

**Local Planning Appeal Tribunal**  
Tribunal d'appel de l'aménagement  
local



**18-245-LPAT**  
**Attachment 1**

**18-246-LPAT**  
**Attachment 2**

**ISSUE DATE:** June 25, 2018

**CASE NO.:**

PL170537

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

**PROCEEDING COMMENCED UNDER** subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

**Applicant and Appellant:** Sonoma Homes Inc.  
**Subject:** Request to amend the Official Plan --Refusal of request by the City of Hamilton  
**Existing Designation:** General Open Space and Low Density Residential 3  
**Proposed Designated:** Medium Density Residential 2 and Medium Density Residential 2  
**Purpose:** To permit the proposed development of a three storey multiple dwelling comprised of 19 units  
**Property Address/Description:** 125 Wilson St E & Part of 130 Dally Dr  
**Municipality:** City of Hamilton  
**Approval Authority File No.:** UHOP-16-16  
**OMB Case No.:** PL170537  
**OMB File No.:** PL170537  
**OMB Case Name:** Sonoma Homes Inc. v. Hamilton (City)

**PROCEEDING COMMENCED UNDER** subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

**Applicant and Appellant:** Sonoma Homes Inc.  
**Subject:** Application to amend Zoning By-law Nos. 87-57 and 05-200 - Refusal of Application by the City of Hamilton  
**Existing Zoning:** General Commercial "C3-655" and Public Open Space "O2"  
**Proposed Zoning:** Residential Multiple "RM6" Zone, Modified and Conservation /Hazard Zone "P5"

Purpose: To permit the proposed development of a three storey multiple dwelling comprised of 19 units

Property Address/Description: 125 Wilson St E & Part of 130 Dally Dr

Municipality: City of Hamilton

Municipality File No.: ZAC-16-040

OMB Case No.: PL170537

OMB File No.: PL170538

BEFORE:

S. VINCENT )  
 MEMBER )  
 ) Friday, the 22<sup>nd</sup>  
 ) day of June, 2018

**THIS MATTER** having been appealed to the Board;

**AND THE BOARD** having issued an Interim Decision/Order on December 29, 2017, withholding the final Order until advised by the parties that the instruments have been executed in final form;

**AND THE TRIBUNAL** having received the final form of the By-law and the Official Plan Amendment;

**THE TRIBUNAL ORDERS THAT** the appeals are allowed, and By-law No. 87-57 is hereby amended in the manner set in Attachment "1" to this Order. The Tribunal authorizes the municipal clerk to assign a number to this by-law for record keeping purposes;

**AND THE TRIBUNAL FURTHER ORDERS THAT** Amendment No. 89 to the Official Plan for the City of Hamilton is modified as set out in Attachment "2" to this Order, and as modified is approved.



REGISTRAR

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Local Planning Appeal Tribunal**

A constituent tribunal of Environment and Land Tribunals Ontario

Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

## ATTACHMENT 1

### ONTARIO MUNICIPAL BOARD

### CITY OF HAMILTON

### BY-LAW NO. 18-\_\_\_\_\_

To Amend Zoning By-law No. 87-57 (Ancaster)  
Respecting Lands located at 125 Wilson Street East and 130 Dalley Drive  
(Ancaster)

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

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

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

**AND WHEREAS** Zoning By-law No. 87-57 (Ancaster) was enacted on the 22<sup>nd</sup> day of June, 1987, and approved by the Ontario Municipal Board on the 23<sup>rd</sup> day of January, 1989;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item [redacted] of Report 17-[redacted] of the Planning Committee, at its meeting held on the [redacted] day of [redacted], 2017, recommended that Zoning By-law No. 87-57 (Ancaster) be amended as hereinafter provided;

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. 89;

**NOW THEREFORE** the Ontario Municipal Board orders:

1. That Map No. 1 to Schedule "B", appended to and forming part of By-law No. 87-57 (Ancaster) as amended, is hereby further amended by changing the zoning from the General Commercial "C3-655" Zone, Modified with a Special Exception and the Public Open Space "O2" Zone, to the Residential Multiple "RM6" Zone, Modified with a Special Exception, on the lands the extent and boundaries of which are more particularly shown on Schedule "A" annexed hereto and forming part of this By-law.
2. That Section 34: Exceptions of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following sub-section:

**"RM6-685"**

- (f) That notwithstanding the provisions of Subsections 19.2 (a), (c), (e), (f), (g), (h), (i), (j), (l), (m), of the Residential Multiple "RM6" Zone, Section 7.11, and the provisions of Section 7.14: Parking and Loading of Zoning By-law No. 87-57 of the Town of Ancaster, the following regulations shall apply:

Regulations:

- |                                 |   |
|---------------------------------|---|
| a) Minimum Lot Area             | 0.44 hectares   |
| b) Maximum Density              | 91 units per hectares   |
| c) Minimum Lot Depth            | 52.0 metres   |
| d) Maximum Lot Coverage         | 49.2 percent  |
| e) Minimum Front Yard           | 3.0 metres  |
| f) Minimum Side Yard            | 3.0 metres  |
| g) Minimum Rear Yard            | 13.8 metres   |
| h) Parking                      | Notwithstanding Sections 19.2(i) and 7.14(b) (i) (C), the required parking spaces shall be as follows:<br><br>Dwelling Unit and Visitor Parking – 1.63 plus 0.33 visitor parking spaces per dwelling unit |
| i) Children's Outside Play Area | No Children's Outside Play Area shall be required   |
| j) Maximum Height               | 3 storeys and 12.6 metres   |
| k) Minimum Landscaping          | 26.5 percent  |
| l) Minimum Planting Strips      | 3.0 metres wide planting strip abutting the west side yard, except where a Ground Grid and Transformer and associated walkway are located.  |

m) No direct access to Dalley Drive will be permitted. A maximum of 1 driveway will be permitted from Wilson Street East.

Notwithstanding the definitions of "Lot", "Lot Area" and "Lot Coverage" within Paragraphs 3.75, 3.76 and 3.78 of Section 3, "Definitions", for the purposes of this section the Maximum Density, Maximum Lot Coverage, and Minimum Landscaping shall be calculated on that portion of the subject lands located in the RM6-685 Zone and having an area of 0.210 hectares within the RM6-685 Zone.

That in addition to the definition of "Planting Strip" within Paragraph 3.111, of Section 3, "Definitions", concrete planters shall also be permitted within a Planting Strip.

- (i) That notwithstanding Subsection 7.14 (a) (v), "Parking and Loading" of Section 7 "General Provisions", the following shall apply:
    - a) A maximum of five (5) parking spaces located within the below-grade parking area may be obstructed by other parking spaces (i.e. tandem parking)
  - (ii) In addition to Subsection 7.14, "Parking and Loading" of Section 7 "General Provisions", the following shall apply:
    - a) Location of Parking Space                      3.0 metres from Front Lot Line
3. That the amending by-law be added to Map 1 to Schedule "B" of Ancaster Zoning By-law No. 87-57.
  4. 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 Residential Multiple "RM6" Zone, subject to the special requirements referred to in Section 2 of this By-law.
  5. That this By-law No. \_\_\_\_\_ shall come into force and be deemed to have come into force in accordance with Subsection 34(30) of the *Planning Act*, either upon the date of passage of this By-law or as provided by the said Subsection.



|  |  |
|--|--|
| This is Schedule "A" to By-law No. 18- | Pursuant to Decision/Order of the Ontario Municipal Board issued December 29, 2017 in Board Case No. PL170537. |
|--|--|

|  |   |  |
|--|---|--|
| <h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 5px 0 0 0;">Map Forming Part of<br/>By-law No. 18-_____</p> <p style="margin: 5px 0 0 0;">to Amend By-law No. 87-57</p> |   | <p><b>Subject Property</b><br/>125 Wilson Street East &amp; 130 Daley Drive</p> <p> Block 1 - Change from Public Open Space "O2" Zone to Multiple Residential "RM6-885" Zone, Modified</p> <p> Block 2 - Change from General Commercial "C3-655" Zone, Modified, to Multiple Residential "RM6-885" Zone, Modified</p> <p> Block 3 - Change from Public Open Space "O2" Zone and add to zoning By-law 05-200 and zoned as Conservation / Hazard "P5" Zone</p> |
| Scale:<br>N.T.S.   | File Name/Number:<br>ZAC-18-04QUHOPA-18-016 |  |
| Date:<br>February 20, 2018   | Planner/Technician:<br>YR/V/S               |  |
| PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT   |   | Hamilton   |

## **ATTACHMENT 2**

### **Urban Hamilton Official Plan Amendment No. 89**

The following text, together with: Appendix "A" – Volume 2, Ancaster Wilson Street Secondary Plan – Land Use Plan – Map B.2.8-1 attached hereto, constitutes Official Plan Amendment No. 89 to the Urban Hamilton Official Plan.

#### **1.0 Purpose and Effect:**

The purpose and effect of this Amendment is to include a new site specific policy in the the Ancaster Wilson Street Secondary Plan to permit the development of a three storey Multiple Dwelling with a density of 91 units per net residential hectare (19 dwelling units x 0.21 ha) on the subject lands.

#### **2.0 Location:**

The lands affected by this Amendment are known municipally as 125 Wilson Street East and a portion of 130 Dalley Drive, located on the north side of Wilson Street East, east of Jerseyville Road East, south of Dalley Drive and west of Halson Street and Reding Road, in the former Town of Ancaster.

#### **3.0 Basis:**

The basis for permitting this Amendment is:

- The subject lands are located along a Major Arterial Road within the Transition Design District of the Ancaster Community Node wherein a mix of uses is encouraged, including low-rise multiple dwellings, and wherein residential intensification may be considered.
- The proposed development does not result in undue shadowing or other nuisance impacts on the surrounding lands.
- The Amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.



#### 4.0 Actual Changes:

#### 4.1 Volume 2 – Secondary Plans and Rural Settlement Area Plans

##### *Text*

#### 4.1.1 Chapter B.2.0 – Ancaster Secondary Plans

- a. That Volume 2 – Chapter B.2.8 Ancaster Wilson Street Secondary Plan be amended by adding a new Site Specific Policy, as follows:

##### **"Site Specific Policy – Area J**

2.8.16.10 For the lands identified as Site Specific Policy – Area J, on Map B.2.8-1 Ancaster Wilson Street Secondary Plan: Land Use Plan, designated Medium Density Residential 2, and known as 125 Wilson Street East and a portion of 130 Dalley Drive, the following policy shall apply:

- a) Notwithstanding Policies B.2.8.7.4 a) and b), only a multiple dwelling having a maximum of 19 dwelling units and a net residential density of 91 units per hectare shall be permitted."

##### *Schedules and Appendices*

#### 4.1.2 Appendices (Secondary Plan Maps)

- a) That Volume 2, Map B.2.8-1 – Ancaster Wilson Street Secondary Plan - Land Use Plan be amended by:
- i) redesignating a portion of Part 4 on Reference Plan No. 62R-20151 (a portion of 130 Dalley Drive) from "General Open Space" to "Medium Density Residential 2";
  - ii) redesignating the lands known as 125 Wilson Street East from "Low Density Residential 3" to "Medium Density Residential 2"; and,
  - iii) identifying the subject lands as "Site Specific Policy – Area J"
- as shown on Appendix "A" of this Amendment.

#### 5.0 Implementation:

The implementing Zoning By-law Amendments and Site Plan Control will give effect to this Amendment.

This Official Plan Amendment is Schedule "1" to By-law No. \_\_\_, pursuant to Decision / Order of the Ontario Municipal Board issued in Case No. PL170537.

