Property Details	
Municipal Address:	1552 Concession 2 West, Flamborough
Lot Area:	0.37 hectares
Servicing:	The property is serviced by private services (separate well and septic services).
Existing Use:	Institutional
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
Greenbelt Plan:	The proposal conforms to the Greenbelt Plan (2017).
A Place to Grow:	The proposal conforms to the Growth Plan (2020, as amended).
Rural Hamilton Official Plan Existing:	“Rural Settlement Areas” in Schedule “D” – Rural Land Use Designations.
Zoning Existing:	Settlement Institutional (S3) Zone.
Zoning Proposed:	Settlement Residential (S1, 818) Zone.
Modifications Proposed:	<p>Applicant Requested Modifications 0.35 hectare minimum lot area where 0.4 hectares is required.</p> <p>Staff Requested Modifications</p> <ul style="list-style-type: none"> The use will be restricted to the building that existed on the date of passing of the amending By-law. A single detached dwelling shall have a maximum of 3 bedrooms.
Processing Details	
Received:	October 7, 2020.
Deemed Complete:	October 29, 2020.

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Processing Details	
Notice of Complete Application:	Sent to 12 property owners within 120 metres of the subject property on October 29, 2020.
Public Notice Sign:	Posted October 30, 2020 and updated with the Public Meeting date on August 10, 2022.
Notice of Public Meeting:	Sent to 12 property owners within 120 metres of the subject property on August 19, 2022.
Public Consultation:	N/A
Public Comments:	No public comments were received on the proposal.
Processing Time:	699 days from the date of receipt of the application.

BACKGROUND

EXISTING LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands:	Institutional (Vacant)	Settlement Institutional (S3) Zone

Surrounding Land Uses:

North	Agriculture and single detached dwelling	Agriculture (A1) Zone and Agriculture (A1, 118) Zone.
East	Single detached dwelling	Settlement Residential (S1) Zone
West	Agriculture and single detached dwelling	Settlement Residential (S1) Zone
South	Agriculture, single detached dwelling	Agriculture (A1) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the PPS. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) (formerly Local Planning Appeal Tribunal) 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 and environmental protection) are reviewed and discussed in the Official Plan analysis below.

As the application for a change in zoning complies with the Rural Hamilton Official Plan (RHOP), it is staff's opinion that the application is:

- Consistent with Section 3 of the *Planning Act*;
- Consistent with the PPS;
- Conforms to the Greenbelt Plan (2017); and,
- Conforms to the Growth Plan for the Greater Golden Horseshoe (2020, as amended).

Rural Hamilton Official Plan (RHOP)

The subject lands are designated "Hamlets (Rural Settlement Areas)" on Schedule "A" - Provincial Plans and "Rural Settlement Areas" on Schedule D - Rural Land Use Designations of the RHOP. Further, the subject property is designated "Settlement Residential" in the Orkney Rural Settlement Area Plan in Volume 2: Map 12. The following policies, amongst others, apply to the proposal.

Volume 1 – Rural Hamilton Official Plan Policies

General Policies for Rural Housing

- "3.2.2 The existing stock of housing in the rural areas shall be retained wherever possible and kept in a safe and adequate condition through use of the City's Property Standards by-law and incentive programs financed by the City or by senior levels of government. (OPA 26)"

The conversion of the existing church and accessory residence into a single detached dwelling is considered an adaptive reuse of the existing vacant former place of worship building and retains the existing rural housing stock (existing attached residence).

Servicing

- “C.5.1.1
- d) Development of a new land use or a new or replacement building on an existing lot that require(s) water and/or sewage servicing, may only be permitted where it has been determined by the requirements of Policies C.5.1.1 a) and b) that the soils and size of the lot size are sufficient to accommodate the water system and sewage disposal system within acceptable levels of on-site or off-site impacts including nitrate impact, and shall include sufficient land for a reserve discharge site or leaching bed. The maximum lot size shall be in accordance with F.1.14.2.1 g);
 - e) The private water supply and sewage disposal systems shall be capable of sustaining the proposed and existing uses within acceptable levels of on-site and off-site water quantity and quality impacts, including nitrate impact;
 - f) The existing or proposed wastewater system shall not include a sewage disposal holding tank; and,
 - g) The existing or proposed water supply system shall include a well with sufficient quantity of water to sustain the use. A cistern system that meets current accepted standards, may, to the satisfaction of the City, be an additional component of the water supply system.”

The Applicant submitted a Septic Design Report, Septic System Plan and Well Inspections in effort to demonstrate sufficient daily design sewage flows. Source Water Protection staff are satisfied that private water supply and sewage disposal systems are capable of sustaining the residential uses within acceptable levels of on-site and off-site water quantity and quality impacts. The proposed single detached dwelling will continue to utilize the existing private services where the projected water well and septic loads were determined to be lower than the former institutional use. The subject property is a legal non-complying lot that predates the minimum 0.4 hectare lot size standard in Zoning By-law No. 05-200. Staff find that subject to the proposed Zoning By-law provisions to limit the dwelling to 3 bedrooms, the proposed lot is appropriately sized to accommodate a private servicing and is consistent with the Private Water and Wastewater Services policies in the RHOP.

Cultural Heritage

- “B.3.4.1.3 Ensure that all new development, site alterations, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources; and,
- B.3.4.2.1(h) Conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and cultural heritage landscapes, by encouraging those land uses, development and site alteration activities that protect, maintain and enhance these areas within the City.”

Volume 2 – General Policies

- “A.1.2.4 Development in Rural Settlement Areas shall proceed in accordance with the specific policies and designations for each Rural Settlement Area and subject to the following conditions:
- (a) Within the Rural Settlement Areas, development shall be of a height, density, area and nature to be compatible with the existing built environment; and,
 - (b) All development shall be required to obtain approval from the City for servicing. Any development shall be serviced in accordance with Section C.5.1, Sustainable Private Water and Wastewater Services of Volume 1 of this Plan, and in no case shall a proposed new lot be less than one acre.
- A.1.2.8 To maintain and protect the distinct form and historical character of Rural Settlement Areas designated in this Plan, any application pursuant to the Planning Act or other legislation shall seek to conserve cultural heritage resources, cultural heritage landscapes, areas of archaeological potential, archaeological sites and the overall settlement character; and,
- A.1.2.9 To conserve the settlement character, construction of new buildings or renovation of existing buildings shall be sympathetic to and consistent with the existing heritage attributes of the Rural Settlement Area, including, but not limited to, consideration of traditional minimum lot sizes and setbacks in accordance with Section C.5.1 of Volume 1, building massing and orientation, and preservation of views, open spaces, and landmarks.”

The proposal is compatible with the built environment as the density, height and nature of the rural landscape is unchanged from the existing built form. The conversion of the

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existing place of worship structure and accessory residence to a single detached dwelling will maintain the established character of the Orkney Rural Settlement Area.

The proposal would meet the Sustainable Servicing Policies in the RHOP as adequate private servicing is demonstrated through the Applicant's submitted Septic Design Report, Septic System Plan and Well Inspections. The 0.35 hectare parcel is an existing lot, and therefore not subject to the one acre minimum lot size requirement in the RHOP.

The subject property is listed in the City's Built Heritage Inventory. The proposed conversion to a single detached dwelling will retain the historic appearance and rural character of the area through interior modifications to the existing building. Staff are satisfied that the cultural heritage value or interest of the property will be conserved as no substantial modifications are proposed to the building exterior and the proposed site specific zoning will restrict the residential use to the existing structure.

Volume 2 – Settlement Residential

"A.1.3.1 On lands designated Settlement Residential, residential uses are limited to single detached dwellings, small scale residential care facilities, and small scale institutional uses shall be permitted subject to the policies of this Plan. (OPA 26)"

The proposal is consistent with the permitted uses under the Settlement Residential designation of the Orkney Rural Settlement Area Plan. Staff find that the proposal is appropriate and is a less intensive use from the small scale institutional land use that formerly occupied the property, and complies with the RHOP.

City of Hamilton Zoning By-law No. 05-200

The subject lands are currently zoned Settlement Institutional (S3) Zone in City of Hamilton Zoning By-law No. 05-200. Permitted uses in the Settlement Residential (S3) Zone include Agriculture, Day Nursery, Educational Establishment and Place of Worship. A change in zoning to the Settlement Residential (S1, 818) Zone is required to facilitate conversion of the vacant place of worship and accessory residence to a single detached dwelling.

A site specific zoning exception is necessary to recognize the current 0.35 hectare lot area, retain the existing building and restrict the single detached dwelling to a maximum of three bedrooms. The lot area zone modification recognizes the existing parcel size is slightly less than the minimum 0.4 hectare lot area under the Settlement Residential (S1) Zone. Restricting the proposed single detached dwelling to a maximum of three

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bedrooms will ensure the anticipated septic load and water demand do not exceed the capacities estimated from the former place of worship use.

It is staff's opinion that proposal would comply with Section 4.22 iii) (Adequate Services) in Zoning By-law No. 05-200 as the Applicant's Septic Design Report and water quality samples demonstrates the sewage load and water demand are anticipated to be less compared to an institutional use.

RELEVANT CONSULTATION

Departments and Agencies		
	Comment	Staff Response
<ul style="list-style-type: none"> Public Works Department, Strategic Planning, Asset Management; Canada Post; Grand River Conservation Authority (GRCA); and, Conseil Scolaire Viamonde. 		No comment or objection.
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> No comments. The proposal is serviced by a private well and septic system (no municipal services). 	<ul style="list-style-type: none"> Noted.
Source Water Protection, Public Works Department	<ul style="list-style-type: none"> The proposal is supported provided that no additional bedrooms or fixture units are proposed beyond what is described in the Septic Design Report dated March 1, 2021. 	<ul style="list-style-type: none"> Staff are satisfied that the Applicant's submitted Septic Design Report, Septic System Plan and the water quality sampling demonstrates no on-site or off-site water supply and/or sewage disposal impacts; and, Staff have recommended a site specific zoning provision to require a maximum of 3 bedrooms in a single detached dwelling.

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	Comment	Staff Response
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> The existing municipal addresses will be retained for this development. 	<ul style="list-style-type: none"> Noted.
Transportation Planning Section, Transportation Planning and Park Division, Planning and Economic Development Department	<ul style="list-style-type: none"> Staff support the zone change as it does not have a negative effect on the transportation network; and, A right-of-way a future dedication of approximately 3.2 metres is required to match the property line at 1560 Concession 2 West. 	<ul style="list-style-type: none"> Staff advise that the <i>Planning Act</i> only permits right-of-way dedication as a condition of Consent or Site Plan. A right-of-way dedication shall be imposed upon approval of such application should a future Consent or Site Plan application on the subject property be received by staff.
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> Municipal tree assets are not impacted by the proposal, therefore a Tree Management Plan is not required. 	<ul style="list-style-type: none"> Noted.
Waste Management Division, Public Works Department	<ul style="list-style-type: none"> This development is eligible for municipal waste collection and will be required to follow the requirements under the Waste Management System By-law No. 20-221. 	<ul style="list-style-type: none"> Noted.

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 12 property owners within 120 m of the subject lands on October 29, 2020. A Public Notice sign was posted on the property on October 30, 2020 and updated with the Public Meeting date on August 10, 2022. Finally, the Notice of the Public Meeting was mailed to 12 property owners within 120 m of the subject lands on August 19, 2022.

The Applicant's Public Consultation Strategy identified standard methods of communication with staff, stakeholders and the public throughout the Zoning By-law Amendment Application process.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Zoning By-law Amendment has merit and can be supported for the following reasons:
 - i. The proposal is consistent with the PPS (2020), and conforms to the Greenbelt Plan (2017) and the Growth Plan for the Greater Golden Horseshoe (2020);
 - ii. It complies with the general intent and purpose of the Rural Hamilton Official Plan; and,
 - iii. The proposed development is considered to be compatible with the existing rural landscape in the area and protects a cultural heritage resource.
2. Zoning By-law Amendment

The proposal is for a change in zoning from the Settlement Residential (S3) Zone to the Settlement Residential (S1, 818) Zone to permit conversion of the existing vacant place of worship building and accessory residence into a single detached dwelling. The proposed residential use is compatible with the surrounding uses, maintains the existing rural character and will continue the cluster of single detached dwellings within the Orkney Rural Settlement Area. The proposal constitutes good planning through adaptive reuse of an underutilized church building on an existing lot that can sustain private servicing at acceptable levels. Therefore, staff support the proposal Zoning By-law Amendment.

The site-specific zoning modifications proposed for the Settlement Residential (S1, 818) Zone are outlined in the Report Fact Sheet and discussed in detail in Appendix "D" attached to Report PED22179.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment be denied, the use of the property would continue to be regulated by the Settlement Institutional (S3) Zone in Zoning By-law No. 05-200.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

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

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED22179 – Location Map

Appendix “B” to Report PED22179 – Amendment to Zoning By-law No. 05-200

Appendix “C” to Report PED22179 – Concept Plan

Appendix “D” to Report PED22179 – Zoning Modification Table

AB:sd