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**VIA EMAIL & HAND DELIVERY**

March 17, 2022

City of Hamilton  
71 Main Street West, 1<sup>st</sup> Floor  
Hamilton, ON L8P 4Y5

Attention: Andrea Holland, City Clerk

Dear Ms. Holland:

**Re: NOTICE OF APPEAL  
Losani Homes (1998) Limited  
860 & 884 Barton Street, Stoney Creek, Hamilton  
Municipal File Nos. 25T-202109 & ZAC-18-049**

We represent Losani Homes (1998) Limited (“**Applicant**”), which owns lands municipally known 860 and 884 Barton Street, within the City of Hamilton (“**Subject Lands**”). The Applicant submitted a Zoning By-law Amendment Application and a Draft Plan of Subdivision Application (collectively, the “**Applications**”) to the City of Hamilton (“**City**”). The Applications allow for the development of the Subject Lands with 251 residential units. The Applications were declared complete on August 19, 2021.

The City has failed to make a decision within the allotted timeframes set out in the *Planning Act*, R.S.O., c. P.13 (“**Planning Act**”). On this basis, we hereby appeal the Applications to the Ontario Land Tribunal (“**Tribunal**”), pursuant to subsections 34(11) and 51(34) of the Planning Act.

**BASIS FOR APPEAL**

The reasons for appeal include, but are not limited to, the following.

1. The Applications give appropriate regard to the matters of Provincial interest enumerated in section 2 of the Planning Act.
2. The Subject Lands are located within a Settlement Area under the Provincial Policy Statement, 2020 (“**PPS**”) and constitute Designated Greenfield Area under the Growth Plan for the Greater Golden Horseshoe, 2019 (“**Growth Plan**”). The PPS directs growth to Settlement Areas and encourages the efficient use of land, resources and infrastructure. The Growth Plan requires new development taking place in Designated Greenfield Areas to be planned, designated, zoned and designed to support the achievement of complete communities, active transportation, and encourage the integration and viability of transit services.

3. The Applications are consistent with applicable policies of the PPS and sections 1.1.1, 1.1.3, 1.4.1, and 1.6.6 in particular.
4. The Applications conform to applicable policies of the Growth Plan and sections 1.2.1, 1.2.3, and 2.2.1 in particular.
5. The Applications conform to applicable policies of the UHOP and Fruitland-Winona Secondary Plan (“FWSP”).
6. The UHOP’s development policies are aligned with the PPS and Growth Plan policies for development, including promoting the development of complete communities, protecting the natural environment and resources, conserving cultural heritage, and respecting the scale, physical character and context of established neighbourhoods. The UHOP suggests that development is directed to settlement areas to create complete settlements with diversified economic functions and opportunities and a range of housing options.
7. The proposed development provides for a portion of the planned Neighbourhood Park. The Applications are in keeping with the land use schedules, policies, goals and objectives of the FWSP and contribute to the development of a complete community that includes a range and mix of housing types.

A detailed analysis of applicable policies as summarized above are set out in the Planning Justification Report prepared by MHBC, dated February 28, 2022, and which is attached to this Notice of Appeal.

**FORM AND FEE**

In satisfaction of the Tribunal’s processing requirements, enclosed please find:

1. Planning Justification Report, prepared by MHBC, dated February 28, 2022;
2. The required Appeal Form A1; and
3. A cheque in the amount of \$2,200, as the Tribunal’s requisite appeal fees for the Applications.

Should you have any questions or require any additional information, please do not hesitate to contact the undersigned. Otherwise, we thank you for your receipt of this appeal package.

Yours truly,



Jennifer Meader  
JM/my  
Encl. (3)



KITCHENER  
WOODBRIDGE  
LONDON  
KINGSTON  
BARRIE  
BURLINGTON

# PLANNING JUSTIFICATION **REPORT**

ZONING BY-LAW AMENDMENT AND DRAFT PLAN OF SUBDIVISION

860-884 Barton Street  
City of Hamilton

Date:

**February, 2022**

Prepared for:

**Losani Homes**

Prepared by:

**MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC)**

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Our File 11172A

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# 1.0 INTRODUCTION

This update to the Planning Justification Report has been prepared on behalf of Losani Homes for the development on the southwest corner of the intersection of Barton Street and Glover Road in Stoney Creek, Hamilton, Ontario. The property is municipally known as 860-884 Barton Street, Stoney Creek.

The purpose of this report is to provide a planning analysis and respond to technical comments received from the City to permit 251 residential units in a range of housing forms. This report is provided as part of the resubmission of the zone change application and the submission of the draft plan of subdivision.

The subject property is located on the south side of Barton Street between Jones and Glover Road in Stoney Creek, as shown on **Figure 1**.

The subject property is currently vacant and was previously used for agricultural purposes. The City of Hamilton’s Fruitland Winona Secondary Plan identifies this area of the City for future development and provides detailed development direction. Barton Street is proposed to contain a future promenade with a multi-use pathway, and Highway 8, to the south of the site is proposed to be a transit corridor as part of the future B-Line extension.

The proposed development is for a range of residential areas (townhouse units, maisonette townhouse units and stacked townhouse units). The site will also contain a portion of a neighbourhood park, and a stormwater management pond as identified in the Fruitland Winona Secondary Plan and associated Block 2 Servicing Strategy. The proposed development also includes a road network, surface parking and landscaped space.

A Zoning By-law Amendment has been submitted (2018) to permit the proposed development of the subject property, to align with the Fruitland Winona Secondary Plan, and to implement the following site specific amendments:

- To increase the maximum permitted density
- To reduce the overall landscaped open space requirement
- To permit a reduced visitor parking rate for the proposed development
- To permit an increased maximum height

Through the review process, it was determined that revisions were required to the proposal to ensure conformity with the Block 2 Servicing Strategy, and also that a draft plan of subdivision application is required to create the various blocks for multiple residential development, existing residential, a stormwater management pond, parkland and a future public road.

This resubmission includes the plan of subdivision application to create blocks for residential, the park and stormwater management purposes.



**Figure 1:**  
Location Plan

**LEGEND**

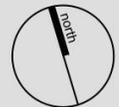
 Subject Lands

**DATE:** June 3, 2021

**SCALE:** 1:20,000

**FILE:** 11172A

**DRAWN:** JB



K11172A-DAL BELLO\_HAMILTONREPORTLOCATION PLAN.DWG

884 Barton Street  
Stoney Creek  
City of Hamilton

City of Hamilton Imagery, 2019

**MHBC** PLANNING  
URBAN DESIGN  
& LANDSCAPE  
ARCHITECTURE  
200-540 BINGEMANS CENTRE DR. KITCHENER, ON, N2B 3X9  
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## 1.1 Formal Consultation and Submission Requirements

A Formal Consultation meeting was held for the development of the subject property on May 8, 2017 and a copy of the Formal Consultation Document was issued on June 30, 2017. The Formal Consultation Document identified the planning processes required to permit the proposed development on site. A list of the technical requirements for the submission of a complete Application for were included in the Pre-consultation Agreement.

The required items for the Zoning By-law Amendment were identified through the Formal Consultation process, and have been completed, as follows:

### Reports

- Planning Justification Report
- Archaeological Assessment
- Environmental Impact Statement
- Hydrogeological Report
- Functional Servicing Report; Stormwater Management Report; and Water and Wastewater Generation Assessment
- Noise Impact Study
- Transportation Impact Brief
- Urban Design Report

### Plans

- Concept Plan
- Tree Management Plan

A brief summary of the technical reports is included in **Section 5.0** of this report and a copy of the Formal Consultation Document is included as **Appendix A** of this report.

It should be noted that the technical reports have been updated since the initial application submission to address technical comments and to reflect the revised concept plan. The initial submission was made on September 19, 2018. The City deemed the zoning by-law amendment application complete on October 11, 2018.

Through the review process it was identified that a draft plan of subdivision application was required which was submitted on July 22, 2021. The City deemed the draft plan of subdivision application on August 19, 2021.

## 2.0 SITE DESCRIPTION AND SURROUNDING LAND USES

The site is located in Stoney Creek, which was amalgamated as part of the City of Hamilton in 2001. It is located on the south side of Barton Street, immediately west of Glover Road, with frontage on both roads, as shown on **Figure 1**.

The site measures approximately 6.8 hectares in size, with the proposed residential portion measuring approximately 5.7 hectares. The site has approximately 300 metres of frontage on Barton Street. The site also has approximately 149 metres of frontage onto Glover Road to the east. The site previously contained agricultural uses and is currently vacant, with the exception of two existing single detached dwellings, one on each property adjacent to Barton Street. The dwelling on the westerly portion of the property, is proposed to be a separate block on the draft plan of subdivision. The single detached dwelling on the eastern portion is proposed to be demolished.

Surrounding land uses include the following:

- WEST:** Low rise, single family dwellings, agricultural uses.
- NORTH:** Barton Street, various commercial and light industrial uses
- EAST:** Glover Road, low rise residential dwellings, medium density townhouse development (Life Townhomes by Branthaven).
- SOUTH:** Winona Vine Estates Banquet Hall, agricultural uses, low density residential uses. .

The subject property is located along Barton Street and will be in close proximity to the proposed transit corridor (along Highway 8), resulting in the site being an ideal location for a higher density, transit supportive, residential development. The area is anticipated to and planned for significant residential development in the near future, as identified in the City’s Fruitland-Winona Secondary Plan.

# 3.0 PROPOSED DEVELOPMENT AND APPLICATIONS

The overall vision for the development of the site is for a higher density, residential development with a mix of residential unit types, including townhouses, stacked townhouses and maisonette townhouses, as well as a neighbourhood park, a stormwater management facility, surface parking and landscaped space. A proposed concept plan is included as **Figure 2**.

## Residential Development

The proposed development includes 251 residential units, in various forms of townhouses, maisonette townhouses and stacked townhouses. The residential units will offer a range of unit types and sizes.

Details associated with the final unit count will be addressed through a future site plan approval for each block.

## Density

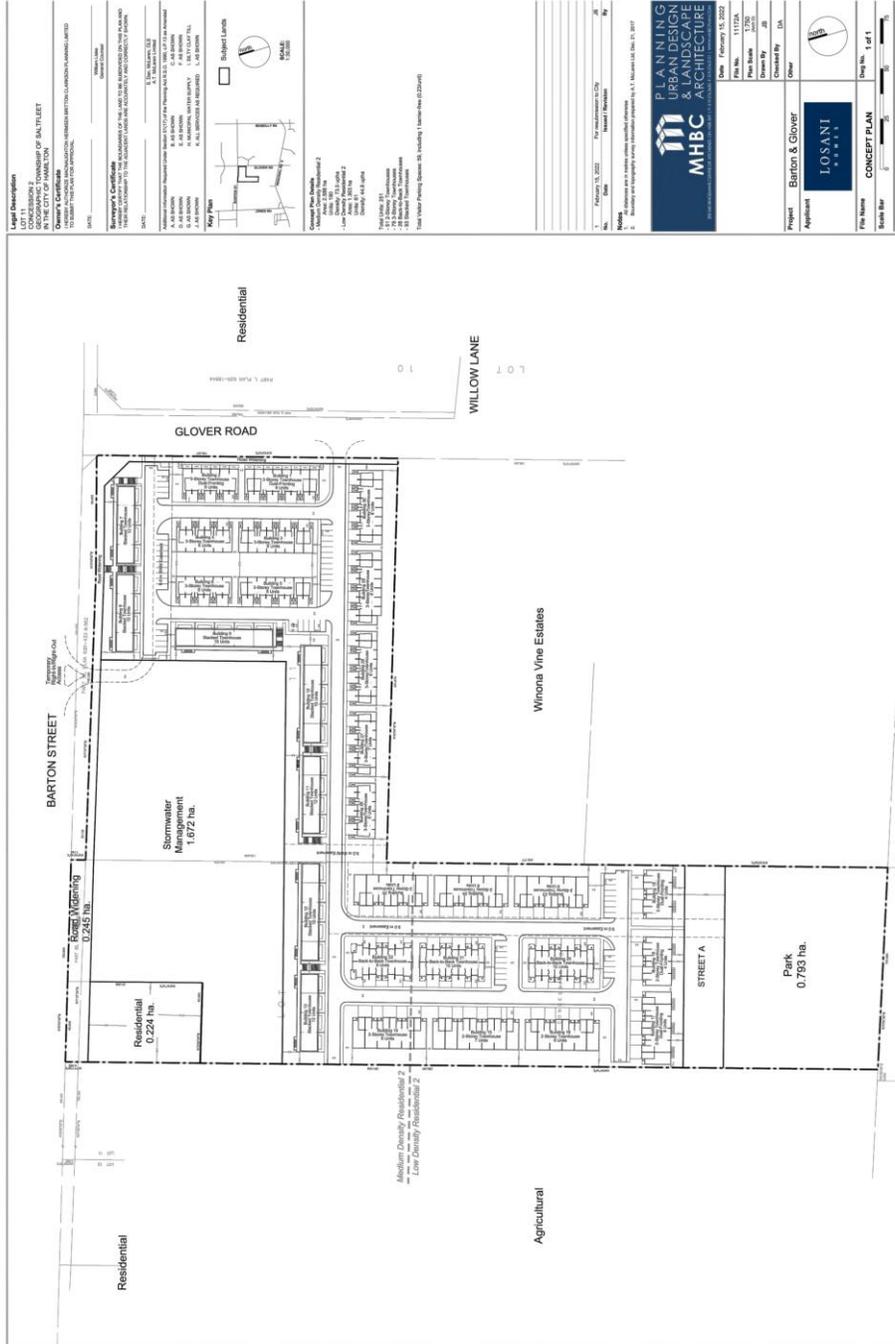
The following table provides a summary of the permitted and proposed densities for the subject lands, in accordance with the Block 2 Servicing Strategy.

Density Calculations					
	Area (ha)	Permitted Density	Permitted Number of Units	Proposed Density	Proposed Number of Units
Low Density Residential 2	1.363	20-50 units per hectare	27-68	44.8 units per hectare	61
Medium Density Residential 2	2.586	60-75 units per hectare	155-193	73.5 units per hectare	190
<b>Total</b>	4.041		182-261	63.6 units per hectare	251

The proposed development provides for an overall density of 63.6 units per hectare overall, and conforms to the density permissions of both the Low Density Residential 2 and Medium Density Residential 2 designations.

Figure 2:  
Concept Plan

884 Barton Street  
Stoney Creek  
City of Hamilton



Date: February 2022  
Scale: As noted  
File: 11172A  
Drawn: JB

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The subject lands propose a medium density intensification opportunity located within the Fruitland-Winona Secondary Plan Area and within the Designated Greenfield Area of the settlement area. The proposed development will implement the density requirements in the Fruitland-Winona Secondary Plan as discussed in **Section 4.4** of this Report.

### **Access and Roads**

The primary vehicular access point proposed for the subject site is via Glover Road, aligned with Willow Lane. An emergency temporary right-in, right-out access is proposed onto Barton Street, as a result of more than 100 units being proposed with one access point. Future potential road accesses are provided to the lands to the west. It is intended that the temporary right-in, right-out access will remain until such time that the lands to the west are developed and connections are provided. This approach was discussed with City staff through various meetings following the initial submission of the applications.

A municipal road (Street 'A') is proposed to implement the Fruitland Winona Secondary Plan and provide public road frontage for the public park.

Pedestrian and cycling accesses will be provided via Barton Street and Glover Road, and sidewalk connections will be provided throughout the site, to the adjacent site to the west and to the neighbourhood park on the south portion of the site. The Barton Street pedestrian promenade is proposed along the south side of Barton Street and will provide for enhanced pedestrian connectivity in the future.

Road widenings required along Barton Street for the pedestrian promenade and Glover Road have been provided on the draft plan of subdivision and concept plan.

### **Parking**

The proposed development will accommodate the majority of parking in private garages, driveways and some surface visitor parking, located internal to the site and screened from views from Barton Street and Glover Road.

502 parking spaces are provided for, at a proposed rate of 2 spaces per unit. Visitor parking is provided at a rate of 0.23 spaces per unit for a total of 59 spaces.

### **Neighbourhood Park and Open Space**

The subject site will contain 0.793 hectares of a neighbourhood park located at the south portion of the site, as identified in the Fruitland-Winona Secondary Plan. The configuration of the park has been revised from the approved Secondary Plan, however, policy 4.7.2 b) of the Secondary Plan, identifies that the specific location, size and shape of Neighbourhood Parks may vary subject to approval of the City without amendment to the Secondary Plan. The park is proposed to generally be of the same size and in the same location. This is discussed in detail in **Section 4.4** of this Report.

Landscaped areas will be provided on site, including a large landscape buffer along Barton Street. Additional details regarding landscaping are included in the Urban Design Brief.

### 3.1 Summary of Draft Plan of Subdivision Application

To permit the proposed residential development the subject property a Draft Plan of Subdivision application is required to create the residential blocks and blocks associated with the public uses.

A copy of the proposed draft plan of subdivision is enclosed with the application submission as **Figure 3**.

### 3.2 Summary of Zoning By-law Amendment Application

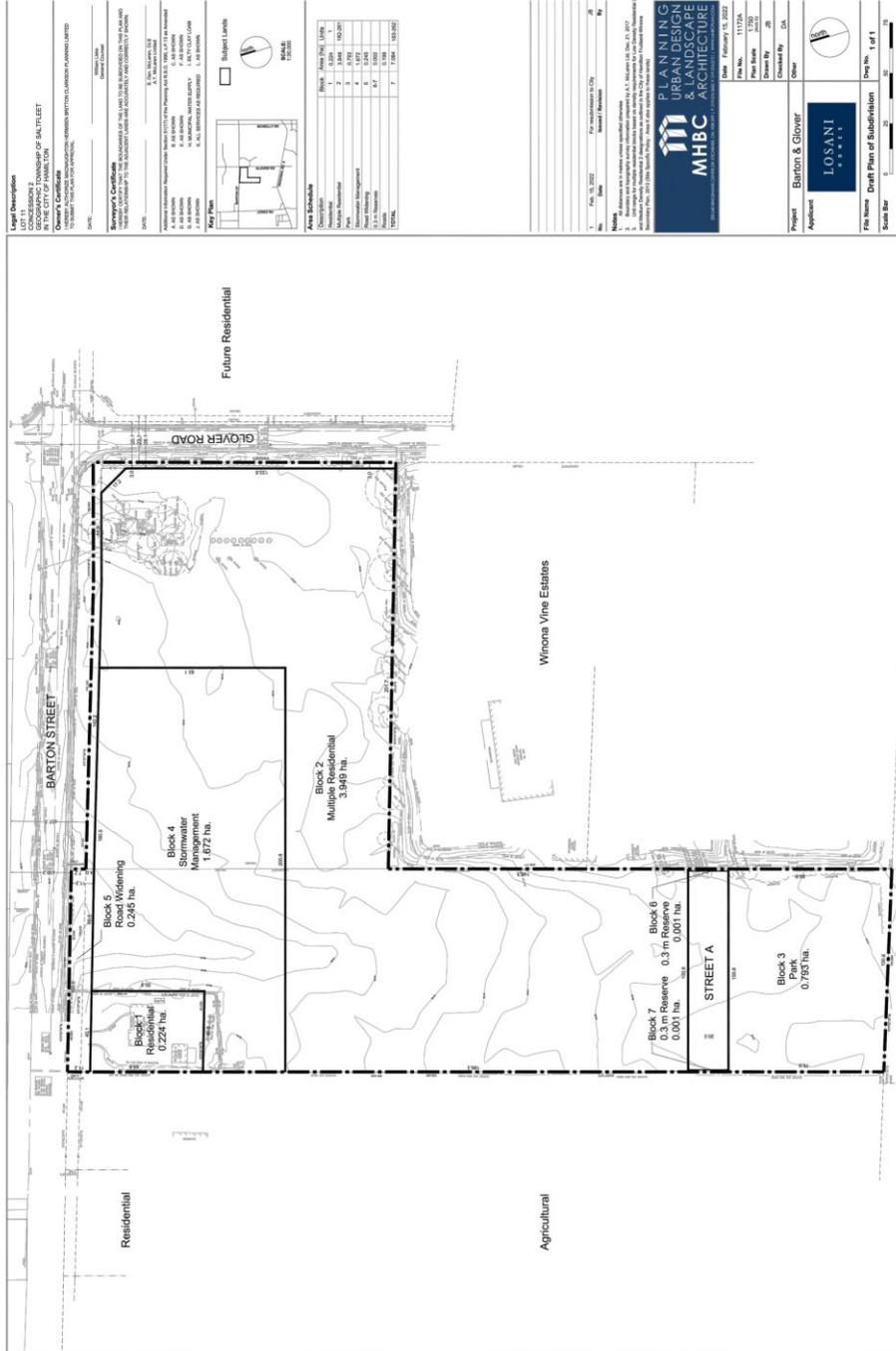
To permit the proposed mixed use development the subject property will require a Zoning By-law Amendment. As the subject property land use designation and permitted densities were identified through the Fruitland-Winona secondary plan process, a zoning amendment is needed to increase the permitted density on the subject site to conform the Secondary Plan. In addition, the following site specific provisions are hereby requested as part of this application:

- To reduce minimum front yard, side yard setbacks and rear yard setback
- To increase the maximum permitted density to implement the Fruitland-Winona Secondary Plan
- To reduce the overall landscaped open space requirement
- To remove the requirement for privacy area for maisonette units and stacked townhouse units
- To permit a reduced visitor parking rate for the proposed development
- To permit an increased maximum height
- To permit future development of condominium units or part lot control application and the creation of POTLs

Details regarding the proposed zoning are included under **Section 4.8** of this report.

Figure 3:  
Draft Plan of Subdivision

884 Barton Street  
Stoney Creek  
City of Hamilton



**Legal Description**  
CONCESSION 2  
SECTION 27  
TOWNSHIP OF SAULT STEELES  
IN THE CITY OF HAMILTON  
OWNER'S CERTIFICATE  
TO SUBMIT THIS PLAN FOR APPROVAL

**Surveyor's Certificate**  
I, the undersigned, being a duly qualified and licensed surveyor, do hereby certify that the above described plan was prepared by me or under my direct supervision and that I am a duly qualified and licensed surveyor in the Province of Ontario.

**Notes**  
1. All dimensions are in metres unless otherwise stated.  
2. All bearings are in degrees, minutes and seconds.  
3. All bearings are true bearings.  
4. All bearings are measured clockwise from the meridian.  
5. All bearings are measured counter-clockwise from the meridian.  
6. All bearings are measured clockwise from the meridian.  
7. All bearings are measured counter-clockwise from the meridian.

**Area Schedule**

Block	Area (ha)	Area (sq. ft.)
1	0.224	100,000
2	3.948	1,800,000
3	0.793	360,000
4	1.872	850,000
5	0.245	110,000
6	0.300	135,000
7	0.001	40,000
<b>TOTAL</b>	<b>7.583</b>	<b>3,400,000</b>



**Project** Barton & Glover  
**Applicant** LOSANI ASSOCIATES  
**Date** February 18, 2022  
**Drawn By** J.B.  
**Checked By** J.B.  
**Scale** 1:1172A  
**File No.** 11772A  
**Sheet No.** 1 of 1  
**Scale Bar** 0 10 20 30

**PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE**  
**MHBC ARCHITECTURE**

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**Date:** February, 2022  
**Scale:** As noted  
**File:** 11772A  
**Drawn:** JB

North

# 4.0 PLANNING ANALYSIS

The following is a review of the provincial and municipal land use policy framework related to the subject lands, and how the proposal has met those considerations.

## 4.1 Provincial Policy Statement (2020)

The Provincial Policy Statement, 2020 (PPS) was issued by the Province of Ontario in accordance with Section 3 of the Planning Act. The 2020 PPS applies to all decisions regarding the exercise of any authority that affects a land use planning matter made on or after May 1, 2020.

The PPS provides policy direction on matters of provincial interest related to land use planning and development. It provides a vision for land use planning in Ontario that encourages an efficient use of land, resources and public investment in infrastructure. The PPS encourages a diverse mix of land uses in order to provide choice and diversity to create complete communities. A variety of modes of transportation are required to facilitate pedestrian movement, active transportation opportunities and less reliance on the automobile. The PPS strongly encourages development that will provide long term prosperity, environmental health and social wellbeing. One of the key considerations of the PPS is that planning decisions ‘shall be consistent’ with the Policy Statement. The following is an analysis of the proposed development in the context of the policies in the PPS.

### Settlement Areas (1.1.3)

The PPS states that Settlement Areas shall be the focus of growth and development, and that their vitality and regeneration shall be promoted. The proposed development is located within the City of Hamilton which is a designated Settlement Area. Further, land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- efficiently use land and resources;
- are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- minimize negative impacts to air quality and climate change, and promote energy efficiency;
- support active transportation;
- are transit-supportive, where transit is planned, exists or may be developed; and
- are freight-supportive.

The proposed development provides an opportunity for the development of a vacant, greenfield parcel which has been identified as the City as an area for future residential development. The proposed development will provide an additional 251 residential units, in an area that has existing municipal services.

The proposed development will provide for a compact housing form, further minimizing the impacts on air quality and climate change.

Barton Street is proposed to contain a promenade, including a multi-use pathway, which will provide active transportation connections. Bicycle racks and sidewalk connections are proposed throughout the site, which will encourage cycling and walking.

The B-Line transit route is proposed to be extended east along Highway 8, which will provide for connections west to Eastgate Square, Downtown and McMaster University. The proposed density will be transit-supportive.

The proposed development will make efficient use of land within the Urban Area and designated for residential use, utilize planned infrastructure and services, and is located at the intersection of two Minor Arterial roads, Barton Street East and Glover Road. Barton Street is identified as a potential rapid transit route in the Fruitland-Winona Secondary Plan.

### **Housing (1.4.3)**

The PPS identifies that planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households.
- permitting and facilitating: all forms of housing required to meet the social, health, and well-being requirements of current and future residents, including special needs requirements; and all forms of residential intensification, including second units, and redevelopment;
- directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and
- establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

The proposed development will provide a range and mix of housing types to support the forecasted housing and population growth in the City. The proposed development will contain a mix of townhouse units, maisonette, and stacked townhouses, which represent a compact form of development to efficiently use designated residential land and planned infrastructure. The proposed development will contribute to the overall development of the Fruitland-Winona area, with the addition of 251 residential units.

Existing infrastructure and services are present in the area surrounding the proposed development and will be able to support the projected increase of 251 units. As per the Fruitland-Winona Secondary Plan, the area is intended to accommodate a large portion of residential uses, as well as other supporting uses, including commercial uses, parks and schools, as detailed in **Section 4.4** of this report. The proposed development achieves the required densities of the Secondary Plan.

### **Public Spaces, Recreation, Parks, Trails and Open Space (1.5.1)**

The PPS identifies that healthy, active communities should be promoted by:

- planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity;
- planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;
- providing opportunities for public access to shorelines; and
- recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.

The subject property is proposed to contain a 0.793 hectare portion of the planned neighbourhood park for the surrounding area, located on the south portion of the site as identified in the Secondary Plan. This will offer an opportunity for recreation and provide for connections into and out of the proposed development to the surrounding area.

The Barton Street promenade planned for the area will provide active transportation connections for recreation and transportation.

#### **Sewage, Water and Stormwater (1.6.6)**

As per the PPS, municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.

The subject lands are within an area with existing and planned services to support the planned development in the area. The site will be able to provide for connections to full municipal services for all 251 units.

The subject lands are proposed to contain a public Stormwater Management (SWM) Facility at the northwest corner of the proposed development, which will provide quantity and quality control for the development in conformity with the Block 2 Servicing Strategy. The SWM facility will also accommodate stormwater from Barton Street and adjacent lands. The SWM facility is designed to meet the full build out conditions (ultimate scenario) of the Block 2 Servicing Study area.

A private storm sewer system is proposed to convey drainage from the subject lands, Winona Vine Estates and from the Glover Rd ditch towards the proposed SWM facility via easements.

Details regarding the proposed servicing and SWM approach are included in the Functional Servicing Report prepared by S. Llewellyn and Associates, dated June, 2021 and submitted in support of these applications.

#### **Transportation Systems (1.6.7)**

The PPS identifies that transportation and land use considerations shall be integrated at all stages of the planning process. Further, it promotes multimodal transportation systems, and a land use pattern, density and mix of uses, which minimize the length and number of vehicle trips and support current and future use of transit as well as active transportation.

The subject site is located at the intersection of two Minor Arterial Roads, Barton Street East and Glover Road. Transit service is currently provided in the area, offering connections to Eastgate Square, which provides connections to the B-Line, which planned as the City's Light Rail Transit route. In the future, Eastgate Square will also offer connections to the proposed Confederation GO Transit station at Centennial Parkway and Goderich Road

As a result of the existing transit service and the planned transit expansion, the site is appropriately located for the amount of density proposed. As discussed above, a trail connection is proposed as part of the pedestrian promenade along Barton Street East, which will provide opportunities for active transportation and recreation.

**Based on the above, the applications are consistent with the Provincial Policy Statement.**

## 4.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

The 2020 A Place to Grow: Growth Plan for the Greater Golden Horseshoe ('A Place to Grow') came into effect on August 28, 2020. This Plan is the framework for implementing the Provincial Government's initiative to plan for growth and development in a way that supports economic prosperity, protects the environment, and helps the communities achieve a high quality of life.

The policies of Places to Grow centre on the key themes of directing growth to Settlement Areas, intensification in strategic growth areas, promoting transit-supportive densities and a healthy mix of residential and employment land uses.

Among the guiding principles of the plan include:

- Support the achievement of complete communities that are designed to support healthy and active living and meet the needs of daily living.
- Prioritize intensification and higher densities to make efficient use of land and infrastructure and support transit viability.
- Support a range and mix of housing options
- Improve the integration of land use planning with planning and investment in infrastructure and public service facilities
- Provide for different approaches to managing growth that recognize the diversity of communities in the GGH

### **Designated Greenfield Area (2.2.7)**

The subject site is located within the Designated Greenfield Area of the City of Hamilton, as identified on Appendix G – Boundaries Map in the Urban Hamilton Official Plan, as shown on **Figure 4.**

The Growth Plan identifies a minimum density target of 50 people and jobs combined per hectare for the Designated Greenfield Area (DGA) in the City of Hamilton, which is intended to be measured



**Figure 4:**  
Boundaries Map  
Appendix G  
Urban Hamilton Official Plan, 2013

**LEGEND**

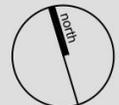
- Subject Lands
- Built Boundary
- Built-up Area
- Other Features**
- Rural Area
- Urban Boundary
- Municipal Boundary

DATE: January, 2022

SCALE: 1:20,000

FILE: 11172A

DRAWN: JB



K:\11172A-DAL BELLO\_HAMILTON\REPORT\HAMILTON\_OP\_BOUNDARIES\_MAP\_APPENDIX G.DWG

884 Barton Street  
Stoney Creek  
City of Hamilton

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over the entire DGA of the City, with some exceptions including right of ways, employment areas, natural heritage features.

In accordance with Section 2.2.7 of the Growth Plan, an alternative density target of 70 people and jobs per hectare has been established by the City for the FWSP area, as discussed in Section 4.5 of this Report. The proposed development will have a density of 155 people and jobs per hectare, which exceeds the minimum density target, and will contribute to the overall density target for the DGA.

New development occurring within designated greenfield areas will be planned, designated, and zoned in a manner that:

- a) Supports the achievement of complete communities;
- b) Supports active transportation; and
- c) Encourages the integration and sustained viability of transit services.

The proposed development is for a range and mix of medium density townhouse dwellings, which will contribute to the development of the Fruitland-Winona Secondary Plan area, which is planned as a complete community. The proposed development has sidewalk connections throughout, and connections to the future multi-use trail proposed along the south side of Barton Street to encourage active transportation. The Secondary Plan identifies a potential future rapid transit route along Barton Street to Fifty Road. The proposed development provides a transit supportive density and is immediately adjacent to Barton Street and would provide convenient connections to this route.

Overall, the development achieves a density of approximately 63.5 units per hectare, and implements the permitted density of the Low Density Residential 2 and Medium Density Residential 2 designations in the Fruitland Winona Secondary Plan.

### **Housing (2.2.6)**

Section 2.2.6 of the Growth Plan provides policies to support the achievement of complete communities. Specifically, Section 2.2.6.2 states that municipalities will support the development of complete communities by planning to accommodate forecasted growth to the horizon of this Plan; planning to achieve the minimum intensification target and density targets; considering the range and mix of housing options and densities of the existing housing stock; planning to diversify the overall housing stock across the municipality

The proposed redevelopment will assist the City of Hamilton in achieving the minimum density targets set out in the Growth Plan. The proposed residential units will contribute to the range and mix of housing options in the City by offering a medium density housing form, as planned for in the Secondary Plan.

### **Infrastructure to Support Growth (3.2)**

The Growth Plan also identifies that infrastructure planning, land use planning and infrastructure investment should be coordinated, as well as transportation system planning and investment should be coordinated with land use planning.

The proposed development will make use of support existing transportation options, including transit and active transportation, and provide a built form that has a transit supportive density, and will contribute to future transportation options Barton Street is identified as a potential rapid transit route in the Fruitland-Winona Secondary Plan. Further, Barton Street East is proposed to contain a promenade with a multi-use pathway, which will offer opportunities for a range of transportation choices.

**Based on the above, it is concluded that the proposed applications are in conformity with the policies of the Growth Plan.**

## 4.3 City of Hamilton Urban Official Plan

The City of Hamilton’s Urban Official Plan (UHOP) came into effect on August 16, 2013. A review of the Official Plan has identified that the subject property falls within the following designations of the Official Plan:

- **Schedule C – Functional Road Classification**
  - Barton Street E – Major Arterial
  - Glover Road – Minor Arterial
- **Schedule E – Urban Structure (Figure 5)**
  - Barton Street – Secondary Corridor
  - Neighbourhoods
  - Highway 8 – Potential Expansion of Secondary Corridor
- **Schedule E1 – Urban Land Use Designations (Figure 6)**
  - Neighbourhoods

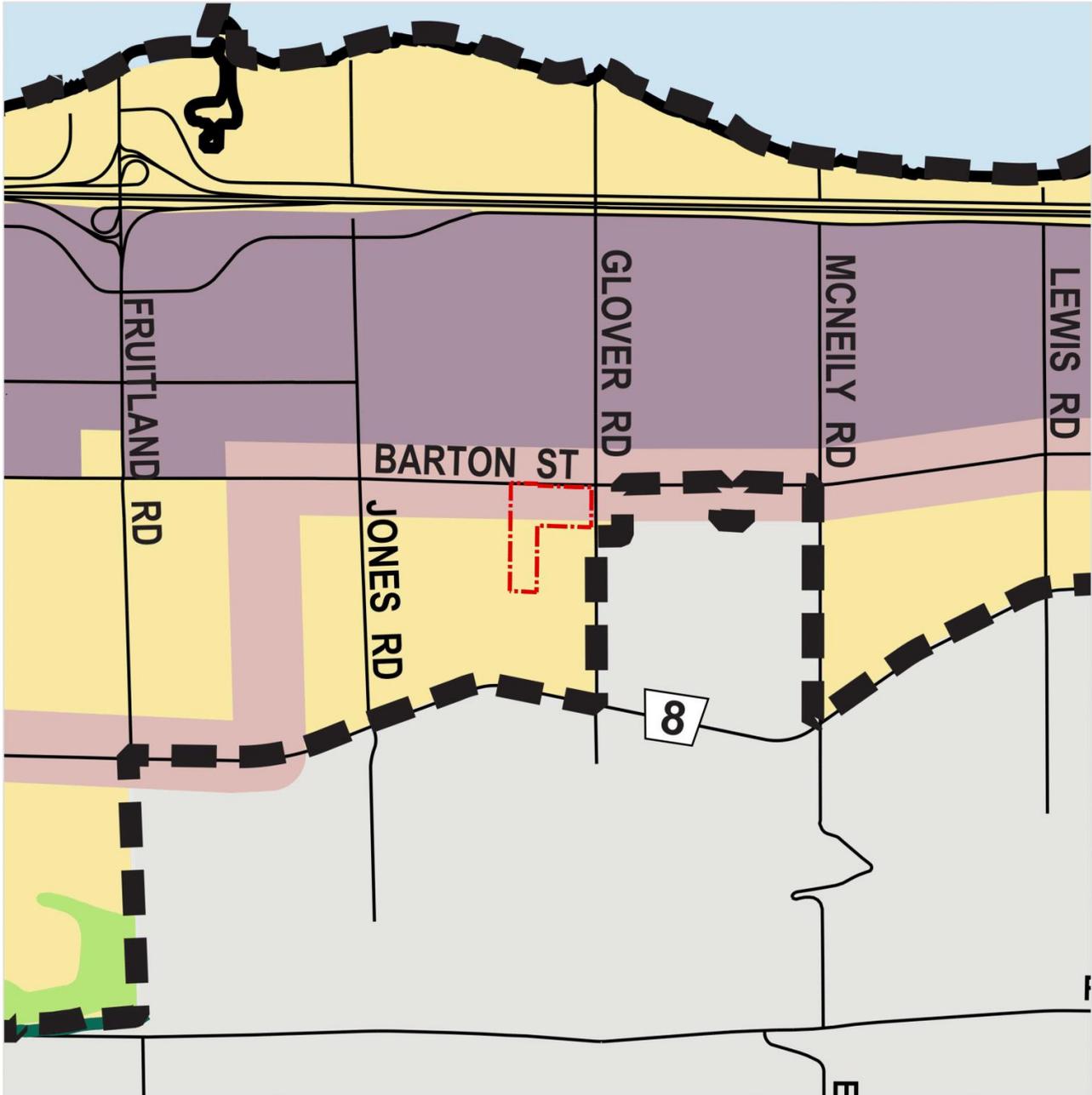
The subject site also falls within the **Fruitland-Winona Secondary Plan Area**, which is detailed in Section 4.4 of this Report.

Below is a review and discussion of the policies associated with the designations within the Official Plan.

### Urban Systems and Designations

The City of Hamilton is committed to managing its urban growth and development in a sustainable, comprehensive manner that balances the economy, the environment and the social needs of the community. The goals that apply to the urban systems and land use designations in the UHOP include:

- Develop compact, mixed use urban environments that support transit and active transportation
- Develop complete communities where people can live, work, learn and play
- Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs
- Promote and support design which enhances and respects the character of existing neighbourhoods and creates vibrant, dynamic and livable urban places
- Promote and support appropriate residential intensification throughout the urban area and focused in Urban Nodes and Urban Corridors



**Figure 5:**  
Schedule E Urban  
Structure  
Urban Hamilton Official Plan, 2013

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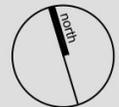
- Subject Lands
- Neighbourhoods
- Employment Areas
- Corridors**
- Secondary
- Other Features**
- Rural Area
- Urban Boundary

DATE: January, 2022

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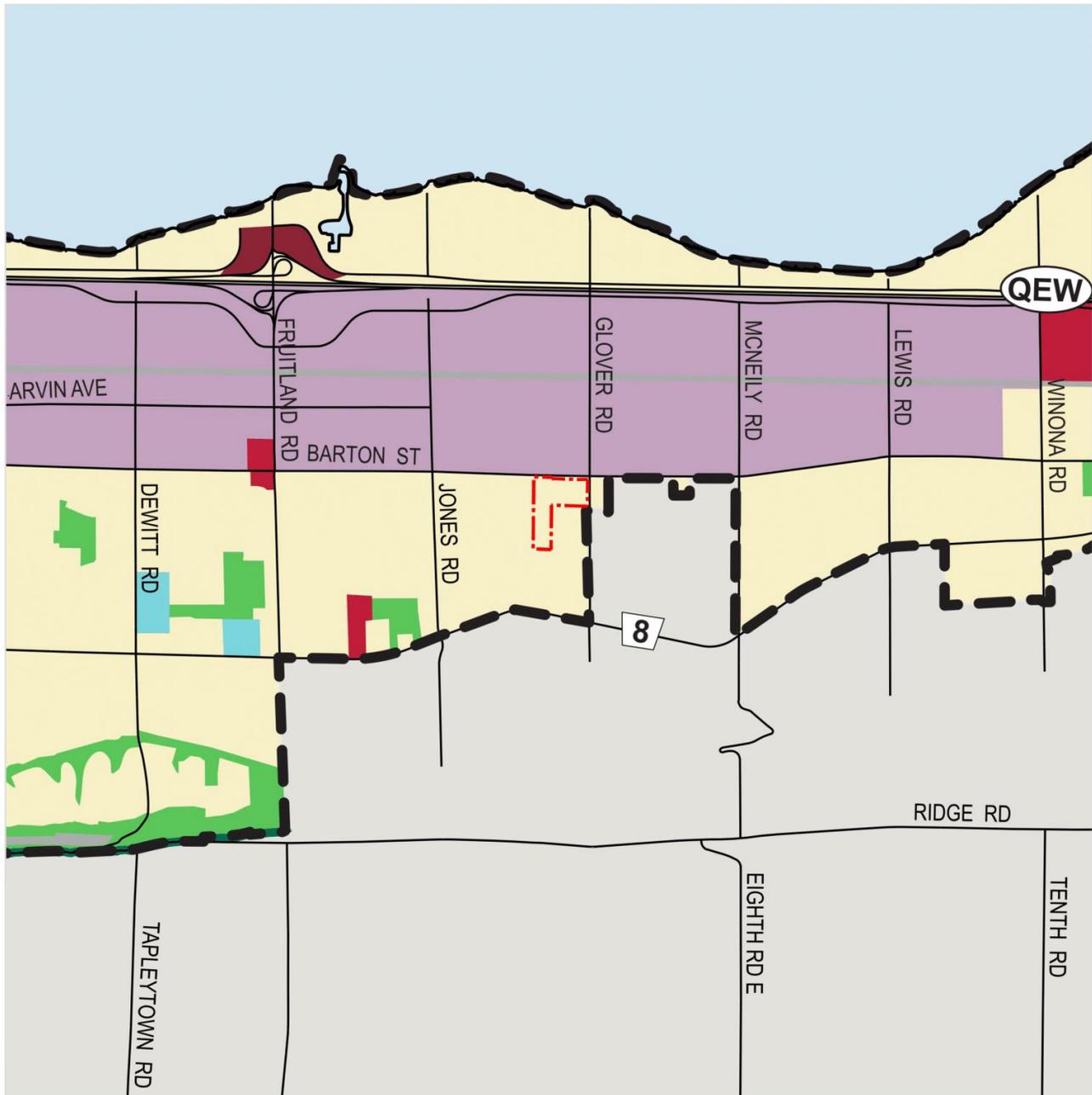
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**Figure 6:**  
Schedule E-1 Urban  
Land Use Designations  
Urban Hamilton Official Plan, 2013

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**LEGEND**

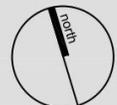
- Subject Lands
- Neighbourhoods
- Open Space
- Institutional
- District Commercial
- Arterial Commercial
- Business Park
- Rural Area
- Niagara Escarpment
- Urban Boundary

DATE: June 3, 2021

SCALE: 1:30,000

FILE: 11172A

DRAWN: JB



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- Protect and enhanced a system of linked natural areas

### **Urban Structure**

The City’s Urban Structure identifies how the City will grow over the long term, and is a node and corridor structure, guided by the following principles:

- Nodes and corridors are the focus of reurbanization activities (i.e. population growth, private and public redevelopment, and infrastructure investment)
- Nodes and corridors provide focal points of activity for Hamilton’s local communities and neighbourhoods
- Nodes and corridors are connected to each other and are internally served by various modes of transportation, including higher order transit
- Nodes and corridors provide a vibrant pedestrian environment and facilitate active transportation through careful attention to urban design
- Nodes and corridors evolve with higher residential densities and mixed use developments to achieve their planned functions and support transit.

Barton Street is identified as a Secondary Corridor, on Schedule E of the UHOP. Section 2.4 of the UHOP identifies that Secondary Corridors shall serve to link nodes and employment areas, or Primary Corridors, and may be served by higher order transit service. The built form along the Urban Corridors shall generally consist of low to mid rise forms, but will vary along the length of the corridors with some areas permitted to accommodate high density and high rise built form. Primary Corridors shall have a greater proportion of the corridor length in retail and mixed use forms, while the Secondary Corridors shall generally accommodate retail and mixed use forms in small clusters along the corridors with medium density housing located between the clusters. The intent of this Plan is to evolve the Secondary Corridors to an increasing proportion of multiple storey, mixed use buildings in small cluster locations with at grade retail and service commercial uses.

The proposed development will provide a medium density housing built form in a Secondary Corridor Area. The potential rapid transit route identified in the Fruitland Winona Secondary Plan is intended to provide linkages to any future transit hub in the Fifty Road / QEW area.

The subject site proposes an intensification opportunity located at the intersection of Barton and Glover Roads, and will support the objectives of the Barton Street Secondary Corridor.

### **Greenfield Communities**

Section E.3.7 of the UHOP provides policies for new greenfield communities, including:

- New greenfield communities shall be designed with a unique and cohesive character. Buildings, streetscapes, street patterns, landscaping, open spaces and infrastructure shall contribute to this character.
- New greenfield communities shall be designed with a focal point. All elements of the design of the community including the layout of streets, trails, pedestrian connections, and transit routes as well as the location of land uses and transit stops, shall contribute to creation of the community focal point.

- The configuration of streets, trails, and open spaces shall ensure clear and convenient pedestrian, cycling, and vehicular connections from within the greenfield community to the focal point and adjacent neighbourhoods.

The proposed development has been designed as a compact medium density development, with a grid style road network, to create individual blocks with landscaping and sidewalk connections throughout, in accordance with the FSWP objectives. The focal point for this development is the Barton and Glover intersection and Barton Street frontage, which is proposed to contain a future promenade / multi-use trail, and potential rapid transit. The road network and sidewalks in the development offer convenient connections to the Barton Street frontage, with a focus on cycling and pedestrian connections to encourage transit and active transportation.

### **Neighbourhoods**

Neighbourhoods are where the majority of Hamiltonian’s live, learn, shop, socialize and play and are intended to be all encompassing and represent the concept of complete communities. These areas contain a mix of low, medium and high rise residential areas, roads, parks, open space, commercial areas and institutions including schools and places of worship.

Neighbourhoods shall consist primarily of residential uses and complementary facilities and services intended to serve residents. Neighbourhoods shall permit and provide the opportunity for a full range of housing forms, types and tenure, including affordable housing and housing with supports, as well as a range of commercial uses including retail stores and services. Neighbourhoods shall generally be regarded as physically stable areas, and changes compatible with the existing character or function of the neighbourhood shall be permitted.

The proposed development will provide a dense, residential development offering a range of housing forms and densities.

### **Neighbourhoods Designation**

The subject lands are designated ‘Neighbourhoods’ in the UHOP, as shown on **Figure 6**. The Neighbourhoods designation intends to recognize that all neighbourhoods are diverse, and that their intention is to provide context for daily life for citizens, and plays where people can live, learn play and socialize on a daily basis, by including a mix of land uses.

General objectives for Residential / Mixed Use Areas, include:

- Develop compact, mixed use, transit-supportive and active transportation friendly neighbourhoods
- Develop neighbourhoods as part of a complete community
- Plan and designate lands for a range of housing types and densities, with consideration for affordable housing needs
- Promote and support design which enhances and respects character of existing neighbourhoods while still allowing for ongoing evolution
- Promote and support residential intensification of appropriate scale and in appropriate locations

The Neighbourhoods designation permits the following uses:

- Residential dwellings, including second dwelling units and housing with supports
- Open space and parks
- Local community facilities/ services
- Local commercial uses

The proposed development will be compact, and will contain a mix of permitted residential uses, specifically various townhouse built forms, which will allow for a range of types and densities. A portion of the community's neighbourhood park will also be provided for at the south end of the subject lands. The design of the community will reflect the direction of the Fruitland-Winona Secondary Plan.

The proposed development will provide for a transit supportive density, adjacent to Barton Street which is identified as a potential rapid transit route in the Fruitland-Winona Secondary Plan.. The development will also provide sidewalk connections within itself and to the surrounding street network, and connections to the planned Barton Street pedestrian promenade

The UHOP identifies that residential intensification shall enhance and be compatible with the scale and character of the existing residential neighbourhood. The City shall require quality urban and architectural design, and design shall be safe, efficient, pedestrian oriented and attractive, and shall comply with the following criteria:

- New development on large sites shall support a grid system of street of pedestrian scale, short blocks, street oriented structures and a safe, attractive public realm
- Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
- Adequate and direct pedestrian access and linkages to community facilities/services and local commercial uses shall be provided
- Development shall improve existing landscape features and overall landscape character of the surrounding area
- Development shall comply with Section B.3.3 – Urban Design Policies and all other applicable policies.

The proposed development, will support a grid network of streets, with sidewalks internal to and providing connections in and out of the development, and landscaping. The majority of parking is provided within the garages and driveway of the individual dwelling units, which limits the overall amount of surface visitor parking required on site.

The Design Policies are discussed in detail in the associated Urban Design Brief prepared by MHBC Planning, dated June, 2021.

The UHOP provides for three categories of residential land use designations – low, medium and high density. Medium density residential areas are characterized by multiple dwellings forms, on the periphery of neighbourhoods in proximity to major or minor arterial roads, and the site appears to meet the definition of a medium density residential area, which permits multiple dwellings, except street townhouses, and permits a density of 60-100 units per hectare and the maximum height shall be six storeys. The subject lands meet the description for medium density lands.

The subject site is located within the Fruitland-Winona Secondary Plan Area. A broader discussion surrounding permitted uses, height and density is included in **Section 4.3** of this Report, as it relates to the Fruitland-Winona Secondary Plan.

### **Parks and Parkland Dedication**

Chapter F of the UHOP provides parkland dedication policies. The policies outline that parkland dedication shall be taken in amount not exceeding 5% for residential proposals, or alternatively, shall not exceed a rate of 1.0 hectare for each 300 dwelling units proposed (the rate to be applied will be that which yields the greater amount of either land or cash-in-lieu), or a combination thereof for developments or redevelopment that contain a mix of residential densities. Specifically, for land designated to permit residential development or redevelopment with a density of 20 to 75 units per hectare, parkland shall be dedicated at a rate not to exceed 1 hectare for each 300 dwelling units proposed.

The total net land area is 3.949 hectares, and 5% of the total land area is approximately 0.20 hectares. At a rate of 1.0 hectare for each 300 dwelling units, a total of 251 residential dwelling units are proposed and 0.837 hectares of parkland would be required to be dedicated. As per the UHOP policies, the rate to be applied will be that which yields the greater amount of either land or cash-in-lieu, which would be 1.0 hectare for each 300 dwelling units, or 0.837 hectares of parkland.

The portion of parkland proposed to be dedicated, a portion of the proposed Neighbourhood Park is 0.793 hectares. Any remaining parkland requirement will be dedicated to the City as cash-in-lieu of parkland. The parkland dedication agreement will be prepared through consultation with City staff.

### **Integrated Transportation Network**

The UHOP identifies that the transportation network and land uses are mutually inclusive, meaning that land uses are connected and accessible through the transportation network. The network is intended to be integrated and sustainable, as well as safe, environmentally friendly, affordable, efficient, convenient and accessible.

The transportation network should be integrated and also provide for convenient, fast, frequent and affordable public transportation and also increase active transportation and contribute to transportation demand management (TDM) initiatives. The City shall encourage new development to be located and designed to minimize walking distances to existing or planned transit and facilitate the efficient movement where feasible.

More detail on the proposed local transportation system surrounding the proposed development is included in **Section 4.3** of this Report, as it relates to the Fruitland-Winona Secondary Plan Area.

Barton Street East and Glover Road are both identified as Minor Arterials on Schedule E – Functional Transportation Network. Minor Arterials are subject to the following policies:

- The primary function of a minor arterial road shall be to carry moderate volumes of intra-municipal and inter-regional traffic through the City in association with other types of roads.
- Land accesses shall be permitted with some controls.
- The basic maximum right-of-way widths for minor arterial roads shall be 36.576 metres unless otherwise specifically described in Schedule C-2 – Future Road Widening.

- Minor arterial roads shall generally be organized in a grid pattern with collectors, major and minor arterials, parkways and provincial highways.
- Bicycle lanes may be in place to accommodate cyclists and sidewalks shall generally be provided on both sides of the street for pedestrians.
- Gateway features may be permitted where required.
- On street parking and loading may be prohibited or at minimum be restricted in the peak hours.

The primary vehicular access point proposed for the subject site is via Glover Road, aligned with Willow Lane. An emergency temporary right-in, right-out access is proposed onto Barton Street, as a result of more than 100 units being proposed with one access point. Future potential road accesses are provided to the lands to the west. It is intended that the temporary right-in, right-out access will remain until such time that the lands to the west are developed and connections are provided.

Pedestrian and cycling accesses will be provided via Barton Street and Glover Road, and sidewalk connections will be provided throughout the site, to the adjacent site to the west and to the neighbourhood park on the south portion of the site. The Barton Street pedestrian promenade is proposed along the south side of Barton Street and will provide for enhanced pedestrian connectivity in the future,

The internal proposed road network is a modified grid pattern, with 3 potential future connections to the lands to the west, including a public road connection (Street A) with frontage onto the proposed public park.

Schedule C-2 of the Official Plan identifies that the future road right-of-way for Barton Street East between Nash Road and Fifty Road, adjacent to the subject lands, is 36.576 metres. This road right-of-way has been accounted for on the proposed concept plan.

A Transportation Impact & Parking Study was prepared by Paradigm, dated June, 2021, and has been submitted in support of this application. A summary of this Report is included in **Section 5.6** of this Report.

In summary, the proposed development is consistent with the objective of the Neighbourhoods land use designation by providing for a range of unit types and densities. Further, the proposal has considered parks policies and transportation policies of the Urban Hamilton Official Plan.

**The proposed applications conform to the general intent of the applicable land use policy framework of the City of Hamilton Urban Official Plan.**

## 4.4 Planning Act Section 51(24)

Section 51(24) of the Planning Act outlines criteria that shall be regarded when considering a Draft Plan of Subdivision application. This section analyses the proposed subdivision’s conformity with these criteria:

- a) the effect of the proposal on matters of Provincial Interest
  - The proposed development has regard to the applicable matters of Provincial Interest as outlined in Section 2 of the Planning Act.
- b) whether the subdivision is premature or in the public interest
  - The subject lands are designated for residential use the City of Hamilton Urban Official Plan and Fruitland Winona Secondary Plan. The Block 2 Servicing Strategy has been adopted by City Council, which determined the servicing approach and considered transportation and natural heritage aspects of the proposed development and surrounding area. The development of the lands are in a form which is permitted in the Fruitland Winona Secondary Plan. The proposed development is not premature and is in the public interest.
- c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any
  - The applications conform to the City of Hamilton Official Plan as the subject lands are located in a Settlement Area and designated Neighbourhoods which permits a range of residential land uses. The subject lands are designated Low Density Residential 2 and Medium Density Residential 2 in the Fruitland Winona Secondary Plan which permit the proposed form of residential development. There are no adjacent plans of subdivision that require consideration, however the proposed development provides for future connection.
- d) the suitability of the land for the purposes for which it is to be subdivided
  - The proposed development area is suitable to be subdivided. The topography of the subject lands is generally flat and the proposed development does not negatively impact any significant environmental features.
- e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them
  - The proposed road network is a connection of public and private roads. The proposed east-west road connections will provide for a connection to Glover Road, and future road connections to adjacent lands to the west and east. Primary access to the subject site is from Glover Road and a temporary secondary access to the site is planned via Barton Street, until the surrounding lands develop and the road connections can be made. All proposed roads will meet the City’s road standards for public and private condominium roads.
- f) the dimensions and shapes of the proposed lots
  - All dimensions and shapes of proposed blocks are appropriate for the intended use of the subject lands.

- g) the restrictions or proposed restrictions, if any, on the land to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land
  - All residential development is proposed in areas identified appropriate for development. No development is proposed within natural features or setback areas.
- h) conservation of natural resources and flood control
  - The Environmental Impact Study prepared by Colville confirms that there are no significant natural features on the subject lands. The location of the stormwater management pond was determined by the Fruitland Winona Secondary Plan and the Block 2 Servicing Strategy and consultation with the City of Hamilton and HCA. Drainage infrastructure and the stormwater management pond will be incorporated into the detailed design and will be designed to satisfy City and HCA criteria. There were no concerns raised through ESAIG review. Details can be addressed through condition(s) of draft approval.
- i) the adequacy of utilities and municipal services
  - The site can be fully serviced with existing and planned municipal infrastructure and utilities as determined in the Functional Servicing Report prepared by SLA. The proposed stormwater management facility will be constructed to implement the Block 2 Servicing Strategy. Design details can be addressed through condition(s) of draft approval.
- j) the adequacy of school sites
  - The location of future school sites were determined as part of the Fruitland Winona Secondary Plan process, in consultation with the school boards, including HWDSB and HWCDSB. A school site is not proposed on the subject lands.
- k) the area of land, if any, exclusive of highways, to be conveyed or dedicated for public purposes
  - Lands to be dedicated for public purposes include the park block, stormwater management pond, Barton Street road widening block and Street A block. These will be conveyed as part of the subdivision process.
- l) the extent to which the plan’s design optimizes the available supply, means of supplying, efficient use and conservation of energy;
  - The subdivision has been designed to permit the development of a walkway system that will facilitate connections to the future Barton Street promenade, future public park and adjacent neighbourhoods. The nature and location of the compact urban form of the development will facilitate energy conservation. Lastly, the road network will facilitate efficient movement of all vehicles, including those for municipal and emergency service purposes.
- m) the interrelationship between the design of the proposed subdivision and site plan control matters relating to any development of the land, if the land is also located within a site plan control area designated under subsection 41 (2) of the Planning Act.
  - The proposed multiple residential block will be subject to site plan control.

## 4.5 Fruitland Winona Secondary Plan

The subject lands are located within the Fruitland-Winona Secondary Plan, which is adopted under the Official Plan. A review of the Secondary Plan has identified that the subject property falls within the following designations:

- **Map B.7.4.1 Land Use Plan:** Low Density Residential 2 and Medium Density Residential 2, Neighbourhood Park (**Figure 7**)
- **Map B.7.4.2 Natural Heritage System:** Vegetation Protection Zone
- **Map B.7.4.3 Transportation Classification Plan:** Major Arterial (Barton Street), Minor Arterial (Glover Road), Barton Street Pedestrian Promenade, Potential Rapid Transit Route (Barton Street), Proposed Extension (**Figure 8**)

### Objectives

The Fruitland-Winona Secondary Plan is in force and effect, with the exception of some site specific appeals. For the subject lands, 860 and 884 Barton Street, the entire Secondary Plan was brought into force and effect by way of an OMB decision issued on December 4, 2015.

The overall objectives of the Fruitland-Winona Secondary Plan include: strengthening existing neighbourhoods; creating transportation, transit and active transportation linkages; creating a safe community; and providing open space and parks, while protecting and enhancing natural heritage features.

Residential objectives of the Fruitland-Winona Secondary Plan include:

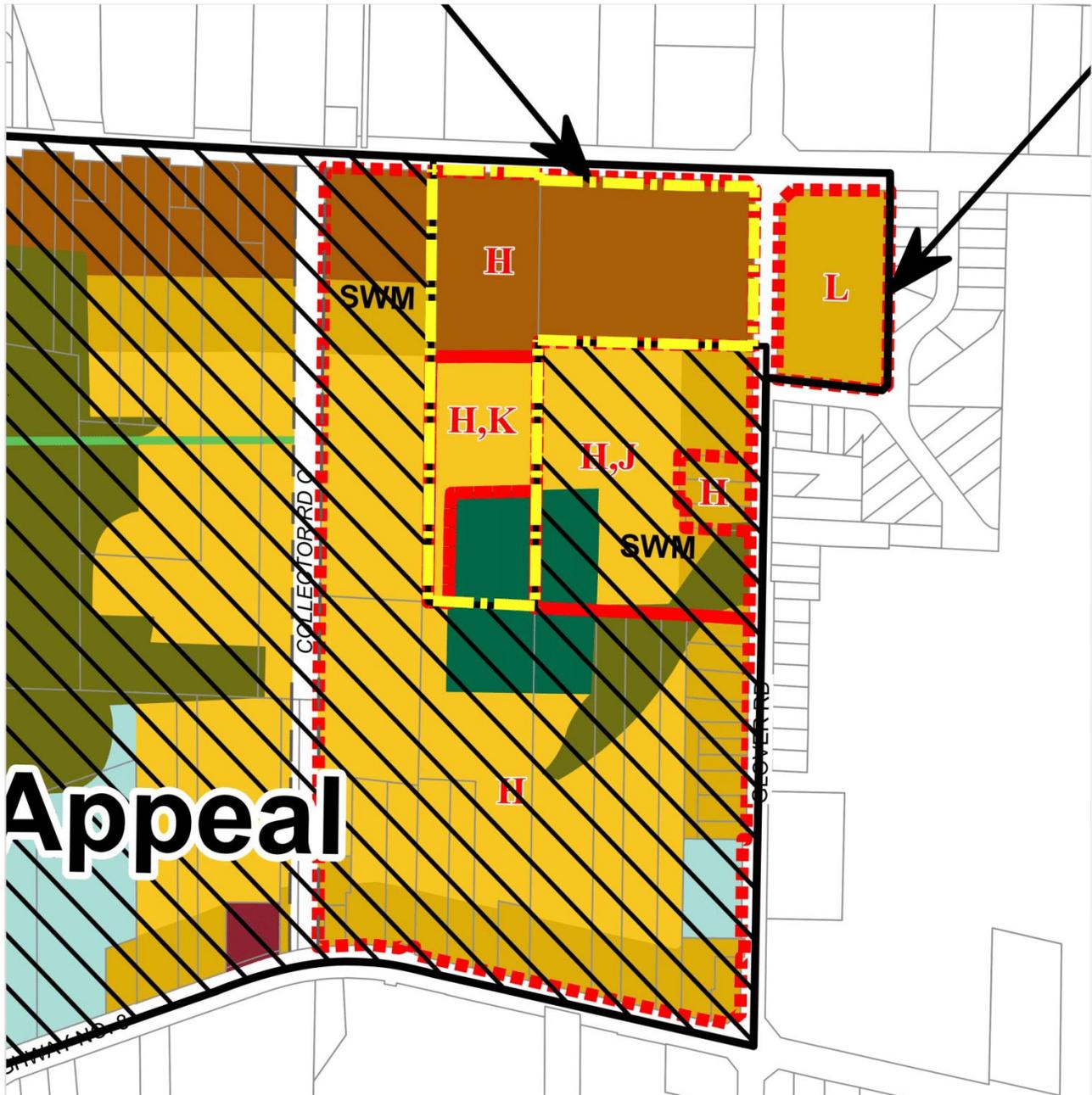
- creating a community that provides for safe, functional, attractive and distinguishable residential neighbourhoods
- encouraging a mix of uses and housing types, and
- providing a compact urban form with higher densities located closer to arterial roads that may serve as future transit corridors, while maintaining views to the Escarpment and other natural features

The proposed development, will provide for a compact urban form, with a mix of medium density residential uses, with high quality design. In addition, the mix of townhouse unit types, will provide more housing choice, and will provide for transit supportive densities, adjacent to two arterial roads, including Barton Street, which may develop as a transit corridor over time.

### General Policies (7.4.3)

The Fruitland-Winona Secondary Plan identifies the following general policies that have been considered in the development of the proposed concept:

- Development within the Fruitland-Winona Secondary Plan area shall provide a mix of housing opportunities in terms of built form, style and tenure that are suitable for residents of different age groups, income levels and household sizes.
- When considering an application for development, the following matters shall be evaluated:



**Figure 7:**  
Map B.7.4-1 Land Use Plan  
Fruitland-Winona Secondary Plan,  
Urban Hamilton Official Plan, 2013

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City of Hamilton

**LEGEND**

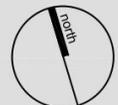
- Subject Lands
- Low Density Residential 2
- Low Density Residential 3
- Medium Density Residential 2
- Arterial Commercial
- Neighbourhood Park
- Natural Open Space
- Institutional
- Area or Site Specific Policy
- Lands Under Appeal

DATE: June 3, 2021

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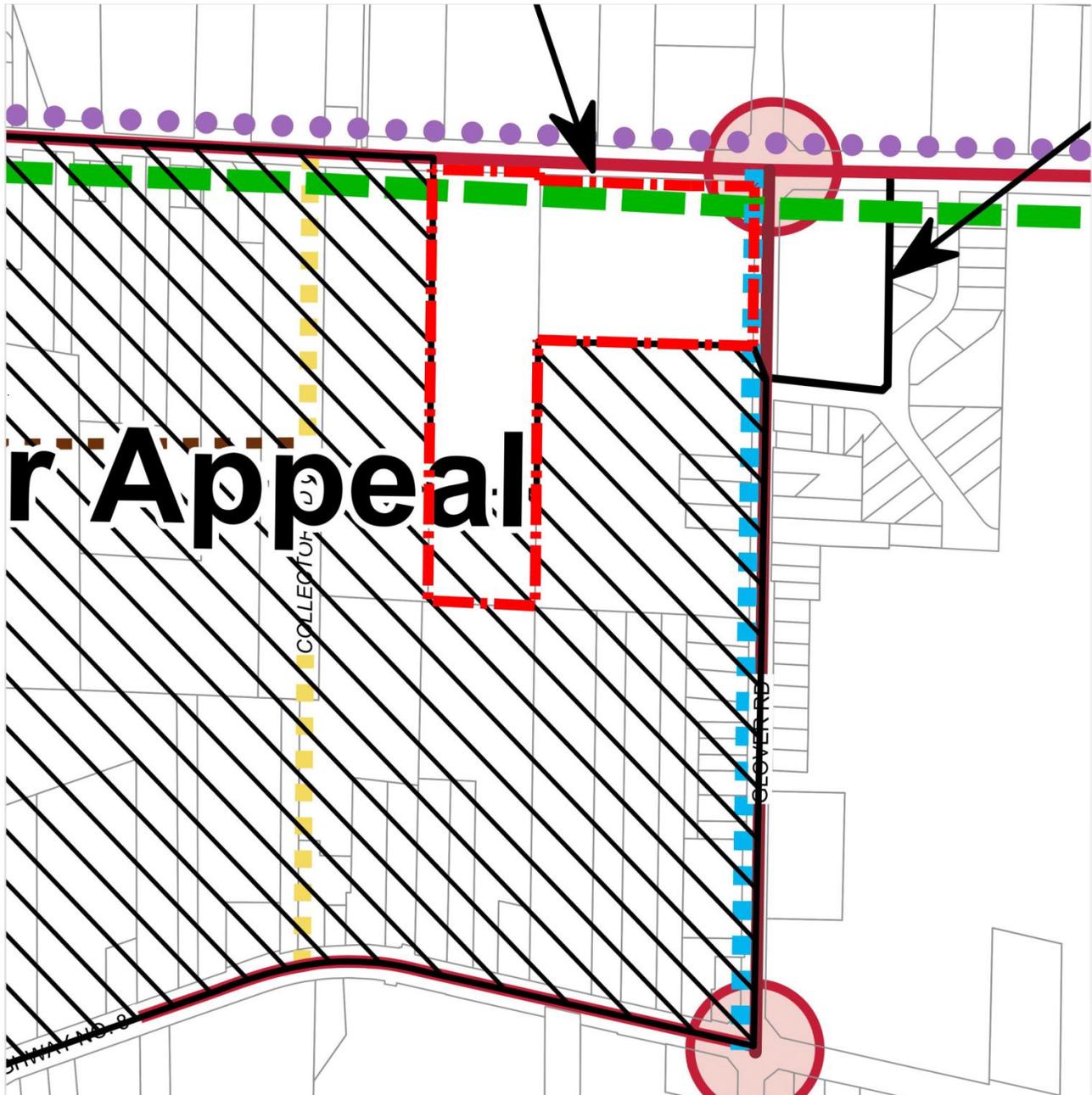
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**Figure 8:**  
Map B.7.4-3  
Transportation  
Classification Plan  
Fruitland-Winona Secondary Plan,  
Urban Hamilton Official Plan, 2013

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City of Hamilton

**LEGEND**

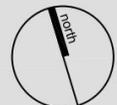
-  Subject Lands
-  Major Arterial Road
-  Minor Arterial Road
-  Proposed Collector Road
-  Potential Intersection Control
-  Proposed Extension of On-Street Bike Route
-  Barton Street Pedestrian Promenade
-  Potential Rapid Transit Route
-  Secondary Plan Boundary

DATE: June 3, 2021

SCALE: 1:5,000

FILE: 11172A

DRAWN: JB



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- Compatibility with adjacent land uses including matters such as shadowing, grading, overlook, noise, lighting, traffic and other nuisance effects;
- The consideration of transition in height and density to adjacent and existing residential development;
- The relationship of the proposed lot(s) with adjacent and existing lot pattern and configuration; and
- In accordance with the policies in Section 7.4.14 – Block Servicing Strategy and all other applicable policies
- Development on Barton Street adjacent to the Barton Street Pedestrian Promenade, located along the south side of Barton Street, as identified on Map B.7.4-3, shall be integrated visually and functionally into the Barton Street Pedestrian Promenade in accordance with Section 7.4.10.16 and Policy 7.4.13.2, of this Plan. An Urban Design Report shall be required to demonstrate how the proposed buildings integrate with the adjacent Barton Street Pedestrian Promenade and address matters such as the following:
  - Pedestrian connections;
  - Built form; and,
  - Landscaping.
- Parking for developments along Barton Street shall be encouraged to be located away or appropriately buffered from the Barton Street Pedestrian Promenade.
- Where possible, connections to the Barton Street Pedestrian Promenade with adjacent natural areas, streets, trails and parks shall be encouraged in accordance with Section 7.4.10.16 of this Plan
- Continuous visual barriers such as tall acoustic or privacy fences or berms shall not be permitted adjacent to the Barton Street Pedestrian Promenade.

The proposed development is one of the first residential properties to develop within the Block 2 Servicing Strategy and Fruitland-Winona Secondary Plan area. The proposed development does not preclude the future development of adjacent lands.

The proposed plan provides for a range and mix of housing types, heights and densities and includes 2 and 3 storey townhouse units, stacked townhouse units and maisonette (back to back) units. The tallest heights (3 storey units) are proposed adjacent to Barton Street, Glover Road or internal to the site, to minimize any impact on surrounding land uses.

The proposed development adjacent to Barton Street, will allow for a sufficient setback, to allow for landscaping to mitigate noise, to prevent a noise wall or barrier, as well as to create visual interest along the Pedestrian Promenade. Pedestrian connections will be provided to the Pedestrian Promenade. Over the long term, no parking or driveway access is proposed from Barton Street, and parking will be located internal to the units, or screened by the dwellings. The temporary right-in, right-out access to Barton Street is intended for emergency vehicular access only, and is intended to be removed once the remainder of the area is developed, and connections to the west are available.

#### **Residential Designations (7.4.4)**

The Fruitland-Winona Secondary Plan identifies the following general residential policies for development in the area, which are applicable to and have been considered for the development of the subject lands:

- Create a liveable, sustainable greenfield community based on efficient use of land, provision of transportation opportunities, and quality urban design. In accordance with Section A.2.3.3.3 – Greenfield Density Target, of Volume 1, the Fruitland-Winona community has been planned to accommodate a minimum average density of 70 persons and jobs per hectare to meet the overall density target. The City shall not support substantial decreases in density that will impact the overall target of the Plan area unless a remedial density transfer is provided.
- A broad mix of housing types shall be encouraged between and within residential density designations such that no area of the Secondary Plan is dominated by one housing type.
- Where townhouses or multiple dwellings are proposed, a mix of long and short block lengths on either public or private streets shall be encouraged to provide variety to the streetscape. The massing of long townhouse blocks should be broken up through building gaps and/or changes in building façades or the introduction of other dwelling types so a single continuous elevation is not created.
- A variety of housing elevations shall be encouraged within each residential block to provide an interesting streetscape. In support of this policy an Urban Design Report may be required in accordance with Section F.3.2.6 of Volume 1, and may be required to include architectural/design guidelines.
- Direct vehicle access to new individual dwelling units from major or minor arterial roads identified on Map B.7.4-3 – Fruitland-Winona Transportation Classification Plan shall be discouraged and alternative forms of access such as shared or common access points and rear lane arrangements shall be encouraged.
- To mitigate potential noise from the lands on the north side of Barton Street designated Business Park on Schedule E-1 – Urban Land Use Designations of Volume 1, all residential amenity space shall be provided in the rear of the property or within an internal courtyard.

The proposed concept efficiently uses land, by providing an overall density of 63.5 units per hectare and approximately 155 people and jobs per hectare, which will exceed the density target of 70 people and jobs per hectare, as identified for the Fruitland-Winona community. The development will provide for a variety of medium density residential uses, in various forms of townhouse dwellings.

Specifically, two and three storey townhouse units are proposed, as well as stacked townhouses and maisonette townhouses, which provide a mix and range of housing forms. This mix of unit types is reflective of the dual designation on the subject lands of Low Density Residential 2 and Medium Density Residential 2, and intends to integrate the two land use designations together, by providing additional density towards Barton Street. The proposed development implements the permitted densities of the Low Density Residential 2 and Medium Density Residential 2 designations in the Fruitland Winona Secondary Plan..

Blocks of street townhouses range from 4 to 8 units per block, creating visual variety and changes in the façade and elevations will also be provided. The urban design policies are detailed in the Urban Design Brief prepared by MHBC Planning, dated June, 2021.

The temporary right-in, right-out access to Barton Street is intended for emergency vehicular access only, and will be removed once the remainder of the area is developed, and connections to the west are available. Over the long term, no vehicular access is proposed from Barton Street, to restrict interruptions to the proposed promenade. One vehicular access is proposed from Glover Road

which will connect to the internal private road network, and three future road connections to the west are proposed.

A noise study has been prepared by Novus, dated June, 2021, and is summarized in **Section 5.5** of this Report and submitted in support of this application.

### **Height and Density**

The front portion of the subject lands, adjacent to Barton Street is designated Medium Density Residential 2, while the rear portion is designated Low Density Residential 2, as shown on the image on the following page. The southernmost portion of the site is designated Neighbourhood Park. The land use designations are shown on **Figure 7**.

Area Specific Policies – Area H and Area K also apply to the subject lands, which provide policy direction related to land use, height and density permissions. As detailed below, the maximum permitted density for the Low Density Residential 2 designation is 50 units per hectare, and a density of 44.8 units per hectare is proposed for a total of 61 units. For the Medium Density Residential 2 designation, the maximum permitted density is 75 units per hectare, and a density of 63.5 units per hectare is proposed for a total of 190 units. The proposed development conforms to the density requirements of the Fruitland Winona Secondary Plan.

Area Specific Policy – Area ‘H’ identifies several properties within the Fruitland-Winona area, for which sections and policies of the Greenbelt Plan permit the implementation of the urban land use designations and policies of the Fruitland-Winona Secondary Plan. The proposed development implements the urban land use designations and policies of the Fruitland-Winona Secondary Plan.

In summary, with regard to height and density, the Medium Density Residential 2 designation policies apply to the front portion of the site, while Low Density Residential 2 and Area K Specific Policy Area policies apply to the rear portion.

#### Medium Density Residential 2 Portion

The Medium Density Residential 2 policies of the Fruitland-Winona Secondary Plan apply to the front portion of the subject lands, as shown on **Figure 7** of this Report. The policies are as follows:

- In addition to permitted residential uses, and subject to additional criteria, additional uses may be permitted including community facilities/services and live-work housing units.
- The net residential density shall be greater than 60 units per hectare and shall not exceed 75 units per hectare.
- The maximum height shall be 3.5 storeys.
- All vehicular access should be from collector roads, local roads or private laneways located at the rear of the property. Where this is not possible, shared access from Barton Street may be considered.

The Medium Density Residential 2 portion provides for stacked townhouses, maisonette units and street townhouses. The proposed density of this portion of the subject lands is approximately 73 units per hectare, which conforms to the permitted density of 60-75 units per hectare. The maximum height of the proposed units is 3 storeys, and therefore conforms to the maximum permitted height of 3.5 storeys. One vehicular access point is proposed from Glover Road, and a

temporary connection to Barton Street, and private roads are proposed to provide access to individual units within the proposed development. Therefore, the proposed concept meets the intent of the Medium Density Residential 2 policies within the Fruitland-Winona Secondary Plan.

#### Low Density Residential 2 Portion

Area Specific Policy - Area ‘K’ applies to the subject lands (860 and 884 Barton Street), for the Low Density Residential 2 portion, as shown on **Figure 5** of this Report. The following policies shall apply, in addition to the policies in Section E.3.4. in the UHOP :

- All forms of townhouses shall be permitted
- The net residential density shall be greater than 20 units per hectare and shall not exceed 50 units per hectare
- Low-rise, ground related residential development that caters to a wide variety of housing types and demographics is encouraged.

The Low Density Residential 2 portion provides for maisonette units and street townhouses. The proposed density for this portion of the site is approximately 45 units per hectare, which conforms to the permitted density of 20-50 units per hectare and therefore conforms to the UHOP and Fruitland-Winona Secondary Plan. The maximum permitted height in the Urban Hamilton Official Plan for areas designated Low Density Residential is three storeys. The maximum proposed height for the Low Density portion of the subject lands is two storeys. Therefore, the proposed concept meets the intent of the Low Density Residential 2 policies within the Fruitland-Winona Secondary Plan.

In summary, the two land use designations work together to allow for the development of a medium density development, while providing higher density dwelling units towards Barton Street, and offering a mix of housing forms throughout the development.

#### **Neighbourhood Park**

The rear portion of the property is designated Neighbourhood Park, which represents a portion of the planned Neighbourhood Park for the larger community. Lands designated Neighbourhood Park shall:

- Be visible and accessible to the public with unobstructed views provided to improve natural surveillance;
- Generally be square or rectangular in shape and have significant street frontage. The specific location, size and shape of Neighbourhood Parks may vary subject to approval of the City without amendment to this plan; and,
- Be constructed by developers on the City’s behalf during the construction of the subdivision provided an adequate amount of parkland is available and the capital funding for the park development is available.

The subject lands will contain 0.793 hectares of a neighbourhood park located at the south portion of the site, as identified in the Fruitland-Winona Secondary Plan. The configuration of the park has been revised from the approved Secondary Plan, however, policy 4.7.2 b) of the Secondary Plan, identifies that the specific location, size and shape of Neighbourhood Parks may vary subject to

approval of the City without amendment to the Secondary Plan. The park is proposed to generally be of the same size and in the same location. This is discussed in detail in **Section 4.4** of this Report.

The proposed portion of the Neighbourhood Park will be visible to the public realm, by providing a street that runs parallel to the park, and will offer potential future road connections to the west. This will provide opportunities for natural surveillance on the park. The park block is generally rectangular in shape.

It is understood that the public road (Street A) and the Neighbourhood Park will be constructed in the future, once other lands in the area develop. Details surrounding the construction of the park will be determined through the process of the zoning by-law amendment application and future site plan application.

### **Urban Design, Streetscape and Built Form**

The Fruitland-Winona Secondary Plan identifies the following urban design objectives:

- Ensure the development of an attractive, safe, and pedestrian oriented community environment;
- Promote a high quality of design for public parks, open spaces, and buildings;
- Ensure compatibility between areas of different land use or development intensity;
- Establish gateway features at appropriate locations to function as entranceways to the City, and the communities of Fruitland and Winona;
- Provide integrated community design that coordinates land use, open space, street network, and built form elements to achieve the community vision;
- Protect views of the Niagara Escarpment and other natural features;
- Create street and building design that promotes neighbourhood vitality and pedestrian comfort at the grade level of buildings;
- Promote public transit, active transportation such as walking, and recreational connections through a well-connected system of streets, walkways, and trails; and,
- Promote design variety within streetscapes.

The Fruitland-Winona Secondary Plan provides policy direction for urban design as well as streetscape and built form. Generally, these policies encourage architectural variation, variation in the number of storeys, and discourage continuous rows of repetitive building facades.

The layout of streets, configuration of lots and siting of buildings shall ensure:

- There is no reverse lotting adjacent to streets, streets and open spaces
- Streets and open spaces have an appropriate degree of continuity
- Opportunities are provided for the creation of views both within the community and adjacent to natural heritage areas
- Pedestrian connections to public streets and other outdoor spaces are encouraged
- The safety and security of all persons in public places including streets, parks and amenity areas shall be promoted through the design and siting of buildings, entrances, walkways, amenity and parking areas to provide visibility and opportunities for informal surveillance
- Loading, service/garbage and parking facilities shall be integrated into the design of buildings to minimize disruption to the safety and attractiveness of the adjacent public realm. Where this integration is not feasible, these facilities shall be:
  - grouped and/or located to minimize their visual impact on the public street

- o screened with enhanced landscaping and fencing constructed. and,
  - o designed in keeping with the design of the building
- Joint access driveways between adjacent sites on arterial and collector roads shall be considered to reduce collision conflict points, minimize disruption to the public sidewalk, maximize the areas available for landscaping, and minimize expanses of pavement
- Parking should be located away from the street to maintain unimpeded views of the building façade and to enhance a pedestrian oriented environment; and,
- Parking lots abutting the street should be screened with low walls and landscape materials to provide a sense of enclosure along the setback line.

The proposed development proposes a mix of townhouse built forms, including two storey and three storey units, as well as maisonette and stacked townhouse forms. The variety of unit types will provide variety and will limit the repetition of unit types within the development. A variety of elevations and facades will be provided.

Pedestrian connections are proposed to Barton Street, the Neighbourhood Park, and throughout the development which will encourage walkability. The Neighbourhood Park is parallel to the proposed private roadway, and will provide for visibility and connectivity.

With regard to parking, each individual townhouse unit has two parking spaces available, one internal to the building (garage) and one in the driveway. An additional 59 visitor parking spaces are proposed, which are grouped throughout the development and located away from Barton Street and Glover Road to minimize the visual impact, and allow for facades and landscaping to face these two streets. One vehicular access point is proposed from Glover Road, minimizing conflict points and disruption to public sidewalks, and the future Barton Street Pedestrian Promenade.

For a detailed discussion and analysis of the urban design policies, please refer to the Urban Design Brief, prepared by MHBC Planning, dated June, 2021.

### **Barton Street Pedestrian Promenade**

The Barton Street Pedestrian Promenade is a four metre wide trail planned to extend from Fruitland Road to Fifty Road on the south side of Barton Street. The promenade shall be designed as a meandering, City owned, multi-use paved trail system within the road right-of-way. The intent of the promenade is to provide a safe, paved pathway for pedestrians and cyclists to connect public spaces, including schools and parks to future transit services.

The proposed site plan for the subject lands has been designed with consideration for the promenade and provides for a sufficient setback from the promenade, to allow for landscaping and visual interest.

### **Vegetation Protection Zone**

The northwesterly portion of the site is identified as a Vegetation Protection Zone on Map B.7.4-2. Where possible, these areas should restore or enhance these features and and/or ecological functions of the Core Area as recommended by an Environmental Impact Statement (EIS). An EIS has been prepared in support of the proposed development and has concluded that no significant features, core areas or linkages exist on the subject lands, as detailed in **Section 5.2** of this Report.

### Integrated Transportation Network

The transportation network for the Fruitland-Winona area shall consist of public roads, pedestrian sidewalks, multi-use pathways, cycling routes, public transit routes, the planned accommodation of higher order/rapid transit, truck routes, and railways.

As shown on **Figure 8**, the subject lands are located at the intersection of two arterials – Barton Street and Glover Road, are located adjacent to the proposed Barton Street Pedestrian Promenade. Further, Barton Street is identified as a potential rapid transit route, and Glover Road is proposed for an extension for an on-street bike route.

- **Active Transportation Network** – Walkability shall be promoted in the design, by providing transit facilities, transportation demand management (TDM), pedestrian facilities, and connections between major destinations such as schools, parks and commercial areas. The Barton Street Pedestrian Promenade shall include a four metre wide multi-use trail for use by pedestrians, cyclists, and users of other non-motorized forms of transportation.

The proposed development includes sidewalk connections within the site, and to Barton Street, Glover Road and the proposed Neighbourhood Park. A parking reduction is proposed for the subject lands which will minimize the number of vehicle trips from the proposed development. Bicycle parking is also proposed in various locations throughout the site. The subject lands are located adjacent to the future Barton Street Pedestrian Promenade, will promote active transportation to and from the subject lands.

- **Access Management** – The alignment of the local road network shall be detailed within the plans of subdivision in accordance with the Block Servicing Strategy and policies of Section 7.4.14. Joint vehicular access to development along Barton Street shall be encouraged to not interrupt the Barton Street Pedestrian Promenade.

One full movement vehicular access point is proposed from Glover Road, adjacent to Willow Lane, which will not interrupt the Barton Street Pedestrian Promenade. An emergency access only is proposed to Barton Street.

- **Traffic Management** - Traffic calming devices, such as roundabouts, curb extensions at intersections, raised crosswalks or raised intersections, shall be installed by the developer at the time of development of adjacent lands where warranted, and in accordance with City traffic policies.

The details of the proposed private roadways servicing the development will be determined through the site plan process.

- **Local Transit and Rapid Transit** - The proposed Collector Road “A” located between Fruitland Road and Jones Road shall be a preferred location for a public transit route and the need or transit service and facilities along any collector/arterial road, and their specific form and design, shall be reviewed as demand warrants. The proposed Rapid Transit Route shall be located along the proposed north/south Collector Road “A” between Fruitland Road and Jones Road and The City shall evaluate the potential to accommodate the proposed Rapid Transit Route within the Barton Street right-of-way.

Proposed public transit and rapid transit may be located on Collector Road ‘A’, west of the subject lands, and Barton Street, adjacent to the subject lands, as shown on **Figure 8**. The addition of transit in proximity to the subject lands, will minimize the vehicular traffic to and from the site, and will improve transit connections to the rest of the City and surrounding area.

The subject lands are well located for future transit and active transportation connections. The proposed development will have a transit supportive density, and encourage a range and mix of transportation options.

It should be noted that stormwater management facility locations are not designated on the land use plan in the Secondary Plan, and the plan defers to the Block 2 Servicing Strategy, which is discussed in Section 4.5 of this Report.

### **Summary**

The proposed development conforms to the Fruitland-Winona Secondary Plan, as it is a medium density residential development with a range of townhouse dwelling forms. It will provide 251 residential units in a range of unit types and has an overall proposed density of approximately 63.5 units per hectare and approximately 155 people and jobs per hectare.

**The proposed development conforms to and implements the policies of the Fruitland-Winona Secondary Plan.**

## **4.6 Block 2 Servicing Strategy and Stormwater Management Approach**

The subject lands are located in the area of ‘Block Servicing Strategy 2 (B2ss) for the Fruitland-Winona Secondary Plan Lands’, which was approved by Council on September 12, 2018.

At the time of the adoption of the B2SS, Council included the following resolution:

- a) *That staff be directed to use the Block 2 Servicing Strategy for Fruitland-Winona Secondary Plan Lands Final Report, July 31, 2018, as a basis for reviewing and approving all development applications within the Block 2 Servicing Strategy area; and*
- b) *That the Senior Director, Growth Management, or their designate, be directed to use their discretion in applying the Block 2 Servicing Strategy for the Fruitland-Winona Secondary Plan Lands Final Report, July 31, 2018 to individual developments by making any necessary minor modifications to the Block 2 Servicing Strategy provided that the intent of the Block 2 Servicing Strategy is maintained.*

During the preparation of the B2SS, MHBC Planning prepared and submitted comments in conjunction with Colville Consulting, S. Llewellyn and Associates, and Terra-Dynamics Consulting. The updated reports submitted with the resubmission reflect numerous meetings and discussions

with City staff that have occurred since the submission of comments and the zone change application.

With regard to stormwater management (SWM), the Fruitland-Winona Secondary Plan identifies that SWM facilities shall be located and designed to maintain ecological function of the Natural Heritage feature, located adjacent to the Barton Street Pedestrian Promenade and other Open Space Designations where possible, and if located along the Barton Street Pedestrian Promenade they shall be designed to promote public safety, and, where possible, shall not be fenced. In addition, they shall be designed to provide visual attraction and passive recreation where possible.

The proposed site plan, proposes a SWM facility for the proposed development, adjacent to the proposed Barton Street Pedestrian Promenade, generally in the location identified on the B2SS, although it is larger in size and shifted to the east to avoid any impacts on the existing residential dwelling. The SWM facility is not proposed to be fenced, and will provide a safe, and visually attractive experience for users of the Promenade, and provide an opportunity for passive recreation. Details of the proposed SWM facility are included in the FSR prepared by S. Llewellyn and Associates.

The proposed local road network is intended to implement the direction of the B2SS, while also providing a connection to Glover Road, and some minor modifications to the local road network. The proposed East-West public road is proposed to be shifted further south to provide access to the slightly reconfigured Neighbourhood Park, as well as a future connection adjacent to Willow Lane. The remaining roads within the proposed development are intended to be private roads.

The natural heritage features discussed in the B2SS, are evaluated and discussed in detail in the EIS prepared by Colville Consulting.

Generally, the proposed development has been designed to implement the B2SS as a result of discussion and review with City staff on the design of the development. A figure showing how the B2SS can be amended if required is included as **Figure 9**.

An Environmental Impact Statement, Functional Servicing Brief (including Stormwater Management) and a Hydrogeology Report have been prepared and are submitted in support of these applications, and outline how the applications conform to the Block 2 Servicing Strategy. A summary of each of these reports is included in **Section 5.0** of this Report.

## 4.7 Stoney Creek Zoning By-law 3692-92

The subject lands are currently zoned Agricultural Specialty ‘AS’, in Stoney Creek Zoning By-law 3692-92, as shown on **Figure 10**.

The existing Agricultural Specialty ‘AS’ zone permits the following uses:

- Agricultural Uses
- A Single Detached Dwelling
- Uses, buildings or structures accessory to a permitted use
- A Home Occupation



**Figure 10:**  
Existing Zoning  
Stoney Creek Zoning By-law  
3692-92 & City of Hamilton Zoning  
By-law 05-200

**884 Barton Street**  
Stoney Creek  
City of Hamilton

**LEGEND**

 Subject Lands

- Agriculture Zone (A1)\*
- Agricultural Specialty (AS)**
- Rural Residential Zone (RR)
- Multiple Residential Zone (RM3)
- Highway Commercial Zone (HC)
- Rural Commercial Zone (RC)
- Existing Rural Commercial Zone (E1)\*
- Existing Rural Industrial Zone (E2)\*
- General Business Park (M2)\*
- Prestige Business Park Zone (M3)\*
- Small Scale Institutional Zone (IS)
- Major Institutional Zone (I)
- Open Space Zone (P4)\*
- Conservation/Hazards Lands (P5 & P6)\*
- Intensive Recreation Zone (IR)

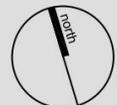
\*Zoned in City of Hamilton By-law 05-200  
Source: City of Hamilton Online Mapping

**DATE:** June 3, 2021

**SCALE:** 1:10,000

**FILE:** 11172A

**DRAWN:** JB



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To permit the proposed mixed use development the subject property will require a Zoning Amendment to rezone the subject lands as follows:

- Block 1 - Single Residential (R1);
- Block 2 - Multiple Residential 3 with special provisions (RM3-xx);
- Block 3 - Park (P); and
- Block 4 - Open Space (OS).

**Block 1 – Single Residential (R1)**

The applicant is requesting to amend the current Zoning Designation of Agricultural Specialty ‘AS’ for Block 1 to Single Residential “R1” zone. The proposed R1 zone will rezone the portion of land (Block 1) proposed to contain the existing single detached residential dwelling, and continue to recognize the existing dwelling. A proposed zoning schedule is included as **Figure 11**.

The proposed Single Residential zone permits the following uses:

- Single Detached Dwelling;
- Uses, buildings or structures accessory to a permitted use;
- A Home Occupation

The following table provides a summary of the applicable zoning provisions:

<b>Proposed Block 1 Zoning: R1</b>				
Section	Provision	Required	Proposed	
Section 6.2	<b>Minimum Lot Area (square metres)</b>	600 m <sup>2</sup>	2,236 m <sup>2</sup>	
	<b>Minimum Lot Frontage</b>	18 m	40 m	
	<b>Minimum Front Yard</b>	6.0 m	18.7 m	
	<b>Minimum Side Yard</b>	No part of any dwelling shall be located closer than 1.25 m except on an interior lot, where no attached garage is provided, the min. side yard on one side shall be 3 m	Dwelling: 5.9 m	
	<b>Minimum Rear Yard</b>	7.5 m	21.5 m	
	<b>Maximum Building Height</b>	11.0 m	Conforms	
	<b>Maximum Lot Coverage</b>	40%	15.9 %	
Section 6.2.4	<b>Minimum Number of Parking Spaces</b>	2 per dwelling	Minimum 2 spaces	

The applicant is requesting to amend the current Zoning Designation of Agricultural Specialty ‘AS’ to Multiple Residential ‘RM3’ zone. Site specific zoning provisions are also proposed to implement



**Figure 11:**  
Proposed Zoning  
Stoney Creek Zoning By-law  
3692-92 & City of Hamilton Zoning  
By-law 05-200

884 Barton Street  
Stoney Creek  
City of Hamilton

**LEGEND**

-  Subject Lands
-  Part 1 - RM3-XX
-  Part 2 - RM3-XX

- Multiple Residential Zone (RM3)
- Single Residential Zone (R1)
- Park Zone (P)
- Open Space Zone (OS)
- Agriculture Zone (A1)\*
- Agricultural Specialty (AS)
- Rural Residential Zone (RR)
- Highway Commercial Zone (HC)
- Rural Commercial Zone (RC)
- Existing Rural Commercial Zone (E1)\*
- Existing Rural Industrial Zone (E2)\*
- General Business Park (M2)\*
- Prestige Business Park Zone (M3)\*
- Small Scale Institutional Zone (IS)
- Major Institutional Zone (I)
- Open Space Zone (P4)\*
- Conservation/Hazards Lands (P5 & P6)\*
- Intensive Recreation Zone (IR)

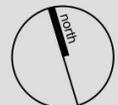
\*Zoned in City of Hamilton By-law 05-200  
Source: City of Hamilton Online Mapping

DATE: June 3, 2021

SCALE: 1:10,000

FILE: 11172A

DRAWN: JB



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the Fruitland Winona Secondary Plan and permit the proposed development. A proposed zoning schedule is included as **Figure 11**.

**Block 2 – Multiple Residential with special provisions (RM3-xx)**

The proposed Multiple Residential ‘RM3’ zone permits the following uses:

- Maisonettes
- Street Townhouses
- Townhouses
- Apartment Dwellings
- Dwelling Groups
- A Home Occupation
- Uses, buildings or structures accessory to a permitted use

The following table provides a summary of the applicable zoning provisions:

<b>Proposed Block 4 Zoning: Multiple Residential with Special Provisions (RM3-xx)</b>			
Section	Provision	Required	Proposed
<b>Section 6.10</b>	<b>Minimum Lot Area (square metres)</b>	4000 m <sup>2</sup>	70,835.3 m <sup>2</sup>
	<b>Net Lot Area</b>		39,487 m <sup>2</sup> **
	<b>Minimum Lot Frontage</b>	50 m	98.8 m
	<b>Minimum Front Yard (Barton Street)</b>	7.5 m	6.0 m*
	<b>Minimum Side Yard</b>	6.0 m / 7.5 m Flankage Yard	1.4 m Side Yard* 3.0 m Flankage Yard (Glover Road)*
	<b>Minimum Rear Yard (Opposite )</b>	6.0 m	5.9 m*
	<b>Minimum Distance Between Buildings on Same Lot</b>	15.0 m, except 3 m between end walls and 9 m between an end wall and a rear wall	12.0 m, except 3 m between end walls and 9 m between an end wall and a rear wall*
	<b>Maximum Density</b>	50 upha	75 upha for Part 1 50 upha for Part 2
	<b>Maximum Building Height</b>	11.0 m	12.0m*
	<b>Maximum Lot Coverage</b>	35%	33.0%
	<b>Privacy Area</b>	Depth of 4.5 metres per unit	Complies with the exception of maisonette units and stacked townhouse units*
	<b>Minimum Landscaped Open Space</b>	50%	40.1%*

<b>Section 6.10.5</b>	<b>Minimum Number of Parking Spaces</b>	502 (2/unit)	502 (2/unit)
	<b>Minimum Number of Visitor Parking Spaces</b>	126 spaces (0.5/unit)	59 spaces (0.23/unit)*

\* special provision required

\*\* net of existing residential lot, road widening, public ROW, SWM block and park

**Special Provisions:**

The following special provisions are required to implement the proposed development, and are discussed in detail in **Section 4.8** of this Report below. A draft zoning by-law for the proposed development is enclosed as **Appendix B** of this Report.

1. Reduce minimum front yard along Barton Street
2. Reduce minimum side yards
3. Reduce minimum rear yard
4. Reduce minimum separation between building walls from 15m to 12 m
5. Increase in the maximum permitted density to 75 units per hectare for Part 1 and increase in the maximum permitted density to 50 units per hectare for Part 2 (refer to **Figure 11**)
6. Increase in the maximum permitted building height to 12.0 metres
7. Remove the requirement for privacy area for maisonette and stacked townhouse units
8. Reduce the minimum required landscape open space to 30%
9. Reduce the required visitor parking rate to 0.23 spaces per unit
10. Add a provision to ensure that regardless of a future plan of condominium application or part lot control application, that the zoning should be calculated on a block-by-block basis, not based on each individual Parcel of Tied Land (POTL).

Block 3 and Block 4 are proposed to rezoned Park and Open Space accordingly to permit the development of the lands as Neighbourhood Park and a SWM Facility in accordance with the Fruitland Winona Secondary Plan and the Block 2 Servicing Strategy.

## 4.8 Zoning By-law Amendment Request and Justification

The applicant is requesting the following special provisions to the Multiple Residential zone to permit the proposed development:

**1. Reduce Minimum Front Yard along Barton Street**

The zoning by-law amendment requests to reduce the minimum side yard from 7.5 m to 6.0 along Barton Street. The units along Barton Street are stacked townhouse units. The required road widening along Barton Street reduces the setback between the proposed buildings and future property limit. These units do not have typical front or rear yards, and will have private amenity space in the form of balconies and rooftop amenity space, and front entrances will be from the internal road network. This setback will allow for sufficient separation between the stacked townhouses and Barton Street, and provide enough space for enhanced landscaping. Locating buildings closer to

the street will also enhance the public realm and streetscape from the public road and future multi-use pathway.

**The proposed reduction in the front yard setback conforms to the City of Hamilton Official Plan and Fruitland-Winona Secondary Plan.**

## **2. Reduce Minimum Side Yards**

The zoning by-law amendment requests to reduce the minimum side yard from 6.0 m to 1.4 m. The units adjacent to Street A, are perpendicular to the lot lines, which results in the side yards being adjacent to the property lines. This setback will allow for sufficient separation between a future block of townhouses to the west.

The application also requests a reduction to the flankage side yard requirement from 7.5 m to 3.0 m, as the flankage is along Glover Road which will generally function as a front? yard for the units, and an exterior side yard for other units. A 3.0 m setback will provide for sufficient space will be provided for private amenity area, and a sufficient setback from Glover Road for privacy purposes.

**The proposed reduction in the side yard setbacks conforms to the City of Hamilton Official Plan and Fruitland-Winona Secondary Plan.**

## **3. Reduce Minimum Rear Yard**

The zoning by-law amendment requests to reduce the minimum side yard from 6.0 m to 5.9 m. As the rear lot line is opposite to Barton Street, there is one lot that has a rear yard of 5.9, as the lot line adjacent to Winona Wine Estates is not parallel to Barton Street. Generally, this minor reduction will permit a sufficient area for private amenity space for townhouse dwellings.

**The proposed reduction in the rear yard setback conforms to the City of Hamilton Official Plan and Fruitland-Winona Secondary Plan.**

## **4. Reduce Minimum Distance Between Building Walls**

The zoning by-law amendment requests to reduce the minimum distance between building walls from 15 metres to 12 metres for the rear walls for some of the townhouse uses. The requested reduction is for rear yards, and will allow a 12 metre separation, or 6 metres per lot which is adequate for a rear yard (6 metres per lot), and will not have adverse impacts on privacy, overlook etc.

**The proposed reduction in the minimum distance between building walls conforms to the City of Hamilton Official Plan and Fruitland-Winona Secondary Plan.**

## **5. Increase in Maximum Permitted Density**

The zoning by-law amendment requests to increase the permitted density on the subject lands to 75 units per hectare for Part 1 and 50 units per hectare for Part 2 to implement the maximum density permissions in the Fruitland Winona Secondary Plan. The proposed density is 62.1 units per hectare for the entire property.

The current permitted density in the RM3 zone is 50 units per hectare. The Fruitland Winona Secondary Plan, designates the subject property both Medium Density Residential 2 (front portion), which permits a density of 60-75 units per hectare and Low Density Residential 2, Special Policy Area K which permits a density of 20-50 units per hectare on the rear portion of the subject lands. The maximum densities of 75 units per hectare for Part 1 and 50 units per hectare for Part 2 implements the direction of both land use designations on the overall site.

**The zoning by-law amendment request to increase the permitted density on the subject lands to 75 units per hectare on Part 1 and 50 units per hectare on Part 2, conforms to the City of Hamilton Official Plan and implements the Fruitland-Winona Secondary Plan.**

#### **6. Increase in Maximum Permitted Height**

The proposed maximum height is 12.0 metres, whereas the permitted height is 11.0 metres. The zoning by-law amendment requests to increase the permitted density on the subject lands to 12.0 metres.

The proposed increase in height will allow for a range of medium density housing forms, including 3 storey stacked and 3 storey maisonette (back-to-back) townhouses. The requested amendment is consistent with the direction of the Fruitland-Winona Secondary Plan, which permits these housing forms, and designates the front portion of the subject lands Medium Density Residential 2, which intends for medium density housing forms.

The proposed development is located at the intersection of two arterial streets, and the tallest heights (3 storeys) are proposed to front onto Barton Street and Glover Road, or are internal to the site, minimizing impacts on adjacent lands.

**The proposed increase in height conforms to the City of Hamilton Official Plan and Fruitland-Winona Secondary Plan.**

#### **7. Remove the requirement for privacy area for maisonette and stacked townhouse units**

Maisonette or back to back units, share a minimum of two (end unit) or three common walls with adjacent units. The provision of balconies or porches with these types of units is challenging given the unit configuration and layout. The stacked townhouse units, specifically, the ground floor units will have a balcony for private amenity space, while the upper 2-storey units will have rooftop terraces. Generally, balconies and porches will be provided, where feasible, and this provision will remove the minimum size requirement to allow flexibility in the design of these spaces. Further, significant landscape open space, a SWM block and a park block are proposed as part of the proposed development.

**The proposed removal for privacy area for maisonette units and stacked townhouse units conforms to the City of Hamilton Official Plan and Fruitland-Winona Secondary Plan.**

#### **8. Reduction in Required Landscape Open Space**

The proposed reduction in landscaped open space from 50% to 40.1% will allow for a denser development with a total of 251 townhouse units, and a total density of 62.1 units per hectare to reflect the land use direction in the Fruitland Winona Secondary Plan.

In addition, the proposed plan includes a stormwater management block of approximately 1.67 hectares, and a park block of approximately 0.79 hectares, which will provide for significant open space, as well as active and passive recreation opportunities and amenity area. Individual residential units will have private outdoor amenity areas, such as patios and decks.

**The proposed reduction in landscape open space conforms to the City of Hamilton Official Plan and Fruitland-Winona Secondary Plan.**

#### **9. Reduction in Required Visitor Parking Rate**

The applicant is requesting relief from Section 6.10.5 to allow for a visitor parking ratio of 0.23 spaces per unit, whereas the Zoning By-law requires a minimum of 0.5 visitor spaces per unit. This would provide for a total of 59 visitor parking spaces, whereas 126 are required.

The subject lands have been designed to provide for a higher density development, as set out in the Fruitland-Winona Secondary Plan, and thus the inclusion of a large amount of surface parking makes this density very difficult to achieve, and does not implement the urban design policies of the Secondary Plan.

Each townhouse unit is proposed to have two parking spaces, one in the garage and one in the driveway, leaving the remaining 59 visitor parking spaces available for visitors.

Over time, and to be determined through the ongoing Barton Street Environmental Assessment process, the area is intended to build out with local transit service, as well as potential rapid transit. Further, the Barton Street Pedestrian Promenade will provide active transportation opportunities such as walking and cycling. These transportation projects will provide residents and visitors with other available modes of travel, and will therefore reduce the parking requirement over time.

**A detailed discussion and justification for the proposed visitor parking reduction is discussed and supported in the Transportation Impact and Parking Study, prepared by Paradigm, dated June, 2021. The proposed reduction in visitor parking conforms to the City of Hamilton Official Plan and Fruitland-Winona Secondary Plan.**

#### **10. Condominium or Part Lot Control Provision**

The proposed development is intended to develop as a condominium. The inclusion of this provision will allow for flexibility in the final lot or POTL boundaries, so that the proposed zoning regulations as outlined in Appendix B apply to the entire Block of the subdivision as a whole, not each individual parcel of tied land (POTL).

**Given the foregoing, it is our opinion that the proposed amendment is appropriate.**

# 5.0 TECHNICAL REPORTS

The following reports were requested through Pre-Submission Consultation to support the request for Zoning Amendment by commenting authorities. These reports were submitted with the application and have been reviewed by the City and agencies through the resubmission process. A short summary of the findings of each report has been provided below.

## 5.1 Archaeological Assessment

A Stage 1 and Stage 2 Archaeological Assessment was prepared by AMICK Associates Ltd., in 2017. As a result of the Stage 2 Assessment, no archaeological resources were encountered, and the following recommendations were made:

- No further archaeological assessment of the study area is warranted;
- The Provincial interest in archaeological resources with respect to the proposed undertaking has been addressed; and
- The proposed undertaking is clear of any archaeological concern.

An acknowledgement letter regarding the Stage 1-2 assessment has been received from the Ministry of Tourism, Culture and Sport, dated February 9, 2018.

## 5.2 Environmental Impact Statement

Colville Consulting prepared an Environmental Impact Statement for the subject lands, dated June, 2021.

The EIS concluded that no portion of the subject lands or the adjacent lands meets the criteria to be considered a Core Area or Linkage, as defined in the Urban Hamilton Official Plan. It is therefore concluded that the proposed project will have no impact on any Core Areas or Linkages.

To minimize impacts to the watercourse located in the northwest corner of the 860 Barton Street property, it is recommended that the proposed mitigation measures, included in Section 8.0 of the Report be implemented during construction, which are summarized as follows:

- A light duty silt fence should be installed at the limit of excavation and stockpiling to help prevent any off-site movement of soil material during construction. The silt fence should remain in place until all disturbed areas have been vegetated and stabilized.
- The silt fence should be properly embedded into the ground to maintain effectiveness.
- It is recommended that grading and excavation be limited within the dripline of any trees located within the treed lawn south of 860 Barton Street.
- Any required vegetation removal should be conducted in a manner to avoid impacts to nesting birds that may be utilizing habitats on the property. The breeding bird period for this area is generally March 15 to August 31. A survey for active bird nests should be

conducted prior to any vegetation removal or site alteration planned to occur during this window.

- Any plantings to be implemented as part of the Landscape Plan should incorporate only native species suitable for the growing conditions on the Site.

To minimize any potential impacts to trees located in the treed lawn area to the south of 884 Barton Street, it is recommended that excavation and grading be limited within the dripline of trees located near the property boundary. It is further recommended that native trees species be incorporated into the planting plan for the neighbourhood park, which will help maintain habitat for wildlife species in this area.

### 5.3 Hydrogeological Report

A Hydrogeological Report was prepared by Terra-Dynamics Consulting Inc., dated June 26, 2018. The report identified the following conclusions:

- The site is situated on a thick deposit of low permeability shale. The 180 m-thick Queenston Shale Formation is considered a regionally extensive aquitard which yields very poor groundwater supplies.
- Groundwater flow is towards the north and Lake Ontario at an approximate velocity of 1.0 m/year.
- The use of Low Impact Development techniques such as grassed swales, soakaway pits, etc. will have a low potential to recharge groundwater beneath the site as was stated by Aquafor Beech (2018) from a water balance perspective. The site is located above a low permeability aquitard.
- The proposed development should not affect the very limited private groundwater supply users within 500m of the development.
- Based on the above study findings, there does not appear to be any hydrogeological constraints to the proposed development.

### 5.4 Functional Servicing Report

A Functional Servicing Report (FSR) was prepared by Scott Llewellyn and Associates, dated June, 2021. The FSR concluded that the proposed development can be constructed to meet the City of Hamilton and Hamilton Conservation Authority requirements, and conform to the Block 2 Servicing Strategy. In summary, The FSR provided for the following recommendations:

- The development be graded and serviced in accordance with the Preliminary Grading Plan and the Preliminary Site Servicing Plan prepared by S. Llewellyn & Associates Limited;
- A proposed stormwater management facility (wet pond) will provide the required amount of stormwater storage on-site for the Block 2 Servicing lands under interim and full build out conditions
- A 135mm orifice plate and 260 mm orifice plate be installed in the proposed ditch inlets within the proposed stormwater management facility to provide the required quantity control for the Block 2 Servicing lands under interim and full build out conditions;
- The permanent pool component within the proposed stormwater management facility will provide the required amount of quality control for the Block 2 Servicing lands under interim and full build out conditions;;

- The proposed sanitary and water servicing system be installed as per the Preliminary Site Servicing Plan and this report to adequately service the proposed development.
- All two-storey townhouse units with basements within the proposed development are to be equipped with sump pumps connected to the proposed 150 mm storm services;
- All townhouse units within the proposed development will be serviced with 150 mm sanitary laterals and 25 mm water services;
- Erosion and sediment controls be installed as described in the FSR to meet City of Hamilton and Block 2 Servicing requirements.

## 5.5 Environmental Noise Assessment

SLR prepared an Environmental Noise Assessment, dated June, 2021 in support of the proposed applications. An assessment of both transportation noise impacts from surrounding roadways, and stationary noise from the surrounding area was completed.

With regards to transportation noise impacts from Barton Street and Glover Road, the assessment concluded the following:

- Upgraded glazing is not required to meet the MECP Publication NPC-300 Indoor Sound Level limits for the noise sensitive spaces. Ontario Building Code (OBC) building components are anticipated to be sufficient for all residential units.
- Based on the roadway sound levels, the MECP Publication NPC-300 Outdoor Sound Level limits are met for the rear yards of the development, and physical noise mitigation measures are not required.
- Ventilation requirements are recommended, and include the provision for Air Condition for Buildings 1,2,7,8,9, and 30, which are the blocks in proximity of Barton Street and Glover Road;
- Warning Clauses are to be included in all agreements of purchase and sale or lease and all rental agreements along select facades, summarized as follows:
  - Type C Warning Clauses - Buildings 1,2,7,8,9, and 30:
  - *“This dwelling unit has been designed with the provision for adding central air conditioning at the occupant’s discretion. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment and Climate Change.”* Type A Warning Clauses- Buildings 1 and 2:
  - *“Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment.”*

With regards to stationary noise, the assessment provided the following conclusions:

- Significant noise sources identified during the SLR-Novus site visit and review of aerial photography include G Mason Construction and the Winona Vine Estates Banquet Hall.
- Ambient levels are considered to be higher than the MECP NPC-300 Class 2 default guideline limits during the daytime period. As a conservative assessment of impacts, the exclusionary guideline limits were applied in this study.

- Stationary noise impacts from G Mason Construction and Winona Vine Estates are predicted to meet the applicable MECP Publication NPC-300 Class 2 Area criteria for all periods of the day. No additional noise control measures are required
- An MECP Publication NPC-300, Type E noise warning clause should be included in all agreements of purchase of sale or lease and all rental agreements for the residential units:
  - Type E Warning Clause:  
*“Purchasers/tenants are advised that due to the proximity of the surrounding industries, noise from these industries may at times be audible”.*

## 5.6 Transportation Impact and Parking Study

Paradigm prepared a Transportation Impact & Parking Study, dated June, 2021. Based on the assessment, the report provided the following conclusions:

Conclusions:

- Existing Traffic Conditions: The intersections within the study area are currently operating with acceptable levels of service and well within capacity during the AM and PM peak hours. Localized congestion is forecast to occur at Highway 8 intersection with Jones Road during the AM and PM peak hours.
- Development Generated Traffic: The subject site is estimated to generate approximately 114 new AM peak hour trips and approximately 134 new PM peak hour trips.
- Background Traffic Conditions: Capacity issues are forecast to occur at all the study area intersections during the AM and PM peak hours except for the intersection of Highway 8 at Glover Road and Highway 8 at Driveway A.
- Class EA Improvements: The growth in background traffic is driving the need for the City of Hamilton to complete two Municipal Class Environmental Assessment (Class EA) processes for Highway 8 from Dewitt Road to Fifty Road and Barton Street from Fruitland Road to Fifty Road and for Fifty Road from Highway 8 to the South Service Road.
- Total Traffic Conditions: The capacity issues forecast to occur under the background traffic horizon are expected to continue to occur with, or without the development of the subject site. The planned EA improvements are expected to alleviate the identified capacity issues. The site driveway approaches, with or without the temporary driveway to Barton Street are forecast to operate with minimal delays, queuing and v/c ratios during the AM and PM peak hours.
- Remedial measures include the recommended improvements as part of the EA, and Transportation Demand Management (TDM) measures should be considered to help improve transportation efficiency (reduced congestion), encourage use of alternative modes of transportation, reduce reliance on single occupant vehicles, and encourage a change in behaviour.
- Parking: The site’s parking demand is estimated to be in the order of 304 to 473 spaces. With 561 spaces proposed, the site’s parking demand for both occupants and visitors is estimated to be less than the proposed supply.

Based on the Study, the Paradigm report provides the following recommendations:

- The City of Hamilton continue the EA process to identify and implement the recommended improvements for both the Highway 8 and Barton Street corridors.
- The temporary right-in/right-out driveway to Barton Street East remain in place until a second connection to the adjacent lands is established.

- The following TDM measures be included in the site concept plan:
  - Cycling – Short-term bicycle parking spaces at a rate of 0.05 to 0.20 spaces per unit.
  - Walking – Pedestrian amenities be provided in the on-site common areas.
  - Transit – Enhance walking routes be provided to any future nearby transit stops.
  - Wayfinding and Travel Planning – Wayfinding and Travel Planning resources be provided to residents.

## 5.7 Urban Design Guidelines

MHBC Planning prepared Urban Design Guidelines in support of the proposed application dated July, 2021. The Urban Design Guidelines includes an analysis of the relevant urban design policy in the Urban Hamilton Official Plan, Fruitland-Winona Secondary Plan and the City’s terms of reference for urban design guidelines.

# 6.0 PUBLIC CONSULTATION STRATEGY

The Formal Consultation for the proposed development identified that a Public Consultation Strategy is required to ensure that neighbouring residents are informed about the proposal and provided opportunities to provide input. The initial submission outlined a proposed public consultation strategy.

As part of the initial application submission in 2018, a notice was circulated for the Zoning By-law Amendment application. A Community Information Meeting was hosted by Losani Homes and MHBC Planning on January 29, 2019 to provide more information about the proposed development and receive comments and feedback from the public, which have informed the revised application submission.

It is intended that feedback from the public will be included in City Staff’s Planning Report that will be presented at the Public Meeting before the Planning Committee.

Following the application review process, a Formal Public Meeting will be scheduled to be heard before the City’s Planning Committee. The Formal Public Meeting date will be posted to the Public Notice Sign, and Public Meeting Notices will be circulated to property owners within 120 metres of the subject lands and additional individuals who requested notification.

A copy of the Formal Consultation Document is attached as **Appendix A**.

# 7.0 SUMMARY and CONCLUSIONS

The proposed zoning by-law amendment for the subject lands is appropriate and represents good planning for the following reasons:

1. The proposal is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe.
2. The proposed development supports intensification targets and growth policies in the provincial, regional and municipal planning policy, and will provide for a density of 155 people and jobs per hectare.
3. The proposal conforms to the City of Hamilton Urban Official Plan.
4. The proposal conforms to the general policies, and implements the density targets of the City of Hamilton's Fruitland Winona Secondary Plan. The proposed development maintains the interest and implements the objections of the Block 2 servicing strategy.
5. The proposed development is in keeping with the various growth policies in Provincial and local policy documents by promoting the use of municipal water, sanitary sewer and stormwater services.
6. The proposed development can be adequately serviced in accordance with the Block 2 Servicing Strategy, and is supported by a Functional Servicing Report.
7. The proposed development is appropriate given the proximity to proposed transit routes, and the ability to implement Transportation Demand Management (TDM) initiatives. The reduction in parking is supported by a Traffic Impact Brief & TDM Options Report.
8. The plan of subdivision addresses the requirements of Section 51(24) of the Planning Act and has regard to matters of Provincial interest.

Respectfully submitted,

**MHBC**



David W. Aston MSc, MCIP, RPP  
Partner



Stephanie Mirtitsch, BES, MCIP, RPP  
Associate

# Appendix A

## Formal Consultation Agreement



Hamilton

Mailing Address:  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, Ontario  
Canada L8P 4Y5  
www.hamilton.ca

Planning and Economic Development Department  
Development Planning, Heritage and Design  
71 Main Street West, 5<sup>th</sup> Floor, Hamilton ON L8P 4Y5  
Phone: 905-546-2424 Fax: 905-546-4202

June 30, 2017

File: FC-17-058

RECEIVED JUL 06 2017

MHBC Planning  
c/o Dave Aston  
200-540 Bingemans Centre Drive  
Kitchener, ON N2B 3X9

Dear Sir / Madam:

**RE: Formal Consultation Meeting – Application by Losani Homes (1998) Limited for Lands Located at 884 Barton Street, Stoney Creek, (Ward 11)**

Please find the attached Formal Consultation Document from the Development Review Team Meeting held on **May 08, 2017**, which identifies the required items that must accompany a future **Urban Hamilton Official Plan Amendment Application, Complex Zoning By-law Amendment Application, Full Site Plan Control Application and Draft Plan of Condominium Application** in order to deem the applications complete, in accordance with the *Planning Act*.

As part of the Formal Consultation Process, signatures by the Owner(s) and Agent/Applicant are required. Please return a signed copy of the Formal Consultation Document to the Development Planner. Should you wish to proceed with the submission of an **Urban Hamilton Official Plan Amendment Application, Complex Zoning By-law Amendment Application, Full Site Plan Control Application and Draft Plan of Condominium Application** for this proposal, please enclose a copy of the signed Formal Consultation Document with your application.

If you have any questions or require assistance at any time throughout the development process, please feel free to contact Danielle Beck at 905.546.2424 ext. 1285 or by e-mail at [Danielle.Beck@hamilton.ca](mailto:Danielle.Beck@hamilton.ca), or myself at ext. 1258.

Yours truly,

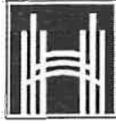
Anita Fabac, MCIP, RPP  
Manager of Development Planning, Heritage and Design  
Planning Division

AF:dmb  
Attachment

**Re: Formal Consultation Meeting – Application by  
Losani Homes (1998) Limited for Lands Located at  
884 Barton Street, Stoney Creek (Ward 11)**

**June 30, 2017  
Page 2 of 2**

cc: Losani Homes (1998) Limited  
c/o Fred Losani  
430 Losani Road  
Stoney Creek, ON L8E 5E3



Hamilton

Planning and Economic Development Department  
Development Planning, Heritage and Design  
71 Main Street West, 5<sup>th</sup> Floor, Hamilton ON L8P 4Y5  
Phone: 905.546.2424 - Fax: 905.546.4202

**Formal Consultation Document**

Meeting Date: May 8, 2017 File No: FC-17-058

Owner: Losani Homes (1998) Ltd (c/o Fred Losani)

Agent: MHBC Planning (c/o David Aston)

**PROPERTY INFORMATION**

Address and/or Legal Description: 884 Barton Street, Stoney Creek  
Concession 2, Saltfleet, 62R-433 and 62R-562, Part  
Lot 11, Except Part 36

Lot Frontage (metres): ±147m Lot depth (metres): ±405m Lot Area(ha): ±3.14ha

Urban Hamilton Official Plan Designation: Neighbourhoods

Fruitland – Winona Secondary Plan Designations: Medium Density Residential 2, Low  
Density Residential 2, Neighbourhood Park, Area Specific Policy Area H, Site Specific  
Policy Area K

Stoney Creek Zoning By-law No. 3692-92: Agriculture Specialty "AS" Zone

Description of current uses, buildings, structures and natural features on the subject  
lands: Two, single detached residential dwellings and agriculture. Previously there was  
a wood lot located on the lands. Since removed, ponding has developed on the lands.

Brief description of proposal: The proposed development will be a condominium  
development, comprised of regular townhouses and back-to-back townhouses with a  
neighbourhood park to the south. The existing single detached dwelling located in the  
western corner will remain.

**APPLICATIONS REQUIRED**

Urban Hamilton Official Plan Amendment (Fruitland – Winona Secondary Plan)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Zoning By-law Amendment (Complex)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Condominium (Type: Standard)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Site Plan (Type: Full)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Other	Yes <input type="checkbox"/>	No <input type="checkbox"/>

**Note:** The City of Hamilton is in the process of creating a new comprehensive Zoning By-law for the entire City. The new Zoning By-law is being prepared in phases by Land Use topic. New Commercial and Residential zoning may be implemented which could be different than the current zoning. Accordingly, additional applications may be required. If a Building Permit has not been issued by the City prior to the new zoning coming into effect, the approved site plan may be affected, related to zoning compliance, which may require further planning approvals (i.e. Minor Variance, Zoning Amendment, etc.).

**2017 FEES REQUIRED**

City of Hamilton:	UHOPA = \$17,995 ZBLA = \$22,260 Subtotal = \$40,215 25% joint application reduction = \$30,161.25 Minus FC credit = \$29,076.25  CONDO = Base Fee \$35,825 *Per Block Fee \$630 (x4 blocks) = \$38,345  SITE PLAN = \$9,275
Hamilton Conservation Authority Review Fees:	<i>To be confirmed with HCA</i>
Tree Management Review Fee:	\$288.15
ESAIEG Review Fee:	\$365.00
Tree Protection Review Fee:	\$570.00
Access Permit Fee:	\$113.20
City of Hamilton TOTAL:	\$78,032.60

*\*Per block / unit charge fee to be determined once form of development confirmed*

**Notes:**

- *Formal Consultation fee may be credited towards a future application*
- *Notwithstanding the fees noted above, all fees are payable based on the rate in the fee schedule by-law in effect on the date the payment is made.*
- *Further fees may be required at a later date as per the fee schedule.*
- *Separate cheques are payable to the City of Hamilton and the applicable Conservation Authority.*
- *A Cost Acknowledgement Agreement for potential costs at the Ontario Municipal Board may also be required.*

**DESIGN REVIEW PANEL**

The Design Review Panel shall provide urban design advice to Planning Division staff on Planning applications with respect to complex Zoning and Site Plan applications in the following Design Priority Areas:

- (a) Downtown Hamilton Secondary Plan Area;
- (b) Areas of Major Change and Corridors of Gradual Change within the West Harbor Secondary Plan Area;
- (c) Primary Corridors as shown on Schedule E – “Urban Structure” of the Urban Hamilton Official Plan;
- (d) Any other large scale projects that may impact the physical environment functionally and/or aesthetically.

The Director of Planning or his or her designate may waive projects from the review of the Design Review Panel, if the project is not deemed to have the potential to significantly impact the physical environment functionally and/or aesthetically.

Design Review Panel review required?       Yes       No

**REQUIRED INFORMATION AND MATERIALS**

All identified reports, studies, and/or plans must be submitted before an application is deemed complete. Unless otherwise noted, 5 copies of each item and an electronic digital file in PDF locked file format must be submitted.

Reports, Studies, Plans	Required	Staff Responsible for providing guidelines or terms of reference
<b>Background Information</b>		
Survey Plan	<input checked="" type="checkbox"/>	With submission of all applications. D. Beck x 1285
Concept Plan	<input checked="" type="checkbox"/>	With submission of OPA

		and ZBA. D. Beck x 1285
<b>Planning</b>		
Affordable Housing Report/Rental Conversion Assessment	<input type="checkbox"/>	
Draft OPA, and By-laws	<input checked="" type="checkbox"/>	With submission of OPA and ZBA. D. Beck x 1285
Land Use/Market Needs Assessment	<input type="checkbox"/>	
Planning Justification Report	<input checked="" type="checkbox"/>	With submission of OPA and ZBA. D. Beck x 1285
Site Plan and Building Elevations	<input checked="" type="checkbox"/>	With submission of Site Plan. D. Beck x 1285
Urban Design Guidelines	<input checked="" type="checkbox"/>	With submission of OPA and ZBA. A. Cruceru x 5707
<b>Cultural</b>		
Archaeological Assessment	<input checked="" type="checkbox"/>	With submission of OPA and ZBA. J. Parsons x 1214
Cultural Heritage Impact Assessment	<input type="checkbox"/>	
<b>Environmental</b>		
Aggregate Resource Assessment	<input type="checkbox"/>	
Aggregate/Mineral Resource Analysis	<input type="checkbox"/>	
Air Quality Study	<input type="checkbox"/>	
Channel Design and Geofluvial Assessment	<input type="checkbox"/>	
Chloride Impact Study	<input type="checkbox"/>	
Cut and Fill Analysis	<input type="checkbox"/>	
Demarcation of top of bank, limit of wetland, limit of natural hazard, limit of Environmentally Significant Area (ESA), or limit of Conservation Authority regulated area	<input type="checkbox"/>	
Environmental Impact Statement (EIS)	<input checked="" type="checkbox"/>	With submission of OPA and ZBA. M. Kiddie x 1290
Erosion Hazard Assessment	<input type="checkbox"/>	
Fish Habitat Assessment	<input type="checkbox"/>	
Floodline Delineation Study/Hydraulic Analysis	<input type="checkbox"/>	
General Vegetation Inventory (GVI)	<input type="checkbox"/>	
Impact Assessment for new Private Waste Disposal Sites	<input type="checkbox"/>	
Karst Assessment/Karst Contingency Plan	<input type="checkbox"/>	
Landscape Plan	<input type="checkbox"/>	As a condition of Site Plan. D. Beck x 1285

Linkage Assessment	<input type="checkbox"/>	
Meander Belt Assessment	<input type="checkbox"/>	
Nutrient Management Study	<input type="checkbox"/>	
Odour, Dust and Light Assessment	<input type="checkbox"/>	
Restoration Plan (in conjunction with EIS)	<input checked="" type="checkbox"/>	With submission of OPA and ZBA. M. Kiddie x 1290
Shoreline Assessment Study/Coastal Engineers Study	<input type="checkbox"/>	
Slope Stability Study and Report	<input type="checkbox"/>	
Species Habitat Assessment	<input type="checkbox"/>	
Tree Management Plan	<input checked="" type="checkbox"/>	With submission of OPA and ZBA. S. Bush x 7375
Tree Protection Plan (TPP)	<input checked="" type="checkbox"/>	As a condition of Site Plan. M. Kiddie x 1290
<b>Environmental/Servicing and Infrastructure</b>		
Contaminant Management Plan	<input type="checkbox"/>	
Record of Site Condition (RSC)	<input type="checkbox"/>	
Erosion and Sediment Control Plan	<input checked="" type="checkbox"/>	As a condition of Site Plan. C. Sager x 1353
Hydrogeological Report	<input checked="" type="checkbox"/>	With submission of OPA and ZBA. C. Sager x 1353
Grading Plan	<input checked="" type="checkbox"/>	As a condition of Site Plan. C. Sager x 1353
Master Drainage Plan	<input type="checkbox"/>	
Stormwater Management Report	<input checked="" type="checkbox"/>	With submission of OPA and ZBA. C. Sager x 1353
Hydrogeological Report	<input checked="" type="checkbox"/>	With submission of OPA and ZBA. C. Sager x 1353
Sub-watershed Plan and/or update to an existing Sub-watershed Plan	<input type="checkbox"/>	
<b>Financial</b>		
Financial Impact Analysis	<input type="checkbox"/>	
Market Impact Study	<input type="checkbox"/>	
<b>Servicing and Infrastructure</b>		
Recreation Feasibility Study	<input type="checkbox"/>	
Recreation Needs Assessment	<input type="checkbox"/>	
School Accommodation Issues Assessment	<input type="checkbox"/>	
School and City Recreation Facility and Outdoor Recreation/Parks Issues Assessment	<input type="checkbox"/>	

Functional Servicing Report	<input checked="" type="checkbox"/>	With submission of OPA and ZBA. C. Sager x 1353
Servicing Report	<input checked="" type="checkbox"/>	With submission of OPA and ZBA. C. Sager x 1353
Water and Wastewater Generation Assessment	<input checked="" type="checkbox"/>	With submission of OPA and ZBA. C. Sager x 1353
<b>Land Use Compatibility</b>		
Agricultural Impact Assessment	<input type="checkbox"/>	
Dust Management Plan	<input checked="" type="checkbox"/>	As a condition of Site Plan. D. Beck x 1285
Land Use Compatibility Study	<input type="checkbox"/>	
Landfill Impact Study	<input type="checkbox"/>	
Minimum Distance Separation Calculation	<input type="checkbox"/>	
Noise Impact Study	<input checked="" type="checkbox"/>	With submission of OPA and ZBA. D. Beck x 1285
Odour Impact Assessment	<input type="checkbox"/>	
Sun/Shadow Study	<input type="checkbox"/>	
Vibration Study	<input type="checkbox"/>	
Wind Study	<input type="checkbox"/>	
<b>Transportation</b>		
Cycling Route Analysis	<input type="checkbox"/>	
Transportation Impact Brief	<input checked="" type="checkbox"/>	With submission of OPA and ZBA. J. Ng x 4577
Parking Analysis/Study	<input type="checkbox"/>	
Pedestrian Route and Sidewalk Analysis	<input type="checkbox"/>	
Roadway/Development Safety Audit	<input type="checkbox"/>	
Modern Roundabout and Neighbourhood Roundabout Analysis	<input type="checkbox"/>	
Neighbourhood Traffic Calming Options Report	<input type="checkbox"/>	
Transit Assessment	<input type="checkbox"/>	
Transportation Demand Management Options Report	<input checked="" type="checkbox"/>	As a condition of Site Plan. T. Wolsey x 2553
Road Widening and Daylight Triangle	<input checked="" type="checkbox"/>	As a condition of Site Plan. C. Sager x 1353
<b>Cost Recoveries</b>		
Cost Acknowledgement Agreement	<input checked="" type="checkbox"/>	With submission of OPA and ZBA. D. Beck x 1285
<b>DRP Submission Requirements</b>	<input type="checkbox"/>	

<b>Public Consultation Strategy</b>	<input checked="" type="checkbox"/>	With submission of OPA and ZBA. D. Beck x 1285
<b>Other:</b> Pest Control Plan	<input checked="" type="checkbox"/>	As a condition of Site Plan. D. Beck x 1285

**ADDITIONAL INFORMATION**

Additional Agencies to be contacted: HCA

Comments: Until the Block 2 Servicing Study is completed, any future application is premature.

OPA is required as the density for the form of development in the "Medium Density Residential 2" designation does not appear to meet the minimum 60-75 uph.

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**PLEASE BE ADVISED OF THE FOLLOWING:**

1. *The purpose of this document is to identify the information required to commence processing a complete application as set out in the Planning Act. Formal Consultation does not imply or suggest any decision whatsoever on behalf of City staff or the City of Hamilton to either support or refuse the application.*
2. *This document expires 1 year from the date of signing or at the discretion of the Director of Planning.*
3. *In the event this Formal Consultation Document expires prior to the application being accepted by the City, another document may be required.*
4. *If an application is submitted without the information and materials identified in this Formal Consultation Document the City may deem such an application incomplete and refuse to accept the application.*
5. *In accordance with the Planning Act, it is the policy of the City of Hamilton to provide public access to all Planning Act applications and supporting documentation submitted to the City. Therefore, the information contained in an application and any documentation, including reports, studies and drawings, provided in support of an application, by the owner, or the owner's agents, consultants and solicitors,*

*constitutes public information and will become part of the public record. With the filing of an application, the applicant consents to the City of Hamilton making the application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.*

6. *It may be determined during the review of the application that additional studies or information will be required as a result of issues arising during the processing of the application.*
7. *The above requirements for deeming an application complete are separate and independent of any review under the Ontario Building Code (OBC) as part of the Building Permit review process. In the event that a building permit application does not comply with the OBC, a letter outlining the deficiencies or areas of non-compliance will be issued to the owner and/or agent. Formal consultation and building permit review are separate and independent processes.*

**SIGNATURES**

<u>Danielle Beck</u> Planning Staff	<u>DBICKL</u> Planning Staff Signature	<u>June 30/17</u> Date
<u>Anita Fabac</u> Planning Staff	<u>Cutaleba</u> Planning Staff Signature	<u>June 30/17</u> Date
_____ Engineering Staff	_____ Engineering Staff Signature	_____ Date
_____ Owner	_____ Owner Signature	_____ Date
_____ Applicant (I have the authority to bind the Owner)	_____ Applicant Signature	_____ Date
_____ Agent (I have the authority to bind the Owner)	_____ Agent Signature	_____ Date

_____ Other Staff or Agency	_____ Signature	_____ Date
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_____ Other Staff or Agency	_____ Signature	_____ Date
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_____ Other Staff or Agency	_____ Signature	_____ Date
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# Appendix B

## Draft Zoning By-law Amendment

**CITY OF HAMILTON**

**BY-LAW NO. 22-XXX**

**To Amend Zoning By-law No. 3692-92, Respecting Lands Located at 860-884 Barton Street East (Stoney Creek)**

**WHEREAS** the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Hamilton” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

**AND WHEREAS** the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8<sup>th</sup> day of December, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1994;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item \_\_\_\_\_ of Report PED \_\_\_\_\_ of the Planning Committee at its meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided; and,

**AND WHEREAS** this By-law will be in conformity with the Urban Hamilton Official Plan.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Map No. 10 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended as follows:
  - (a) by changing the zoning from Agricultural Speciality “AS” Zone to Multiple Residential “RM3-XX” Zone, Modified, on the lands to the extent and boundaries of which are shown on a Plan hereto annexed as Schedule “A” as Part 1;
  - (b) by changing the zoning from Agricultural Speciality “AS” Zone to Multiple Residential “RM3-XX” Zone, Modified, on the lands to the extent and boundaries of which are shown on a Plan hereto annexed as Schedule “A” as Part 2;
  - (c) by changing the zoning from Agricultural Speciality “AS” Zone to Single Residential “R1” Zone, on the lands to the extent and boundaries of which are shown on a Plan hereto annexed as Schedule “A”;

- (d) by changing the zoning from Agricultural Speciality “AS” Zone to Open Space “OS” Zone on the lands to the extent and boundaries of which are shown on a Plan hereto annexed as Schedule “A”; and
  - (e) by changing the zoning from Agricultural Speciality “AS” Zone to Park “P” Zone on the lands to the extent and boundaries of which are shown on a Plan hereto annexed as Schedule “A”.
2. That Subsection 6.10.2 of the Multiple Residential “RM3-XX” Zone be modified by adding the following permitted use:
- (a) Stacked Townhouses
3. For the purpose of the regulations contained in the Stoney Creek Zoning By-law No. 3692-92, as amended by this By-law, the boundary of the subject lands shall be deemed to be the lot lines for this purpose, and the regulations of the “RM3-XX” Zones as shown on Block 2 of the Plan of Subdivision, prepared by MHBC, dated February 15, 2022 and not from individual property boundaries of dwelling units created by registration of a condominium plan or created by Part Lot Control.

That Subsection 6.10.3 “RM3-XX” of the Multiple Residential “RM3-XX” Zone of Zoning By-law No. 3692-92, be modified for the lands shown as RM3-XX on Schedule “A” of this by-law to include the following special requirements:

- a) Notwithstanding Subsection 6.10.3 (c) “Minimum Front Yard”, a minimum front yard depth of 6.0 metres shall apply;
- b) Notwithstanding Subsection 6.10.3 (d) “Minimum Side Yard for Maisonettes, Townhouses and Dwelling Groups” a minimum side yard of 1.4 metres shall apply, except for 3.0 metres abutting the Glover Road flankage yard;
- c) Notwithstanding Subsection 6.10.3 (f) “Minimum Rear Yard for Maisonettes, Townhouses and Dwelling Groups”, a minimum rear yard depth of 5.9 metres shall apply;
- d) Notwithstanding Subsection 6.10.3 (h) “Minimum Distance Between Buildings on the Same Lot”, a minimum distance of 12 metres, except 3 metres between end walls and 9 metres between an end wall and a rear wall shall apply;
- e) Notwithstanding Subsection 6.10.3 (i) “Maximum Density”, the following maximum densities shall apply:
  - i) 75 units per hectare for Part 1, and
  - ii) 50 units per hectare shall apply for Part 2;
- f) Notwithstanding Subsection 6.10.3 (j) “Maximum Building Height”, a maximum building height of 12.0 metres shall apply;

- g) Notwithstanding Subsection 6.10.3 (l) "Privacy Area", no privacy area shall be required for maisonette or stacked townhouse uses.
  - h) Notwithstanding Subsection 6.10.3 (m) "Minimum Landscaped Open Space", the following shall apply:
    - i) A minimum of 30% of the entire site shall be landscaped, including privacy areas,
    - ii) No requirement for a landscaped strip between any privacy area and any lot line for maisonettes, or
    - iii) No requirement for a landscaped strip between adjacent to every portion of any lot that abuts a street.
4. Notwithstanding the provisions of Paragraphs (a)(1) of Subsection 6.10.5 of the Multiple Residential "RM3" Zone, the following regulation shall apply:
- (a) Minimum Number of Parking Spaces:
    - i) 2 parking spaces for each maisonette and townhouse dwelling unit, and 0.23 visitor parking spaces for each maisonette and townhouse dwelling unit.
    - ii) Tandem parking is permitted for non-visitor parking spaces.
5. Notwithstanding the provisions of Subsection 6.1.12, this provision shall also apply to maisonette and Stacked Townhouse dwellings.
6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

**PASSED and ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
F. Eisenberger  
Mayor

\_\_\_\_\_  
A. Holland  
City Clerk

ZAC-18-049



**Ontario Land Tribunal**

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5  
Tel: 416-212-6349 | 1-866-448-2248  
Web Site: olt.gov.on.ca

**Appeal Form (A1)**

**Municipal/Approval Authority  
Date Stamp**

**Receipt Number  
(OLT Office Use Only)**

**OLT Case Number  
(OLT Office Use Only)**

**Date Stamp – Appeal Received  
by OLT**

Please complete this Appeal Form by following the instructions in the companion document titled "Appeal Form Instructions". Please read **both** documents carefully to ensure you submit the correct information and complete this form correctly.

There are guides available for review on the Tribunal's [website](#) for different appeal types to assist you in filing an appeal.

**Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal) prior to completing this Appeal Form. Relevant portions of the applicable legislation should also be reviewed before submitting this form. Your appeal must be filed with the appropriate authority within the appeal period as set out in the notice of the decision and applicable legislation.**

**Section 1 – Contact Information (Mandatory)**

Applicant/Appellant/Objector/Claimant Information			
Last Name:		First Name:	
<b>Liske</b>		<b>William</b>	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):			
<b>Losani Homes (1998) Limited</b>			
Email Address:			
Daytime Telephone Number:		Alternative Telephone Number:	
	ext.		
Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:

City/Town:	Province:	Country:	Postal Code:

Representative Information			
X I hereby authorize the named company and/or individual(s) to represent me			
Last Name:		First Name:	
<b>Meader</b>		<b>Jennifer</b>	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):			
<b>Turkstra Mazza Associates</b>			
Email Address:		LSO Number (if applicable):	
<u>jmeader@tmalaw.ca</u>		<b>59190B</b>	
Daytime Telephone Number:		Alternative Telephone Number:	
<b>905.529.3476</b>	ext.	<b>416.605.0508</b>	
Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:
	<b>15</b>	<b>Bold Street</b>	
City/Town:	Province:	Country:	Postal Code:
<b>Hamilton</b>	<b>ON</b>	<b>Canada</b>	<b>L8P 1T3</b>
<b>Note:</b> If your representative is not licensed under the <i>Law Society Act</i> , please confirm that they have your written authorization, as required by the <i>OLT Rules of Practice and Procedure</i> , to act on your behalf and that they are also exempt under the Law Society's by-laws to provide legal services. Please confirm this by checking the box below.			
<input type="checkbox"/> I certify that I understand that my representative is not licensed under the <i>Law Society Act</i> and I have provided my written authorization to my representative to act on my behalf with respect to this matter. I understand that my representative may be asked to produce this authorization at any time along with confirmation of their exemption under the Law Society's by-laws to provide legal services.			

Location Information
Are you the current owner of the subject property?    X Yes <input type="checkbox"/> No
Address and/or Legal Description of property subject to the appeal:
<b>Address: 860 &amp; 884 Barton Street</b>
Municipality:
<b>City of Hamilton</b>
Upper Tier (Example: county, district, region):

Language Requirements
-----------------------

Do you require services in French?

Yes     No

To file an appeal, please complete the section below. Complete one line for each appeal type

Subject of Appeal		Type of Appeal (Act/Legislation Name)	Reference (Section Number)
Example	Minor Variance	<i>Planning Act</i>	45(12)
1	<b>Zoning By-law Amendment</b>	<b>Planning Act</b>	<b>34(11)</b>
2	<b>Plan of Subdivision</b>	<b>Planning Act</b>	<b>51(34)</b>
3			
4			
5			

**Section 2 – Appeal Type (Mandatory)**

Please select the applicable type of matter

Select	Legislation associated with your matter	Complete Only the Section(s) Below
<input checked="" type="checkbox"/>	Appeal of <i>Planning Act</i> matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances	3A
<input type="checkbox"/>	Appeal of <i>Development Charges, Education Act, Aggregate Resources Act, Municipal Act</i> matters	3A
<input type="checkbox"/>	Appeal of or objection to <i>Ontario Heritage Act</i> matters under subsections 29, 30.1, 31, 32, 33, 40.1 and 41	3A
<input type="checkbox"/>	Appeal of <i>Planning Act</i> (subsections 33(4), 33(10), 33(15), 36(3)), <i>Municipal Act</i> (subsection 223(4)), <i>City of Toronto Act</i> (subsection 129(4)) and <i>Ontario Heritage Act</i> (subsections 34.1(1), 42(6)) matters	3A & 3B
<input type="checkbox"/>	Appeal of <i>Clean Water Act, Environmental Protection Act, Nutrient Management Act, Ontario Water Resources Act, Pesticides Act, Resource Recovery and Circular Economy Act, Safe Drinking Water Act, Toxics Reduction Act, and Waste Diversion Transition Act</i> matters	4A
<input type="checkbox"/>	Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i>	4B
<input type="checkbox"/>	Appeal under the <i>Niagara Escarpment Planning and Development Act (NEPDA)</i>	5A
<input type="checkbox"/>	Application to amend the <i>Niagara Escarpment Plan</i>	5B

<input type="checkbox"/>	Appeal of <i>Conservation Authorities Act, Mining Act, Lakes and Rivers Improvement Act, Assessment Act, and Oil, Gas and Salt Resources Act</i> matters	6
<input type="checkbox"/>	Legislation not listed above	Contact OLT before filing your appeal

**Section 3A – Planning Matters**

**Appeal Reasons and Specific Information**

Number of new residential units proposed:

**251**

Municipal Reference Number(s):

**Municipal File Nos. 25T-202109 & ZAC-18-049**

List the reasons for your appeal:

**Please see attached covering letter.**

Has a public meeting been held by the municipality?       Yes     No

For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you will rely on one or more of the following grounds:

A: A decision of a Council or Approval Authority is:

- Inconsistent with the Provincial Policy Statement issued under subsection 3(1) of the *Planning Act*
- Fails to conform with or conflicts with a provincial plan
- Fails to conform with an applicable Official Plan

**And**

B: For a non-decision or decision to refuse by council:

- Consistency with the provincial policy statement, issued under subsection 3(1) of the *Planning Act*
- Conformity with a provincial plan

Conformity with the upper-tier municipality's Official Plan or an applicable Official Plan

If it is your intention to argue one or more of the above grounds, please explain your reasons:

**Please see attached covering letter and Planning Justification Report.**

**Oral/Written submissions to council**

Did you make your opinions regarding this matter known to council?

Oral submissions at a public meeting of council

Written submissions to council

Not applicable

**Related Matters**

Are there other appeals not yet filed with the Municipality?

Yes  No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application).

Yes  No

If yes, please provide the Ontario Land Tribunal Case Number(s) and/or Municipal File Number(s) for the related matters:

**Section 3B – Other Planning Matters**

**Appeal Specific Information (Continued)**

Date application submitted to municipality if known (yyyy/mm/dd):

Date municipality deemed the application complete if known (yyyy/mm/dd):

Please briefly explain the proposal and describe the lands under appeal:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 3B Checklist\(s\)](#) located [here](#) and submit all documents listed.

**Section 4A – Appeals under Environmental Legislation**

**Appeal Specific Information**

Outline the grounds for the appeal and the relief requested:

Reference Number of the decision under appeal:

Portions of the decision in dispute:

Date of receipt of Decision or Director's Order (yyyy/mm/dd):

Applying for Stay?  Yes  No

If Yes, outline the reasons for requesting a stay: (Tribunal's Guide to Stays can be viewed [here](#))

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4A Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

**Section 4B – Environmental Application for Leave to Appeal**

Are you filing an Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i> ? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>
Identify the portions of the instrument you are seeking to appeal:
Identify the grounds you are relying on for leave to appeal. Your grounds should include reasons why there is good reason to believe that no reasonable person, having regard to the relevant law and to any government policies developed to guide decisions of that kind could have made the decision; and why the decision could result in significant harm to the environment:
Outline the relief requested:
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the <a href="#">Section 4B Checklist(s)</a> located <a href="#">here</a> and submit all documents listed on the checklist.

**Section 5A – Appeal regarding Development Permit Application under the *Niagara Escarpment Planning and Development Act***

<b>Appeal Specific Information</b>
Development Permit Application File No:
Name of Applicant for Development Permit:
Reasons for Appeal: Outline the nature and reasons for your appeal. Specific planning, environmental and/or other reasons are required. (The Niagara Escarpment Plan is available on the Niagara Escarpment Commission’s website ( <a href="http://www.escarpment.org">www.escarpment.org</a> ))

--

**Section 5B – Application to amend the *Niagara Escarpment Plan***

Owner			
Last Name:		First Name:	
Email Address:			
Daytime Telephone Number:		Alternative Telephone Number:	
	ext.		
Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:
City/Town:	Province:	Country:	Postal Code:

Property Location & Information				
Municipality:		Street Number:	Street Name:	
Lot:	Concession:	<b>And/or</b>	Lot:	Plan:
Assessment Roll Number or PIN:			Lot Size:	

Property Servicing					
Existing Road Frontage:	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private	Proposed Road Frontage:	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private
Existing Water Supply:	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private	Proposed Water Supply:	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private
Existing Sewage Disposal:	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private	Proposed Sewage Disposal:	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private

Is the Proposal the Subject of a Current Application? Please identify:

- Development Permit under *Niagara Escarpment Planning and Development Act*
- The *Planning Act* (Official Plan or Zoning By-law Amendment)
- The *Aggregate Resources Act* (License)
- Committee of Adjustment (Minor Variance)
- Land Division Committee (Severance)
- Other:

Description of the Property

Describe the current use of the property including any existing buildings or structures:

Category of the Proposed Amendment

- Change in Designation
- Change to Policy
- Request for Urban Servicing
- Change to Plan Boundary
- Other:

Detailed Description of Proposed Amendment

Provide a detailed description of the proposed amendment:

Justification and Rationale

(Including Reasons, Argument and Evidence in Support of the Amendment)

(See Niagara Escarpment Plan Amendment Guidelines)

The justification submitted with the application should address the following:

1. Analysis of how the proposed amendment is consistent with the *Niagara Escarpment Planning and Development Act*, the Niagara Escarpment Plan, and shall be consistent with other relevant Provincial plans.
2. A justification which includes the rationale for the amendment, as well as reasons, arguments or evidence in support of the change to the Plan proposed through the amendment.

The following studies and reports may be necessary to be submitted in support of justification of the proposed amendment (The applicability of the following will depend on the nature of the application):

- Agricultural Land Use Impacts
- Air Quality Impact Assessment
- Engineering Reports
- Environmental Impact Study
- Geological Studies
- Grading Plans – Existing and proposed and Slope Stabilization Plans and Typical Cross Sections
- Historical/Cultural/Archeological Impact Assessment
- Hydrogeological Impact Assessment
- Landscape/Visual Impact Analysis
- Noise Impact Assessment
- Setback from the Brow of the Escarpment
- Suitable for Septic Systems
- Traffic Impact Assessment
- Tree Removal/Planting including Berming and Landscaping
- Other:

#### Site Plan

Please attach an accurate Site Plan drawn to scale. The Site Plan may be drawn on a blank sheet; on an attached Survey, or by using mapping software (Ontario Make a Map etc.). The Site Plan must show existing features, such as, buildings and structures, streams, changes in grades, rock outcrops, driveways, forested areas and proposed uses to changes to the property or the features.

**NOTE:** For amendments regarding Mineral Resource Extraction Areas, please provide copies of the Site Plan as required by Regulation under the *Aggregates Resources Act*.

Appeal Specific Information
List the subject Mining Claim Number(s) (for unpatented mining claims) and accompanying Townships, Areas and Mining Division(s) where mining claims are situated. List all "Filed Only" Mining Claims, if appropriate: (This is to be completed for <i>Mining Act</i> appeals only.)
List the Parcel and the Property Identifier Numbers (PIN), if rents or taxes apply to mining lands, if appropriate (mining claims only):
Provide the date of the Decision of the Conservation Authority or the Provincial Mining Recorder, as appropriate:
Provide a brief outline of the reasons for your application/appeal/review. If other lands/owners are affected, please include that information in the outline being provided below:

Respondent Information			
Conservation Authority:			
Contact Person:			
Email Address:			
Daytime Telephone Number:		Alternative Telephone Number:	
	ext.		
Mailing Address or statement of last known address/general area they were living and name of local newspaper if address is not available			
Unit Number:	Street Number:	Street Name:	P.O. Box:
City/Town:	Province:	Country:	Postal Code:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 6 Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

**Section 7 – Filing Fee**

**Required Fee**

Please see the attached link to view the [OLT Fee Chart](#).

Total Fee Submitted: **\$2,200.00**

Payment Method	<input type="checkbox"/>	Certified Cheque	<input type="checkbox"/>	Money Order	<input checked="" type="checkbox"/>	Lawyer's general or trust account cheque
	<input type="checkbox"/>	Credit Card				

If you wish to pay the appeal fee(s) by credit card, please check the box above and OLT staff will contact you by telephone to complete the payment process upon receipt of the appeal form.

If a request for a fee reduction is being requested, please pay the minimum filing fee for each appeal and complete/submit the [Fee Reduction request form](#).

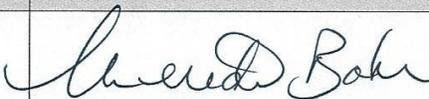
Request for Fee Reduction form is attached (if applicable – see Appeal Form Guide for more information)

**Section 8 – Declaration (Mandatory)**

**Declaration**

I solemnly declare that all the statements and the information provided, as well as any supporting documents, are true, correct and complete.

By signing this appeal form below, I consent to the collection of my personal information.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Jennifer Meader	 Meredith Baker per Jennifer Meader	2022/03/17

Personal information or documentation requested on this form is collected under the authority of the *Ontario Land Tribunal Act* and the legislation under which the proceeding is commenced. All information collected is included in the Ontario Land Tribunal (OLT) case file and the public record in this proceeding. In accordance with the *Freedom of Information and Protection of Privacy Act* and section 9 of the *Statutory Powers Procedure Act*, all information collected is available to the public subject to limited exceptions.

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator at [OLT.Coordinator@ontario.ca](mailto:OLT.Coordinator@ontario.ca) or toll free at 1-866-448-2248 as soon as possible.

**Section 9 – Filing Checklists (Mandatory)**

**Filing/Submitting your form and documentation**

You must file your Appeal Form with the appropriate authority(s) by the filing deadline.

If the completed Section is:	Refer to the relevant checklist and submit all documents listed on the checklist when filing your Appeal Form.
Section 3B	Review the Section 3B Checklist(s) and attach all listed documents.
Section 4A	Review the Section 4A Checklist(s) and attach all listed documents.
Section 4B	Review the Section 4B Checklist(s) and attach all listed documents.

If the completed Section is:	You must file with the following:	
Section 3A	Municipality or the Approval Authority/School Board  *If you are filing under the <i>Ontario Heritage Act</i> , including under <b>s. 34.1(1)</b> , please carefully review the specific section of that legislation to determine if your appeal needs to be filed with the Tribunal <b>in addition</b> to the Municipality or Approval Authority.	
Section 3A & 3B or Section 4A or Section 4B or Section 6	Ontario Land Tribunal 655 Bay Street, Suite 1500 Toronto, ON M5G 1E5  Phone: 416-212-6349   1-866-448-2248 Website: <a href="http://www.olt.gov.on.ca">www.olt.gov.on.ca</a>	
Section 5A or 5B	<b>For the Areas of:</b> Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara City of Hamilton  <b>File with:</b> NIAGARA ESCARPMENT COMMISSION 232 Guelph Street, 3 <sup>rd</sup> Floor Georgetown, ON L7G 4B1  Phone: 905-877-5191	<b>For the Areas of:</b> Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon)  <b>File with:</b> NIAGARA ESCARPMENT COMMISSION 1450 7 <sup>th</sup> Avenue Owen Sound, ON N4K 2Z1  Phone: 519-371-1001 Fax: 519-371-1009

	Fax: 905-873-7452 Website: <a href="http://www.escarpment.org">www.escarpment.org</a> Email: <a href="mailto:necgeorgetown@ontario.ca">necgeorgetown@ontario.ca</a>	Website: <a href="http://www.escarpment.org">www.escarpment.org</a> Email: <a href="mailto:necowensound@ontario.ca">necowensound@ontario.ca</a>
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**NOTE:** Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal).

**NOTE:** Relevant portions of the applicable legislation should be reviewed before submitting this form. Please ensure that a copy of this Appeal Form is served in accordance with the requirements of the applicable legislation.