



## City of Hamilton Report for Consideration

**To:** Chair and Members  
Planning Committee

**Date:** February 25, 2025

**Report No:** PED25048

**Subject/Title:** Application for a Zoning By-law Amendment for  
Lands Located at 475 Powerline Road, Stoney  
Creek

**Ward(s) Affected:** Ward 9

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### Recommendations

That **Amended Zoning By-law Amendment application ZAC-25-003, by Arcadis (c/o Ritee Haider), on behalf of Jaswinder Khaira, Owner**, for a change in zoning from the Conservation/Hazard Land Rural (P6) Zone to the Conservation/Hazard Land Rural (P6, 924, H192) Zone, to permit the development of a single detached dwelling on a portion of lands located at 475 Powerline Road, Stoney Creek, as shown on Appendix A attached to Report PED25048, be **APPROVED** on the following basis:

- (a) That the draft amending By-law, attached as Appendix B to Report PED25048, 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 Provisions of Section 36(1) of the *Planning Act, R.S.O. 1990* to the subject property by including the Holding symbol 'H' to the Conservation/Hazard Land Rural (P6, 924, H192) Zone.

The Holding Provision 'H192', is to be removed conditional on the following:

- i. The owner submits and receives approval of an updated Hydrogeological Study to the satisfaction of the Director of Growth Management and Chief Development Engineer; and,

- ii. That the Owner receives approval of an easement for access purposes from Hydro One Network Inc. prior to the proposed residential land use being established on the subject lands, to the satisfaction of the Director of Development Planning
- (c) That the proposed change in zoning is consistent with the Provincial Planning Statement (2024), conforms to the Greenbelt Plan (2017), and complies with the Rural Hamilton Official Plan.

## **Key Facts**

- The application is for a Zoning By-law Amendment to change the zoning from the Conservation/Hazard Land Rural (P6) Zone to the Conservation/Hazard Land Rural (P6, 924, H192) Zone.
- The proposed development includes a single detached dwelling with attached two-car and three-car garages, as shown in the Concept Plan attached as Appendix D to Report PED25048.
- The subject lands are designated “Specialty Crop” on Schedule A – Provincial Plans and Schedule D – Rural Land Use Designations and zoned Conservation/Hazard Land Rural (P6) Zone in Zoning By-law No. 05-200, which prohibits new buildings and structures on vacant lots.
- Staff recommends approval of the application for Zoning By-law Amendment as shown in Appendix B attached to Report PED25048.

## **Financial Considerations**

Not applicable.

## **Analysis**

The subject lands are municipally known as 475 Powerline Road, in Stoney Creek. The proposed development will be located on the eastern portion of the site. The existing land use is agricultural with treed areas in the central and eastern portions, surrounded by agricultural lands, with a hydro corridor and single detached dwelling to the south. The subject lands are approximately 16.18 hectares in size and have a rectangular shape with frontage along Powerline Road and Tapleystown Road and having vehicular access from Powerline Road only. Details on surrounding land uses are included in Appendix A1, the Concept Plan in Appendix C, and the Historical Background Factsheet in Appendix D attached to Report PED25048.

A full review of applicable Provincial Planning Statement (2024), Greenbelt Plan (2017), and Rural Hamilton Official Plan policies is provided in Appendix E attached to Report PED25048.

## **Provincial Policy Framework**

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Planning Statement (2024). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the Provincial Planning Statement (2024).

The proposal for a single detached dwelling supports healthy, integrated, and viable rural areas by respecting and building upon the rural character of the area while protecting agricultural and resource-related uses. This approach aligns with long-term planning goals to create integrated and viable rural communities.

As the application for a Zoning By-law Amendment complies with the Rural Hamilton Official Plan, it is staff's opinion that the application is:

- Consistent with Section 3 of the *Planning Act*; and,
- Consistent with the Provincial Planning Statement (2024).

## **Greenbelt Plan (2017)**

The policies of the Greenbelt Plan (2017) apply to any planning decision throughout the Greenbelt Plan Area. The subject property is designated "Specialty Crop" as part of the 'Niagara Peninsula Tender Fruit and Grape Area'. Within the "Specialty Crop" designation, a single detached dwelling is permitted on an existing lot of record. The lands were previously zoned Agricultural (A) Zone under the former City of Stoney Creek Zoning By-law No. 3692-92, which allowed a single detached dwelling until they were incorporated into the P6 Zone under Zoning By-law No. 05-200. Since this zoning permitted a dwelling when the Greenbelt Plan took effect in December 2004, the proposed development complies with the applicable policies.

While the current zoning permits single detached dwellings, a Zoning By-law Amendment is required as new buildings and structures are not permitted on a vacant lot. The proposed dwelling will be located on the eastern portion of the site, and the applicant aims to preserve the remainder as vacant agricultural land, avoiding lot creation or redesignation of the "Specialty Crop" designation. The proposed development aligns with the rural character of the surrounding area, which features open space, agricultural uses, and rural residential dwellings on large lots. The subject lands will be serviced by on-site private water and sewage systems. A full policy analysis of the applicable Greenbelt Plan policies is provided in Appendix E attached to Report PED25048.

Based on the foregoing, the proposal conforms to the applicable policies of the Greenbelt Plan (2017).

## **Rural Hamilton Official Plan**

The subject lands are designated “Specialty Crop” on Schedule A – Provincial Plans and Schedule D – Rural Land Use Designations. They are identified as “Core Area” as part of the “Greenbelt Natural Heritage System” and “Greenbelt Protected Countryside” on Schedule B – Natural Heritage System. Schedule B-2 – Detailed Natural Heritage Features identifies the lands as adjacent to a “Key Natural Heritage Feature Significant Woodlands” and Schedule B-7 – Detailed Natural Heritage Features identifies the area as a “Local Natural Area – Earth Science ANSI”. Tapleystown Road is classified as an “Arterial Road” on Schedule C – Rural Functional Road Classification.

The proposed development is situated on the eastern part of the subject lands, occupying 0.33% of the total area, with the remainder retained as agricultural land. The subject lands include a tributary along the western boundary, and the proposed dwelling is located outside the regulatory flooding hazard with no erosion concerns identified. The lands are identified as “Core Area” within the Greenbelt Natural Heritage System and identified as Provincially Significant Woodland and an Earth Science ANSI (Vinemount Moraine). The proposed dwelling avoids provincially significant woodlands, minimizing impacts on natural heritage features.

Staff have revised the proposal to rezone only the portion of the property proposed for development, rather than the entire subject lands, to uphold the protection of Specialty Crop areas and preserve the geological diversity, including bedrock exposures, fossil beds, and unique landforms such as Karst and drumlins. The development complies with the policies permitting a single detached dwelling on an existing vacant legal lot of record within Specialty Crop areas. Planning staff have no objections with the proposed development as it would not have any adverse impacts on natural heritage features. Servicing will be provided by a private well and septic bed. A Hydro-Geological Assessment was submitted, prepared by Egis, dated June 4, 2024, confirming adequate water supply and no adverse groundwater impacts. The proposal supports agricultural viability, complies with the natural heritage policies, and contributes to rural housing options in Hamilton.

Based on the policy analysis provided in Appendix E attached to Report PED25048, the proposal complies with the Rural Hamilton Official Plan.

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

The amended Zoning By-law Amendment application proposes a change in zoning on a portion of the subject lands from the Conservation/Hazard Land Rural (P6) Zone to the Conservation/Hazard Land Rural (P6, 924, H192) Zone under Hamilton Zoning By-law No. 05-200, to permit the development of a single detached dwelling. Modifications to the Conservation/Hazard Land Rural (P6) Zone are required to facilitate the development and are discussed in Appendix G attached to Report PED25048.

## **Rationale For Recommendation**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Planning Statement (2024);
  - (ii) It conforms with the Greenbelt Plan (2017);
  - (iii) It complies with the Rural Hamilton Official Plan; and,
  - (iv) The proposal is compatible with existing development in the area and represents good planning by providing an efficient rural form, preserving natural heritage features and farmland, increasing housing stock, and contributing to the achievement of a complete community.

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

The proposed amended Zoning By-law Amendment is to rezone a portion of the subject lands to the Conservation/Hazard Land Rural (P6, 924, H192) Zone, to permit the development of a single detached dwelling.

Modifications are requested to the proposed zoning and are discussed in Appendix G attached to Report PED25048. Staff are satisfied that the proposed Zoning By-law Amendment, as amended, complies with the policies of the Rural Hamilton Official Plan, in particular with respect to the policies of the “Specialty Crop” designation.

Therefore, staff support the proposed Zoning By-law Amendment.

## **Alternatives**

Should the applications be denied, the subject land can be used in accordance with the Conservation/Hazard Land Rural (P6) Zone in City of Hamilton Zoning By-law No. 05-200.

## **Relationship to Council Strategic Priorities**

- Priority 1: Sustainable Economic & Ecological Development
  - 1.2: Facilitate the growth of key sectors.
- Priority 2: Safe & Thriving Neighbourhoods
  - Increase the supply of affordable and supportive housing and reduce chronic homelessness.

## **Consultation**

The applications were circulated to internal departments and external agencies. Refer to the comment summary and responses provided in Appendix F attached to Report PED25048.

The applicant's public consultation strategy for 475 Powerline Road included notifying the Ward Councillor via email in early June 2024 and mailing information to 31 residences within 400 metres later that month. The mailout, prepared by Arcadis, detailed the proposal, included a site plan for reference, and invited feedback without a specific deadline to address public concerns throughout the application process. No responses were received.

## **Appendices and Schedules Attached**

Appendix A:	Location Map
Appendix A1:	Existing and Surrounding Land Uses and Zoning
Appendix B:	Amendment to Zoning By-law No 05-200
Appendix C:	Historical Background Report Fact Sheet
Appendix D:	Concept Plan
Appendix E:	Policy Review
Appendix F:	Staff and Agency Comments
Appendix G:	Zoning Modification Table

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