SUBJECT: Application to Amend the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 93 Highway No. 52, Flamborough (PED07041) (Ward 14)

RECOMMENDATION:

That approval be given to Zoning Application ZAC-06-70, Flamborough Hills Golf Course Ltd., owner, for changes in zoning from the “O3” (Recreational Open Space) Zone to the “A” (Agricultural) Zone (Block “1”) to permit the existing single-detached dwelling on a separate lot, and from the “O3” (Recreational Open Space) Zone to the “O3-9” (Recreational Open Space) Zone (Block “2”) to delete an accessory dwelling unit for maintenance and/or security purposes as a permitted use, for the property located at 93 Highway No. 52 (Flamborough), as shown on Schedule “A” to Appendix “B” of Report PED07041, on the following basis:

(a) That Block “1” of the subject lands be rezoned from the “O3” (Recreational Open Space) Zone to the “A” (Agricultural) Zone.

(b) That Block “2” of the subject lands be rezoned from the “O3” (Recreational Open Space) Zone to the “O3-9” (Recreational Open Space) Zone.

(c) That the draft By-law, attached as Appendix “B” to Report PED07041, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

(d) That the proposed changes in zoning conform to the Hamilton-Wentworth Official Plan and the Flamborough Official Plan.
EXECUTIVE SUMMARY:

The applicant is requesting a Zoning By-law Amendment to facilitate the severance of a proposed lot with an existing single detached dwelling (Block “1” of Appendix “B”) from the existing golf course lands. The applicant has already received provisional approval from the Committee of Adjustment to permit the creation of the new lot, subject to conditions (see Appendix “C”). In order to satisfy a condition of consent approval, this application also requests a rezoning to delete a single-detached dwelling as an accessory use for maintenance and/or security purposes to the golf course (Block “2”).

The proposal has merit and can be supported as the change in zoning is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan and the Flamborough Official Plan. The proposed application permits uses compatible with the adjacent land uses and satisfies a condition of severance approval.

BACKGROUND:

Proposal

The applicant is requesting a change in zoning from the current “O3” (Recreational Open Space) Zone to the “A” (Agricultural) Zone (Block “1” of Schedule “B”), and to the “O3-9” (Recreational Open Space) Zone (Block “2”). This application will permit the existing single detached dwelling to be located on its own lot (Block “1”), while removing the present permitted accessory use of a single detached dwelling for maintenance and/or security purposes for the golf course from the remainder of the “O3” zoned lands (Block “2”). The applicant’s remaining ownership is zoned “CM” (Conservation Management) Zone, which is not part of this application.

The subject lands are located along Highway No. 52, northwest of the intersection of Highway No. 52 and Governor’s Road. The subject land has frontage on both Highway No. 52 and Governor’s Road with Highway No. 52 being used as the main access point for these lands.

The applicant applied to the Committee of Adjustment to sever off a small parcel of land containing the existing single detached dwelling from the golf course lands (Appendix “D”). The Committee of Adjustment granted provisional approval of the consent application on May 31, 2006. The Committee required as a condition of their approval, that the applicant obtain final approval of the requested rezoning (Appendix “C”).
Location: 93 Highway No. 52, Flamborough

Owner: Flamborough Hills Golf Course Ltd.

Property Description:

<table>
<thead>
<tr>
<th>Block “1”</th>
<th>Block “2”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frontage:</td>
<td>75 metres</td>
</tr>
<tr>
<td></td>
<td>460 metres approximately on Highway No. 52</td>
</tr>
<tr>
<td>Depth:</td>
<td>65 metres</td>
</tr>
<tr>
<td></td>
<td>1,187 metres</td>
</tr>
<tr>
<td>Lot Area:</td>
<td>0.48 hectare</td>
</tr>
<tr>
<td></td>
<td>91.9 hectares</td>
</tr>
</tbody>
</table>

EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th></th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Subject Lands</strong></td>
<td>Golf Course and single detached dwelling</td>
<td>“O3” (Recreational Open Space) Zone</td>
</tr>
<tr>
<td><strong>Surrounding Lands</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North</td>
<td>Agricultural</td>
<td>“A” (Agricultural) Zone, “CM” (Conservation Management) Zone</td>
</tr>
<tr>
<td></td>
<td>Golf Course</td>
<td>“O3-8” (Recreational Open Space) Zone</td>
</tr>
<tr>
<td>East</td>
<td>Single Detached Dwellings</td>
<td>“R2” (Settlement Residential) Zone</td>
</tr>
<tr>
<td></td>
<td></td>
<td>“R2-4(H)” (Settlement Residential - Holding) Zone</td>
</tr>
<tr>
<td>South</td>
<td>Single Detached Dwellings and Agricultural</td>
<td>“R2” (Settlement Residential) Zone, “A” (Agricultural) Zone, “CM” (Conservation Management) Zone, “SC-3” (Settlement Commercial) Zone, “R2-4” (Settlement Residential) Zone</td>
</tr>
<tr>
<td>West</td>
<td>Agricultural</td>
<td>“A” (Agricultural) Zone and “CM” (Conservation Management) Zone</td>
</tr>
</tbody>
</table>
ANALYSIS/RATIONALE:

1. The proposed Zoning By-law Amendment has merit and can be supported for the following reasons:
   
   i) It is consistent with the Provincial Policy Statement.
   
   ii) It conforms to and implements the policies of the Hamilton-Wentworth Official Plan and the Flamborough Official Plan.
   
   iii) It is compatible with the surrounding area.
   
   iv) It satisfies a condition of approval for land severance.

2. The existing single-detached dwelling on Block “1” (Schedule “B”) is surplus to the requirements of the golf course and no longer necessary for its operational needs. The lot frontage of 75 metres and area of 4,875 square metres of the proposed lot meets the minimum lot frontage requirement of 30 metres and minimum lot area requirement of 2,000 square metres of the proposed “A” (Agricultural) Zone. The existing single detached dwelling complies with the requirements of the By-law with respect to building location and bulk. The proposed lot contains its own private septic and water system services. No new services, private or public, are required.

3. The proposed lot (Block “1”) is located adjacent to an existing single detached non-farm dwelling to the south. Recognition of the dwelling on Block “1” as a principle use will be compatible with the adjacent dwelling and the golf course. Opposite the proposed lot on Highway No. 52 are single detached residential dwellings contained within the rural settlement area known as Copetown. The proposed rezoning of Block “1” maintains compatibility with these dwellings.

4. The Provincial Greenbelt Plan prohibits new non-agricultural related single-detached dwellings. An accessory single-detached dwelling for maintenance or security personnel for the golf course is recommended for removal as a permitted use on the remainder of the subject lands zoned “O3” (Recreational Open Space) Zone, which is a condition of consent approval for Block “1” (see Appendix “C”). This was recommended as a condition by staff in order to preclude the potential replacement of the accessory dwelling and any future applications to sever and rezone such a use for a principle single-detached dwelling.

ALTERNATIVES FOR CONSIDERATION:

Should the proposed application for amendment to the Zoning By-law be denied, the application to sever the dwelling from the golf course lands will lapse. In that case, the subject lands may be used in accordance with the provisions of the “O3” (Recreational Open Space) Zone.
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 Zoning By-law Amendment.

POLICIES AFFECTING PROPOSAL:

Greenbelt Plan

This application has been reviewed with respect to the Greenbelt Plan. The subject lands are designated “Protected Countryside – Prime Agricultural Area” by the Plan. The Greenbelt Plan recognizes existing uses including non-farm related residential uses. The plan permits the continuation of these uses but prohibits the development of new residential building lots (Policy 3.1.4.1). Given that provisional consent approval has been granted and no new residential unit is being created as a result of this application, the proposal is consistent with the policies of the Greenbelt Plan.

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the subject application is consistent with the policies that regulate the Rural Area (Policy 1.1.4). As the nature of the application is to recognize an existing single-detached dwelling on a proposed lot which has already received provisional consent approval, and to delete a permitted residential accessory use, the proposal is consistent with the policies of the PPS.

Hamilton-Wentworth Official Plan

The subject property is designated as “Rural Area – Prime Agricultural Lands” within the Hamilton-Wentworth Official Plan. Policy 3.2.2 outlines a wide range of rural uses, defined through Area Municipal Official. As the nature of the application is for a change in zoning to an Agricultural zone with the removal of a single detached dwelling as a permitted accessory use from the “O3” (Recreational Open Space) Zone, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

Town of Flamborough Official Plan

The subject property is designated “Agriculture” for the parcel containing the existing single-detached dwelling and “Open Space and Recreation” on the remainder of the subject lands, on Schedule “B” – Rural Land Use Plan. The following policies from the Town of Flamborough Official Plan, among others, are applicable to the proposal:
“B.2.3 The following ancillary uses are permitted in the AGRICULTURE designation, subject to amendment to the Zoning By-law, provided that they are compatible with agricultural uses, support the agricultural economy, have no adverse impacts on ground and surface water systems and the capabilities of the land for safe septic disposal, and comply with all other provisions of this Plan:

(v) residential uses in accordance with the policies of this Plan; and,

B.9.1 The uses permitted in areas designated OPEN SPACE AND RECREATION, as shown on Schedule “B” are: public or private recreation area or facility, trailer park (but does not include a mobile home park), golf course, passive and active areas, forestry, fish and wildlife management, cemeteries, conservation areas, agriculture and a maximum of one accessory residential dwelling unit for a caretaker or security person.”

The applicant is requesting a change in zoning from the current “O3” (Recreational Open Space) Zone to the “A” (Agricultural) Zone and the “O3-9” (Recreational Open Space) Zone. This application will permit the existing single detached dwelling to be located on its own lot, while removing the present permitted accessory use of a single detached dwelling from the remainder of the golf course lands so that no new dwelling may be constructed as an accessory use. The existing single detached dwelling is considered surplus to the existing golf course operation. Based on this, the proposal complies with the Town of Flamborough Official Plan.

**RELEVANT CONSULTATION:**

The following Departments and Agencies had no comments or objections:

- Public Works Department (Strategic & Environmental Planning Section)
- Public Works Department (Traffic Engineering & Operations Section)
- Planning and Economic Development Department (Municipal Parking System)

**Public Consultation**

This application was subject to the Public Participation Policy that was approved by Council on May 29, 2003. A Pre-Circulation letter was circulated on October 19, 2006, to 54 property owners within 120 metres of the subject property. A Public Notice sign was posted on the subject lands at the beginning of October 2006. To date, no responses have been received regarding this application from any property owner.

Notice of the Public Meeting for this rezoning application will be circulated to property owners within 120 metres of the subject lands and through a sign posted on the property in accordance with the requirements of the Planning Act.
CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, and economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes □ No
The public are involved in the definition and development of local solutions.

Environmental Well-Being is enhanced. ☑ Yes □ No
Human health and safety are protected.

Economic Well-Being is enhanced. ☑ Yes □ No
The economic base is diversified.

Does the option you are recommending create value across all three bottom lines? ☑ Yes □ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? □ Yes ☑ No

:SB
Attachs. (4)
Change in Zoning From the “O3” (Recreational Open Space) Zone to the “A” (Agricultural) Zone and the “O3-9” (Recreational Open Space) Zone
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 90-145-Z (Flamborough),
Respecting Lands located at 93 Highway No. 52

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 Town of Flamborough" 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 Zoning By-law No. 90-145-Z (Flamborough) was enacted on the 5th day of November 1990, and approved by the Ontario Municipal Board on the 21st day of December, 1992;

AND WHEREAS the Council of the City of Hamilton, in adopting Item of Report of the Economic Development and Planning Committee at its meeting held on the day of 2007, recommended that Zoning By-law No. 90-145-Z (Flamborough), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (formerly the Town of Flamborough) in accordance with the provisions of the Planning Act.
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Schedule “A-25” attached to and forming part of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by:

   a) changing **Block “1”** from the “O3” (Recreational Open Space) Zone to the “A” (Agricultural) Zone; and,

   b) changing **Block “2”** from the “O3” (Recreational Open Space) Zone to the “O3-9” (Recreational Open Space) Zone;

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

2. Section 26 – “O3” (Recreational Open Space) Zone of Zoning By-law No. 90-145-Z, is hereby amended by adding the following subsection:

   “26.3.9 “O3-9” (See Schedule A-25)

   Permitted Uses

   (a) Notwithstanding Section 26.1(b), an accessory dwelling unit for maintenance and/or security purposes shall be prohibited.

   (b) All other zone provisions of Subsection 26.2 shall apply.”

3. 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 , 2007.

______________________________  ________________________________
MAYOR                                      CLERK

ZAC-06-70
Schedule "A"

Map Forming Part of By-Law No. 07-______
to Amend By-law No. 90-145-Z

Subject Property
93 Highway No. 52

Block 1 - Change in Zoning from "O3" (Recreational Open Space) Zone to the "A" (Agricultural) Zone

Block 2 - Change in Zoning from "O3" (Recreational Open Space) Zone to the "O3-9" (Recreational Open Space) Modified Zone
COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT\LAND SEVERANCE

APPLICATION NO. FL/B-06:25
SUBMISSION NO. B-25/06

IN THE MATTER OF The Planning Act, R.S.O. 1990, Chapter P13, Section 53(1);

AND IN THE MATTER OF the Premises known as Municipal number 93 Highway No. 52, formerly in the Town of (Beverly) Flamborough, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent WEBB Planning Consultants Inc. (James Webb) on behalf of the owner Flamborough Hills Golf Course Limited, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a parcel of land measuring 75m² (246'x) x 65m² (213'x) containing an existing single family dwelling for residential purposes, and to retain an irregular shaped parcel of land having a total frontage of 460m (1,509'), and an area of 91.9 hectares (227 acres) containing an existing club house, pro shop and maintenance building for golf course purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application IS APPROVED for the following reasons:

1. The Committee is of the opinion that the proposal does not offend the intent of the Hamilton-Wentworth and Town of Flamborough Official Plans.

2. The Committee considers the proposal to be in keeping with development in the area.

3. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions.

1. The owner shall submit a deposited Ontario Land Surveyor’s Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar.

2. The owner/applicant shall obtain final approval of a rezoning application for the retained parcel to remove an accessory dwelling as a permitted use and of the conveyed parcel to permit a single-detached dwelling as a main permitted use, to the satisfaction of the Planning and Economic Development Department (Development Planning West).

3. The owner shall dedicate, by deed, to the City of Hamilton sufficient lands from the severed property to establish the property line 60 feet from the centrelines of construction of Highway No. 52.

DATED AT HAMILTON this 31st day of May, 2006.

F. Carrocci, Chairman
L. Gaddye

L. Tew
F. Jewell

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS June 7th, 2006.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (June 7th, 2007) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).