REPORT TO: Chairman and Members Planning & Economic Development Committee

SUBMITTED BY: Lee Ann Coveyduck General Manager

DATE: September 2, 2005
FILE: ZAC-05-56

PREPARED BY: Heather Travis Ext. 4168

SUBJECT: Application for a Change in Zoning for Lands Located South of the Lincoln M. Alexander Parkway and West of West 5th Street (Hamilton) (PED05114) (Ward 8)

COMMENDATION:

That approval be given to Zoning Application ZAC-05-56, 1419690 Ontario Inc. (Ward Campbell), owner, for a change in zoning from “DE” (Low Density Multiple Dwellings) District, Modified, to “R-4” (Small Lot Single Family Dwelling) District, Modified (Blocks 1 to 3) to permit the development of 12 interlink single detached dwelling units and from “DE” (Low Density Multiple Dwellings) District, Modified to “R-4” (Small Lot Single Family Dwelling) District, Modified (Block 4) to permit the development of 18 small lot single detached dwellings, for lands located south of the Lincoln M. Alexander Parkway and west of West 5th Street (Hamilton), as shown on Appendix “A” to Report PED05114, on the following basis:

(a) That Blocks 1, 2 and 3 be rezoned from “DE” (Low Density Multiple Dwellings) District, Modified, to “R-4” (Small Lot Single Family Dwelling) District, Modified.

(b) That Block 4 be rezoned from “DE” (Low Density Multiple Dwellings) District, Modified, to “R-4” (Small Lot Single Family Dwelling) District, Modified.

(c) That the Draft By-law, attached as Appendix “D” to Report PED05114, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.

(d) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The subject lands are located within the Draft Approved Plan of Subdivision, “Avalon Phase 3”, (25T94012(R)) within the Gourley Neighbourhood, and are located south of the Lincoln M. Alexander Parkway and west of West 5th Street, as shown on Appendix “A”. The purpose of the application is to change the zoning on the subject lands to permit the development of 12 interlink single family dwelling units on separate lots on Blocks 1 to 3, and 18 small lot single family dwellings on Block 4. Land division is intended to proceed by the lifting of Part-Lot Control.

The proposal has merit and can be supported in view of the fact that the changes in zoning are consistent with the Provincial Policy Statement, and conform with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan. The proposal implements the Attached Housing (Innovative Housing) designation in the Gourley Neighbourhood Plan, and is compatible with existing and planned development in the neighbourhood. In addition, the proposed interlink single family dwelling units and small lot singles proposed for Blocks 1 to 4 will aesthetically improve the streetscape along Brigadoon Drive and Springvalley Crescent by reducing the amount of required front yard parking and introducing a compatible built form and consistent streetscape character.

BACKGROUND:

Proposal

The purpose of the application is to change the zoning from “DE” (Low Density Multiple Dwellings) District, Modified, to “R-4” (Small Lot Single Family Dwelling) District, Modified, for the lands shown as Blocks 1 to 3 (inclusive) on Appendix “A” and from “DE” (Low Density Multiple Dwellings) District, Modified, to “R-4” (Small Lot Single Family Dwelling) District, Modified, for the lands shown as Block 4. The subject lands are comprised of Blocks 121 to 124 in the Draft Approved Plan of Subdivision, “Avalon Phase 3”, as shown on Appendix “B”. The effect of the application is to permit Blocks 1 to 3 to be developed for 12 interlink single family dwelling units on separate lots, whereas the current zoning permits 3 quattroplex dwellings for a total of 12 units. The lands in Block 4 are proposed to be developed for 18 small lot single family dwellings, whereas the current zoning permits 9 quattroplex units for a total of 36 units. The applicant intends to file an application to lift Part-Lot Control for these blocks once the proposed rezoning is approved.

Draft Plan of Subdivision Applications 25T94012 and 25T94012(R) and Zoning Amendment Application ZAC-94-32

The subject lands are part of the Draft Approved Plan of Subdivision, “Avalon Phase 3”, (formerly Orchards North). The subdivision was draft approved on November 10, 2000 and included 45 larger lots for single family dwellings, 51 small lots for single family dwellings, 12 lots for freehold quattroplexes, 22 small lots for interlink single family
dwellings, and 9 blocks for development with adjacent lands. Zoning By-law 97-031 was passed on February 25, 1997, which changed the zoning on the lands comprising the “Avalon Phase 3” Draft Plan of Subdivision. In particular, the lands that are subject to this application (Blocks 121 – 124 of the “Avalon Phase 3” Draft Plan) were rezoned to the “DE” (Low Density Multiple Dwellings) District, Modified. The modifications restrict the uses on these lands to that of a quattroplex dwelling. Each quattroplex dwelling would contain 4 dwelling units attached to each other side by side and in two rows arranged back to back. In May 2005, the applicant applied for a modification to the approved draft plan (25T94012(R)) to combine the 9 lots approved for quattroplexes on the north side of Springvalley Crescent to form one block (Block 124) and to change reference of the 3 lots approved for quattroplexes on the south side of Springvalley Crescent to blocks (Blocks 121 to 123). The applicant requested this change to allow flexibility in the future development of these blocks. This modification to the approved draft plan was approved on May 24, 2005.

**Details of Submitted Application**

**Owner/Applicant:** 1419690 Ontario Inc. (Ward Campbell)

**Agent:** Starward Development Services

**Location:** Blocks 121 to 124 (inclusive) in Draft Approved Plan of Subdivision, “Avalon Phase 3”, (south of the Lincoln M. Alexander Parkway and west of West 5th Street)

**Description:** Blocks 121 to 123 (each block):
- Width: 22m
- Depth: 40m
- Area: 880m²

Block 124:
- Width: 186.79m
- Depth: 45.11m
- Area: 8,426m²
**EXISTING LAND USE AND ZONING:**

<table>
<thead>
<tr>
<th></th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tbody>
<tr>
<td><strong>Subject Lands</strong></td>
<td>Vacant</td>
<td>“DE” (Low Density Multiple Dwellings) District, Modified</td>
</tr>
<tr>
<td><strong>Surrounding Land Uses</strong></td>
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<tr>
<td><strong>North</strong></td>
<td>Lincoln M. Alexander Parkway</td>
<td>“AA” (Agricultural) District</td>
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<tr>
<td><strong>South</strong></td>
<td>Vacant land / Single detached dwellings</td>
<td>“R-4” (Small Lot Single Family Dwelling) District and “R-4” (Small Lot Single Family Dwelling) District, Modified</td>
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<td><strong>East</strong></td>
<td>Vacant</td>
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<tr>
<td><strong>West</strong></td>
<td>Vacant land / Single detached dwellings</td>
<td>“R-4” (Small Lot Single Family Dwelling) District and “R-4” (Small Lot Single Family Dwelling) District, Modified</td>
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**ANCIAL/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 modification in Zoning.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the application is consistent with the policies that focus growth in settlement areas.

Policy 1.7.1(e) outlines that long term economic prosperity will be supported by planning so that major facilities (such that airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive
land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. Due to the proximity of the subject lands to the Lincoln M. Alexander Parkway, the applicant was required to complete a noise study as a condition of draft plan approval for “Avalon Phase 3”. The noise study has been accepted by the City and the recommendations of this study are required to be incorporated on site, as per the conditions of Draft Plan approval.

**Hamilton-Wentworth Official Plan**

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 states 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. Therefore, as the nature of the application is for a change in zoning to allow for the development of the property for residential purposes, the proposal conforms to the Hamilton-Wentworth Official Plan.

**City Of Hamilton Official Plan**

The subject property is designated “Residential” in the City of Hamilton Official Plan. The following policies of the City of Hamilton Official Plan, among others, are applicable to the proposed development:

“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 redevelopment will contribute to the desired mix of housing, where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.’”

The City of Hamilton Official Plan encourages a variety of dwelling types in areas designated “Residential”. The proposal for interlink single detached dwellings and small lot single family dwellings complies with this designation. As such, the proposal conforms to the City of Hamilton Official Plan.

**Gourley Neighbourhood Plan**

The subject lands are designated as “Attached Housing” in the approved Gourley Neighbourhood Plan, with a special note designating this area for “Innovative Housing”. The plan notes that this designation can include small lot singles, which includes interlink single family dwellings, and cluster housing. Therefore, the proposal complies
with the Gourley Neighbourhood Plan in that both small lot single family dwellings and interlink single family dwelling units are permitted under this designation.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGencies:

Agencies/Departments Having No Comment or Objections

- Public Works Department (Traffic Engineering and Operations Section)
- Corporate Services Department (Budget & Fiscal Policy Services)
- Corporate Services Department (Revenues Division)
- Hamilton Hydro
- Union Gas

PUBLIC CONSULTATION

In accordance with the new Public Participation Policy that was approved by Council on May 29, 2003, this application was pre-circulated to all property owners within 120 metres of the subject lands. Circulation letters were mailed out to 216 property owners, and no written responses or phone calls were received as a result of this circulation.

CITY STRATEGIC COMMITMENT:

The City of Hamilton’s Strategic Plan encourages development which makes efficient and economical use of infrastructure and services. The proposed change in zoning would not have any negative social, health, or environmental impacts. As the proposal is for residential development on full municipal services, it meets the goals of VISION 2020.

COMMENTS:

1. The proposal has merit and can be supported for the following reasons:

   (i) It is consistent with the Provincial Policy Statement and it conforms to the Hamilton-Wentworth Official Plan, and the City of Hamilton Official Plan.

   (ii) The proposal implements the “Attached Housing” (Innovative Housing) designation in the approved Gourley Neighbourhood Plan.

   (iii) It is compatible with existing and planned development in the neighbourhood.

   (iv) The change in zoning will aesthetically improve the streetscape in the neighbourhood by reducing the amount of front yard parking and introducing a compatible and consistent built form along Springvalley Crescent and Brigadoon Drive.
2. The subject lands are currently zoned to permit freehold quattroplex dwellings. The original draft plan of subdivision included 3 blocks for quattroplex dwellings shown as Blocks 1 to 3 (Appendix “A”), for a total of 12 units. The current proposal to rezone Blocks 1 to 3 to the “R-4” District, Modified, for interlink single family dwellings on separate lots, would provide a total of 12 units on these blocks, resulting in no net loss in density. In addition, the change in zoning to permit interlink singles on these blocks will result in a uniform streetscape along Springvalley Crescent and Brigadoon Drive, as these blocks will be consistent with the existing planned development to the east and west. Therefore, the change in zoning for Blocks 1 to 3 can be supported.

3. The lands comprising Block 4, to be rezone to the “R-4” District, Modified, were originally approved on the “Avalon Phase 3” Draft Plan of Subdivision for 9 freehold quattroplex dwellings, for a total of 36 units. The current proposal is for 18 small lot single family dwellings on the lands, resulting in a net loss in density of 18 units. At the time, the original draft plan of subdivision was approved, quattroplex dwellings were considered to be an Innovative Housing form that would provide for a variation in housing types in the neighbourhood. Since the original approval of the quattroplexes on these lands, the applicant has realized that due to site constraints (i.e. required setbacks from the Parkway, front yard parking requirements), the quattroplexes are not an ideal form of housing for this location. The required design of the quattroplex units is not appropriate for this block, in terms of market implications. The applicant has thus requested a change in zoning to permit the development of 18 small lot single family dwellings on Block 4, which would be consistent with the existing zoning and planned development to the east and west of this block. The small lot single family dwellings are consistent with the Gourley Neighbourhood Plan designation.

The originally proposed 9 quattroplex dwellings (containing a total of 36 units) would have resulted in 8 parking spaces in the front yard of each quattroplex dwelling (as illustrated in Appendix “C”), as each unit in the quattroplex requires 2 parking spaces. This abundance of parking in the front yard is not considered compatible with the surrounding planned development in the neighbourhood. The change in development to small lot single family dwellings on this block would provide a more uniform streetscape for the neighbourhood with more landscaping, and would provide a decrease in required front yard parking and an increase in the availability of on-street parking as the number of driveways will be reduced. Therefore, the change in zoning to permit small lot single family dwellings on Block 4 can be supported.

4. The lands shown as Blocks 1 to 3 on Appendix “A” are proposed to be rezoned to “R-4/S-1371a” District, with the same site-specific provisions as applicable to the lands to the east and west of Blocks 1 to 3 accommodating the “interlink” single family dwelling form of development. The site-specific provisions include the following:
• Restricts the permitted uses on the lands to single family dwellings (whereas the “R-4” District also permits semi-detached dwellings).

• Restricts the height of any building to 1 storey and 4.5m within 3.5m or less of any rear lot line (whereas the “R-4” District permits a maximum height of 11m).

• Permits a reduced minimum front yard of 3.5m to the main wall of the dwelling (whereas 6.0m is required in the “R-4” District).

• Requires a minimum front yard depth of 7.0m to a garage or carport.

• Requires a minimum landscaped open space area of 41m², with a minimum width of 5.5m and a minimum depth of 6.0m in the rear yard.

• Requires a minimum lot width of 11m and minimum lot area of 270m² for interior lots.

• Requires a visual barrier of not less than 1.2m in height and not greater than 2.0m in height to be provided and maintained along the rear and side lot lines.

• Prohibits any door, window or other opening in the wall of a dwelling where the wall is within 3.5m or less of the rear yard landscaped area of an abutting property and faces the rear yard landscaped area.

• Prohibits any accessory buildings or structures.

5. The individual lots for both the interlink single family dwellings and the small lot single family dwellings will be created through the passage of a By-law for the removal of Part-Lot Control. The applicant has requested that the following special provision be included in the amending By-law:

“On a lot or block against which a Part Lot Control Exemption By-law is to be registered, those parts on a reference plan which are intended to constitute a future lot shall be deemed to be a lot for the purposes of this By-law provided that such parts are in compliance with all applicable regulations of this By-law, in which case, one single detached dwelling shall be permitted on each future lot.”

As the Zoning By-law restricts development to one single family dwelling per lot or block, this provision would permit the applicant to receive building permits for the proposed lots prior to the passage of a By-law for the removal of Part-Lot Control. This would allow the applicant to proceed with development in a timely manner. The applicant would still be required to register the Part-Lot Control By-law in order to sell the lots.
6. The interlink single family dwelling units are considered to be an innovative housing form and are, therefore, subject to Site Plan Control. Prior to the issuance of building permits for these proposed lots, the applicant will be required to receive approval of a Site Plan Control Application, to the satisfaction of the Manager, Development Planning.

**CONCLUSION:**

Based on the foregoing, the application can be supported.

:HT

Attachs. (4)
Appendix “A” to Report PED05114

Blocks 1 to 3 – Change in Zoning from “DE” (Low Density Multiple Dwellings) District, Modified to “R4” (Small Lot Single Family Dwelling) District, Modified

Block 4 – Change in Zoning from “DE” (Low Density Multiple Dwellings) District, Modified to “R4” (Small Lot Single Family Dwelling) District, Modified

Blocks 121 to 124 on Revised Draft Approved Plan of Subdivision “Avalon Phase 3” (25T94012)(R)
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 6593,
Respecting Lands Located South of the Lincoln M. Alexander Parkway and West of West 5th Street

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 Section __________ of Report __________ of the Planning and Economic Development Committee at its meeting held on the __________ day of __________, 2005, 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. W-17b of the District map, appended to and forming part of By-law No. 6593 (Hamilton), is amended,
(a) by changing the zoning from the “DE” (Low Density Multiple Dwellings) District, Modified, to “R4” (Small Lot Single Family Dwelling) District, Modified, the lands comprised of Blocks 1 to 3 (inclusive); and,

(b) by changing the zoning from the “DE” (Low Density Multiple Dwellings) District, Modified, to “R4” (Small Lot Single Family Dwelling) District, Modified, the lands comprised of Block 4,

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

2. That the “R4” (Small Lot Single Family Dwelling) District regulations as contained in Section 9A of Zoning By-law No. 6593, applicable to the lands shown as Blocks 1 to 3 on Schedule ‘A’, be modified to include the following special requirements:

(a) That notwithstanding Section 9A(1) of Zoning By-law No. 6593, only the following use shall be permitted:

1) A single family dwelling;

(b) That notwithstanding Section 9A(2)(a) of Zoning By-law No. 6593, the following shall apply:

1) No building or portion of a building shall exceed 1 storey and 4.5 metres in height for that portion of the building located within 3.5 metres or less of any rear lot line;

(c) That notwithstanding Section 9A(2)(b)(1)(i) of Zoning By-law No. 6593, the following shall apply:

1) A front yard having a depth of not less than 3.5 metres to the main wall of the dwelling;

2) A front yard having a depth of not less than 7.0 metres to the garage or carport;

(d) That in addition to the requirements of Section 9A(2)(b)(1)(iv) of Zoning By-law No. 6593, the following shall apply:

1) A minimum landscaped open space area of 41 m$^2$ having a minimum width of 5.5 metres and a minimum depth of 6.0 metres shall be provided and maintained in the rear yard;

(e) That notwithstanding Section 9A(2)(c) of Zoning By-law No. 6593, the following shall apply:
1) No interior lot for a single family dwelling shall have a lot area of less than 220 m² or a lot width of less than 11.0 metres;

2) No corner lot for a single family dwelling shall have a lot area of less than 220 m² of a lot width of less than 12.0 metres;

(f) That a visual barrier of not less than 1.2 metres in height and not greater than 2.0 metres in height, shall be provided and maintained along the rear and side lot line and side lot line where it abuts the rear yard;

(g) No door, window or other opening shall be permitted in the wall of a dwelling where the wall is within 3.5 metres or less, of the rear yard landscaped area of an abutting property and faces said rear yard landscaped area; and,

(h) That notwithstanding Sections 18(4)(i) and 18(13) of Zoning By-law No. 6593, no accessory building or structure shall be permitted.

3. That the “R4” (Small Lot Single Family Dwelling) District regulations as contained in Section 9A of Zoning By-law No. 6593, applicable to the lands shown as Blocks 1 to 4 on Schedule ‘A’, be modified to include the following special requirement:

(a) Notwithstanding Section 4(3)(a) of Zoning By-law No. 6593, on a lot or block against which a Part Lot Control Exemption By-law is to be registered, those parts on a reference plan which are intended to constitute a future lot shall be deemed to be a lot for the purposes of this By-law provided that such parts are in compliance with all applicable regulations of this By-law, in which case, one single detached dwelling, shall be permitted on each future lot.

4. 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 “R-4” (Small Lot Single Family Dwelling) District provisions, subject to the special requirements referred to in Sections 2 and 3, applicable to the lands described in Section 1.

5. By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1371a.

6. Sheet No. W-17b of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1371a.

7. 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 , 2005.

____________________________________
MAYOR

ZAC-05-56

____________________________________
CLERK
Blocks 121 to 124 on Revised Draft Approved Plan of Subdivision “Avalon Phase 3” (25T94012)(R)

Blocks 1 to 3 – Change in Zoning from “DE” (Low Density Multiple Dwellings) District, Modified to “R4” (Small Lot Single Family Dwelling) District, Modified

Block 4 – Change in Zoning from “DE” (Low Density Multiple Dwellings) District, Modified to “R4” (Small Lot Single Family Dwelling) District, Modified

Schedule "A"

Map Forming Part of By-Law No. 05—
to Amend By-Law No. 6593

Subject Property
Blocks 121 to 124 on Revised Draft Approved Plan of Subdivision “Avalon Phase 3” (25T94012)(R)

Blocks 1 to 3 – Change in Zoning from “DE” (Low Density Multiple Dwellings) District, Modified to “R4” (Small Lot Single Family Dwelling) District, Modified

Block 4 – Change in Zoning from “DE” (Low Density Multiple Dwellings) District, Modified to “R4” (Small Lot Single Family Dwelling) District, Modified

Appendix “D” to Report PED05114 (Page 5 of 5)