TO: Chair and Members Planning Committee

WARD AFFECTED: WARD 15

COMMITTEE DATE: January 31, 2012

SUBJECT/REPORT NO: Application to Amend Flamborough Zoning By-law 90-145-Z for Property Located at 111 Parkside Drive (Flamborough) (PED12014) (Ward 15)

SUBMITTED BY: Tim McCabe
General Manager
Planning and Economic Development Department

PREPARED BY: Kate Mihaljevic
(905) 546-2424, Ext. 4424

SIGNATURE:

RECOMMENDATION

That approval be given to **Zoning Application ZAR-11-063, by Silverwood Homes Inc., Owner**, for a change in zoning from the Urban Residential “R4-4” Zone, Modified, with a Special Exception, to the Urban Residential “R1-40” Zone, Modified, with a Special Exception, to permit one single detached dwelling unit in lieu of a semi-detached dwelling unit, for lands located at 111 Parkside Drive (Flamborough), as shown on Appendix “A” to Report PED12014, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED12014, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, the Town of Flamborough Official Plan, and the North Waterdown Secondary Plan.
The purpose of the application is to change the zoning to permit one additional single detached dwelling in place of a semi-detached dwelling within the existing approved Draft Plan of Subdivision (25T-200621), known as “Silverwood Homes”, as shown on Appendix “C”.

The proposal is in conformity with the Hamilton-Wentworth Official Plan, the Town of Flamborough Official Plan, and the North Waterdown Secondary Plan. In addition, the proposed modifications to the zoning will maintain the general streetscape of the community with respect to lot frontage and housing types.

Alternatives for Consideration - See Page 8.

Financial: None.

Staffing: None.

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.

Zoning By-law Amendment and Draft Plan of Subdivision applications were submitted in 2007 and 2006, respectively. The purpose of these applications was to rezone lands from Agricultural to Residential and Parkland uses to permit development, as proposed in the “Silverwood Homes” Draft Plan of Subdivision (see Appendix “C”), consisting of 188 residential units within the North Waterdown Secondary Plan area.

These applications were subsequently appealed to the Ontario Municipal Board (OMB) in 2007 (PL070395) because Council had not made a decision on the applications within 180 days. A Board decision was issued on December 11, 2008, which approved the above noted applications.
The development is divided into three phases. Phase 1 consists of 165 units (18 single detached, 70 semi-detached, 70 street townhouse dwellings, and 1 block for 7 townhouse dwellings), a block for a stormwater management pond, and a block for a park. A subsequent Zoning Application (ZAR-10-032) for lands within Phase 1 approved the reconfiguration of single, semi-detached, and townhouse dwelling types within the Phase, with redline revisions made to the approved draft plan of subdivision accordingly.

**Current Zoning By-law Amendment (ZAR-11-063)**

The purpose of the application is to permit one additional single detached dwelling in place of a semi-detached dwelling within Phase 1 of the Board-approved Draft Plan of Subdivision (25T-200621) (see Appendix “C”). In the previous application (ZAR-10-032), the plans provided by the applicant resulted in zoning approval for one half of a semi-detached dwelling on the portion of 111 Parkside Drive that is the subject of this application. Therefore, this application is technical in nature to provide the correct number of single detached dwellings originally contemplated by the redline revised Draft Plan of Subdivision.

**Chronology:**

- **October 25, 2011:** Submission of Application ZAR-11-063 by Metropolitan Consulting Inc.
- **November 3, 2011:** Circulation of the Application to internal departments and external agencies.
- **January 13, 2012:** Circulation of Notice of Public Meeting to all residents within 120 Metres of the subject lands.

**Details of Submitted Application:**

- **Location:** 111 Parkside Drive (Flamborough)
- **Owner:** Silverwood Homes Inc.
- **Property Description:**
  - Frontage: 10.5 metres
  - Lot Depth: 30.18 metres
  - Area: 316.89 square metres
EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Lands:</td>
<td>Vacant</td>
<td>Urban Residential (Semi-Detached and Link) “R4-4” Zone, Modified</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Surrounding Lands:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Vacant</td>
<td>Urban Residential (Single Detached) “R1-52” Zone, Modified</td>
</tr>
<tr>
<td>South</td>
<td>Utility Corridor</td>
<td>Conservation/Hazard Land (P5) Zone</td>
</tr>
<tr>
<td>East</td>
<td>Vacant</td>
<td>Urban Residential (Single Detached) “R1-40” Zone, Modified</td>
</tr>
<tr>
<td>West</td>
<td>Vacant</td>
<td>Urban Residential (Semi-Detached and Link) “R4-4” Zone, Modified</td>
</tr>
</tbody>
</table>

POLICY IMPLICATIONS

Greenbelt Plan

The application has been reviewed against the policies of the Greenbelt Plan. The subject lands are designated Towns and Villages within the Greenbelt Plan. As such, Policy 3.4.2.1 is applicable and states that Towns/Villages, as identified in municipal Official Plans and within their approved boundaries as they existed on the date this Plan came into effect, continue to be governed by municipal Official Plans and related programs or initiatives, and are not subject to the policies of this Plan, save for external connections policies of Section 3.2.5.

Provincial Policy Statement

The application is consistent with the Provincial Policy Statement, in that it focuses growth in Settlement Areas and implements Policies 1.1.1, 1.1.3.2, and 1.4.1, which speak to the provision of densities that efficiently use land and to provide a mix of housing types. Therefore, the application is consistent with the Provincial Policy Statement.
Hamilton Wentworth Regional Official Plan

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 outlines that a wide range of uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas.

Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020. The proposed changes in zoning conform to the policies of the Hamilton-Wentworth Official Plan.

Town of Flamborough Official Plan

The subject property is designated “Mixed-Use” and “Residential” on Schedule “A”, Waterdown Urban Area Land Use Plan, in the Town of Flamborough Official Plan, where the designation permits a variety of commercial and residential uses. The proposed single detached dwelling is consistent with the policies of Section A.3.6 Mixed-Use Area.

The subject property is also located within the Waterdown North Secondary Planning Area, and is described below. As the proposed application is to permit an additional single detached dwelling in place of a semi-detached dwelling within Phase 1 of the redlined, revised approved Draft Plan of Subdivision, the application conforms to the Town of Flamborough Official Plan.

Waterdown North Secondary Plan

The subject lands are designated “Special Policy Area 1”, which permits low density residential uses such as single detached, semi-detached, and townhouse dwellings. The proposal for one additional single detached dwelling in place of a semi-detached dwelling conforms to the Waterdown North Secondary Plan.

New Urban Hamilton Official Plan (Under Appeal)

The Urban Hamilton Official Plan received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011, and is currently under appeal. The subject lands are designated “Neighbourhoods” on Schedule E - Urban Structure and Schedule E-1 Urban Land Use Designations of the New Urban Hamilton Official Plan.

The following policies apply to the “Neighbourhood” land use designation:

“E.3.1.3 Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.
E.3.2.1 Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities, as well as supporting uses intended to serve the local residents.

E.3.4.3 Uses permitted in low density residential areas include single detached, semi-detached, duplex, triplex, and street townhouse dwellings.”

The subject lands are also located within the Waterdown North Secondary Plan Area of the Urban Hamilton Official Plan. The application conforms to Policy 4.2.4.3.a) with respect to single detached, semi-detached, and townhouse dwellings as a permitted use in the Low Density Residential Designation 2. In addition, the proposed development conforms to policies within the “Special Policy A” designation, as there will be no new net increase in the number of units proposed in the approved Plan of Subdivision 25T-200621.

As the Urban Official Plan is not in force and effect, the Waterdown North Secondary Plan within the Flamborough Official Plan continues to be in effect. Based on the foregoing, the proposal would conform to the Urban Hamilton Official Plan.

**Staging of Development Plan**

The proposal is consistent with the Criteria for Staging of Development, in that utilities and services are available, there are no budgetary impacts, it supports a healthy growing economy, provides for additional assessment and Development Charges revenue, provides housing opportunities, and complies with the Official Plan.


**RELEVANT CONSULTATION**

The following Departments and Agencies had no comments or objections.

- Traffic Engineering Section, Public Works Department.
- Hydro One Networks.
Public Consultation

In accordance with the new provisions of the Planning Act and Council’s Public Participation Policy, 71 Notices of Complete Application and Preliminary Circulation were sent to property owners within 120 metres of the subject property on November 3, 2011, requesting public input on the application. To date, no comments have been received.

Further, Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

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 Greenbelt Plan;
   (ii) It conforms to the Hamilton-Wentworth Regional Official Plan, the Town of Flamborough Official Plan, the Waterdown North Secondary Plan, and the New Urban Hamilton Official Plan; and,
   (iii) It is compatible with planned development in the surrounding area and the Board-approved Plan of Subdivision.

2. The purpose of the application is to permit an additional single detached dwelling in place of one half of a semi-detached dwelling. An error was made by the applicant in the previous Zoning Application (ZAR-10-032), which reconfigured the existing permitted uses of single detached, semi-detached, and townhouse dwelling types throughout Phase 1 of the Board-Approved Draft Plan of Subdivision (25T-200621). The plans provided by the applicant for the previous application failed to incorporate a portion of the subject lands for a single detached dwelling lot. As such, the resulting approval left a block on the plan large enough to accommodate only one and a half semi-detached lots, or one oversized semi-detached dwelling lot.

This proposal will change the zoning to reflect the redline revised plan to permit the proposed single detached dwelling. The proposal is for a change in zoning from the Urban Residential (Semi-Detached and Link) “R4-4” Zone, Modified, to the Urban Residential (Single Detached) “R1-40” Zone, Modified. Both zones exist within the plan of subdivision. The effect of the proposal will see a minor adjustment in the zone boundary between the “R4-4” Zone and the “R1-40” Zone.
on the western portion of the subdivision. As the proposal is technical in nature, staff is in support of the application.

**ALTERNAUTIVES FOR CONSIDERATION**

Should the application be denied, the subject property would remain zoned to permit a semi-detached dwelling, which would result in the reconfiguration of Block 71 to accommodate only one semi-detached dwelling as opposed to one semi-detached dwelling and one single detached dwelling. This reconfiguration would result in a semi-detached dwelling on a much larger lot than the other semi-detached dwellings, which would be out of character with the planned development.

**CORPORATE STRATEGIC PLAN**


*Healthy Community*

* Plan and manage the built environment.

**APPENDICES / SCHEDULES**

- Appendix “A”: Location Map
- Appendix “B”: Draft By-law
- Appendix “C”: Survey of Plan of Subdivision

:KM

Attaches. (3)
CITY OF HAMILTON

BY-LAW NO. [HERE] [HERE] [HERE]

To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 111 Parkside Drive (Flamborough)

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

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as “The Town of Flamborough”, and is the successor of 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 of November, 1990, and approved by the Ontario Municipal Board on the 21st of December, 1991;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [HERE] of Report 12-[HERE] of the Planning Committee, at its meeting held on the [HERE] day of [HERE], 2012, 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 (the Official Plan of the former 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-6” of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by changing the zoning from the Urban Residential (Semi-Detached and Link) “R4-4” Zone, Modified, to the Urban Residential (Singe Detached) “R1-40” Zone, Modified, on the lands the extent and boundaries of which are shown on Schedule “A" annexed hereto and forming part of this By-law.

2. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this [date] day of [date], 2012.

________________________________________  ______________________________________
R. Bratina                      Rose Caterini
Mayor                          Clerk

ZAR-11-063
Schedule "A"

Map Forming Part of By-Law No. 12-_____ to Amend By-law No. 90-145-Z

Subject Property

111 Parkside Drive

Change in Zoning from the Urban Residential (Semi-Detached and Link) "R4-4" Zone, modified, to the Urban Residential (Single Detached) "R1-40" Zone, modified.

This is Schedule "A" to By-Law No. 12-
Passed the .......... day of ....................., 2012

Clerk

Mayor