

## CITY OF HAMILTON

### **PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT** *Planning Division*

<b>TO:</b> Chair and Members Planning Committee	<b>WARD(S) AFFECTED:</b> WARD 5
<b>COMMITTEE DATE:</b> October 4, 2011	
<b>SUBJECT/REPORT NO:</b> Applications for Approval of a Draft Plan of Subdivision, "Greenhill Glen", and for an Amendment to Hamilton Zoning By-law No. 6593 for the Property Located at 12 Ambrose Avenue (Hamilton) (PED11175) (Ward 5)	
<b>SUBMITTED BY:</b> Tim McCabe General Manager Planning and Economic Development Department	<b>PREPARED BY:</b> Greg Macdonald (905) 546-2424, Ext. 4283
<b>SIGNATURE:</b>	

#### RECOMMENDATION:

- (a) That approval be given to **Zoning Application ZAC-11-027, by Losani Homes Ltd., Owner**, for changes in zoning to Hamilton Zoning By-law No. 6593 from the "C" (Urban Protected Residential, Etc.) District to the "D"/S-1620 (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, with a Special Exception (Blocks 1, 2, and 3), and the "RT-30/S-1620" (Street - Townhouse) District, with a Special Exception (Block 4), and to the Conservation/Hazard Land (P5) Zone, in Hamilton Zoning By-law No. 05-200 (Blocks 5 and 6), in order to permit 3 single detached dwellings, 20 semi-detached dwellings, 7 townhouse dwellings, and open space, as shown on Appendix "A" to Report PED11175, on the following basis:
- (i) That the draft By-laws, attached as Appendices "B" and "C" to Report PED11175, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City.

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- (ii) That the amending By-law, attached as Appendix “C” to Report PED11175 be added to Schedule “A”, Map No. 1352, of Zoning By-law No. 05-200.
  - (iii) That the changes in zoning conform to the Hamilton-Wentworth Official Plan and the Hamilton Official Plan.
  - (iv) That upon finalization of the implementing By-law, the Vincent Neighbourhood Plan be amended by re-designating the subject lands from “Civic and Institutional” to “Single and Double Residential” (Blocks 1, 2, and 3 on Appendix “A”), “Attached Housing” (Block 4 on Appendix “A”), and “Open Space” (Blocks 5 and 6 on Appendix “A”).
- (b) That approval be given to **Draft Plan of Subdivision Application 25T-201104, by Losani Homes Ltd., Owner**, to establish a draft plan of subdivision, known as “Greenhill Glen”, on lands located at 12 Ambrose Avenue (Hamilton), as shown on Appendix “A” to Report PED11175, subject to the following conditions:
- (i) That this approval apply to “Greenhill Glen”, 25T-201104, prepared by Losani Homes Ltd., and certified by S. D. McLaren, O.L.S., dated March 16, 2011, showing 9 lots, consisting of 3 single detached dwellings (Lots 1, 2, and 9) and 6 semi-detached dwellings (12 dwelling units) (Lots 3-8) having frontage on a public road, 2 blocks for “Open Space” (Blocks 10 and 11), and 1 block for 4 semi-detached dwellings (8 dwelling units) and 7 street townhouses having frontage on a private (condominium) road (Block 12), attached as Appendix “D” to Report PED11175, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “E” to Report PED11175.
  - (ii) Acknowledgement that there will be no City share for any municipal works associated with this development.
  - (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the land on the day prior to the issuance of the first building permit for each said Lot or Block.

With regard to Lots 1 to 9 (single and semi-detached dwellings on a public road), a parkland dedication, in the amount of five percent (5%) of the Net land area to be developed or re-developed will be required.

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With regard to Block 12 (semi-detached dwellings and street townhouse dwellings on a condominium road), a parkland dedication, at a ratio of 5% of the Net land area to be developed or re-developed for the semi-detached dwellings will be required, and a parkland dedication, at a rate of 0.6 ha per 300 dwelling units for the street townhouse dwellings, will be required.

Furthermore, with regard to Blocks 10 and 11, as per the definition of “Net Land Area” in Parkland Dedication By-law No. 09-124, Environmental Lands are not to be included in the calculation and are, therefore, not subject to any Parkland Dedication. However, the owner/applicant is advised that as per Section 7 of the By-law, any conveyance or dedication of said Environmental Lands shall not be considered a conveyance for park or other recreational purpose pursuant to Sections 3 to 6 of the By-law.

All in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

#### **EXECUTIVE SUMMARY**

The purpose of this application is to amend the Hamilton Zoning By-law and for approval of a Draft Plan of Subdivision in order to permit the development of the property at 12 Ambrose Avenue (see Appendix “A”) for 3 single detached dwellings and 6 semi-detached dwellings (12 dwelling units) having frontage onto Ambrose Avenue and Greenhill Avenue, and 4 semi-detached dwellings (8 dwelling units) and 7 townhouse dwellings having frontage onto a future condominium road. The existing ravine, woodlot, and floodplain will be preserved as open space (see Appendix “E” for the proposed Draft Plan of Subdivision, and Appendix “F” for a preliminary site plan of the proposed development).

The proposal has merit and can be supported as the application is consistent with the Provincial Policy Statement and conforms to the Places to Grow Plan, the Hamilton-Wentworth Official Plan, the Hamilton Official Plan, and the Ministry-Approved Urban Hamilton Official Plan. The proposed development would allow for the re-development of a former school site, and would provide a range of housing types complementary to the existing mix of housing in the neighbourhood, while preserving the existing natural features of the property.

*Alternatives for Consideration - See Page 25.*

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**FINANCIAL / STAFFING / LEGAL IMPLICATIONS**

**Financial:** N/A.

**Staffing:** N/A.

**Legal:** As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a Draft Plan of Subdivision and Zoning By-law Amendment.

**HISTORICAL BACKGROUND**

**Proposal**

The applicant has applied to rezone the lands from the “C” (Urban Protected Residential, Etc.) District to the “D”/S-1620 (Urban Protected Residential - One and Two Family Dwellings, Etc.) District (Blocks 1, 2, and 3), the “RT-30/S-1620” (Street - Townhouse) District (Block 4) in Hamilton Zoning By-law No. 6593, and to the Conservation/Hazard Land (P5) Zone in Hamilton Zoning By-law No. 05-200 (Blocks 5 and 6), in order to permit 3 single detached dwellings, 20 semi-detached dwelling units, 7 townhouse dwellings, and open space, as shown on Appendix “A”.

The applicant has requested a number of modifications that would apply to the entirety of the development, including a clarification in how height is calculated, the deeming of a condominium road as a street, visitor parking shall be accommodated within the common element condominium road, and that parking space sizes shall be 2.6 metres in width and 5.5 metres in length. In addition, specific modifications are proposed to the “D” and “RT-30” District zoning regulations including:

Proposed modifications to the “D” District in Block 1 on Appendix “A”, applicable to single and semi-detached dwellings fronting onto a public road:

- Decrease maximum permitted height of Lot 1 to 1½ storeys or 12.5 metres, instead of 3 storeys or 14.0 metres;
- Decrease minimum required front yard from 6.0m to 5.5m;
- Minimum side yard setback of 1.2m would apply regardless of height, instead of 2.7m side yard setback for dwellings higher than 2 ½ storeys or 11.0m;
- Decrease in minimum required rear yard from 7.5m to 6.0m for all lots except Lot 1;

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- Decrease minimum required lot area from 360 square metres to 310 square metres for a single detached dwelling, and from 270 square metres to 220 square metres for a divided semi-detached dwelling;
- Restriction on decks for Lot 1, in that they would not be permitted more than 1.5m above grade defined as the average grade elevations at the 4 corners of the deck;
- Restriction on window locations for Lot 1, in that they would not be permitted above the first storey on the northern elevation;
- Specific setback regulations applicable only to Lot 1 (1.2m easterly rear yard setback, 4.5m southerly side yard setback, and a minimum northerly side yard setback of 10m) as the lot frontage for Lot 1 is being deemed as Ambrose Avenue, which results in a very shallow, but very wide lot; and,
- A minimum setback of 7.5 metres from the identified top-of-bank (Block 5 on Appendix “A”), as noted on the draft plan of subdivision, and no building, structures, fences, swimming pools, or grading are permitted in this setback.

Proposed modifications to the “D” District in Block “2” on Appendix “A”, applicable to the 6 semi-detached dwellings fronting southerly onto a condominium road:

- Decrease maximum permitted height from 3 storeys or 14.0m to 1 ½ storeys or 12.5m;
- Decrease minimum required front yard from 6.0m to 5.5m;
- Increase minimum required rear yard from 7.5m to 10.0m;
- Minimum side yard setback of 1.2m would apply regardless of height, instead of 2.7m side yard setback for dwellings higher than 11.0m;
- Decrease minimum required lot area for a divided semi-detached dwelling from 270 square metres to 265 square metres;
- Restriction on decks, in that they would not be permitted more than 1.5m above grade defined as the average grade elevations at the 4 corners of the deck;
- Restriction on window locations, in that they would not be permitted above the first storey on the rear elevation, except for Unit 3, which abuts open space; and,

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- A minimum setback of 7.5 metres from the identified top-of-bank (Block 5 on Appendix “A”), as noted on the draft plan of subdivision, and no building, structures, fences, swimming pools, or grading are permitted in this setback.

Proposed modifications to the “D” District in Block “3” on Appendix “A”, applicable to the pair of semi-detached dwellings that back onto Block “5”:

- Decrease minimum required front yard from 6.0m to 5.5m;
- Minimum side yard setback of 1.2m would apply regardless of height, instead of 2.7m side yard setback for dwellings higher than 2 ½ storey’s or 11.0m;
- Decrease minimum required lot area for a divided semi-detached dwelling from 270 square metres to 225 square metres;
- Decrease minimum lot frontage for a semi-detached dwelling from 18m to 14m;
- A minimum setback of 7.5 metres from the identified top-of-bank (Block 5 on Appendix “A”), as noted on the draft plan of subdivision, and no building, structures, fences, swimming pools, or grading are permitted in this setback.

Proposed modifications to the “RT-30” District in Block “4” on Appendix “A” applicable to the street townhouses having frontage on a condominium road:

- Decrease minimum required front yard from 6.0m to 5.5m;
- Decrease minimum required rear yard from 7.5m to 6.0m;
- Minimum side yard of 1.2m would apply instead of greater setbacks should the townhouses be higher than one storey; and,
- Decrease in minimum required lot area from 180 square metres to 145 square metres.

The proposed modifications are discussed in the Analysis/Rationale for Recommendation section of this Report.

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**Chronology:**

- May 14, 2007: Subdivision Application 25T-200703, submitted by Silvestri Investments, to create 26 lots for single detached dwellings. After concerns were raised by staff and the Hamilton Conservation Authority regarding development within the ravine, the application was abandoned and the file was closed.
- December 22, 2008: Zoning Application ZAC-08-088, Subdivision Application 25T-200811, and Condominium Application 25CDM-200814 are received from Losani Homes Ltd. to develop the subject lands for a total of 49 dwelling units (mix of single and semi-detached dwellings, townhouses, and maisonettes).
- November 17, 2009: Economic Development and Planning Committee deferred Zoning Application ZAC-08-088, Subdivision Application 25T-200811, and Condominium Application 25CDM-200814 by Losani Homes Ltd., to permit a total of 46 dwelling units (mix of single and semi-detached dwellings, townhouses, and maisonettes) to the February 2, 2010, Economic Development and Planning Committee. The total proposed unit numbers were reduced by the applicant during the review process. See Appendix “G” for the 2008 development concept. The applications were deferred to allow for more consultation with abutting property owners. The application was then appealed to the Ontario Municipal Board (OMB) for lack of a final decision by the City of Hamilton within 180 days.
- August 11, 2010: The OMB issues its decision on the above noted development applications. The OMB ordered that the appeals of Losani Homes Limited be dismissed. At the hearing, the applicants reduced the total number of proposed units to 44. The OMB reasoned that it would be more appropriate to place lower density development abutting the single detached dwellings on Veevers Drive instead of the proposed townhouses, and noted in the decision that the need for a larger retaining wall further added to the incompatibility between the proposed development and the existing dwellings on Veevers Drive.

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May 13, 2011: Applications ZAC-11-027 and 25T-201104 are deemed complete.

June 3, 2011: Circulation of Notice of Complete Application for Applications ZAC-11-027 and 25T-201104 to all residents within 120 metres of the subject lands.

September 16, 2011: Circulation of Notice of Public Meeting to all residents within 120 metres of the subject lands.

**Details of Submitted Applications:**

**Location:** 12 Ambrose Avenue (Hamilton)  
**Owner/Applicant:** Losani Homes Ltd.  
**Agent:** Armstrong Hunter and Associates

**Property Description**      Area: 1.31 hectares  
   Frontage: 111.6 metres (Ambrose Avenue)  
   Flankage Depth: 121.9 metres (Greenhill Avenue)

**Servicing:** Full Municipal Services

**EXISTING LAND USE AND ZONING:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Vacant (Former Elementary School)	“C” (Urban Protected Residential, Etc.) District

**Surrounding Lands:**

<b>North</b>	Single Detached Dwellings	“C” (Urban Protected Residential, Etc.) District
<b>South</b>	Semi-Detached Dwellings, Single Detached Dwellings and Park	“DE” (Low Density Multiple Dwellings) District, “C” (Urban Protected Residential, Etc.) District and Neighbourhood Park (P1) Zone
<b>East</b>	Single-Detached Dwellings and Duplex Dwelling	“C” (Urban Protected Residential, Etc.) District



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<b>West</b>	Single, Semi-Detached, and Duplex Dwellings and Eco House	“D” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District and “C” (Urban Protected Residential, Etc.) District
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<b>POLICY IMPLICATIONS</b>
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**Provincial Policy Statement:**

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with the policies that focus growth in Settlement Areas 1.1.3.1. It also implements Policy 1.1.3.2, 1.1.3.4, and 1.4.3 with respect to promotion of densities which efficiently use land and resources and appropriate intensification and re-development.

Policy 2.6.2 has also been addressed, in that the Ministry of Culture approved a Stage 1 and 2 Archaeological Assessment in March, 2008, and that the lands are now considered free from further archaeological concern.

**Places to Grow: Growth Plan for the Greater Golden Horseshoe:**

The subject lands are located within a built-up area, as defined by Places to Grow. Policy 2.2.3.1 states that by the year 2015, and for each year thereafter, a minimum of 40% of all residential development occurring annually within each upper- and single-tier municipality will be within the built-up area. The proposal also implements Policy 2.2.2.1 with respect to directing new growth to the built-up areas through intensification. Therefore, the proposal conforms to the policies contained in the Places to Grow Plan, in that the proposal provides for intensification and re-development within the built-up area, as defined by the Places to Grow Plan.

**Hamilton-Wentworth Official Plan:**

The subject property is designated “Urban Area” within the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

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In addition, Policy B-9.2 states that the City shall consider the protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and re-development. An Archaeological Assessment has been approved by the Ministry of Culture concluding that the subject lands should be considered free from further archaeological concern.

Therefore, based on the above, the proposal conforms with the Hamilton-Wentworth Official Plan.

**Hamilton Official Plan:**

The subject lands are designated “Major Institutional” on Schedule ‘A’ - Land Use Concept of the Hamilton Official Plan and “Special Policy Area 1c” on Schedule ‘B’ . The following policies, among others, are applicable to the subject lands:

“A.2.6.5      Notwithstanding the policies set out above, in areas designated MAJOR INSTITUTIONAL, Residential uses may be permitted provided they are compatible with the surrounding area and are in keeping with the Residential policies set out in Sub-sections A.2.1 and C.7 of this Plan.”

Based on the above, the proposed mixed residential uses would be permitted within the “Major Institutional” designation. However, the “Residential” designation policies would apply, including the following:

“A.2.1.1      The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8      It is the intent of Council that a variety of housing styles, types, and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or re-development will contribute to the desired mix of housing, where practicable. In this regard, Council will be guided by the Housing Policies of Sub-section C.7 and the Neighbourhood Plan Policies of Sub-section D.2.

A.2.1.13      Plans for re-development will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced, and that the re-development will not burden existing facilities and services.

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A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:

- i) The height, bulk, and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
- ii) Appropriate Open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.”

Based on the above, the proposed mixed residential development would conform to the policies of the “Residential” designation as the uses are permitted within the designation; the neighbourhood already contains a mix of housing types and densities, including single and semi-detached dwellings, duplex dwellings, and multiple dwellings; and the development has been planned to site lower density residential uses in areas abutting or facing existing lower density uses with the proposed townhouse development central to the site surrounded only by new development.

Further design and housing policies from Sub-section C.7 also apply to the proposal, including the following:

“C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or re-development of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

- i) Provision and maintenance of adequate off-street parking.

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity, and value.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

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- iii) Support RESIDENTIAL development such as infilling, re-development, and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy, and overview;
- ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;
- xii) Encourage development at densities conducive to the efficient operation of Public Transit, and which utilizes designs or construction techniques that are energy efficient.”

Based on the above, the proposed mixed residential re-development proposal would conform with and implement the Policies from Sub-section C.7 - Residential Environment and Housing Policy. The proposal provides adequate off-street parking, and the proposed density can be incorporated into the existing neighbourhood by providing a gradation of densities with lower density built form proposed adjacent and facing existing lower density development. Increased setbacks for the single and semi-detached dwellings abutting existing dwellings on Veevers Drive, and restrictions on window and deck locations, would mitigate potential impacts on the abutting properties.

Further policy directive is provided through the “Special Policy Area 1c” designation, which denotes that the lands form part of the “Urban Area” designation within the Niagara Escarpment Plan. The Niagara Escarpment Commission has reviewed the application and has no concerns with the development, nor with any conformity issues to the Niagara Escarpment Plan. The proposed development does not impact the visual and natural environment of the Escarpment, and does not encroach onto any “Escarpment Natural Area” or “Escarpment Protection Area” designations. Therefore, the proposal conforms to the “Special Policy Area 1c” designation.

### **Urban Hamilton Official Plan**

The proposal has been evaluated against the policies of the new Urban Hamilton Official Plan, which was adopted by Council on July 9, 2009. The Minister of Municipal Affairs and Housing issued its decision on March 10, 2011, but the decision has been appealed by a number of parties and, at this time, the new Urban Hamilton Official Plan is not in effect.

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The new Urban Hamilton Official Plan designates the subject lands as “Neighbourhoods” on Schedule “E-1” Urban Land Use designations. The “Neighbourhoods” designation permits a range of residential uses that maintain the existing character of established neighbourhoods. Compatible residential intensification and re-development is promoted. The proposed development is at a scale and density conforming to the policies that apply to “Low Density Residential” within the “Neighbourhoods” designation.

**Vincent Neighbourhood Plan**

The subject lands are designated “Civic and Institutional” in the Vincent Neighbourhood Plan. As the former elementary school use has ceased, and the lands are being re-developed for residential uses, approval of the applications would require re-designation from “Civic and Institutional” to “Single and Double Residential” (Blocks 1, 2, and 3 on Appendix “A”), “Attached Housing” (Block 4 on Appendix “A”), and “Open Space” (Blocks 5 and 6 on Appendix “A”).

<b>RELEVANT CONSULTATION</b>
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The following Departments and Agencies had no comments or objections:

- Taxation Division, Corporate Services Department.
- Infrastructure and Source Water Planning Section, Public Works Department.
- Niagara Escarpment Commission.
- Horizon Utilities.
- Hydro One Networks Inc.

The following Departments and Agencies submitted the following comments:

**The Public Works Department (Forestry and Horticulture Section)** has advised that there are potential Urban Forestry conflicts that can be resolved with the submission of a Tree Management Plan, as there are 9 municipal tree assets in the road allowance of Greenhill Avenue. Therefore, an updated Tree Management Plan will be required as a condition of Draft Plan Approval (see Appendix “E” - Condition 14).

**The Public Works Department (Operations and Waste Management Division)** has advised that the property is eligible for weekly collection of garbage, organics, recyclable material, and leaf and yard waste through the City of Hamilton, subject to compliance with specifications indicated by the Waste Management Division and subject to compliance with the City’s Solid Waste Management By-law 09-067. This matter will be further reviewed through the subsequent Site Plan Control process applicable to the units having frontage onto a private condominium driveway.

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**The Public Works Department (Recreation Division)** has advised that there are no issues with the application, but that parkland dedication will be payable at the Building Permit stage. This has been addressed in Recommendation (b)(iii) and in the Standard Form Subdivision Agreement (Section 1.6).

**The Public Works Department (Traffic Engineering Section)** has advised that the driveway location for the westerly semi-detached unit on Lot 5 (see Appendix “D”) must be located on the easterly side of the lot (see Appendix “E” - Condition 15). Sidewalks must be constructed across the condominium driveway access on Ambrose Avenue. Additional comments pertained to the future Site Plan Control stage of development.

**The Hamilton Municipal Parking System** has advised that there are no issues with the development with regard to the amount of proposed off-street parking, but that attached garages should be dimensioned to ensure they are suitably sized to allow for vehicle parking. This issue is discussed further in the Analysis/Rational for Recommendation section of the staff Report.

**Bell Canada** has advised that conditions of draft plan approval are required to ensure all telecommunication infrastructure is adequately provided for in the development. These comments are addressed through standard conditions of approval in the Standard Form Subdivision Agreement (Section 1.21).

**Canada Post** has advised that conditions of draft plan approval must be included pertaining to warning clauses for purchasers that mail delivery will be from a designated centralized mail box, and to provide for a location for a mail box (see Appendix “E” - Conditions 16 and 17), which is also addressed through a standard condition of approval in the Standard Form Subdivision Agreement (Section 1.22).

**Hamilton Conservation Authority** has advised that the easterly portion of the property is affected by Regulation 161/06 under Ontario Regulation 97/04, as it is a ravine slope, and that the 7.5m buffer is acceptable. The Hamilton Conservation Authority has approved the basic design of the development in accordance with the preliminary engineering report and support the lower development density in that the new proposal results in less area draining to rear catch basins. Standard conditions of draft plan approval pertaining to erosion and sediment control and stormwater management will apply, which are addressed in the Standard Form Subdivision Agreement (Sections 3.3 and 4.1).

## **PUBLIC CONSULTATION**

In accordance with the new provisions of the Planning Act and Council’s Public Participation Policy, Notices of Complete Application and Preliminary Circulation were circulated to 269 property owners and tenants within 120 metres of the subject property on June 3, 2011, requesting public input on the application. A Public Notice sign was also posted on the property on June 24, 2011, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act. To date, 1 response has been received from a neighbouring resident expressing concerns about the density of the development and requesting that the proposed townhouses be replaced with semi-detached dwellings. These concerns are addressed in the Analysis/Rationale for Recommendation section of this Report. The letter is attached as Appendix “H”.

## **ANALYSIS / RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement and conforms to the Places to Grow Plan (Growth Plan for the Greater Golden Horseshoe);
  - (ii) It conforms to the Hamilton-Wentworth Official Plan and the “Institutional” designation in the Hamilton Official Plan;
  - (iii) The proposed development is compatible with and complementary to existing development in the immediate area; and,
  - (iv) The proposal implements the “Neighbourhood” designation in the new Urban Hamilton Official Plan.
2. As discussed in the Background section of this staff Report, the proposed applications consist of what is essentially a re-submission of an amended development plan which was previously reviewed through applications ZAC-08-088, 25T-200814, and 25CDM-200811. Through the review of these previous applications, which previously proposed a total of 46 dwelling units consisting of one single detached dwelling, 8 semi-detached dwellings, 14 maisonettes, and 23 townhouse dwellings (see Appendix “G”), a number of concerns from neighbouring property owners were raised. These concerns related mostly to the form of development and overall density, height, engineering, traffic, retaining walls, parking, retention of the ravine, and property values. While staff reviewed these issues in detail, and determined that the previous applications had merit and could be supported, the applications were appealed to the Ontario Municipal Board (OMB) by Losani Homes Limited, where the OMB dismissed the appeal. Of the concerns presented by many of the

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, “Greenhill Glen”, and for an Amendment to Hamilton Zoning By-law No. 6593 for the Property Located at 12 Ambrose Avenue (Hamilton) (PED11175) (Ward 5) - Page 16 of 26**

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residents, it was the density, built form, retaining wall, and interface between the subject lands and the existing single family dwellings on Veevers Drive that the OMB advised were the reasons for dismissing the appeal.

In submitting the current applications with a revised development proposal, the applicant has advised that they have attempted to address both the main concerns from the neighbourhood and the reasons expressed by the OMB in its decision to dismiss the appeal. The new applications, therefore, contain the following revisions to address the concerns of the residents and the reasons for the OMB dismissal:

- The applicant is no longer proposing any maisonette dwelling units (back-to-back townhouses). The entire frontages of both Greenhill Avenue and Ambrose Avenue have been revised to contain only single or semi-detached dwellings fronting onto the respective public streets, instead of the side elevations of the townhouses and maisonettes facing Ambrose Avenue. This ensures that a more consistent streetscape character is maintained on Greenhill and Ambrose Avenues with a similar built form. Most notable, is the change from 9 street townhouses to a total of 7 single and semi-detached dwelling units on the north side of the subject lands, which would back onto the existing dwellings on Veevers Drive, which sit at a lower elevation. This revision provides a more appropriate transition from the single detached dwellings on Veevers Drive, and provides a number of side yards to break up what would have been a wall of townhouses.
- The overall proposed density of the development has been significantly decreased. The original development applications in 2008 consisted of a total of 49 dwelling units. This proposal was subsequently reduced to 46 dwelling units before the staff Report was drafted and, ultimately, further reduced to 44 dwelling units at the Ontario Municipal Board. The new proposal decreases this to 30 units, a further 32% decrease in density, which would constitute a net density of 28.2 units per hectare (not accounting for the open space blocks which, if included, would further decrease the units proposed per hectare). This density range is consistent with a low density residential area. This subsequent reduction in density also creates a parallel reduction in traffic generation and a greater availability for on-site visitor parking.



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- The 2008 applications initially proposed a rear yard of 6.0m for the units at the north side of the subject lands, which abut the existing single detached dwellings on Veevers Drive. Due to the slope of this portion of the property down to Veevers Drive, a retaining wall would have been required along the northerly property line adjacent to the existing dwellings on Veevers Drive creating an overview issue on the existing properties despite proposed restrictions in the Zoning By-law to limit height, window locations, and deck elevations. The new development applications originally proposed a setback of 7.5m to the rear property line in an attempt to eliminate the requirement for a rear retaining wall. Through detailed review of the preliminary grading plan, it was determined that even with a 7.5m rear yard, in order to meet engineering guidelines to maintain a rear yard slope of no greater than 5:1, a retaining wall would still have been required. Therefore, the applicant has requested a further increase in the required rear yard, from 7.5m to 10.0m, in order to provide sufficient room to provide no greater than a 5:1 slope. This increased setback of 4.0m greater than that originally proposed in the 2008 applications would both eliminate the need for a retaining wall and further reduce potential impacts from overview. The current applications also include restrictions on windows on the upper floors of the rear elevations, and restrictions on decks to ensure they are not greater than 1.5m above grade (based on average grade of the four corners of the deck).

In addition to the above, a greater natural area is being preserved, in that Block 11 (see Appendix “D”) is now being preserved as open space due to its flood plain characteristics. Therefore, the above noted revisions would serve to address the primary concerns identified from the neighbourhood as part of the review of the 2008 development applications and subsequent Ontario Municipal Board hearing.

3. In order to implement the development as proposed on the draft plan of subdivision and preliminary site plan (see Appendices “D” and “F”), a number of zoning modifications are required. It should be noted that many of these modifications reflect either further restrictions of zoning provisions or are a result of the proposed Common Element Condominium ownership tenure for the semi-detached and townhouse dwellings within Block 12 (see Appendix “D”). A review of the required modifications is as follows:

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General Modifications applicable to all residential zones

- The applicant has requested a clearer definition of “height” to mean the vertical distance measured from the average finished grade level adjacent to the front elevation of a building to the highest point of the roof structure, as opposed to the definition contained within Zoning By-law No. 6593 which defines “height” for buildings as the vertical distance from grade to the highest point of same. Due to the grade differentials on the site, if the Zoning By-law No. 6593 definition had been used, it could have resulted in taller buildings, as the grade would have been calculated from the curb, not at the front elevation. Therefore, this definition is appropriate and height restrictions are included in the specific zones.
- A common element condominium road shall be deemed to be a street. This modification is a technicality in order for freehold single detached, semi-detached, and townhouses to have frontage onto a private road instead of a public road.
- Minimum parking space size shall be 2.6 metres in width and 5.5 metres in length. This modification can be supported for any outdoor parking spaces, as it is consistent with the new requirements of Zoning By-law No. 05-200. However, to ensure that the required parking spaces within attached garages are appropriately sized, these parking spaces should maintain the previous requirement of 2.7 metres in width and 6.0 metres in length.
- Minor modifications and exemptions to certain parking and driveway standards have been included in the implementing By-law in order to provide flexibility in the design of the common element condominium driveway and associated visitor parking area. The implementing Zoning By-law requires a visual barrier between visitor parking spaces and a residential district.
- The conceptual site plan submitted by the applicants (see Appendix “F”) indicates that 12 visitor parking spaces are provided for Block 12 (see Appendix “D”). There is no requirement in Zoning By-law No. 6593 for visitor parking spaces for semi-detached dwellings or street townhouses. A semi-detached dwelling and street townhouse dwelling require 1 parking space per dwelling unit, which are being provided by the applicant. However, as the form of development is more consistent with a block condominium form of development than freehold dwellings on a public street, visitor parking should be required in the implementing by-law. To ensure these spaces are provided for in the final approved development plan, the implementing By-law will require a minimum of 12 visitor parking spaces to be provided.

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Modifications for single and semi-detached dwellings zoned “D” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, Modified, abutting Ambrose and Greenhill Avenues

- A restriction is applicable to Lot 1 only (see Appendix “D”) to decrease the maximum height to 1 ½ storeys or 12.5 metres instead of 3-storeys or 14.0 metres. This restriction can be supported, as it provides for a lower dwelling height due to the higher elevation of Lot 1 over the dwellings on Veevers Drive to the rear.
- Minimum front yard of 5.5m instead of 6.0m. This reduction can be supported, as it reflects a subsequent minor decrease in parking space size to reflect new parking space sizes in Zoning By-law No. 05-200. In addition, none of the new lots on Ambrose Avenue or Greenhill Avenue directly abut existing dwellings except for Lot 1 (which could face toward the Common Element Condominium driveway), so the streetscape character is not being impacted.
- Minimum side yard setback of 1.2m would apply regardless of height, instead of 2.7m side yard setback for dwellings higher than 2 ½ storeys or 11.0m. This modification can be supported because a 1.2m side yard on each side of a dwelling would still provide a minimum of 2.4m separation between building faces and, as noted above, the proposed units do not directly abut existing dwellings that may have a larger setback. Minor changes in setbacks on opposite sides of a street do not substantially impact neighbourhood character.
- Decrease in minimum rear yard from 7.5m to 6.0m for all lots except Lot 1, which would require a minimum setback of 10m from the northerly lot line. This setback reduction is necessary resulting from the relatively shallow depth of the lots facing Ambrose and Greenhill Avenues. This is supportable as streetscape character is not impacted, dwelling purchasers would be aware of the amount of amenity area being available, there is no reduction in lot width proposed, and 6.0m is still sufficient for a small rear deck and landscaped yard.
- Decrease minimum lot area from 360 square metres to 310 square metres for a single detached dwelling, and decrease minimum lot area for a divided semi-detached dwelling from 270 square metres to 220 square metres. These reductions can be supported as they are minor in nature and result from the relatively shallow lots. All of the proposed lots would meet the minimum lot width requirements and, therefore, the streetscape character is being maintained.

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- Restriction on decks for Lot 1, in that they would not be permitted more than 1.5m above grade defined as the average grade elevations at the 4 corners of the deck. This restriction is necessary to limit potential overview impacts on the abutting single detached dwellings to the rear as Zoning By-law No. 6593 would normally permit a full deck 1m above the first floor elevation, which would have allowed for a deck much higher than permitted with the grade restrictions proposed. This same restriction would apply to the semi-detached dwellings abutting the Veevers Drive properties discussed below and the modification in the definition for calculating the grade of the decks applies only to decks.
- Restriction on window locations for Lot 1, in that they would not be permitted above the first storey on the northern elevation. This restriction is to limit potential overview impacts on the abutting single detached dwellings to the rear.
- Special setback provisions for Lot 1 are required to reflect that its front yard is being deemed in the implementing By-law as Ambrose Avenue, instead of the condominium road to the south. These provisions would ensure an appropriately sited single detached dwelling can be constructed on the lot.
- A minimum setback of 7.5 metres from the identified top-of-bank (Block 5 on Appendix “A”), as noted on the draft plan of subdivision, and no building or structures are permitted in this setback. This restriction is necessary to ensure the buffer from the ravine is not developed. A further restriction on lot grading, fences, and swimming pools must also be included in the list of restrictions applicable to the 7.5m buffer.

Modifications for semi-detached dwellings zoned “D” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, Modified, having frontage on a private condominium driveway

- Decrease the maximum height to 1 ½ storeys or 12.5 metres, instead of 3-storeys or 14.0 metres. This restriction can be supported, as it provides for a lower dwelling height due to the higher elevation of the semi-detached dwellings backing onto the dwellings on Veevers Drive to the rear. This restriction would not apply to the semi-detached dwelling in Block 3 on Appendix “A”, as this dwelling does not overlook any existing residential properties. In addition, as the semi-detached dwelling in Block 3 would be smaller than the other semi-detached dwellings in Block 2, increased flexibility in height is needed to provide sufficient usable floor area.

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- Minimum front yard of 5.5m, instead of 6.0m. This reduction can be supported as it reflects a subsequent minor decrease in parking space size to reflect new parking space sizes in Zoning By-law No. 05-200.
- Minimum rear yard of 10.0m, instead of 7.5m. This increase in required rear yard was previously discussed in the staff report, and it is to provide a better separation and reduce potential overview impacts onto the single detached dwellings to the north, and to ensure the rear yard can be graded at no more than a 5:1 slope. This modification would not apply to the semi-detached dwelling located on Block 3 (see Appendix “A”), which would provide the required 7.5m rear yard setback.
- Minimum side yard setback of 1.2m would apply regardless of height, instead of 2.7m side yard setback for dwellings higher than 2 ½ storeys or 11.0m. This modification can be supported because a 1.2m side yard, on each side of a dwelling, would still provide a minimum 2.4m separation between building faces, and a 1.2m side yard setback is the same requirement applicable to abutting single detached dwellings to the north.
- Decrease minimum lot area for a divided semi-detached dwelling from 270 square metres to 265 square metres for Block 2, and 225 square metres for Block 3 (see Appendix “A”). These reductions can be supported as they are minor in nature. The more substantive reduction applicable to Block 3 is the result of the irregular and narrower shape of these lots.
- Decrease minimum lot frontage for a semi-detached dwelling from 18m to 14m for Block 3 (see Appendix “A”). This reduction can be supported as the lot would still provide the required side and rear yard setbacks, and the resulting minimum 6m wide dwelling unit is consistent with the width of the proposed townhouse it faces. Streetscape character on Greenhill or Ambrose Avenue is not impacted as this semi-detached dwelling is internal to the development.
- Restriction on decks, in that they would not be permitted more than 1.5m above grade defined as the average grade elevations at the 4 corners of the deck. This restriction is necessary to limit any potential overview impacts on the abutting single detached dwellings to the rear. This restriction would not apply to Block 3 (see Appendix “A”) as this block does not abut any existing dwellings.

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- Restriction on window locations, in that they are not permitted above the first storey on the northern elevation. This restriction would mitigate potential overview impacts on the abutting single detached dwellings to the rear. This restriction would not apply to Block 3 (see Appendix “A”) as this block does not abut any existing dwellings
- A minimum setback of 7.5 metres from the identified top-of-bank (Block 5 on Appendix “A”), as noted on the draft plan of subdivision, and no building or structures are permitted in this setback. This restriction is necessary to ensure the buffer from the ravine is not developed. A further restriction on lot grading, fences, and swimming pools must also be included in the list of restrictions applicable to the 7.5m buffer.

Modifications for townhouses zoned “RT-30” (Street Townhouse) District, Modified

- Minimum front yard of 5.5m, instead of 6.0m. This reduction can be supported, as it reflects a subsequent minor decrease in parking space size to reflect new parking space sizes in Zoning By-law No. 05-200. It is noted that parking space sizes in the attached garages are still required to provide the minimum 2.7m width and 6.0m depth.
- Decrease in minimum rear yard from 7.5m to 6.0m. This setback reduction is appropriate, as it is consistent with the minimum required rear yard normally associated with a block townhouse form of development. Dwelling purchasers would be aware of the amount of amenity area being available, and 6.0m is still sufficient for a small rear deck and landscaped area.
- Minimum side yard of 1.2m would apply regardless of the height of the townhouse. This modification can be supported as a 1.2m setback is a consistent side yard setback for low density residential uses to provide for both buffering and access to the rear yards.
- Decrease in minimum lot area from 180 square metres to 145 square metres. This reduction can be supported, as it is minor in nature and it is a technicality due to the proposed freehold tenure instead of a traditional block townhouse development which does not have lot area requirements for individual units. In addition, each future townhouse lot would meet the minimum 6m lot width requirements and, therefore, the streetscape is not being impacted by the reduction in lot area.

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4. The Public Consultation section of this Report noted that a letter was received from an area resident with concerns over density and built form (see Appendix “H”). As noted in Section 2 of the Analysis/Rationale for Recommendation section of this Report, the applicants have made substantial changes to the proposed development from that which was proposed in 2008. The higher density maisonette form of development has been removed; the number of townhouses has been reduced and replaced with semi-detached dwellings; the total number of proposed dwelling units has been reduced from 46 to 30 units; and setbacks from the northerly property line abutting dwellings on Veevers Drive have been increased from 7.5m to 10.0m. The proposed 7 townhouse dwellings will be completely internal to the development, surrounded on all sides by either single or semi-detached dwellings. Therefore, the character of the surrounding area is not being impacted by the introduction of 7 townhouses.
5. Block 12 of the proposed Draft Plan of Subdivision (see Appendix “D”) contains semi-detached and townhouse dwellings which will have frontage onto a condominium road. The applicant has indicated that these semi-detached and townhouses will be freehold tenure created through a future application to remove Part Lot Control. An application for a Draft Plan of Common Element Condominium will be required in order to establish the condominium road. A Draft Plan of Common Element Condominium application process includes a public consultation component and a Public Meeting of the Planning Committee. Lot 1 also abuts the condominium road, but it is proposed to front onto Ambrose Avenue and would not be part of the condominium.
6. Single detached dwellings, semi-detached dwellings, and street townhouses within a registered plan of subdivision are not subject to Site Plan Control in accordance with Sub-section 9.1 of Site Plan Control By-law No. 03-294. However, Sub-section 9.4 notes that single detached, semi-detached, and townhouses forming part of an innovative house grouping or development proposing to locate multiple single detached or semi-detached dwellings on a single property are subject to Site Plan Control. Therefore, Block 12 on Appendix “D” is subject to Site Plan Control, and matters such as grading, drainage, servicing, landscaping, visitor parking, access driveway layout, fencing, and architectural design will be addressed at the Site Plan stage of development.
7. As the subject lands had previously been utilized as an elementary school, no street parking had been permitted on Ambrose Avenue. There is also no parking currently permitted on Greenhill Avenue, as it is a 4 lane local collector road. It is generally desirous to achieve on-street parking for 40% of the lots within a new subdivision. The proposed subdivision includes 15 dwelling units having frontage onto Greenhill Avenue and Ambrose Avenue, which would warrant 6 on-street parking spaces. The units having frontage onto a common element driveway in

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Block 12 have their own visitor parking (up to 12 proposed spaces). As the subject lands are no longer used as a school, it may be possible for the City of Hamilton to amend the applicable parking by-laws to permit on-street parking on Ambrose Avenue. This would be undertaken through a petition from the applicant to the City of Hamilton, and a review by the Hamilton Municipal Parking System and the Public Works Department would be undertaken before presentation of an amending By-law to the Public Works Committee and Council. Should Ambrose Avenue permit street parking, these 6 parking spaces may be able to be accommodated along that frontage. A condition of draft plan approval has been included by Development Engineering (Condition No. 8 on Appendix “E”) to require the applicant to petition the City of Hamilton to allow street parking on Ambrose Avenue in front of the development.

In order to facilitate potential future on-street parking on Ambrose Avenue (or even any potential for future changes to street parking on Greenhill Avenue), a draft plan condition has been included to require the driveway locations for the semi-detached dwellings on the two streets to be located adjacent to each other for each pair of dwelling units (Condition of Draft Plan Approval No. 12 on Appendix “E”). An on-street parking plan must also be provided along with warning clauses for the prospective purchasers of the units on Ambrose and Greenhill Avenues advising of the potential for street parking deficiencies (Conditions of Draft Plan Approval Nos. 2 and 7 on Appendix “E”).

8. A number of Draft Plan Conditions (see Appendix “E”) pertain to specific development engineering matters, including dedication of the required 7m x 7m daylight triangle at the corner of Ambrose Avenue and Greenhill Avenue (Condition 1), submission of an updated stormwater management report to address the absence of an overland flow route (Condition 3), provisions for the reconstruction of Ambrose and Greenhill Avenues due to the number of private service installations (Condition 4), requirement for a special plan for dust control and street cleaning (Condition 6), relocation of utilities (Condition 9), and a requirement to direct the roof leaders of certain units to the front yards (Condition 10). The above noted conditions reflect a review of detailed technical reports that have already been submitted by the applicants and reviewed by the City of Hamilton, but where certain additional information or minor technical revisions are needed prior to final approval. Based on the information already submitted, the applications can be recommended for approval, and are not premature, as it is not anticipated that further review would have substantial impacts on the planned subdivision design.



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9. Blocks 10 and 11 are open space lands containing a ravine slope (Block 10) and floodplain (Block 11), and are regulated by the Hamilton Conservation Authority. These lands are being rezoned to the Conservation/Hazard Land (P5) Zone in Zoning By-law No. 05-200, which will preclude development on these lands. In addition, a 7.5m buffer from the top-of-bank has been surveyed. The implementing By-law (see Appendix “B”) contains a clause that does not permit any buildings, structures, fences, swimming pools, or grading within this buffer. In addition, a warning clause advising purchasers or tenants of the lots that would contain the buffer has been included as Condition of Draft Plan Approval No. 11 on Appendix “E”. These blocks will be owned by the future Condominium Corporation and maintained as a common element along with the condominium road. As Block “11” does not have any frontage onto either the condominium road or Greenhill Avenue, it should be merged in title with Block 10, which fronts onto Greenhill Avenue (Condition of Draft Plan Approval No. 13 on Appendix “E”). This ensures that needed maintenance can occur on Block 11 without having to access the block through the future privately owned semi-detached dwelling lots.

#### **ALTERNATIVES FOR CONSIDERATION:**

If the application is denied, the lands could be developed in accordance with the current “C” (Urban Protected Residential, Etc.) District provisions, which would permit a single detached dwelling, a maximum 6 person residential care facility or retirement home, a day nursery, and a number of public uses.

#### **CORPORATE STRATEGIC PLAN**

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

##### **Financial Sustainability**

- ♦ Effective and sustainable Growth Management.
- ♦ Generate assessment growth/non-tax revenues.

##### **Social Development**

- ♦ Everyone has a home they can afford that is well maintained and safe.

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**Environmental Stewardship**

- ♦ Natural resources are protected and enhanced.

**Healthy Community**

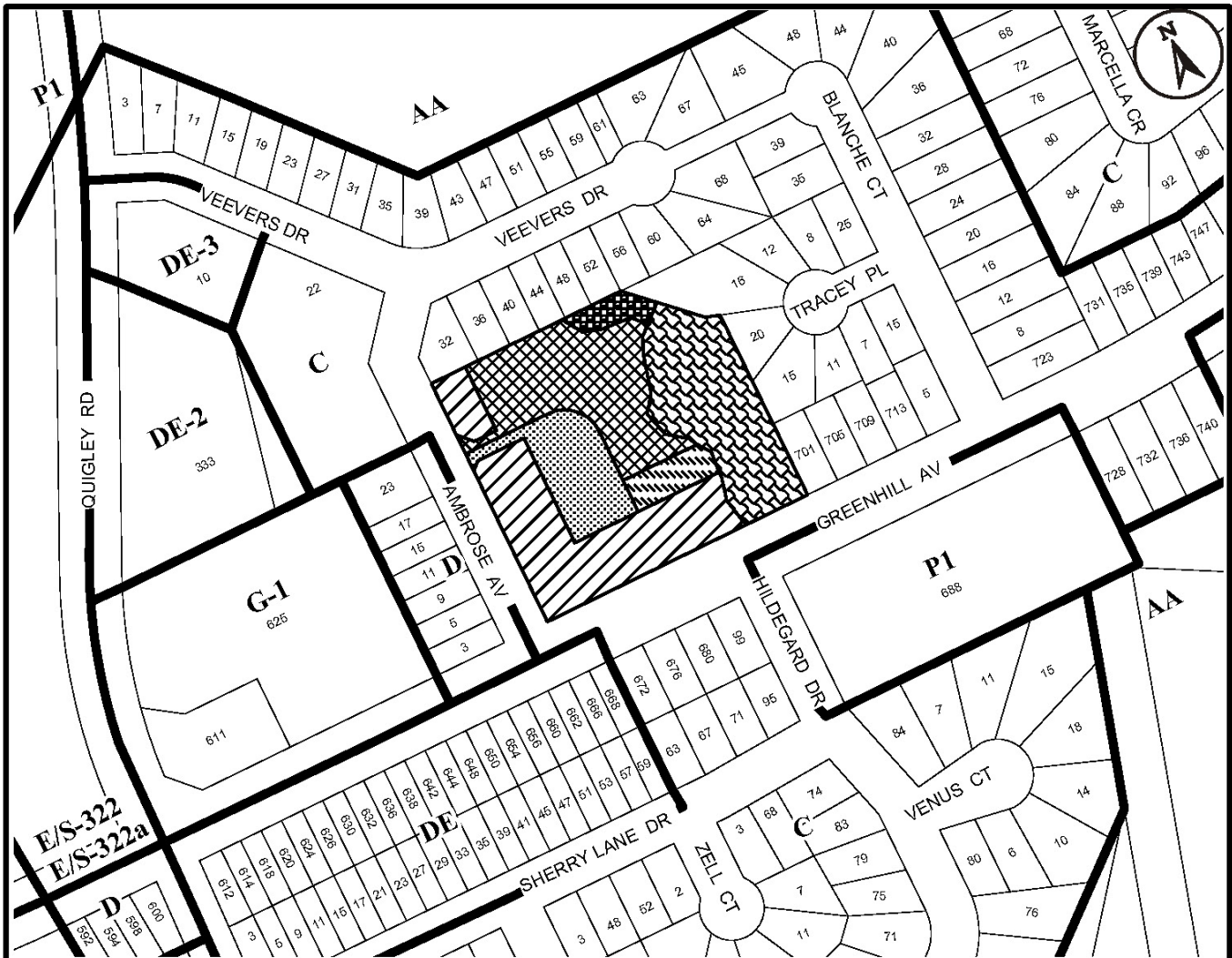
- ♦ Plan and manage the built environment.

<b>APPENDICES / SCHEDULES</b>
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- Appendix “A”: Location Map
- Appendix “B”: Draft Zoning By-law Amendment to Zoning By-law No. 6593
- Appendix “C”: Draft Zoning By-law Amendment to Zoning By-law No. 05-200
- Appendix “D”: Draft Plan of Subdivision
- Appendix “E”: Draft Plan Conditions of Approval
- Appendix “F”: Preliminary Site Plan
- Appendix “G”: Proposed 2008 Development Concept
- Appendix “H”: Public Comments

:GM

Attachs. (8)



● Site of the Application



Ward 5 Key Map

N.T.S.

## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-11-027/25T-201104

Date:  
August 22, 2011

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
GM/AL

### Subject Property

12 Ambrose Avenue

Change in Zoning from "C" (Urban Protected Residential, Etc.) District to the:



**Block 1:** "D"/S-1620 (Urban Protected Residential - One and Two Family Dwellings, Etc.) District;



**Block 2:** "D"/S-1620 (Urban Protected Residential - One and Two Family Dwellings, Etc.) District;



**Block 3:** "D"/S-1620 (Urban Protected Residential - One and Two Family Dwellings, Etc.) District;



**Block 4:** "RT-30"/S-1620 (Street Townhouse) District;



**Block 5:** Conservation/Hazard Land (P5) Zone;



**Block 6:** Conservation/Hazard Land (P5) Zone.

**Authority:** Item [REDACTED]  
Planning Committee  
Report 11 [REDACTED] (PED11175)  
CM: [REDACTED]

**Bill No.** [REDACTED]

**CITY OF HAMILTON**

**BY- LAW NO. [REDACTED]**

**To Amend Zoning By-law No. 6593  
Respecting Lands Located at 12 Ambrose Avenue (Hamilton)**

**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 and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order, dated the 7th day of December 1951, (File No. P.F.C. 3821);

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 11-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED] 2011, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

**AND WHEREAS** this By-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

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

1. That Sheet No. E-98 of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing the following:

- (a) That Blocks 1, 2, and 3 be rezoned from the "C" (Urban Protected Residential, etc.) District to the "D/S-1620" (Urban Protected Residential - One and Two Family Dwellings) District, Modified; and,
- (b) That Block 4 be rezoned from the "C" (Urban Protected Residential, etc.) District to the "RT-30/S-1620" (Street-Townhouse) District, Modified;

on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule 'A'.

2. That the following special regulations shall apply to lands identified as Blocks "1", "2", "3" and "4":

- (a) That notwithstanding Sub-section 2.(2)J.(ix) of Zoning By-law No. 6593, that for the purpose of this By-law, building height shall mean the vertical distance measured from the average finished grade level adjacent to the front elevation of a building to the highest point of the roof structure.
- (b) That notwithstanding Sub-section 18A.(7) of Zoning By-law No. 6593, every parking space, other than a parallel parking space, shall have dimensions not less than 2.6 metres wide and 5.5 metres long, except that parking spaces within an attached garage shall have dimensions not less than 2.7 metres wide and 6.0 metres long.
- (c) That no buildings, structures, fences, swimming pools, or grade alterations shall be permitted within 7.5 metres of any lands zoned Conservation/Hazard Land (P5) Zone in Zoning By-law No. 05-200 and identified as Block "2" on Schedule 'A' of By-law No. 11-[REDACTED].
- (d) That notwithstanding Sub-section 10.(3)(i) and Sub-section 10F.(4)(a) of Zoning By-law No. 6593, a minimum front yard of a depth of not less than 5.5 metres shall be provided and maintained.
- (e) That Sub-section 18A.(11) and 18A.(12) of Zoning By-law No. 593 shall not apply to visitor parking within a common element condominium road, except that a visual barrier between a parking space and the lot line of an abutting residential district, not less than 1.2 metres in height and not greater than 2.0 metres in height, shall be provided and maintained.
- (f) That Sub-sections 18A.(25) and 18A.(29) of Zoning By-law No. 6593 shall not apply.

3. That the following special regulations shall apply to lands identified as Blocks 2, 3, and 4:
  - (a) That notwithstanding any provisions of Zoning By-law No. 6593, for the purposes of this By-law, a common element condominium road is deemed to be a street, and that visitor parking for the dwelling units fronting the common element condominium road is permitted within the common element condominium road.
  - (b) That notwithstanding any provision of Zoning By-law No. 6593, a minimum of 12 visitor parking spaces shall be provided and maintained on lands combined between Block 2, Block 3, and Block 4.
4. That the "D" (Urban Protected Residential - One and Two Family Dwellings) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to the lands identified as Block 1, be modified to the extent only of the following special requirements, in addition to the special requirements in Section 2 of this By-law:
  - (a) That notwithstanding Sub-section 10.(2) of Zoning By-law 6593, for any dwelling or lot abutting a property zoned "C" (Urban Protected Residential, Etc.) District, no building shall exceed 1 ½ storeys, and no structure shall exceed 12.5 metres in height;
  - (b) That notwithstanding Sub-section 10.(3) of Zoning By-law 6593, for any dwelling or lot abutting a property zoned "C" (Urban Protected Residential, Etc.) District, a minimum easterly rear yard setback of 1.2 metres shall be provided and maintained, a minimum southerly side yard setback of 4.5m shall be provided and maintained, and a minimum northerly side yard setback of at least 10.0 metres shall be provided and maintained;
  - (c) That notwithstanding Sub-section 10.(3)(ii) of Zoning By-law No. 6593 and Sub-section 4.(b) of this By-law, for all lots not abutting a property zoned "C" (Urban Protected Residential, Etc.) District, a side yard along each side lot line, of a width of at least 1.2 metres, shall be provided and maintained;
  - (d) That notwithstanding Sub-section 10.(3)(iii) of Zoning By-law No. 6593 and Sub-section 4.(b) of this By-law, a rear yard of a depth of at least 6.0 metres shall be provided and maintained for all lots not abutting a "C" (Urban Protected Residential, Etc.) District;
  - (e) That notwithstanding Sub-section 10.(4)(i) and Sub-section 10.(4)(ii) of Zoning By-law No. 6593, an area of at least 310 square metres shall be provided and maintained for a single family dwelling, and an area of at least 220 square metres per dwelling unit shall be provided and maintained for a divided two family dwelling;

- (f) That notwithstanding any other provisions of Zoning By-law No. 6593, windows above the first storey shall not be permitted on the northern elevation of any dwelling abutting a property zoned "C" (Urban Protected Residential, Etc.) District;
  - (g) That notwithstanding any other provisions of Zoning By-law No. 6593, for any dwelling abutting a property zoned "C" (Urban Protected Residential, Etc.) District, decks shall not be permitted more than 1.5 metres above grade, and that for purposes of the deck, grade shall be defined as the average grade elevation at the 4 corners of the deck.
5. That the "D" (Urban Protected Residential - One and Two Family Dwellings) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to the lands identified as Block 2, be modified to the extent only of the following special requirements, in addition to the special requirements in Section 2 of this By-law:
- (a) That notwithstanding Sub-section 10.(2) of Zoning By-law 6593, no building shall exceed 1 ½ storeys, and no structure shall exceed 12.5 metres in height;
  - (b) That notwithstanding Sub-section 10.(3)(ii) of Zoning By-law No. 6593, a side yard along each side lot line, of a width of at least 1.2 metres, shall be provided and maintained;
  - (c) That notwithstanding Sub-section 10.(3)(iii) of Zoning By-law No. 6593, a rear yard of a depth of at least 10.0 metres shall be provided and maintained;
  - (d) That notwithstanding Sub-section 10.(4)(ii) of Zoning By-law No. 6593, an area of at least 265 square metres per dwelling unit shall be provided and maintained for a divided two family dwelling;
  - (e) That notwithstanding any other provisions of Zoning By-law No. 6593, windows above the first storey shall not be permitted on a rear elevation on any building within a lot that abuts a property zoned "C" (Urban Protected Residential, Etc.) District; and,
  - (f) That notwithstanding any other provisions of Zoning By-law No. 6593, decks shall not be permitted more than 1.5 metres above grade, and that for purposes of the deck, grade shall be defined as the average grade elevation at the 4 corners of the deck on any building.
6. That the "D" (Urban Protected Residential - One and Two Family Dwellings) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to the lands identified as Block 3, be modified to the extent only of the following special requirements, in addition to the special requirements in Section 2 of this By-law:

- (a) That notwithstanding Sub-section 10.(3)(ii) of Zoning By-law No. 6593, a side yard along each side lot line, of a width of at least 1.2 metres, shall be provided and maintained;
  - (b) That notwithstanding Sub-section 10.(4)(ii) of Zoning By-law No. 6593, for an undivided two family dwelling, a width of at least 14.0 metres shall be provided, and an area of at least 225 square metres per dwelling unit for a divided two family dwelling shall be provided and maintained;
7. That the "RT-30" (Street-Townhouse) District regulations, as contained in Section 10F of Zoning By-law No. 6593, applicable to the lands identified as Block 4, be modified to the extent only of the following special requirements, in addition to the special requirements in Section 2 of this By-law:
- (a) That notwithstanding Sub-section 10F.(4)(b) of Zoning By-law No. 6593, a rear yard of a depth of at least 6.0 metres shall be provided and maintained;
  - (b) That notwithstanding Sub-section 10F.(4)(c) of Zoning By-law No. 6593, a side yard abutting a wall that is not a party wall, along each side lot line of a width of not less than 1.2 metres, shall be provided and maintained;
  - (c) That notwithstanding Sub-section 10F.(6)(i) of Zoning By-law No. 6593, a lot area not less than 145 square metres for each single family dwelling unit shall be provided and maintained.
8. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1620.
9. That Sheet No. E-98 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1620.
10. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "D" (Urban Protected Residential - One and Two Family Dwellings) District provisions and the "RT-30" (Street-Townhouse) District provisions, subject to the special requirements referred to in Sections 2, 3, 4, 5, 6, and 7 of this By-law.
11. 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 [REDACTED] day of [REDACTED], 2011

---

R. Bratina  
Mayor

---

Rose Caterini  
Clerk

ZAC-11-027/25T-201104



This is Schedule "A" to By-Law No. 11-

Passed the ..... day of ....., 2011

-----  
Clerk

-----  
Mayor

## Schedule "A"

Map Forming Part of  
By-Law No. 11-\_\_\_\_\_

to Amend By-law No. 6593

### Subject Property

12 Ambrose Avenue

Change in Zoning from "C" (Urban Protected Residential, Etc.) District to the:



**Block 1:** "D"/S-1620 (Urban Protected Residential - One and Two Family Dwellings, Etc.) District;



**Block 2:** "D"/S-1620 (Urban Protected Residential - One and Two Family Dwellings, Etc.) District;



**Block 3:** "D"/S-1620 (Urban Protected Residential - One and Two Family Dwellings, Etc.) District;



**Block 4:** "RT-30"/S-1620 (Street Townhouse) District;



Refer to Zoning By-law No. 05-200

Scale:  
N.T.S.

File Name/Number:  
ZAC-11-027/25T-201104

Date:  
August 22, 2011

Planner/Technician:  
GM/AL



**Hamilton**

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

**Authority:** Item [REDACTED]  
Planning Committee  
Report: 11-[REDACTED] (PED11175)  
CM: [REDACTED]  
  
Bill No. [REDACTED]

**CITY OF HAMILTON**

**BY-LAW No. [REDACTED]**

**To Amend Zoning By-law No. 05-200,  
Respecting Lands Located at 12 Ambrose Avenue (Hamilton)**

**WHEREAS** the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

**AND WHEREAS** the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

**AND WHEREAS** it is desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 11-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2011, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

**AND WHEREAS** this by-law is in conformity with the Official Plan of the City of Hamilton;

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

1. That Map 1352 of Schedule "A" to Zoning By-law No. 05-200 is amended by Incorporating the Conservation/Hazard Land (P5) Zone, applicable to Block 1 and Block 2, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. 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.
3. That this By-law No. [REDACTED] shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Sub-section.

**PASSED and ENACTED** this [REDACTED] day of [REDACTED], 2011.

---

R. Bratina  
Mayor

---

Rose Caterini  
Clerk

ZAC-11-007/25T-201104



This is Schedule "A" to By-Law No. 11-  
Passed the ..... day of ....., 2011

-----  
Clerk  
-----  
Mayor

## Schedule "A"

Map Forming Part of  
By-Law No. 11-\_\_\_\_\_

to Amend By-law No. 05-200  
Map 1352

### Subject Property

12 Ambrose Avenue



Block 1: Lands to be Zoned Conservation/Hazard Land (P5) Zone



Block 2: Lands to be Zoned Conservation/Hazard Land (P5) Zone



Refer to Zoning By-law No. 6593

Scale:  
N.T.S.

File Name/Number:  
ZAC-11-027/25T-201104

Date:  
August 22, 2011

Planner/Technician:  
GM/AL



**Hamilton**

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

[illegible]



**Special Conditions of Draft Plan of Subdivision Approval for "Greenhill Glen"**

**Engineering**

1. That, ***prior to registration of the draft plan of subdivision***, a 7 metre by 7 metre daylight triangle shall be established on the final plan of subdivision, at the widened intersection of Ambrose Avenue and Greenhill Avenue, to the satisfaction of the Senior Director, Growth Management Division.
2. That, ***prior to registration of the draft plan of subdivision***, the owner shall include a warning clause in all Purchase and Sale Agreements advising prospective purchasers of the no parking restrictions on both Greenhill Avenue and Ambrose Avenue, to the satisfaction of the Senior Director, Growth Management Division.
3. That, ***prior to servicing***, the owner shall submit a detailed Stormwater Management Report, to the satisfaction of the Senior Director, Growth Management Division. The Report must address requirements for stormwater quantity and quality control. In addition, the Report must address the fact that in the absence of an overland flow route, the 100 year storm shall be controlled to the capacity of the pipe to which the system outlets. In the absence of actual capacity analysis, the allowable release rate of flows from the proposed development is to be determined by the original design criteria of the existing system.
4. That, ***prior to servicing***, the engineering design and cost schedules shall include provision for reconstruction of both Ambrose Avenue and Greenhill Avenue due to the number of private service installations required on these streets. The owner is required to reconstruct the full width pavement, concrete curb and sidewalk adjacent to the subject lands, at their expense, on Ambrose Avenue from the north limit of Lot 1 to Greenhill Avenue, and on Greenhill Avenue from Ambrose Avenue to the east limit of Lot 9, to the satisfaction of the Senior Director, Growth Management Division.
5. That, ***prior to servicing***, the owner shall indicate the driveway locations on the engineering drawings for Lots 1 to 9, inclusive, and that no driveway be located within any daylight triangles, and that the driveway for Lot 1 must have direct access to Ambrose Avenue, to the satisfaction of the Senior Director, Growth Management Division.

6. That, ***prior to servicing***, the owner shall agree to provide, in writing, to the satisfaction of the Senior Director, Growth Management Division, a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision, including homes. This document will also include, first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works, as well as the contractor/agent contact information so that the City can direct works be completed, as necessary.
7. That, ***prior to servicing***, the owner shall prepare an on-street parking plan based on the premise of achieving on-street parking for 40% of the total number of single and semi-detached units, to the satisfaction of the Senior Director, Growth Management Division.
8. That, ***prior to servicing***, the owner shall initiate a petition to have the City rescind the existing “No Parking” By-law on Ambrose Avenue, at the owner’s expense, all to the satisfaction of the Senior Director, Growth Management Division.
9. That, ***prior to servicing***, the owner shall be required to relocate, as required, all affected utility poles, hydrants, pedestals, hydro vaults, etc., to the satisfaction of the Senior Director, Growth Management Division.
10. That, ***prior to servicing***, the owner shall be required to direct the roof leaders for Lot 1 and Parcels 1, 2, and 3 on Block 12 to the front yards, to the satisfaction of the Senior Director, Growth Management Division.

### **Development Planning**

11. That, ***prior to registration of the draft plan of subdivision***, the following warning clauses shall be included in the Subdivision Agreement, to the satisfaction of the Director of Planning, and that the applicant agrees to include the same warning clauses in all offers of purchase and sale or lease, rental agreements, and future condominium declaration, site plan undertaking agreements, and development agreements. The warning clauses would apply to Lot 1, Lot 9, and Block 12:

“Purchasers of Lot 9, and any future lot within Block 12, are advised that the easterly 7.5m of Block 12 and Lot 9 constitute a 7.5m wide buffer adjacent to the valley bank, and this 7.5m buffer shall not be used for any buildings, structures, or swimming pools, and no changes to grading shall be permitted”.



12. That, ***prior to servicing***, the owner shall indicate the driveway locations on the engineering drawings for Lots 3 to 8, inclusive, to show driveway locations for the pair of semi-detached dwellings on each lot that are located adjacent to each other in order to maximize potential future on-street parking, to the satisfaction of the Manager of Development Planning and the Senior Director, Growth Management Division.
13. That the owner shall **agree, in writing**, that Block 10 and Block 11 be registered under the same name and title, to the satisfaction of the Director of Planning.

**Public Works Department (Environmental Services Section)**

14. That, prior to preliminary grading or servicing, the owner shall submit a Tree Management Plan, prepared by a certified arborist or landscape architect, for review and approval by the Manager of Environmental Services, Public Works Department, and provide written certification from the owner's landscape architect/arborist to the Director of Planning that all measures for the protection of isolated trees, tree clusters, and woodlands, in accordance with the detailed Tree Management Plan, approved by the City, have been implemented and inspected, prior to any clearing or grubbing of the lands within the draft plan.

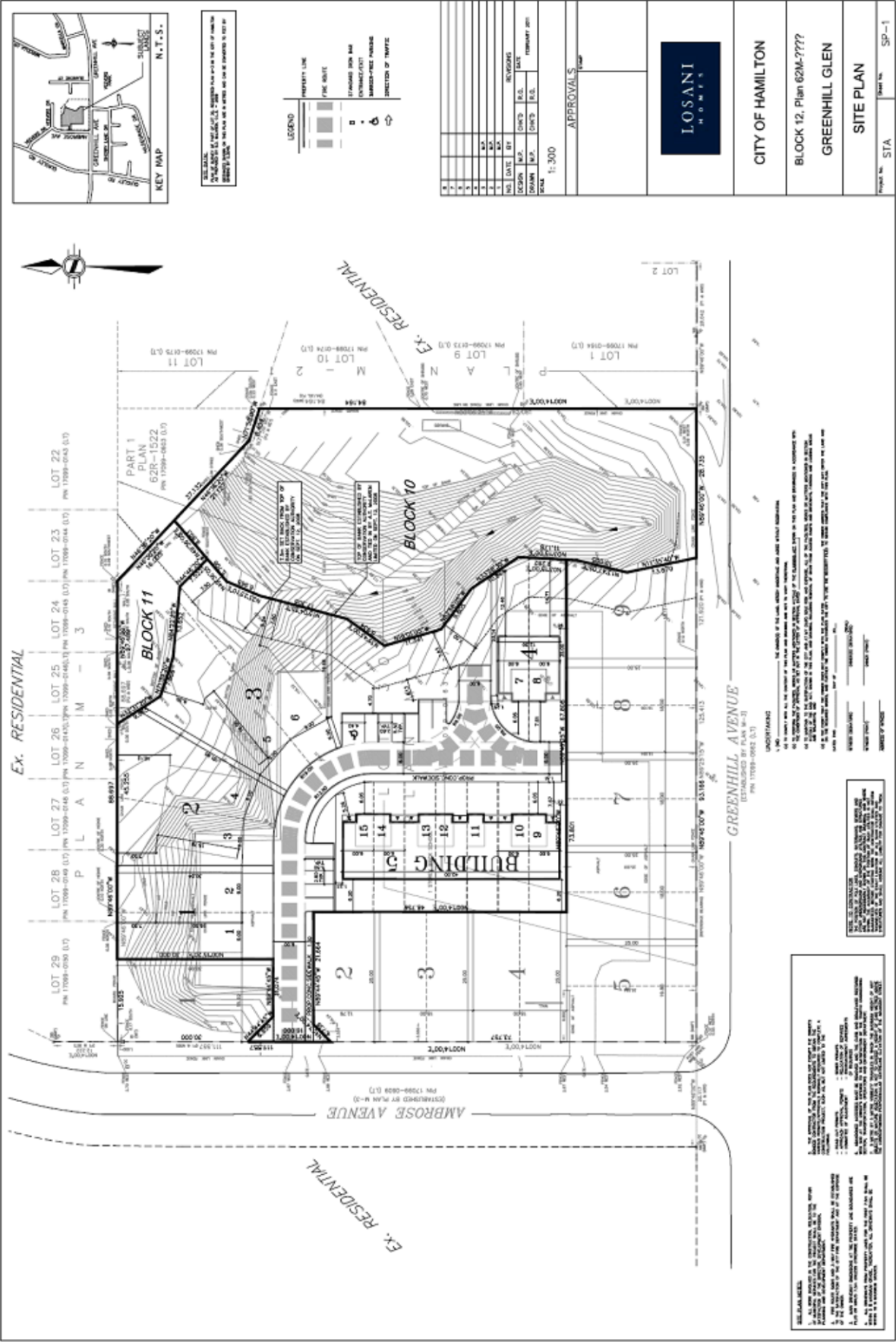
**Public Works Department (Traffic Engineering Section)**

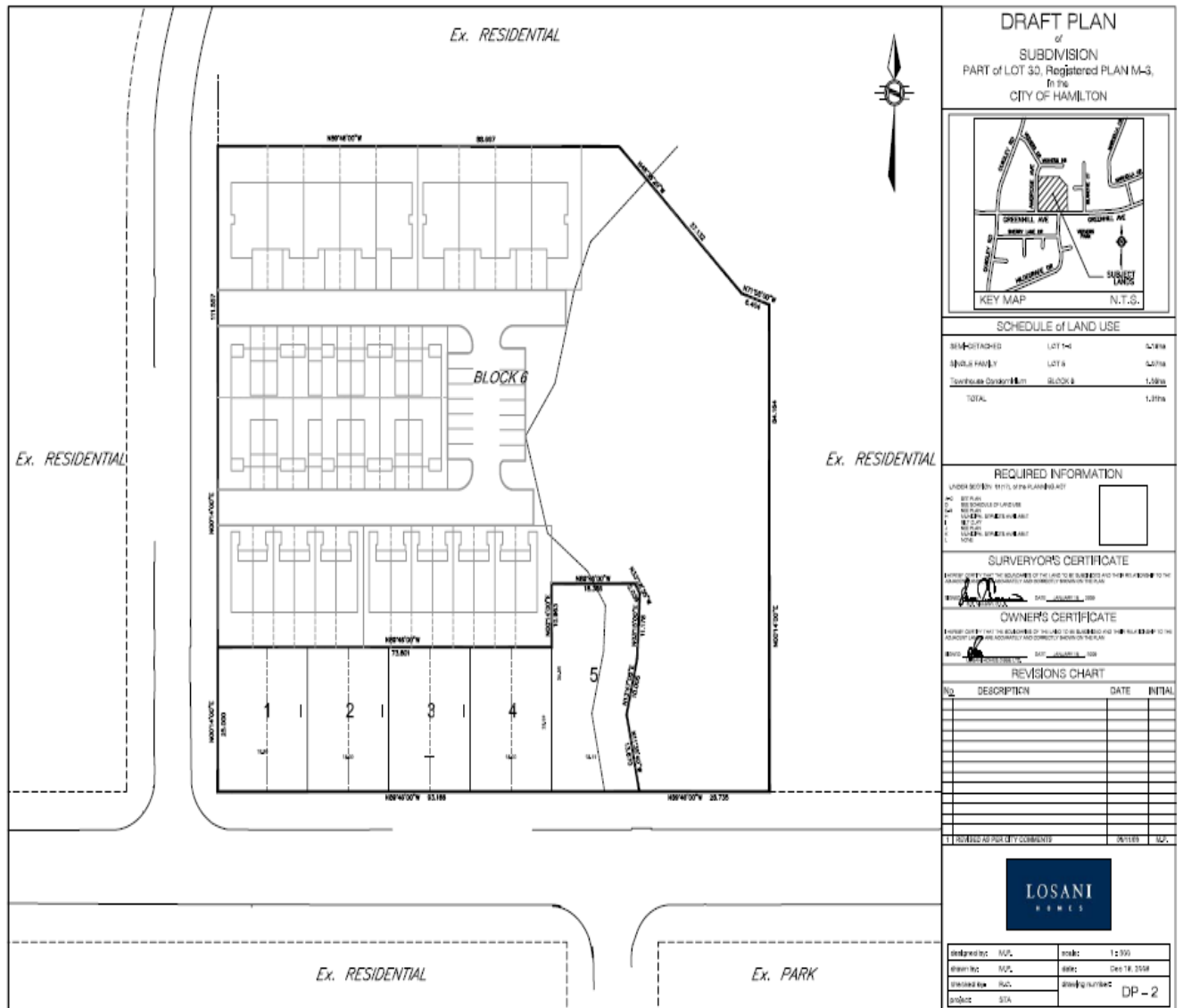
15. That, ***prior to servicing***, the owner shall indicate the driveway locations for Lot 5 to show driveway locations on the easterly side of the lot, to the satisfaction of the Manager of Traffic Engineering.

**Canada Post**

16. That the owner shall **agree, in writing**, to include the following statements in all offers of purchase and sale:
  - (a) That the home/business mail delivery will be from a designated Centralized Mail Box.
  - (b) That the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
17. That the owner shall **agree, in writing**, to:
  - (a) Work with Canada Post, and the Senior Director of Growth Management, to determine and provide temporary suitable Centralized mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision.

- (b) Install a concrete pad in accordance with the requirements of, and in locations to be approved by Canada Post and the Senior Director of Growth Management, to facilitate the placement of Community Mail Boxes.
- (c) Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
- (d) Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and the Senior Director of Growth Management, and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.





**From:** ccran  
**Sent:** Friday, June 24, 2011 1:16 PM  
**To:** Macdonald, Greg  
**Cc:** Collins, Chad  
**Subject:** Greg Macdonald.doc  
Greg Macdonald, City of Hamilton  
Planning and Economic Development Department  
Planning Div.—Development Planning—East Section  
71 Main St. W., 5<sup>th</sup> floor, Hamilton, Ont. L8P 4Y5

E-Mail: [greg.macdonald@hamilton.ca](mailto:greg.macdonald@hamilton.ca)

Dear Sir/Madam:

Re: File No: ZAC-11-027/25T-201104

I agree with the single units placement, but wish these single units could be continued along Greenhill Ave. to match the rest of the homes already established on that block.

I still believe too many units are being crowded into this location. Replacing all freehold Street townhouses with semi-detached dwellings – each unit having its own driveway and backyard (similar to those on the south side of Greenhill) would be more in keeping with the integrity of this already established neighbourhood (approx. 40 years).

The increased value of the extra single units and semi-detached dwellings as described should make sales of these units more popular and facilitate a much less density of traffic in this area.

The development of this area should not be a step backward from the planning put in place 40+ years ago.

Yours truly,

Stephanie Cran  
11 Venus Court  
Hamilton, Ont.  
L8K 5R5

cc: Councillor Chad Collins (Ward 5)

June 24, 2011