



City of Hamilton
PLANNING COMMITTEE
AGENDA

Meeting #: 20-010
Date: September 22, 2020
Time: 9:30 a.m.
Location: Due to the COVID-19 and the Closure of City Hall

All electronic meetings can be viewed at:

City's Website:

<https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's YouTube Channel:

<https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

Lisa Kelsey, Legislative Coordinator (905) 546-2424 ext. 4605

Pages

1. **APPROVAL OF AGENDA**
(Added Items, if applicable, will be noted with *)
2. **DECLARATIONS OF INTEREST**
3. **APPROVAL OF MINUTES OF PREVIOUS MEETING**
 - 3.1 September 8, 2020
4. **COMMUNICATIONS**
5. **DELEGATION REQUESTS**
6. **CONSENT ITEMS**
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- 13.1 Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-16-18) and Township of Glanbrook Zoning By-law No. 464 Amendment Application (ZAC-16-051) for Lands Located at 3033, 3047, 3055, 3063 Binbrook Road (Glanbrook) (LS19003(b)/PED19031(b)) (Ward 11)

Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City, and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

14. ADJOURNMENT



PLANNING COMMITTEE

MINUTES

20-009

September 8, 2020

9:30 a.m.

Council Chambers, Hamilton City Hall
71 Main Street West

Present: Councillors J. Farr (Chair) J.P. Danko (Vice Chair), C. Collins
J. Partridge, M. Pearson, and M. Wilson

Absent with Regrets: Councillor B. Johnson – Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. **Application to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 1406 Upper Gage Avenue (Hamilton) (PED20131) (Ward 6) (Item 7.1)**

Result: Motion CARRIED by a vote of 5 to 0, as follows:

NOT PRESENT - Ward 1 Councillor Maureen Wilson
YES - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

FOR INFORMATION:

- (a) **APPROVAL OF AGENDA (Item 1)**

The Committee Clerk advised of the following changes to the agenda:

1. **DELEGATION REQUESTS (Item 5)**

5.1 Lynda Lukasik, Environment Hamilton, respecting Comments on

Proposed Amendment 1 to A Place to Grow and Revised Land Needs Assessment Methodology (Item 9.2) (For today's meeting)

2. PRIVATE AND CONFIDENTIAL (Item 13)

- 13.1 Appeal to the Local Planning Appeal Tribunal on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the City of Hamilton Zoning By-law No. 05-200 for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue South, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton (LS20021/PED19186(a)) (Ward 1)

(Pearson/Partridge)

That the agenda for the August 18, 2020 meeting be approved, as amended.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(b) DECLARATIONS OF INTEREST (Item 2)

None declared.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) August 11, 2020 (Item 3.1)

(Pearson/Danko)

That the Minutes of the August 11, 2020 meeting be approved, as presented.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(d) DELEGATION REQUESTS (Item 5)

- (i) Lynda Lukasik, Environment Hamilton, respecting Comments on Proposed Amendment 1 to A Place to Grow and Revised Land Needs Assessment Methodology (Item 9.2) (For today's meeting) (Added Item 5.1)**

(Wilson/Farr)

That the Delegation from Lynda Lukasik, Environment Hamilton, respecting Comments on Proposed Amendment 1 to A Place to Grow and Revised Land Needs Assessment Methodology (Item 9.2), be approved for today's meeting.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(e) PUBLIC HEARINGS/WRITTEN DELEGATIONS (Item 7)

In accordance with the *Planning Act*, Chair Farr advised those viewing the virtual meeting that the public had been advised of how to pre-register to be a virtual delegate at the Public Meetings on today's agenda; and that no members of the public have pre-registered to be virtual delegate at any of the Public Meetings on today's agenda.

In accordance with the provisions of the *Planning Act*, Chair Farr advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment and Official Plan Amendment, applications before the Committee today, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

- (i) Application to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 1406 Upper Gage Avenue (Hamilton) (PED20131) (Ward 6) (Item 7.1)**

No members of the public were registered as Delegations.

(Pearson/Partridge)

That the staff presentation be waived

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

Jared Marcus, IBI Group, was in attendance and indicated support for the staff report. Jared Marcus requested the removal of a holding provision related to a required Stage Three Archaeological Study, which was not supported by the Committee.

(Pearson/Danko)

That the delegation from Jared Marcus, IBI Group, be received.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Pearson/Partridge)

That the public meeting be closed.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Partridge/Pearson)

- (a) That Amended Zoning By-law Amendment Application ZAR-20-005, (Hussein Ghaddar, Owner), for a change in zoning from the “L-mr-1/S-401” (Planned Development) District, Modified to the “C/S-1802 - H” (Urban Protected Residential etc.) District, Modified, Holding, to facilitate a severance to create two lots for two single detached dwellings on lands located at 1406 Upper Gage Avenue (Hamilton), as shown on Appendix “A” to Report PED20131, be APPROVED, on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED20131, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding ‘H’ as a suffix to the proposed zoning for 1406 Upper Gage Avenue, as shown on Schedule “A” of Appendix “B” to Report PED20131.
- The Holding Provision “C/S-1802 - H” (Urban Protected Residential etc.) District, Modified, Holding, be removed conditional upon:
- (1) Submission and approval of a Stage 3 and if required, Stage 4 Archaeological Assessment, to the satisfaction of the Director of Planning and Chief Planner and the Ministry of Heritage, Sport, Tourism and Culture Industries.
 - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow (2019), and complies with the Urban Hamilton Official Plan regarding matters including compatibility with the immediate area.
- (b) That upon finalization of the implementing By-law, the Eleanor Neighbourhood Plan be amended by changing the designation of the subject lands from “Low Density Apartments” to “Single and Double”.

(Partridge/Pearson)

That the recommendations in Report PED20131 be **amended** by adding the following sub-section (c):

- (c) ***That there were no public submissions received regarding this matter.***

Result: Amendment CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko

YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 1.

**(ii) Applications for an Official Plan Amendment and Zoning By-law
 Amendment for Lands Located at 527 Shaver Road and 629 Garner
 Road West (Ancaster) (PED20132) (Ward 12) (Item 7.2)**

No members of the public were registered as Delegations.

(Pearson/Partridge)

That the staff presentation be waived.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

Matt Johnston, Urban Solutions, was in attendance and indicated support for the staff report, with a requested amendment.

(Partridge/Danko)

That the delegation from Matt Johnston, be received.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Pearson/Danko)

That the written submissions in the report be received.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Danko/Pearson)

That the public meeting be closed.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Pearson/Danko)

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-19-14, by Urban Solutions on behalf of Montelena Development Corporation (Owner), for an amendment to the Shaver Neighbourhood Secondary Plan for a Change in designation from “Medium Density Residential 2a” to “Medium Density Residential 2c”, with a site-specific policy to permit a block townhouse development with a density of 63 units per hectare for lands located at 527 Shaver Road and 629 Garner Road West, as shown on Appendix “A” to Report PED20132, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED20132, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow (2019).
- (b) That Zoning By-law Amendment Application ZAC-19-010 by Urban Solutions on behalf of Montelena Development Corporation (Owner), for a change in zoning from the Agricultural “A-216” Zone, Modified, to a Holding Residential Multiple (H-RM4-710) Zone, Modified, in the Town of

Ancaster Zoning By-law No. 87-57, to permit a maximum of 24 block townhouse units for lands located at 527 Shaver Road and 629 Garner Road (Ancaster), as shown on Appendix "A" to Report PED20132 be APPROVED, on the following basis:

- (i) That the draft By-law attached as Appendix "C", **as amended**, to Report PED20132, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding 'H' to the proposed Residential Multiple (RM4-710) Zone, as shown on Schedule 'A' to Appendix "C" to Report PED20132;

The Holding Residential Multiple "H-RM4-710" Zone, Modified, applicable to the lands shown on Schedule 'A' to Appendix 'C' to Report PED20132 be removed conditional upon the following:

"a) Payment of the outstanding servicing cost for the existing sanitary sewer on Garner Road adjacent to the site is received, to the satisfaction of the Senior Director of Growth Management.

b) That the applicant complete a Stage 1-2 Archaeological Assessment to the satisfaction of the Ministry of Heritage, Sport, Tourism and Culture Industries and the Director of Planning and Chief Planner."

- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow (2019); and,
- (iv) That the proposed change in zoning complies with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.

(Pearson/Partridge)

That the draft Zoning By-law, attached as Appendix "C" to Report PED20132, be amended as follows:

- (a) Sub-section 2(m): No parking space shall be located closer to the street line than ~~3.5m~~ **3.30m**
- (b) Sub-section 4(a): Minimum Setback from a Daylighting Triangle: ~~5.5m~~ **4.30m**

Result: Amendment CARRIED by a vote of 5 to 0, as follows:

NO - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(Pearson/Danko)

That the recommendations in Report PED20132 be **amended** by adding the following sub-section (c):

- (c) *That the public submissions received regarding this matter did not affect the decision.***

Result: Amendment CARRIED by a vote of 5 to 0, as follows:

NO - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 2.

(iii) Temporary Use By-law to Zoning By-law No. 05-200 – Outdoor Commercial Patios (CI-20-F) (PED20135) (City Wide) (Item 7.3)

No members of the public were registered as Delegations.

Joanne Hickey-Evans, Manager, Policy Planning and Zoning By-law Reform, addressed the Committee with the aid of a PowerPoint presentation.

(Partridge/Pearson)

That the staff presentation be received.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge

NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(Danko/Wilson)

That the written submission from Erin Shacklette be received.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(Partridge/Pearson)

That the public meeting be closed.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

(Pearson/Collins)

That approval be given to City Initiative CI-20-F to establish a Temporary Use By-law for Zoning By-law No. 05-200, effective until December 31, 2020, to grant relief from and provide for additional locational requirements for outdoor commercial patios for Downtown Central Business District (D1) Zone, Downtown Prime Retail Streets (D2) Zone, Downtown Mixed Use (D3) Zone, Neighbourhood Commercial (C2) Zone, Community Commercial (C3) Zone, Mixed Use High Density (C4) Zone, Mixed Use Medium Density (C5) Zone, Mixed Use Medium Density - Pedestrian Focus (C5a) Zone, District Commercial (C6) Zone, Arterial Commercial (C7) Zone, Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone, Transit Oriented Corridor Local Commercial (TOC2) Zone, and, Transit Oriented Corridor Mixed Use High Density (TOC4) Zones, within the City, on the following basis:

- (i) That Temporary Use By-law, attached as Appendix "A" to Report PED20135, be approved by City Council;

- (ii) That the draft Temporary Use By-law is consistent with the Provincial Policy Statement (PPS) 2020, conforms to the 2019 A Place to Grow: Growth Plan for the Greater Golden Horseshoe and the Urban Hamilton Official Plan (UHOP).

(Pearson/Collins)

That the recommendations in Report PED20135 be **amended** by adding the following sub-section (b):

- (b) *That the public submissions received on this matter did not affect the decision.***

Result: Amendment CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

Councillor Danko assumed the Chair.

(Farr/Danko)

That the recommendations in Report PED20135 be amended by adding sub-sections (c), (d) and (e) as follows:

- (c) *That the proposed Temporary Use By-law described in (a) above be further amended to permit live or recorded music, amplified music, and audio/video presentations (including televised sports and entertainment) on any Outdoor Commercial Patio for lands zoned for Downtown Central Business District (D1) Zone, Downtown Prime Retail Streets (D2) Zone, Downtown Mixed Use (D3) Zone, Community Park (P2) Zone and City Wide (P3) Zone and are covered by the Downtown Secondary Plan;***
- (d) *That should any notice be required to amend the proposed by-law attached as Appendix "A" to Report PED20135 to permit live or recorded music, amplified music, and audio/video presentations (including televised sports and entertainment), that notice is hereby waived.***
- (e) *That the previously Council-directed suspension of enforcement related to Outdoor Commercial Patios also include suspension of enforcement related to (b) above.***

Result: Amendment CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 3.

Councillor Farr assumed the Chair.

(iv) Lynda Lukasik, Environment Hamilton, respecting Comments on Proposed Amendment 1 to A Place to Grow and Revised Land Needs Assessment Methodology (Item 9.2) (For today's meeting) (Added Item 7.4)

Linda Lukasik, Environment Hamilton, addressed the Committee respecting Comments on Proposed Amendment 1 to A Place to Grow and Revised Land Needs Assessment Methodology (Item 9.2).

(Wilson/Pearson)

That the delegation from Linda Lukasik, Environment Hamilton, respecting Comments on Proposed Amendment 1 to A Place to Grow and Revised Land Needs Assessment Methodology (Item 9.2), be received.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

(e) DISCUSSION ITEMS (Item 9)

(i) Comments on Proposed Amendment 1 to A Place to Grow and Revised Land needs Assessment Methodology (PED19033(b) (Item 9.2)

Heather Travis, Senior Project Manager, addressed the Committee with the aid of a PowerPoint presentation.

(Collins/Pearson)

That the staff presentation be received.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 5.

(f) GENERAL INFORMATION / OTHER BUSINESS (Item 12)

(i) General Manager's Update (Added Item 12.1)

Jason Thorne, General Manager, PED, addressed the Committee regarding the Minister's Orders on the Psychiatric Hospital lands; and responded to questions about tent permits.

(g) PRIVATE AND CONFIDENTIAL (Item 13)

(i) Appeal to the Local Planning Appeal Tribunal on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the City of Hamilton Zoning By-law No. 05-200 for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue South, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton (LS20021/PED19186(a)) (Ward 1) (Added Item 13.1)

(Wilson/Pearson)

That Committee move into Closed Session respecting Item 13.1 pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City, and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 5 Councillor Chad Collins

YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

For disposition of this matter, refer to Item 7.

(h) ADJOURNMENT (Item 14)

(Collins/Pearson)

That there being no further business, the Planning Committee be adjourned at 11:44 a.m.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

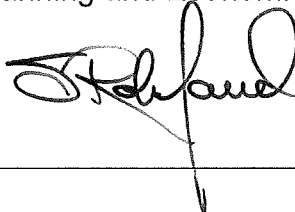
YES - Ward 1 Councillor Maureen Wilson
YES - Ward 5 Councillor Chad Collins
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 2 Councillor Jason Farr
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

Councillor J. Farr
Chair, Planning Committee

Lisa Chamberlain
Legislative Coordinator



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 22, 2020
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at 2004 Glancaster Road, Ancaster (PED20130) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Elyse Meneray (905) 546-2424 Ext. 6360
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Zoning By-law Amendment Application ZAR-18-050 by Fothergill Planning and Development Inc. on behalf of Braun Nursery Limited, (Owner)**, for a further modification to the Agriculture (A1, 273) Zone to permit an expansion of the existing nursery operation (wire basket and moss products) to a maximum of 8,900 sq m and for a change in zoning from the Agriculture (A1) Zone to the Conservation Hazard Lands – Rural (P7) Zone to include additional area of the Welland River Floodplain for lands located at 2004 Glancaster Road, Ancaster, as shown on Appendix “A” to Report PED20130, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED20130, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to the Greenbelt Plan (2017), and complies with the Rural Hamilton Official Plan.

SUBJECT: Application for Zoning By-law Amendment for Lands Located at 2004 Glancaster Road (Ancaster) (PED20130) (Ward 12) - Page 2 of 19

EXECUTIVE SUMMARY

The purpose of this Zoning By-law Amendment application is to rezone the subject lands to permit an expansion to the existing 4,503 sq m wire basket and moss products operation (increase the size to 8,900 sq m). The Zoning By-law Amendment will also rezone additional areas on the subject lands that are part of the Welland River Floodplain from the Agricultural (A1) Zone to the Conservation Hazard Lands Rural (P7) Zone to further protect these lands long term and to permit outdoor storage to be located in the front yard.

The application has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2020) (PPS);
- It conforms to the Greenbelt Plan (2017) and complies with the Rural Hamilton Official Plan; and,
- It represents good planning by facilitating the continued viability of an agricultural use.

Alternatives for Consideration – See Page 18

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for an amendment to the Zoning By-law.

HISTORICAL BACKGROUND

Report Fact Sheet:

Application Details	
Applicant/Owner:	Fothergill Planning and Development Inc. on behalf of Braun Nursery Limited
File Number:	ZAR-18-050
Type of Application:	Zoning By-law Amendment
Proposal:	To permit an expansion to the nursery operation (wire basket and moss products).

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Property Details	
Municipal Address:	2004 Glancaster Road
Lot Area:	80.08 ha
Lot Frontage:	210.8 m (abutting the road allowances of Glancaster Road and Carluke Road East).
Servicing:	Septic and well.
Existing Use:	<p>A nursery that produces wire baskets and moss products to support the nursery operation.</p> <p>The site contains several existing buildings that support the nursery operation. These include:</p> <ul style="list-style-type: none"> • An existing 4,503 sq m building that produces wire baskets and moss products; • 486 sq m greenhouse; • 300 sq m barn; • 137 sq m and 196 sq m storage supply buildings; • 300 sq m single detached dwelling which has been converted into an office for the nursery; • Outdoor storage area located on the southern portion of the property; and, • A gravel parking lot near the front entrance used for employees and customers.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS.
Greenbelt Plan:	The proposal conforms to the Greenbelt Plan.
Official Plan Existing:	<ul style="list-style-type: none"> • Agriculture <ul style="list-style-type: none"> ○ Permits agricultural uses
Official Plan Proposed:	No amendment proposed.

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Zoning Existing:	<ul style="list-style-type: none"> • Conservation Hazard Lands – Rural (P7) Zone • Agriculture (A1) Zone • Agriculture (A1, 273) Zone <ul style="list-style-type: none"> ○ Permits a wire basket making and moss products business and use accessory thereto up to a maximum lot coverage of 13%, but shall not exceed 5,500 sq m ○ Outdoor storage shall only be permitted in the side or rear yards
Zoning Proposed:	<p>Applicant Requested:</p> <ul style="list-style-type: none"> • Agriculture (A1, 273) Zone with further modifications <p>Niagara Peninsula Conservation Authority Requested:</p> <ul style="list-style-type: none"> • Conservation Hazard Lands – Rural (P7) Zone on a portion of the subject lands to protect areas of the Welland River Floodplain
Modifications Proposed:	<p>Applicant Requested:</p> <ul style="list-style-type: none"> • Maximum lot coverage of 8,900 sq m; • Permit outdoor storage in the front yard; and, • The requirement of paving an existing 10 m access driveway shall not apply. <p>Staff Recommended:</p> <ul style="list-style-type: none"> • Maximum lot coverage of 13%, but shall not exceed 8,900 sq m; • Permit outdoor storage in the front yard; • Revise the wording in the special exception No. 273 to change the property address from 0 Carluke Road East to 2004 Glancaster Road; and, • The requirement of paving an existing 10 m gravel access driveway will continue to apply.
Processing Details	
Received:	September 20, 2018
Deemed Incomplete:	<p>October 19, 2018</p> <ul style="list-style-type: none"> • Application was submitted without the required Hydrogeological Study
Deemed Complete:	May 23, 2019
Notice of Complete Application:	Sent to 25 property owners within 120 m of the subject property on May 30, 2019.

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Public Notice Sign:	June 24, 2019 and updated August 26, 2020.
Notice of Public Meeting:	September 4, 2020
Public Consultation:	Information letter was sent to 25 neighbouring property owners within 120 m on October 10, 2018 by Fothergill Planning & Development Inc. on behalf of the owner.
Public Comments:	None
Processing Time:	733 days

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Nursery with wire basket and moss products building	Agriculture (A1) Zone, Conservation / Hazard Land – Rural (P7) Zone and Agriculture (A1, 273) Zone
<u>Surrounding Lands:</u>		
North	Agriculture and single detached dwellings	Rural (A2) Zone
East	Agriculture and single detached dwellings	Agriculture (A1) Zone, Conservation / Hazard Land – Rural (P7) Zone and Conservation / Hazard Land – Rural (P8) Zone
South	Agriculture, single detached dwellings and kennel	Agriculture (A1) Zone and Agriculture (A1, 98) Zone
West	Agriculture and single detached dwellings	Agriculture (A1) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the

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PPS and conform to the Growth Plan for the Greater Golden Horseshoe (A Place to Grow 2019). The application has been reviewed with respect to the Provincial Policy Statement (PPS), which came into force and effect on May 1, 2020.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Local Planning Appeal Tribunal (LPAT) approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use, balanced growth, environmental protection and sensitive land uses) are reviewed and discussed in the Official Plan analysis that follows.

Cultural Heritage and Archaeology

Staff note the Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS. The following policy of the PPS also applies:

“2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

The subject property meets three of ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 300 m of a primary watercourse or permanent waterbody, 200 m of a secondary watercourse or seasonal waterbody, or 300 m of a prehistoric watercourse or permanent waterbody
- 2) In areas of pioneer EuroCanadian settlement; and,
- 3) Along historic transportation routes.

Notwithstanding current surface conditions, these criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the Provincial Policy Statement apply to the subject application. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property, the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries should be notified immediately. In the event that human remains are encountered during construction, the proponent should immediately contact both the Ministry of Heritage, Sport, Tourism and Culture Industries and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services. Staff are of the opinion that the municipal interest in the archaeology of this portion of the site has been satisfied.

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As the application for a change in zoning complies with the Rural Hamilton Official Plan, it is staff's opinion that the application is:

- consistent with Section 3 of the *Planning Act*;
- consistent with the PPS (2020) and the Greenbelt Plan (2017); and,
- complies with the Rural Hamilton Official Plan.

Rural Hamilton Official Plan (RHOP)

The subject lands are identified as "Agriculture" on Schedule "D" – Rural Land Use Designations, in the Rural Hamilton Official Plan. The following policies, amongst others, apply to the proposal.

Agriculture Designation

"D.2.1 Uses permitted in the Agriculture designation are limited to *agricultural uses, agricultural-related commercial and agricultural-related industrial uses and on-farm secondary uses as set out in the following policies.*

D.2.1.1 *Agricultural uses are permitted subject to the policies of this Plan."*

A nursery is a permitted agricultural use under the Agriculture Designation of the Rural Hamilton Official Plan. The proposal is to permit an expansion of the existing nursery operation (wire basket and moss products) to a maximum of 8,900 sq m. The wire baskets protect the trees grown at the applicant's nursery during transport to markets and ensure uniform, healthy tree growth. The proposed expansion will facilitate the continued production of the wire baskets required to protect the nursery crops.

The applicant advises that the existing 4,503 sq m building is more than forty years old and is no longer functional for the business as it is too small, has low ceilings and cannot accommodate a forklift. The applicant wishes to diversify their business by introducing burlap into the wire basket and moss products process. The burlap is required to wrap the root blub of the trees to protect them during transport. In order to achieve this diversification, the company needs to expand their operations to accommodate a larger building size to store the burlap on site. This will allow the nursery operation to have all materials on site resulting in a more efficient process.

Although, the expansion will be larger than what is permitted in the Agriculture (A1, 273) Zone, the proposed development is considered an agricultural use and is necessary for the existing nursery operation to expand their business. Therefore, the proposed expansion complies with the RHOP.

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Natural Heritage System – Core Areas

The subject lands are identified as “Core Area and Protected Countryside” on Schedule “B” – Natural Heritage System and “Key Hydrologic Feature Streams on Schedule “B-8” – Detailed Natural Heritage Features Key Hydrologic Feature Streams in the Rural Hamilton Official Plan. The following policies, amongst others, apply to the proposal.

- “C.2.3.1 The Greenbelt Plan has identified a Natural Heritage System within the Protected Countryside, which shall be incorporated on Schedule B – Natural Heritage System. In accordance with Greenbelt Plan policies, Schedule B – Natural Heritage System, identifies Core Areas to include key natural heritage features and key hydrologic features and any associated vegetation protection zones. Core Areas of the City's Natural Heritage System also include other locally and provincially significant natural areas that have been identified within and outside the Greenbelt Plan Area. Schedule B – Natural Heritage System will be amended when new Core Areas are identified.
- C.2.3.2 Core Areas include key natural heritage features, key hydrologic features, including any associated vegetation protection zones, and provincially significant and local natural areas that are more specifically identified by Schedules B-1 to B-8 – Detailed Natural Heritage Features.”

Through review of the application and floodplain mapping, staff from the Niagara Peninsula Conservation Authority (NPCA) have identified areas of the Welland River Floodplain on the subject lands that were not included in the Conservation Hazard Lands – Rural (P7) Zone. Accordingly, the NPCA has requested that staff include these new areas in Conservation Hazard Lands – Rural (P7) Zone to prohibit future development or any site alterations from occurring within these lands.

As these lands are already identified as “Core Area and Protected Countryside” on Schedule “B” – Natural Heritage System and “Key Hydrologic Feature Streams on Schedule “B-8” – Detailed Natural Heritage Features Key Hydrologic Feature Streams in the Rural Hamilton Official Plan, staff are proposing to rezone a portion of the property from the Agriculture (A1) Zone to the Conservation Hazard Lands – Rural (P7) Zone to protect the lands identified by the NPCA.

The newly identified areas will not be impacted by the proposed expansion as it will be located approximately 229 m from the limits of the Welland River Floodplain. Furthermore, the lands within the identified area are currently being used for agriculture and will not be impacted by the zoning change as agriculture is a permitted use. Therefore, the proposal conforms the Natural Heritage policies of the RHOP.

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Airport Area Policies

The subject lands are located within the 28-30 Noise Exposure Forecast Contours on Appendix "D" – Noise Exposure Forecast Contours. The following policies, amongst others, apply to the proposed development:

- "C.4.8.5 The City shall minimize future conflicts between operation of the Airport and surrounding land uses to ensure:
- a) there shall be no negative impact on the long-term operations of the Airport;
 - b) The opportunities for expansion of airport operations shall not be limited;
 - c) there are no lands uses in the vicinity which may cause a potential aviation hazard; and,
 - d) development that is noise or land use sensitive to airport operations or will limit the opportunities for expansions of airport operations shall be restricted.
- C.4.8.7 All development and redevelopment shall comply with all provincial and municipal standards, criteria and guidelines regarding noise and vibration from air traffic sources, including Section B.3.6.3 - Noise, Vibration and Other Emissions.
- C.4.8.8 Proposals for development, infill development and redevelopment of residential or other sensitive land uses shall comply with the following requirements in Table C.4.8.1 – Requirement for Development in the Vicinity of John C. Munro International Airport, based on all applicable locational criteria. Proposals may meet more than one locational criteria and thereby be subject to more than one set of requirements.
- C.4.8.10 Any permitted development, redevelopment or infill development at or above 25 NEF or within the Airport Influence Area shall be required to submit a detailed noise study, implement noise mitigative measures in accordance with provincial and federal guidelines/standards or municipal approaches that achieve the same objective, and include appropriate warning clauses in lease or rental agreements, agreements of purchase and sale, and within development agreements."

The subject lands are located between the 28-30 Noise Exposure Forecast Contours on Appendix "D" – Noise Exposure Forecast Contours in the Rural Hamilton

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Official Plan. They are not located within the Airport Influence Area or Primary Zoning Area. The proposal is for an 8,900 sq m wire basket and moss products building which is agriculture. Therefore, based on the definition of a sensitive land use in the RHOP, the proposal is not considered a sensitive land use and would not be subject to the airport policies or require a noise study.

The Hamilton International Airport reviewed the application and determined that the proposal falls within the approach for Runway 06. Therefore, the ground elevation and building height (including any antennas/towers) cannot exceed 251 m above sea level. The property is located at 223 m above sea level and the proposed expansion will have a building height of 10.5 m, making the total ground elevation for the site 233.5 m. Therefore, the proposal complies with the John C. Munro Hamilton International Airport Zoning Regulations SOR/2017-200.

City of Hamilton Zoning By-law 05-200

The subject lands are zoned Agriculture (A1) Zone, Agriculture (A1, 273) Zone and Conservation/Hazard Land – Rural (P7) Zone. The majority of the property is zoned Agriculture (A1) Zone which comprise the nursery operation. The southern portion of the property is zoned Agriculture (A1, 273) Zone and houses the wire basket and moss products building and the remainder of the property is zoned Conservation/Hazard Land – Rural (P7) Zone. (See Appendix “A” to Report PED20130).

The Zoning By-law Amendment application applies to the southern 11.07 hectare portion of the property which is zoned Agriculture (A1, 273) Zone.

The Niagara Peninsula Conservation Authority identified areas to be rezoned to the Conservation /Hazard Land – Rural (P7) Zone in order to protect the Welland River Floodplain.

The Agriculture (A1, 273) Zone permits a wire basket and moss products business and uses accessory thereto to a maximum lot coverage of 13% but shall not exceed 5,500 sq m. The applicant has applied for a Zoning By-law Amendment to permit an 8,900 sq m wire basket and moss products building with a maximum lot coverage of 13%. Modifications to the property address and outdoor storage are required to facilitate the development.

The applicant requested a modification to not require a paved access driveway. Through the review of the application and it was determined that the modification could not be supported as it posed a potential safety risk to other road users.

An evaluation of the proposed modifications is included in Appendix “D” to Report PED20130.

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RELEVANT CONSULTATION

Departments and Agencies		
	<ul style="list-style-type: none"> • Budgets and Finance, Corporate Services Department; • Recycling & Waste Disposal, Environmental Services Division; • Healthy and Safe Communities Department; • Strategic Planning, Public Works Department; • Hamilton Fire Department; • Recreation Planning; • Community Planning; • Transit Strategy & Infrastructure Division, Public Works Department; • Union Gas; • Bell Canada; • Canada Post; • Cogeco; • Hydro One Networks; and, • Grand River Conservation Authority. 	No Comment
	Comment	Staff Response
Forestry & Horticulture, Public Works	<ul style="list-style-type: none"> • Have indicated that there are municipal trees on site, however it is determined that there will be no anticipated impact, therefore a Tree Management Plan and Landscape Plan are not required. 	<ul style="list-style-type: none"> • Forestry staff will not require a Tree Management Plan or Landscape Plan as part of the future Site Plan application.
Healthy Environments Division	<ul style="list-style-type: none"> • Have indicated that if the proposed development will use a cooling tower for air conditioning or other cooling needs, the owner of the development is required to register their cooling tower(s) with Public Health Services (PHS) and comply with 	<ul style="list-style-type: none"> • The applicant has been advised of these requirements should a cooling tower be proposed.

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	<p>Hamilton Cooling Tower Registry Bylaw # 11-078.</p> <ul style="list-style-type: none"> Initially required Pest Control Plan and Dust Management Plan. Healthy Environments Division staff attended a site visit on November 28, 2019 and determined that although Dust Management Plans are typically asked for when a lot or building GFA exceeds 1 acre, the department will be waiving the formal requirement of a DMP for this application. Good dust management practices should still be put in place for both the construction and demolition phase. After further review of the application, the Healthy Environment Division determined that the requirement for a Pest Control Plan can be waived as the property is located in the Rural Area. 	<ul style="list-style-type: none"> Staff note that these requirements are usually addressed as part of the Site Plan Control application.
<p>Transportation Planning, Planning and Economic Development</p>	<ul style="list-style-type: none"> Transportation Planning staff have advised that they are not supportive of allowing a gravel driveway access as gravel traction can create problems for other road users, track dust onto the roadway and cause unsafe driving conditions. Require a turning plan to be illustrated on the site plan demonstrating how 	<ul style="list-style-type: none"> The applicant requested a modification to not require a paved access driveway. Through the review of the application and it was determined that the modification could not be supported as it posed a potential safety risk to other road users. Therefore, staff have not included the modification in the draft zoning by-law.

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	<p>large trucks (and emergency vehicles, if required by OBC) will maneuver in and out of the site without any limitations.</p>	<ul style="list-style-type: none"> • The turning plan will be submitted as part of the Site Plan Control application.
<p>Engineering Approvals</p>	<ul style="list-style-type: none"> • Approvals staff have reviewed the application, and the associated Servicing Brief prepared by Peto MacCallum Ltd., dated May 28, 2020 and revised July 27, 2020. Staff do not have any objections to the proposed zoning change, however the owner will be required to submit a Stormwater Management Report identifying the existing drainage conditions and establish a suitable drainage outlet for the proposed site. • The Servicing Brief evaluated the water quantity, water quality and impact assessment of wastewater for the site and contained the following information: <u>Map</u> • A map of all water and wastewater features on site including wells, cisterns and sewage disposal systems to ensure that a reserve area bed has been delineated and that all OBC Part 8 minimum clearance distances are met. 	<ul style="list-style-type: none"> • The proponent will be required to submit a Stormwater Management Report as part of the Site Plan Control process. • Staff have reviewed the Servicing Brief and determined that the daily design flows for the septic system and holding tanks on the subject property are less than 10,000 L/day. Therefore, the proposal meets the requirements of Section C.5.1 Private Water and Wastewater Services of the Rural Hamilton Official Plan.

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	<p><u>Water</u></p> <ul style="list-style-type: none"> • Water well records for wells providing potable water on site to determine if the wells are providing safe water. <p><u>Wastewater</u></p> <ul style="list-style-type: none"> • The proposed wastewater system including the location of the tanks and leaching bed; • Information on the number of employees per day; and, • Information on the loading bays and if there will be an impact to the daily designed sewage flow calculations requiring changes to the septic system as per OBC policy. 	
<p>Ministry of Transportation</p>	<ul style="list-style-type: none"> • Have indicated that in principle they have no objection to the application, however the subject lands are located next to Highway No. 6 property limits and therefore fall within their permit control area. • The provided concept plan indicated the current development proposal will be placed on the south part of the land, far away from the Highway No. 6 ROW and therefore physically outside of MTO's permit area. • If this development proposal will be reviewed 	<ul style="list-style-type: none"> • The proposal has not changed since it was circulated to MTO for comment. Staff will continue to circulate MTO on all development applications associated with this property and keep them apprised of any changes to the development.

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	<p>under Site Plan application, without any changes to the layout and the footprint of the building, as indicated on the concept plan, the ministry will have no concerns with the proposal.</p> <ul style="list-style-type: none"> • However, if any additional grading will occur within the ministry permit control area; activity within 45 m of Highway No. 6 limits, or within 395 m radius of centrepont of Glancaster Road and Highway No. 6, and/or any further future redevelopment of the site, we will require a full engineering submission for our review and comment. 	
Niagara Peninsula Conservation Authority	<ul style="list-style-type: none"> • Have indicated that they do not have any objections to the application provided that all lands falling within the Welland River Floodplain on this property be placed within an Environmental Protection zone (or other applicable category) to ensure no new development or site alteration are permitted within the flooding hazard. 	<ul style="list-style-type: none"> • Staff have proposed to rezone a portion of the property from the Agriculture (A1) Zone to the Conservation / Hazard Lands – Rural (P7) Zone in order to protect all lands within the Welland River Floodplain (See Appendix “B” to Report PED20130).
Hamilton International Airport	<ul style="list-style-type: none"> • Have indicated that the proposed building falls within the approach for Runway 06. Therefore, the ground elevation and building height (including any antennas/towers mounted atop) cannot 	<ul style="list-style-type: none"> • Based on the submitted topographical survey, the property is located at 223 m below sea level, which is 28 m less than the limit imposed by the airport regulations. The Agriculture (A1, 273) Zone permits a maximum building

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	<p>exceed 251 m above sea level.</p> <ul style="list-style-type: none"> • It is also recommended that noise mitigation measures be implemented in accordance with provincial and federal guidelines/standards. • As a result of the proposed structure being located under the approach surface for Runway 06, a Notice to Airmen (NOTAM) may be needed in the event a crane is used during the erection of the structure. • The proposal should also be submitted to NAV CANADA and Transport Canada for air navigational system assessment and obstruction evaluation respectively. 	<p>height of 10.5 m. Therefore, the total elevation for the proposal would be 233.5 m and would comply with the airport regulations.</p> <ul style="list-style-type: none"> • Staff have reviewed the proposal and determined that the expansion is not a sensitive land use. Therefore, based on policy B.3.6.3.9 of the RHOP, a noise study is not required. • The owner will be required to provide the requested information to the Airport Operations Centre and submit the proposal to NAV CANADA and Transport Canada for review. These requirements will be a condition of Site Plan approval.
Public Consultation		
	Comment	Staff Response
	To date, staff have not received any public submissions through this circulation.	

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation of the proposal was sent to 25 property owners within 120 m of the subject lands on May 30, 2019.

A Public Notice Sign was posted on the property on June 24, 2019 and updated with the Public Meeting date on August 26, 2020. The Notice of Public Meeting was given in accordance with the provisions of the *Planning Act* on September 4, 2020.

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OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Application for Zoning By-law Amendment for Lands Located at 2004 Glancaster Road (Ancaster) (PED20130) (Ward 12) - Page 17 of 19

Public Consultation Strategy

Pursuant to the City's Public Consultation Strategy Guidelines, the applicant has prepared a Public Consultation Strategy which included an Information Letter delivered to 25 residents within 120 m of the subject property on October 10, 2018. No letters of concern or public submissions have been received to date.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

1. The proposal can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to the Greenbelt Plan;
 - (ii) It complies with the general intent and purpose of the Rural Hamilton Official Plan; and,
 - (iii) The proposed use maintains the property in agricultural use supporting the continuing viability of an agricultural-related use and nursery operation.

2. Zoning By-law Amendment

The subject lands are currently zoned Agriculture (A1) Zone, Agriculture (A1, 273) Zone and Conservation/Hazard Land – Rural (P7) Zone in the City of Hamilton Zoning By-law No. 05-200.

The proponent has requested the subject lands be further modified to permit an 8,900 sq m wire basket and moss products building with a maximum lot coverage of 13%, permit outdoor storage in the front yard and request relief from providing a paved access driveway. In addition, the Niagara Peninsula Conservation Authority identified additional areas on the subject lands within the Welland River Floodplain that should be rezoned to the Conservation/Hazard Land – Rural (P7) Zone in order to further protect the floodplain lands.

The wire basket and moss products building is a permitted use under the Agriculture Designation of the RHOP and the Agriculture (A1, 273) Zone. Staff are in support of these changes as it allows for the expansion of an existing agriculture use and further protects the natural features on the property from future development or site alteration.

The subject application will further modify the Agriculture (A1, 273) Zone to permit a maximum lot coverage of 13%, but shall not exceed 8,900 sq. m, outdoor storage in the front yard and will correct the Special Exception address. These modifications are consistent with the existing condition on site and within the

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SUBJECT: Application for Zoning By-law Amendment for Lands Located at 2004 Glancaster Road (Ancaster) (PED20130) (Ward 12) - Page 18 of 19

immediate rural area and are further discussed in Appendix "D" to Report PED20130. Therefore, staff support the proposed change in zoning.

The applicant has requested a modification to Section 5.2 e) iii) b) for relief of a paved driveway access. Staff note that the driveway has existed for more than sixty years, however the City is obligated to ensure safe access is maintained. Therefore, staff are not supportive of this modification as gravel traction can create problems for other road users, track dust onto the roadway and cause unsafe driving conditions. As a result, staff have not included the modification in the draft zoning by-law.

3. A future site plan control application will be required to facilitate the development.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment application be denied, the property would remain under the Agriculture (A1, 273) Zone and would be able to expand the wire basket and moss products building to a maximum size of 5,500 sq. m. The areas identified by NPCA to be rezoned to Conservation / Hazard Land – Rural (P7) Zone would be implemented through a future Housekeeping Amendment to the City of Hamilton Zoning By-law No. 05-200.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

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**SUBJECT: Application for Zoning By-law Amendment for Lands Located at 2004
Glancaster Road (Ancaster) (PED20130) (Ward 12) - Page 19 of 19**

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Location Map

Appendix "B" – Draft Zoning By-law

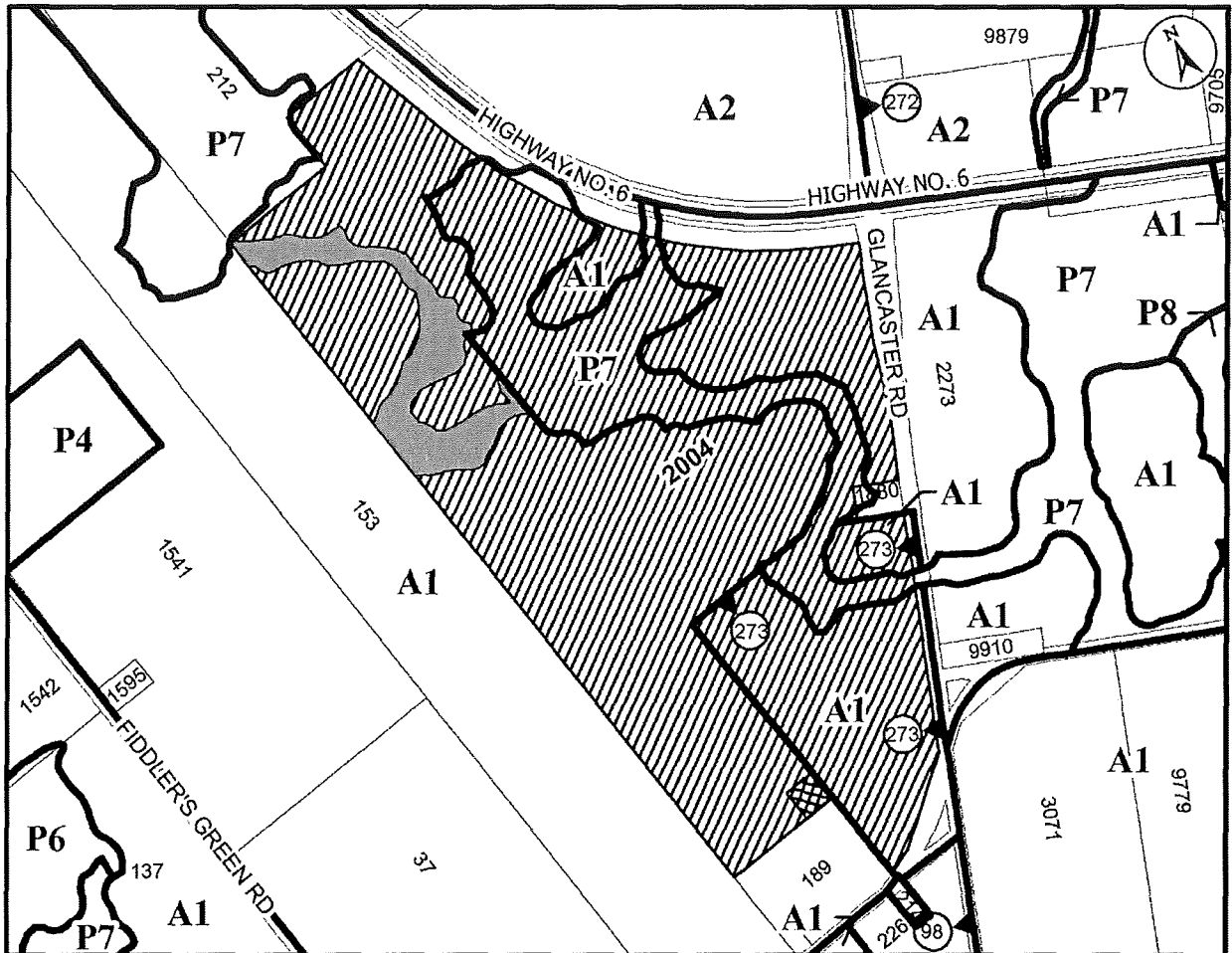
Appendix "C" – Concept Plan

Appendix "D" – Zoning Modification Chart

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● Site Location

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAR-18-050

Date:
August 13, 2020




Appendix "A"

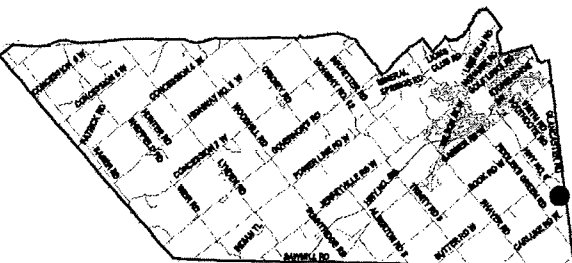
Scale:
N.T.S

Planner/Technician:
EM/VS

Subject Property

2004 Glancaster Road, Ancaster

-  Block 1 - Lands to be added to Zoning By-law No. 05-200 as Agriculture (A1, 273) Zone
-  Block 2 - Lands to be rezoned from the Agriculture (A1) Zone to Conservation / Hazard land - Rural (P7) Zone
-  Block 3 - Other land owned by Applicant



Key Map - Ward 12



Authority: Item ,
Report (PED20130)
CM:
Ward: 12

Bill No.

**CITY OF HAMILTON
BY-LAW NO.**

**A By-law to amend Zoning By-law No. 05-200 with respecting to lands located at
2004 Glancaster Road, Ancaster**

WHEREAS Council approved Item __ of Report PED20130 of the Planning Committee, at its meeting held on September 22, 2020;

AND WHEREAS this By-law conforms to the Rural Hamilton Official Plan;

NOW THEREFORE Council amends Zoning By-law No. 05-200 as follows:

1. That Maps No. 175, 176, 188 and 189 of Schedule "A" – Zoning Maps of Zoning By-law No. 05-200 is amended by changing the zoning from the Agriculture (A1) Zone to the Conservation / Hazard Land – Rural (P7) Zone for the lands identified in the Location Map attached as Schedule "A" to this By-law.
2. That Schedule "C" – Special Exemptions is amended by deleting and replacing Section 273 of Special Exception No. 273 with the following amended regulation:
 - a) Changing the words from "0 Carluke Road East" to "2004 Glancaster Road" before "part of" so that the wording is as follows:
 273. Notwithstanding Section 12.1.1, on those lands zoned Agriculture (A1) Zone, identified on Maps 176 and 189 of Schedule "A" – Zoning Maps and described as part of 2004 Glancaster Road, the following special provisions shall also apply:
3. That Schedule "C" – Special Exemptions is amended by deleting and replacing Subsection b) iv) of Special Exception No. 273 with the following amended regulation:
 - b) Changing the number from "5,500" to "8,900" before "exceed" so that the wording is as follows:
 - iv) Maximum Lot Coverage 13 percent, but shall not exceed 8,900 square metres.

A By-law to amend Zoning By-law No. 05-200 with respect to lands located at 2004 Glancaster Road, Ancaster

4. That Schedule "C" – Special Exemptions is amended by deleting and replacing Subsection b) vi) A of Special Exception No. 273 with the following amended regulation:
- c) Adding the word "front" before "or" so that the wording is as follows:
 - iv) Outdoor Storage Shall only be permitted in the side, front or rear yards.
5. 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 this _____, 2020

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAR-18-050

A By-law to amend Zoning By-law No. 05-200 with respect to lands located at 2004 Glancaster Road, Ancaster



<p>This is Schedule "A" to By-law No. 20-</p> <p>Passed the day of, 2020</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
--	---

<p style="text-align: center;">Schedule "A"</p> <p style="text-align: center;">Map forming Part of By-law No. 20-_____</p> <p style="text-align: center;">to Amend By-law No. 05-200</p> <p style="text-align: center;">Maps 1706, 1707, 1744, 1745, 1781 & 1782</p>	<p>Subject Property</p> <p>2004 Glancaster Road, Ancaster</p> <ul style="list-style-type: none"> Block 1 - Lands to be added to Zoning By-law No. 05-200 as Agriculture (A1, 273) Zone Block 2 - Lands to be rezoned from the Agriculture (A1) Zone to Conservation / Hazard land – Rural (P7) Zone Block 3 - Other land owned by Applicant
---	--

Scale: N.T.S	File Name/Number: ZAR-18-050	
Date: August 13, 2020	Planner/Technician: EM/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		



KEY MAP
N.T.S.

SITE STATISTICS - A1 Zone - Exception 273

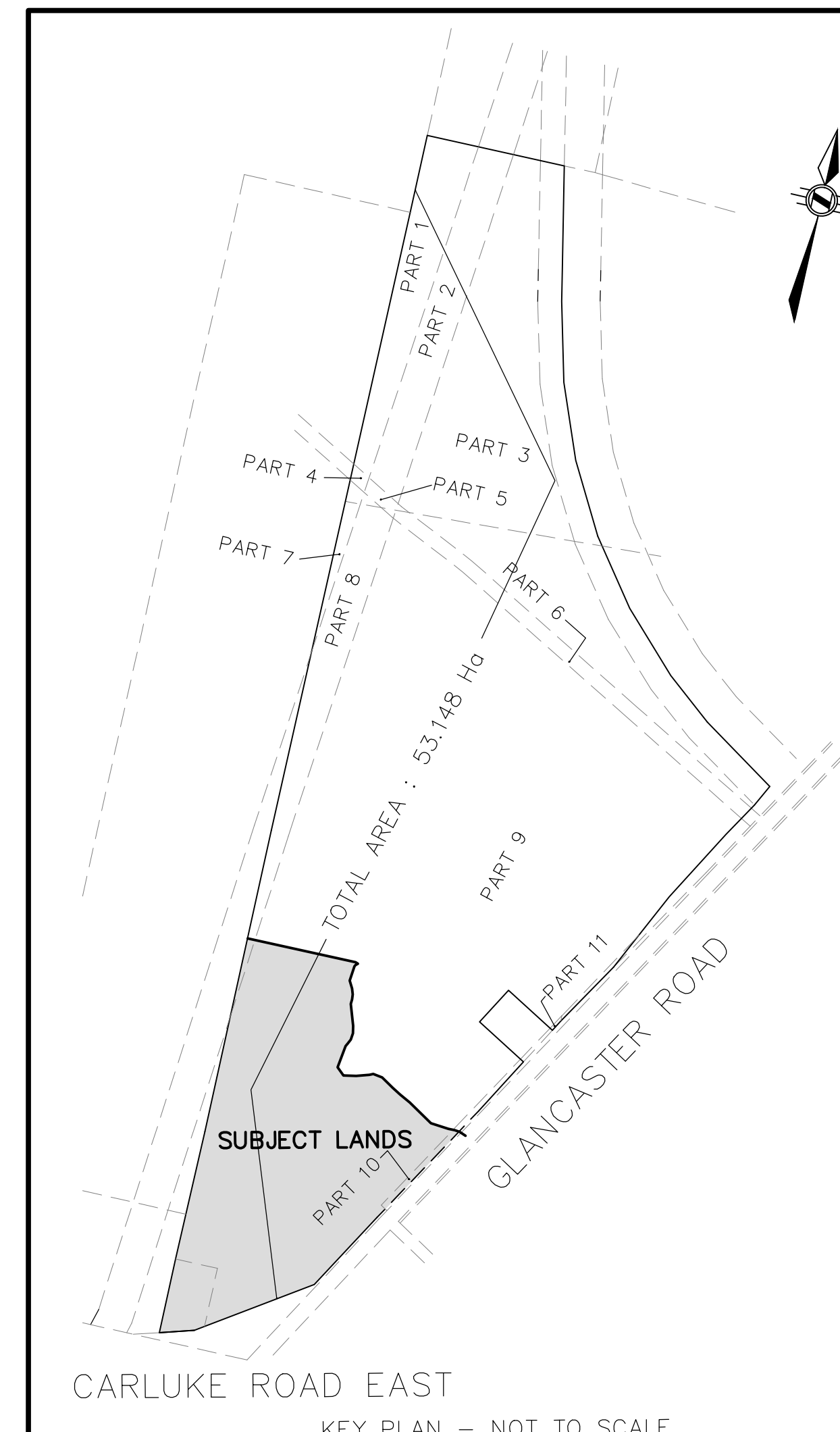
	Required	Provided
Lot width (min)	n/a	n/a
Lot Area (min)	40.4ha	53.14 ha
Front Yard (min)	12.0m	27.9m (Glancaster Road)
Front Yard - (min)	12.0m	12.0m (Carluke Road)
Rear Yard (min)	7.5m	38.2m
Side Yard (min)	7.5m	
Building Height (max)	10.5m	10.5m
Front Yard Landscaping	3.0m	3.0m
Parking Required (min)	64	94 stalls
Access Driveway	6.0m	6.0m
Building Coverage	13%max but shall not exceed 5500m ²	1.9% - 9972m ²

Front lot line shall be the lot line abutting the road allowances of Glancaster Road and Caluke Road East

Braun Nurseries Ltd.
Building Summary

	Dimensions (Metres)	Building Area (Square Metres)			Total Area	Required Parking Ind 1200 m ² Office 100 m ²		Total Parking Required
		Agricultural	Industrial	Office		Industrial	Office	
1 Existing Industrial	81.5 x 32		2579		2579	13		13
2 Existing Industrial	38.1 x 48.77		1548	355	1903	8	12	20
3 Proposed Industrial Building	70 x 70		4071		4071	21		21
4 Greenhouse Barn	13.9 x 38.4	486			486			
5 Nursery Barn	24.4 x 12.2	300			300			
6 Supply Storage	18.3 x 7.4	137			137			
7 Office Building	10 x 13			300	300		10	10
8 Storage	10 x 19.6	196			196			
Total		1119	8198	655	9972	42	22	64

DWG No.: 19120C-100
 C-101
 C:\Users\Owner\Documents\Drawings\2020\S.Llewellyn\Braun\Site Plan\Braun Site Plan March 19 2020.dwg



NO.	DATE	BY	REVISIONS		
DESIGN		CHK'D	SL	DATE	Dec. 15 2019
DRAWN	JP	CHK'D	SL		

SCALE 1:1000

APPROVALS

S. LLEWELLYN & ASSOCIATES LIMITED
 CONSULTING ENGINEERS
 Tel. (905) 631-6978
 Fax (905) 631-8927
 email: info@sla.on.ca
 3228 South Service Road, Suite #105 East Wing, Burlington, Ont., L7N 3H8

CLIENT

BRAUN NURSERIES

PROJECT NAME

BRAUN NURSERIES
2004 GLANCASTER ROAD,
HAMILTON, ON

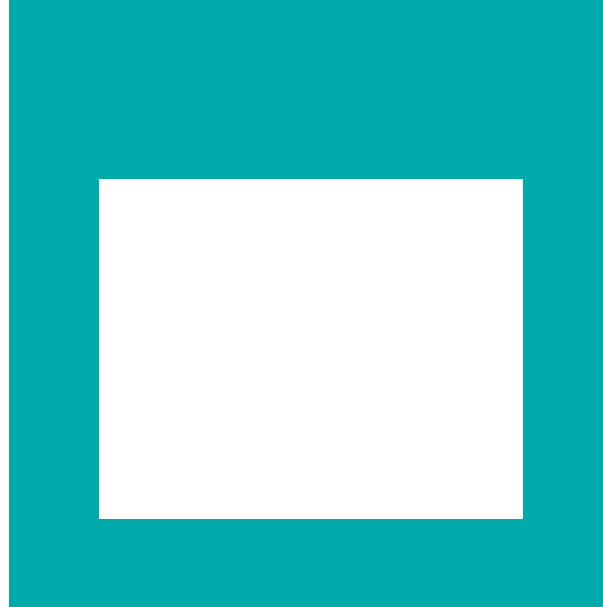
TITLE

SITE PLAN

PROJECT No.	DRAWING No.
19120	C-100

Site Specific Modifications to the Agriculture (A1, 273) Zone

Regulation	Required	Modification	Analysis
Special Exception Property Number	The Special Exception text cites the subject property address as being "0 Carluke Road East".	The property address referred to within the Special Exception will be changed to "2004 Glanaster Road".	Through review of the application, staff noted that the property address cited in the Special Exception Provision of Schedule C of the City of Hamilton Zoning By-law No. 05-200 was incorrect. Staff will change the text to cite the correct the address.
Maximum Lot Coverage	13%, but shall not exceed 5,500 sq. m.	13%, but shall not exceed 8,900 sq. m.	The property contains an existing 4,503 sq. m. wire baskets and moss products buildings, which supports the existing nursery operation. The wire baskets are required to protect the trees during transport and promotes healthy tree growth. The Applicant is looking to diversify their business by introducing burlap into the wire basket and moss products. In order to achieve this diversification, the company needs to expand their existing building to accommodate the storage of burlap which requires more space. Therefore, staff supports this modification.
Outdoor Storage	Outdoor Storage shall only be permitted in side or rear yards.	Outdoor Storage is permitted in side, rear or front yards.	The existing agricultural facility has been in operation for over 40 years and has utilized the front yard for storage. The property is surrounded by mature deciduous trees on the perimeter of the property that screen the storage area from public view. The proposed new building will have more room for storage, limiting the amount of storage in the front yard. As this is to recognize an existing situation, staff are supportive of this modification.



WELCOME TO THE CITY OF HAMILTON

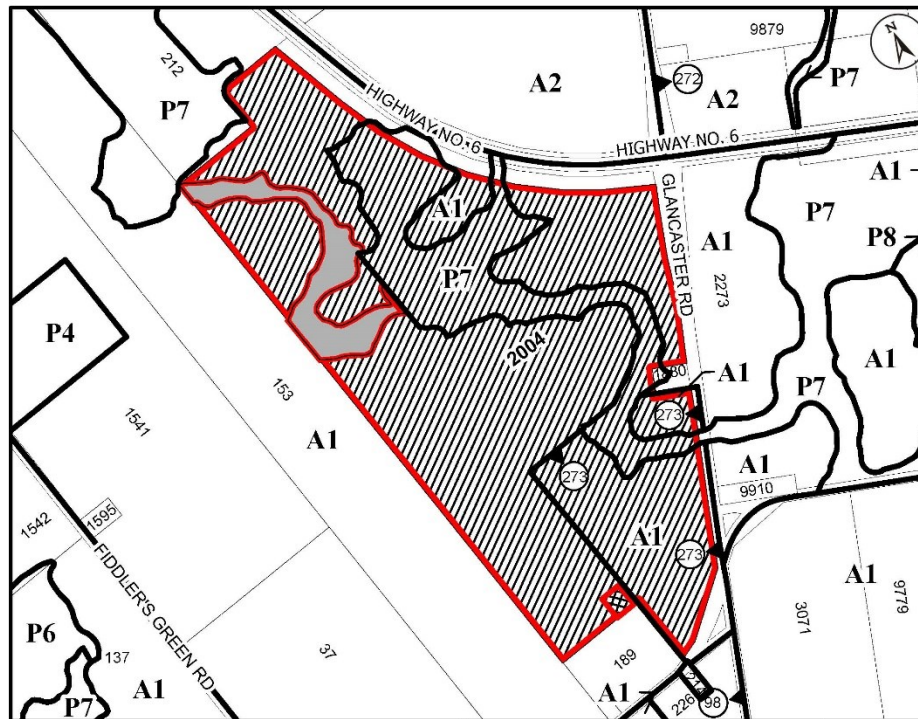
PLANNING COMMITTEE

September 22, 2020

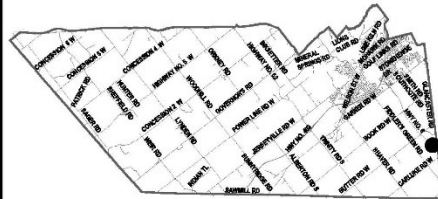
PED20130– (ZAR-18-050)

Application for a Zoning By-law Amendment for Lands Located at
2004 Glanaster Road, Ancaster

Presented by: Elyse Meneray



● Site Location



Key Map - Ward 12

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAR-18-050

Date:
August 13, 2020




Appendix "A"

Scale:
N.T.S

Planner/Technician:
EM/VS

Subject Property

2004 Glancaster Road, Ancaster

-  Block 1 - Lands to be added to Zoning By-law No. 05-200 as Agriculture (A1, 273) Zone
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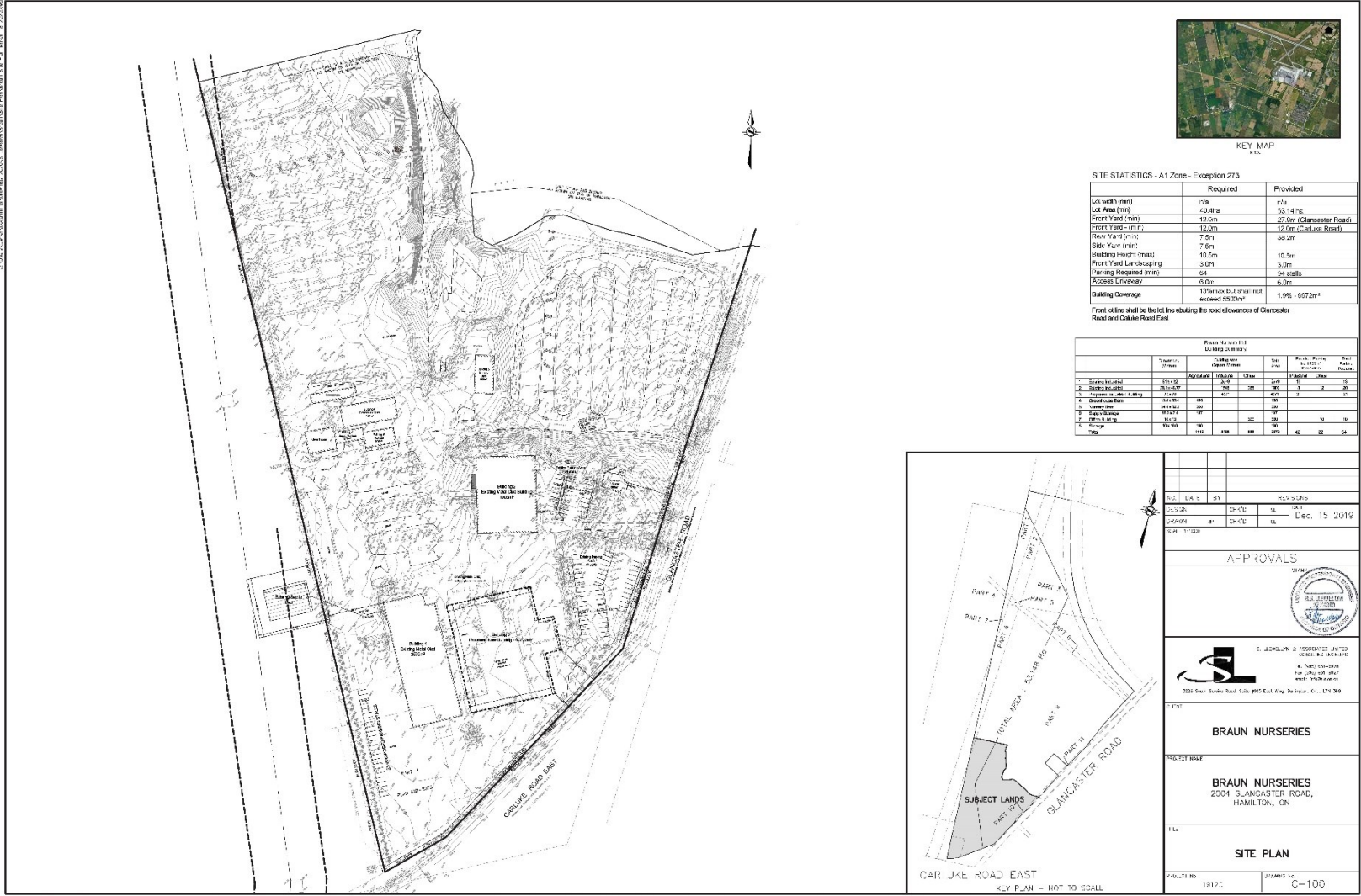


SUBJECT PROPERTY



2004 Glancaster Road, Ancaster

DWG No.: 19125-C-100
 Date: 12/15/2019
 S:\Projects\2019\FED 20130\2019\FED 20130.dwg
 Author: J. Smith
 Date: 12/15/2019



SITE STATISTICS - A1 Zone - Exception Z13

	Required	Provided
Lot width (m)	7.5m	7.5m
Lot Area (sqm)	53.09 sqm	53.14 sqm
Front Yard (m)	12.0m	27.5m (Clancaster Road)
Front Yard (m)²	144.0m²	120.0m² (Car/J&E Road)
Rear Yard (m)	7.5m	7.5m
Side Yard (m)	7.5m	7.5m
Building Height (m)	10.0m	10.0m
Front Yard Landscaping	3.0m	3.0m
Parking Required (sqm)	64	64 stalls
Access Driveway	6.0m	6.0m
Building Coverage	10% (max 41.5m²)	1.9% - 1072m²

Front lot line shall be the lot line abutting the road allowances of Clancaster Road and Car/J&E Road East.

Plant Inventory Schedule

Item No.	Plant Name	Quantity	Size	Spec	Remarks
1	Aspen	1	10"	A-1	
2	Birch	1	10"	A-1	
3	Boxelder	1	10"	A-1	
4	Butcherbush	1	10"	A-1	
5	Cherry	1	10"	A-1	
6	Cornus	1	10"	A-1	
7	Crabapple	1	10"	A-1	
8	Deerhorn	1	10"	A-1	
9	Doorn	1	10"	A-1	
10	Elm	1	10"	A-1	
11	Hamamelis	1	10"	A-1	
12	Hornbeam	1	10"	A-1	
13	Horseshoe	1	10"	A-1	
14	Koeleria	1	10"	A-1	
15	Lamb	1	10"	A-1	
16	Redstart	1	10"	A-1	
17	River Birch	1	10"	A-1	
18	Sweetgum	1	10"	A-1	
19	Tulip	1	10"	A-1	
20	Yew	1	10"	A-1	
21	Other	1	10"	A-1	

DATE: 12/15/2019
 DRAWN BY: J. Smith
 SCALE: 1/8"=1'-0"

APPROVALS

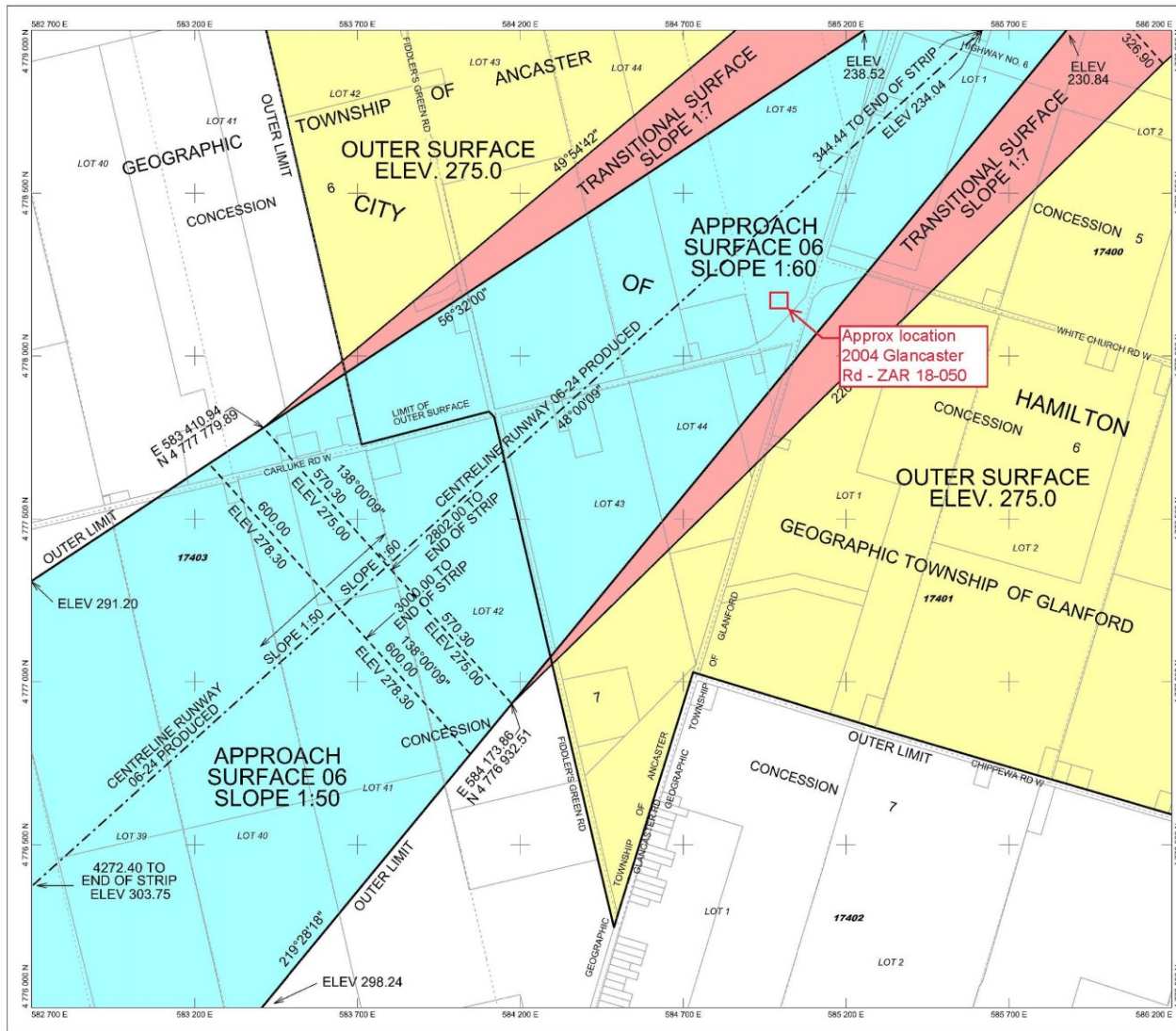
BRAUN NURSERIES

PROJECT NAME

BRAUN NURSERIES
 2004 CLANCASTER ROAD,
 HAMILTON, ON

SITE PLAN

PROJECT NO: 19125- C-100



Approx location
 2004 Glanaster
 Rd - ZAR 18-050

JOHN C. MUNRO HAMILTON INTERNATIONAL AIRPORT CITY OF HAMILTON, ONTARIO	TRANSPORTS CANADA AÉROPORTAIRE INTERNATIONAL JOHN C. MUNRO DE HAMILTON																												
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35	36	37	38																										
39	40	41	42																										
Plan showing lands affected by the zoning regulations in the City of Hamilton, the County of Brant and Hamilton County.																													
Plan montrant les terres assujetties aux règlements de zonage en vigueur dans la ville de Hamilton, dans le comté de Brant et dans le comté de Hamilton.																													
<table border="1"> <tr> <td> </td> <td> Limites de l'aéroport </td> </tr> <tr> <td> </td> <td> Surface d'approche </td> </tr> <tr> <td> </td> <td> Surface de bande </td> </tr> <tr> <td> </td> <td> Surface de transition </td> </tr> <tr> <td> </td> <td> Surface extérieure </td> </tr> <tr> <td> Block Numbers Elevations are Geoidic </td> <td> Numéros de bloc Les élévations sont en points géocentriques </td> </tr> </table>			Limites de l'aéroport		Surface d'approche		Surface de bande		Surface de transition		Surface extérieure	Block Numbers Elevations are Geoidic	Numéros de bloc Les élévations sont en points géocentriques																
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Les altitudes figurant sur ce plan proviennent du Système canadien de référence altimétrique de 1928 (CGVD28), la compensation de 1978 pour le sud de l'Ontario.																													
All distances shown are ground distances and may be converted to grid by multiplying by the average combined scale factor of 0.999836.																													
Toutes les distances indiquées sont des distances au sol et doivent être converties en références grille en multipliant par le facteur d'échelle moyen combiné de 0.999836.																													
The co-ordinates for all zoning surfaces are calculated from the co-ordinates of the runway thresholds using the average combined scale factor of 0.999836.																													
Les coordonnées de toutes les surfaces de zonage sont calculées à partir des seuils de piste en utilisant le facteur d'échelle moyen combiné de 0.999836.																													
This is a plan showing the lands affected by the zoning regulations with respect to John C. Munro Hamilton International Airport in the Province of Ontario.																													
Ce plan montre les terres assujetties aux règlements de zonage appliqués à la zone aéroportuaire internationale John C. Munro de Hamilton dans la province d'Ontario.																													
The zoning regulations and attached plans are being deposited under authority of the Aeronautics Act, chapter A-2, R.S.C., 1985.																													
Le règlement de zonage de ce plan est déposé en vertu de la Loi sur l'aéronautique, chapitre A-2, L.R.C., 1985.																													
Dated at Toronto, this 19 day of May, 2018. Date à Toronto, ce 19 jour de mai, 2018.																													
Clifford Frank Jr. for Minister of Transport - Le ministre des Transports																													
This document is to be read in conjunction with the zoning regulations and the zoning map for the John C. Munro Hamilton International Airport.																													
Ce document doit être lu en conjonction avec les règlements de zonage et la carte de zonage aéroportuaire internationale John C. Munro de Hamilton.																													
Dated at Toronto, this 4 day of May, 2018. Date à Toronto, ce 4 jour de mai, 2018.																													
P. Gattell, O.L.S. / Géomatics Services / A.G.O. / Services de géomatics																													
PUBLIC WORKS AND GOVERNMENT SERVICES CANADA / TRAVAUX PUBLICS ET SERVICES GOUVERNEMENTAUX CANADA, TORONTO, ONTARIO																													
Canada																													



Existing Wire Basket Building



Building to be demolished



Building to be demolished



Existing Nursery



Storage Building for Nursery



Exit



Outdoor Storage



Outdoor Storage



Entrance to the property



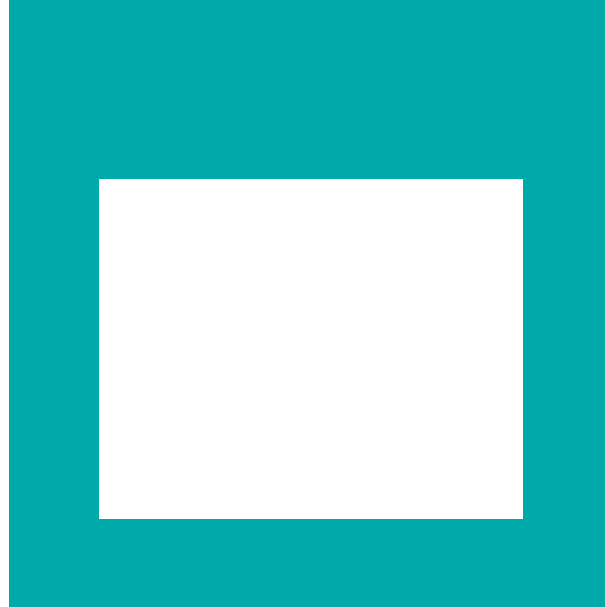
Lands to east across from the entrance



Looking North down Glancaster Road



Looking South towards the intersection of Carluke Road East and Glancaster Road



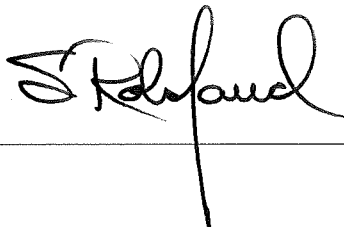
THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



Hamilton

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 22, 2020
SUBJECT/REPORT NO:	Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 282 MacNab Street North, Hamilton (PED19071(a)) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Mark Kehler (905) 546-2424 Ext. 4148
SUBMITTED BY:	Stephen Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Revised Official Plan Amendment Application UHOPA-18-015, by St. Jean Properties Inc. and Durand Development Corporation, Owner**, to establish a Special Policy Area on Schedule "M-2" – General Land Use Plan of the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan to permit the development of a ten storey, 89 unit multiple dwelling with a maximum residential density of 688 units per gross hectare, for lands located at 282 MacNab Street North, Hamilton as shown on Appendix "A" to Report PED19071(a), be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED19071(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
- (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan (2019).

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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SUBJECT: Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 282 MacNab Street North, Hamilton (PED19071(a)) (Ward 2) - Page 2 of 35

- (b) That **Revised Zoning By-law Amendment Application ZAC-18-037, by, St. Jean Properties Inc. and Durand Development Corporation, Owner**, for a change in zoning from the "J" (Light and Limited Heavy Industry, Etc.) District to the "E/S-1799-H" (Multiple Dwellings, Lodges, Clubs, Etc.) District, Holding, Modified to permit a ten storey (33.0 m), 89 unit multiple dwelling with 66 parking spaces, for lands located at 282 MacNab Street North, Hamilton, as shown on Appendix "A" to Report PED19071(a), be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix "C" to Report PED19071(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law, attached as Appendix "C" to Report PED19071(a) be added to District Map W3 of Zoning By-law No. 6593 as "E/S-1799-H".
 - (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol 'H' as a suffix to the proposed zoning.

The Holding Provision "E/S-1799-H" (Multiple Dwellings, Lodges, Clubs, Etc.) District, Holding, Modified, be removed conditional upon:

- (1) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton's current RSC administration fee.
- (2) The Owner shall investigate the noise levels on the site and determine and implement the noise control measures based on the detailed building design in consultation with Canadian National Railways and Metrolinx that are satisfactory to the City of Hamilton, in meeting the Ministry of the Environment, Conservation and Parks recommended sound level limits. An updated acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the Director of Planning and Chief Planner.

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Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner/applicant and shall be submitted to the satisfaction of the Director of Planning and Chief Planner.

- (3) That the Owner establish an easement registered on title to provide maintenance access to the ground floor of the north and east main walls of the building from the abutting Metrolinx property (353 James Street North) and provides legal documentation to the City of the easement, to the satisfaction of the Director of Planning and Chief Planner.
- (iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow Plan (2019) and will comply with the City of Hamilton Official Plan upon finalization of Official Plan Amendment No. XX.
- (c) That Item 19R respecting the public meeting for proposed Official Plan and Zoning By-law Amendment applications for 282 MacNab Street North be identified as complete and removed from the Planning Committee Outstanding Business List.

EXECUTIVE SUMMARY

The Owner, St. Jean Properties Inc. and Durand Development Corporation, has amended their applications for an Official Plan Amendment and Zoning By-law Amendment such that the revised proposal is to permit a ten storey (33.0 m), 89 unit multiple dwelling with 66 parking spaces on lands located at 282 MacNab Street North, Hamilton.

The purpose of the revised Official Plan Amendment application is to establish a Special Policy Area on Schedule "M-2" – General Land Use Plan of the West Harbour (Setting Sail) Secondary Plan to permit the development of a ten storey multiple dwelling with a maximum residential density of 688 units per gross hectare.

The purpose of the revised Zoning By-law Amendment application is for a change in zoning from the "J" (Light and Limited Heavy Industry, Etc.) District to the "E/S-1799-H" (Multiple Dwellings, Lodges, Clubs, Etc.) District, Holding, Modified to permit a ten storey (33.0 m), 89 unit multiple dwelling with 66 parking spaces. Modifications to the "E" District are proposed to permit an increased building height, reduced front, side and rear yard setbacks, eliminate the floor area ratio and landscape requirements and increase balcony encroachment into a required rear yard. Modifications to the parking

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requirements of Zoning By-law No. 6593 are proposed to permit a reduced parking rate, eliminate visitor parking requirements, modify the parking space and loading space dimensions, and an added requirement for short term and long term bicycle parking.

A previous version of the proposal for a 13 storey (43.5 m), 110 unit multiple dwelling with 51 parking spaces was brought forward to Planning Committee on April 2, 2019. Staff recommended denial of the applications. Planning Committee tabled the matter to allow the Ward Councillor and staff to work with the applicant on a revised proposal.

The revised applications have merit and can be supported as the proposal is consistent with the Provincial Policy Statement (2020), conforms to the A Place to Grow Plan (2019), and will comply with the West Harbour (Setting Sail) Secondary Plan upon finalization of the Official Plan Amendment. The proposed development represents an appropriate level of intensification at this location, adjacent to Downtown Hamilton and the West Harbour GO Station, that respects the scale and character of adjacent development.

Alternatives for Consideration – See Page 34

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an Application for an amendment to the Official Plan and Zoning By-law. A Public Meeting was held on April 2, 2019. The matter was tabled to allow the Ward Councillor and staff to work with the applicant on a revised proposal. The Public Meeting was recessed and remains open.

HISTORICAL BACKGROUND

The original application for a 13 storey (43.5 m) multiple dwelling with 110 dwelling units and 51 parking spaces was brought forward to Planning Committee on April 2, 2019. Staff recommended denial on the basis that the original proposal did not comply with the City of Hamilton Official Plan and the West Harbour (Setting Sail) Secondary Plan with regards to matters including, but not limited to, building height, massing, built form, and compatibility with the existing character of the surrounding neighbourhood. The original proposal featured full lot coverage and massing that located the tallest portion of the building at the southern portion of the site. Planning Committee tabled their

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consideration of the application and recessed the Public Meeting to allow the Ward Councillor and staff to work with the applicant on a revised proposal.

Staff received informal revised concept plan submissions on April 11, 2019 and June 5, 2019 and provided high level feedback to the applicant. On December 13, 2019 and May 26, 2020, the applicant made formal submissions in response to staff comments.

The following changes, amongst others have been made to the proposal:

	Original Proposal	Revised Proposal
Building Height	Thirteen storeys (43.5 m)	Ten storeys (33.0 m)
Residential Units	110	89
Parking Spaces	51 (0.46 per unit)	66 (0.74 per unit)
Coverage and ground floor setbacks	Full lot coverage with 0 m ground floor setbacks to all lot lines.	The revised proposal includes the following ground floor setbacks: <ul style="list-style-type: none"> • A minimum 0 m front yard setback with an increased 6.0 m front setback provided for the southernmost 14.4 m of the building and a 9.7 m front setback provided for the southernmost 4.0 m of the building; • A minimum 0.7 m south side yard setback; • A 0 m to 1.2 m north side yard setback; and, • A 0 m rear yard setback.
Building setbacks above the ground floor	The original proposal included the following building setbacks above the ground floor: <ul style="list-style-type: none"> • At the west (front) lot line, a 1.3 m setback for floors two to eight, a 5.3 m setback for floors nine to eleven and an 	The revised proposal includes the following building setbacks above the ground floor: <ul style="list-style-type: none"> • At the west (front) lot line, a 1.5 m setback for floors six to eight and a 3.0 m setback for floors nine and ten;

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	<p>8.1 m setback for floors twelve and thirteen;</p> <ul style="list-style-type: none"> • At the south lot line, a 5.0 m setback for floors two to thirteen; • At the north lot line, a 1.3 m for floors two to eight, a 2.9 metre setback for floors nine to eleven and a 4.3 m setback for floors twelve and thirteen; and, • At the east (rear) lot line, a 5.1 m setback for floors two to eleven and a 6.8 m setback for floors twelve and thirteen. 	<ul style="list-style-type: none"> • At the south lot line, a 4.0 m setback for floors two to eight and an 8.8 m setback for floors nine and ten; • At the north lot line, a 1.2 m setback for floors two to six and a 4.2 m setback for floors seven to ten; and, • At the east (rear) lot line, a 6.3 m setback for floors two to ten.
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Report Fact Sheet

Application Details	
Applicant/Owner:	St. Jean Properties Inc. and Durand Development Corporation
File Number:	UHOPA-18-015 and ZAC-18-037
Type of Application:	Official Plan Amendment and Zoning By-law Amendment
Proposal:	To permit a ten storey (33.0 m) multiple dwelling with 89 dwelling units and 66 vehicle parking spaces for residents provided on the ground level and within two levels of underground parking.
Property Details	
Municipal Address:	282 MacNab Street North
Lot Area:	1,294 sq m (0.129 ha)
Servicing:	Existing Municipal Services

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Existing Use:	Vacant property
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS.
A Place to Grow:	The proposal conforms with A Place to Grow.
Official Plan Existing:	Urban Area (Hamilton Wentworth Official Plan) and Medium Density Residential 1 in the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan
Official Plan Proposed:	Medium Density Residential 1 with a Site Specific Policy Area to permit: <ul style="list-style-type: none"> • A maximum building height of ten storeys; and, • A maximum residential density of 688 units per gross hectare.
Zoning Existing:	"J" (Light and Limited Heavy Industry, Etc.) District
Zoning Proposed:	"E/S-1799-H" (Multiple Dwellings, Lodges, Clubs, Etc.) District, Holding, Modified
Modifications Proposed:	<ul style="list-style-type: none"> • Increased building height; • Reduced front yard depth; • Reduced side yard width; • Reduced rear yard depth; • Eliminated floor area ratio requirements; • Eliminated landscaped area requirements; • Increased balcony projections into the required rear yard; • Reduced parking rate; • Eliminated requirement for visitor parking; • Reduced parking space dimensions; • Reduced loading space dimensions; and, • To require short term and long term bicycle parking.
Processing Details	
Received:	July 3, 2018

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Deemed Incomplete:	July 25, 2018
Deemed Complete:	September 25, 2018
Notice of Complete Application:	Sent to 184 property owners within 120 m of the subject property on October 9, 2018.
Public Notice Sign:	Posted on October 9, 2018 and updated with the public meeting date on August 26, 2020.
Notice of Public Meeting:	Notice of Public Meeting for the original application sent on March 15, 2019. The Public Meeting was recessed on April 2, 2019 and Notice of Public Meeting for the revised proposal sent on September 4, 2020.
Public Consultation:	Applicant public open house held on November 21, 2018. Approximately 34 people were in attendance.
Public Comments:	Six letters of concern, one letter in support, a petition in opposition from the Romanian Orthodox Church (205 signatures) and an online petition.
Processing Time:	728 days (from complete application)

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Property:</u>	Vacant	"J" (Light and Limited Heavy Industry, Etc.) District

Surrounding Lands:

North	West Harbour Go Station	Utility (U2) Zone
East	West Harbour Go Station and place of worship	Utility (U2) Zone and Neighbourhood Institutional (I1) Zone

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	(Romanian Orthodox Church)	
South	Place of worship (Romanian Orthodox Church)	Neighbourhood Institutional (I1) Zone
West	Single detached dwellings and a one storey commercial building	"D" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District and "J" (Light and Limited Heavy Industry, Etc.) District

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020) (PPS)

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the PPS. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. As of May 1, 2020, the policies of the PPS (2020) apply to planning decisions. The following policies, amongst others, apply to the proposed development.

Settlement Areas

With respect to Settlement Areas, the PPS provides the following:

- "1.1.3.1 Settlement areas shall be the focus of growth and development.
- 1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:
- a) efficiently use land and resources;
 - b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and / or uneconomical expansion;
 - e) support active transportation;
 - f) are transit-supportive, where transit is planned, exists or may be developed;

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Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.”

The subject property is located within a settlement area as defined by the PPS. The proposed multiple dwelling would contribute to the mix of land uses in the area, would efficiently use land and existing infrastructure, and represents a form of intensification. The proposal is transit-supportive by providing intensification adjacent to the West Harbour GO Station.

Cultural Heritage and Archaeology

With respect to Cultural Heritage and Archaeology, the PPS provides the following:

- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.
- 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

The subject property meets three of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the PPS apply to the lands. An acknowledgement note of the archaeological requirements applicable to the site will be required at the Site Plan Control stage.

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A Cultural Heritage Impact Assessment (CHIA) was submitted with the original application as part of the Urban Design Brief dated June 2018 completed by McCallum Sather. Staff reviewed the CHIA and forwarded it to the Policy and Design Working Group of the Hamilton Municipal Heritage Committee for comment. The Working Group expressed concern that the proposed 13 storey building height was not in keeping with the character of the neighbourhood, including the Romanian Orthodox Church to the south. The church is included in the City's Inventory of Buildings of Architectural and / or Historical Interest.

Staff have reviewed the revised proposal that includes a lower ten storey building height and step backs adjacent to the inventoried place of worship to the south. Staff are satisfied that concerns expressed by the Working Group have been addressed and have no further concerns related to built heritage.

Noise

Regarding noise, the PPS provides the following:

"1.2.6.1 Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and / or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities."

The applicant submitted a revised Noise Impact Assessment prepared by WSP dated December 11, 2019 for the subject proposal. WSP determined that vehicular traffic on MacNab Street North, Bay Street North, Barton Street West and James Street North and rail traffic on the railway corridor (Canadian National (CN), Southern Ontario Railway (SOR) and GO Transit) to be the dominant transportation sources of sound affecting the proposed development. The Stuart Street Rail Yard is also a significant stationary noise source. Based on the results of the Assessment, noise mitigation measures including upgraded exterior wall and glazing materials, warning clauses and central air conditioning are required to meet MOECP guidelines. A vibration assessment was included in the Noise Impact Assessment that determined vibration levels would not exceed guidelines from CN Rail and The Federation of Canadian Municipalities / The Railway Association of Canada.

Due to the site's location adjacent to the West Harbour GO Station, the assessment was forwarded to Metrolinx for review. Metrolinx staff expressed concerns that the assessment did not include analysis of the stationary noise from GO Bus operations at the West Harbour GO Station. In response, the applicant submitted an addendum letter prepared by WSP dated June 25, 2020 clarifying that the noise impact of adjacent GO

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bus operations would require no additional noise remediation. Metrolinx staff have reviewed the addendum and have no further concerns.

Staff require the Noise Study to be updated based on the detailed design in consultation with CN Rail and Metrolinx as a condition of Holding Removal to satisfaction of the City of Hamilton. Required noise mitigation measures and warning clauses will be implemented at the Site Plan Control stage.

Human-Made Hazards

“3.2.2 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.”

The subject property is recognized as a potentially contaminated site due to the past use of the property for industrial / commercial purposes. As a result, the property is subject to environmental review to allow for the proposed multiple dwelling use. The applicant has undergone a Phase I and II Environmental Site Assessment (ESA). The Phase I ESA identified a number of potential environmental concerns including abandoned underground storage tanks, fuel lines and an out of service fuel pump, previous use as a vehicle repair garage, and the presence of poor quality fill. Further concerns were identified due to the potential migration of contaminants from off-site sources including a former CN Rail yard to the north, former street car maintenance activities to the east and potential historical fuel oil use to the south. The Phase II ESA identified contaminated surface soil fill throughout the site and gasoline / fuel contamination near the former fuel lines and pump. The Owner will be responsible for ensuring a Record of Site Condition (RSC) has been filed appropriately satisfying the MOECP. Staff have included a Holding Provision requiring the provision of a Notice of Acknowledgment letter from the MOECP for the RSC or a conditional building permit agreement.

Based on the forgoing, the proposal is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) (2019)

The Growth Plan directs the majority of growth to settlement areas that have access to municipal water and wastewater systems and can support the achievement of complete communities. The following policies, amongst others, apply to the proposal.

“2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:

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- a) the vast majority of growth will be directed to *settlement areas* that:
 - i. have a *delineated built boundary*;
 - ii. have existing or planned *municipal water and wastewater systems*; and
 - iii. can support the achievement of *complete communities*;
- c) within *settlement areas*, growth will be focused in:
 - i. delineated built-up areas;
 - ii. strategic growth areas;
 - iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and,
 - iv. areas with existing or planned public service facilities;

2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*;
- c) provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;”

The subject lands are located within the City of Hamilton urban boundary and are fully serviced by municipal water and wastewater infrastructure. The proposal expands housing options within the neighbourhood at a convenient location adjacent to Downtown Hamilton with access to local stores and services (Policy 2.2.1.4 a) and c)). Consistent with the growth management policies of the Growth Plan, the proposal represents a form of residential intensification within the built up area, in proximity to existing transit at the West Harbour GO Station and on James Street North.

Based on the foregoing, the proposal conforms with the policies of the Growth Plan.

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Urban Hamilton Official Plan

The Urban Hamilton Official Plan (UHOP) was approved by Council on July 9, 2009 and the Ministry of Municipal Affairs on March 16, 2011.

There was no decision (Non-decision No. 113) made by the Ministry regarding the adoption of the West Harbour (Setting Sail) Secondary Plan into the UHOP because at the time the Ministry was reviewing the UHOP, the Secondary Plan was still under appeal. The lands are currently identified as "Lands Subject to Non Decision 113 West Harbour Setting Sail" on Schedule E-1 of the UHOP, therefore the UHOP policies do not apply. As a result, when the UHOP came into effect on August 16, 2013, it did not affect the West Harbour (Setting Sail) Secondary Plan. Should the applications be approved, staff would request that the proposed Official Plan Amendment be included in the Secondary Plan at the time when the Ministry deals with the non-decision.

Hamilton-Wentworth Official Plan

The subject lands are not included within the UHOP as they are part of Non-Decision No. 113. As a result, the policies of the Hamilton-Wentworth Official Plan that apply to the subject lands remain in effect. In this regard, the subject lands are within the Urban Area of the Hamilton-Wentworth Official Plan and the following policies, amongst others, apply to the proposal.

Urban Area

"C.3.1 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. Accordingly, the Plan establishes a land use strategy for the Urban Area that consists of:

- Compact urban form, including mixed use areas.

C.3.1.1 A compact higher density form, with mixed use development in identified Regional and Municipal centres and along corridors, best meets the environmental, economic principles of sustainable development.

Mixed forms of development within an Urban Area is preferable to widespread, low density residential development and scattered rural development, because:

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- Growth can be accommodated by building on vacant or redeveloped land, without taking up agricultural lands or natural areas;
- Higher density development can reduce per capita servicing costs and makes more efficient use of existing services;
- Efficient and affordable public transit systems can be established;
- Effective community design can ensure people are close to recreation, natural areas, shopping and their workplace; and,
- A compact community makes walking and bicycling viable options for movement.”

The proposal complies with the above policy direction to encourage redevelopment of the subject lands for compact development within the Urban Area. The proposed multiple dwelling would provide for efficient use of services. As such, the proposal complies with the policies of the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan

The subject lands are not included within the UHOP as they are part of Non-Decision No. 113. As a result, the policies of the City of Hamilton Official Plan remain in effect. Schedule A of the City of Hamilton Official Plan designates the subject lands “West Harbour.” The policies of the West Harbour (Setting Sail) Secondary Plan provide more detailed designations and policy framework for this area. The following City of Hamilton Official Plan policies, amongst others, apply to the proposal.

“Subsection B.2.1 – Water Distribution

B.2.1.1 In accordance with the Regional Official Plan, Council will encourage the Region to maintain and, where necessary, improve water supply in the City. New development and / or redevelopment will only be permitted where the water supply is deemed to be adequate by the Region.

Subsection B.2.2 – Sewage Disposal

B.2.2.1 Council will encourage the Region to ensure that all new development in the City be effectively serviced by the SEWAGE DISPOSAL System. In this regard, Council will encourage the appropriate agencies to ensure that necessary improvements to, or extension of, the SEWAGE DISPOSAL System, expansions to the capacity of the Woodward Avenue Sewage

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Treatment Plant, and the monitoring of effluents discharged are undertaken.

Subsection B.2.3 – Storm Drainage

- B.2.3.1 Council will require that all new development and / or redevelopment be connected to, and serviced by, a STORM DRAINAGE System or other appropriate system such as ditches, ‘zero run-off’, and any other technique acceptable to Council and the Conservation Authorities. Council will ensure that the extension of the STORM sewer System is at sufficient capacity to support future anticipated growth in the City. In this regard, Council will co-operate with the appropriate Conservation Authorities in any flood management studies or engineering works that may be undertaken from time to time to improve or maintain the DRAINAGE capacity of natural watercourses flowing through the City.”

There are existing services adjacent to the subject property including sanitary, storm and watermain sewers. Stormwater management, geotechnical and hydrogeological studies will be required at the Site Plan Control stage.

“Subsection 2.4.5- Solid Waste Disposal

- B.2.4.5 All uses in the City will be served by a regularly-scheduled SOLID WASTE collection through the municipal DISPOSAL service, or in the case of certain uses, through individually-contracted collection service.”

The proposed mixed use development is eligible for municipal waste collection subject to the requirements of the City’s Solid Waste Management By-law. Waste collection will be examined in greater detail at the Site Plan Control stage.

“Subsection C.7 – Residential Environmental and Housing Policy

- 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:
- iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that

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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;

- v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales 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 efficient operation of Public Transit and which utilizes design or construction techniques that are energy efficient;"

The proposed multiple dwelling complies with Policies C.7.3 ix) and xii) by increasing the availability of residential units in the neighbourhood and increasing residential densities adjacent to the West Harbour GO Station.

To limit the impact of the proposed ten storey building height and to respect the scale and character of the existing residential area to the south, the massing of the proposed building has been shifted towards the north of the site (see Appendix "E" to Report PED19071(a)). The proposed building steps back 4.0 m from the south property line at the second storey and 8.8 m at the ninth storey. A ground level setback of 0.7 m at the south property line is proposed for maintenance access and there will be no windows at the ground level eliminating issues of privacy and overlook. To recognize existing setbacks adjacent to the site, the south portion of the front façade has been shifted from 0 m to between 6.0 m and 9.7 m from the front property line to align with the place of worship to the south. Based on the foregoing, the proposal complies with Policies C.7.3 iii) and v).

West Harbour (Setting Sail) Secondary Plan (OPA No. 198)

The West Harbour (Setting Sail) Secondary Plan was approved by Council in 2005. Due to appeals to the Ontario Municipal Board (OMB), the Secondary Plan was not deemed to be in effect until the OMB issued its final decision in 2012. This decision

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added the Secondary Plan to the former City of Hamilton Official Plan as that was the Official Plan in effect for the former City of Hamilton at that time.

When the UHOP was brought into effect by the OMB in 2013, all the lands within the West Harbour (Setting Sail) Secondary Plan area were noted as being subject to Non-Decision No. 113. Therefore, the operable Secondary Plan policies in effect to review against the proposed development are those policies in the West Harbour (Setting Sail) Secondary Plan OPA No. 198 instead of the UHOP (Volume 2).

The subject property is identified as "Stable Areas" on Schedule "M-1" – Planning Area and Sub-Areas and is designated "Medium Density Residential 1" on Schedule "M-2" – General Land Use and is located within the "Zone of Noise Influence" on Schedule "M-3" – Zone of Noise Influence. The application proposes to establish a Special Policy Area on Schedule "M-2" to permit increased building height and residential density. The following policies, amongst others, apply to the proposal.

Planning Principles

"A.6.3.2.2 Strengthen existing neighbourhoods;

- i) ensure new development respects and enhances the character of the neighbourhood;
- ii) relocate heavy industrial uses and clean-up contaminated sites;
- iii) encourage compatible development on abandoned, vacant and under-utilized land;

Stable Areas:

A.6.3.7 Stable Areas

The Stable Areas are identified on Schedule "M-1". They comprise the generally low density neighbourhoods that define the residential character of West Harbour. Significant physical change is not anticipated in Stable Areas. The intent of the policies in this section is to maintain and reinforce the character of existing neighbourhoods and to encourage the replacement of inappropriate industrial and commercial uses with sensitively-designed residential development.

A.6.3.7.1 Land Use

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A.6.3.7.1.1 The predominant land use in Stable Areas shall be Low Density Residential, with detached, semi-detached and street townhouses being the predominant types of housing.”

Consistent with Policies A.6.3.2.2 (ii) and A.6.3.7, the proposed development represents an opportunity to redevelop a contaminated former industrial / commercial site.

Policies A.6.3.7 and A.6.3.7.1.1 establish that “Stable Areas” as identified on Schedule M-1 of Setting Sail are predominantly low density in character. As per Policies A.6.3.2.2 and A.6.3.7, the intent of the Setting Sail Secondary Plan is to ensure new development respects, enhances and reinforces the character of existing neighbourhoods. The proposed ten storey building would be located at the northern edge of the neighbourhood located south of the railway tracks, adjacent to a commercial building to the west, the West Harbour GO Station to the north and east and a place of worship to the south. The lands are designated Medium Density Residential 1 in Setting Sail, indicating that they are an appropriate location for mid-rise development. To ensure the development is sensitive to adjacent residential uses to the south, the building includes a 4.0 m setback from the south property line at the second storey and an 8.8 m setback at the ninth storey (see Appendix “E” to Report PED19071(a)). Staff are satisfied that the proposal meets the intent of the “Stable Areas” policies in Setting Sail despite technical amendments required to permit the proposed increased height and density.

Medium Density Residential 1

“A.6.3.3.1.13 In Medium Density Residential 1 areas:

- i) multiple dwellings are permitted;
- ii) the density of development shall be in the range of 60 – 150 units per gross hectare;
- iii) the height of buildings shall range from 3 to 5 storeys;
- v) front yard setbacks shall be generally consistent with the setbacks of adjacent buildings;
- vii) parking areas generally shall be provided at the rear of sites or underground, with access from public streets or laneways;
- ix) the main entrances to buildings shall face public streets;

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- x) private amenity space shall be provided on balconies and terraces, at the front or rear of individual ground-floor units, and/or within internal courtyards outdoors and indoors;
- xi) common amenity space shall be consolidated on the site to create useable spaces;
- xii) the design and massing of buildings shall minimize shadow and wind impacts on the public realm; and
- xiii) the design of new developments shall have respect for the light, views and privacy enjoyed by residents in adjacent buildings and areas.”

As per Policy A.6.3.3.1.13 i), the proposed multiple dwelling use is permitted in the Medium Density Residential 1 designation. The proposed parking within the ground floor and underground levels accessible from MacNab Street North complies with Policy A.6.3.3.1.13 vii). As required by Policies A.6.3.3.1.13 x) and xi), private amenity space is proposed within individual balconies. The proposed primary building entrance faces MacNab Street North and complies with Policy A.6.3.3.1.13 ix). To meet Policy A.6.3.3.1.13 v), the revised proposal includes an increased front yard setback for the south portion of the building to align with the adjacent place of worship.

In response to Policy A.6.3.3.1.13 xii), the original submission included a Sun Shadow Analysis prepared by McCallum Sather, dated June 2018 and a Pedestrian Wind Assessment prepared by Novus Environmental dated June 27, 2018. Staff are satisfied that the shadow impacts of the development would be minimal as they would occur at low usage times during the day, for limited duration, primarily over the railway lands to the north. Limited shadow impacts are expected in the summer months. The revised proposal has a lower building height, further reducing shadow. The Pedestrian Wind Assessment prepared by SLR Consulting (Canada) Ltd. dated June 27, 2018 determined that wind conditions on MacNab Street North and Stuart Street adjacent to the development would be suitable for standing or leisurely walking year round. An addendum prepared by SLR dated June 10, 2020, confirmed that the revised proposal that includes a lower building height and reduced building mass would not create additional pedestrian level wind impacts. In the opinion of staff, the development complies with Policy A.6.3.3.1.13 xii).

A Special Policy Area is required to permit the proposed ten storey building height, whereas Policy A.6.3.3.1.13 iii) of the Medium Density Residential 1 designation permits a maximum building height of three to five storeys. As per Policy A.6.3.3.1.13 xiii), staff are satisfied that the proposed building height is appropriate based on design features,

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including step backs at the second and ninth storeys at the south property line, that limit impacts on privacy (see Appendix “E” to Report PED19071(a)). The proposal will not have shadow impacts on residential properties to the south and will not impact any key views or vistas as identified in Schedule M-5: Public Realm of the West Harbour Secondary Plan.

In addition, a special policy is required to permit a maximum density of development of 688 units per gross hectare, whereas Policy A.6.3.3.1.13 permits a density of development in the range of 60 – 150 units per gross hectare. Staff are satisfied that the proposed increase in density is justified based on the location of the site adjacent to the West Harbour GO Station and Downtown Hamilton. In the opinion of staff, adequate parking and amenity are proposed for residents and the density can be accommodated in an appropriate built form.

Urban Design:

The following Urban Design policies, amongst others, apply to the proposal.

“A.6.3.3.4.1 New development, redevelopment and alterations to existing buildings in West Harbour shall respect, complement and enhance the best attributes of West Harbour and shall adhere to the following urban design principles:

- i) Create a comfortable and interesting pedestrian environment;
- ii) Respect the design, scale, massing, setbacks, height and use of neighbouring buildings, existing and anticipated by this plan;
- iii) Generally locate surface parking at the rear or side of buildings;
- iv) Provide main entrances and windows on the street-facing walls of buildings, with entrances at grade level;”

The proposal complies with Policies A.6.3.3.4.1 iv) by providing a street oriented building with ground floor glazing and a building entrance facing the street. Parking is provided within the ground floor and below grade, out of view from the public realm, and therefore meets the intent of Policy A.6.3.3.4.1 iii). As required by Policy A.6.3.3.4.1 ii), staff are satisfied that the scale, massing and height of the proposal respects existing uses by shifting the bulk of the building mass to the northwest corner of the site away from the residential uses to the south. The lands to the south are designated Medium Density Residential 1 in Setting Sail and the proposed ten storey mid-rise building would be compatible with this anticipated future use.

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Therefore, the proposal complies with the Setting Sail Secondary Plan subject to the Official Plan Amendment.

James Street North Mobility Hub Study

On September 24, 2014, Hamilton City Council adopted the James Street North Mobility Hub Study. The Study was commissioned by the City of Hamilton to guide future planning and development in the area surrounding the intersection of the now constructed West Harbour GO train station and the planned City of Hamilton A-Line rapid transit corridor. This location is identified as a Gateway Hub by Metrolinx in The Big Move transportation plan for the GTHA and as a key intersection in the regional transportation network intended to support transit access and high density development. As of the writing of this report, the recommendations of the James Street North Mobility Hub Study have not been incorporated comprehensively into the Official Plan and Zoning By-law. As a Council adopted document, Staff consider the Study to be informative when considering the development potential of the subject lands.

The following Guiding Principles of the James Street North Mobility Hub Study, amongst others apply:

- “3. Walkable & Inviting Streets & Open Spaces – Streets within the Mobility Hub will be pedestrian-oriented, and accessible for people of all ages and abilities. They will be framed by animated building edges with wide sidewalks, weather protection, lighting and way-finding.
4. Protect Existing Neighbourhoods – Stable residential neighbourhoods will be protected from undesirable development and intensification. Taller buildings will be designed and located to minimize shadowing, overlook and other adverse impacts.
5. Develop an Appropriate Scale, Form & Density – Intensification will be encouraged where appropriate through low-impact density and within close proximity to transit. Development will repair gaps in the built environment and be sensitive to community context and character, such as the existing James Street North streetwall.
7. Mix of Uses Within the Primary & Secondary Zones – Development within the Mobility Hub aims to create a vibrant mixed use community that supports existing and new transit infrastructure.”

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The proposal is consistent with the recommended Guiding Principles 3 and 7 as it is a street-oriented building that will increase the availability of housing adjacent to the West Harbour GO Station.

The subject lands are located within the Primary Zone of the Mobility Hub and within Focus Area C – Station Area. The Primary Zone is the area with the greatest potential for change through redevelopment and includes the lands directly associated with the West Harbour GO Station (Focus Area C).

The Study describes the Station Area as being defined by its historic architecture and proximity to adjacent stable residential neighbourhoods. It recommends the design and massing of new development respect this character while integrating opportunities for greater density where appropriate.

The Study supports increased density in the Station Area. Guiding Principles 4 and 5 recommend that appropriate development occur in proximity to transit while protecting existing stable residential neighbourhoods. The subject lands are located at an appropriate location for increased density within the neighbourhood, directly adjacent to the West Harbour GO Station. The revised proposal protects the existing stable residential area to the south by creating minimal shadow impacts and locating the bulk of the building mass at the northwest corner of the site.

City of Hamilton Zoning By-law No. 6593

The subject property is currently zoned “J” (Light and Limited Heavy Industry, Etc.) District in Zoning By-law No. 6593. The “J” District permits primarily industrial and some commercial uses.

The proposed Zoning By-law Amendment is for a change in zoning from the “J” (Light and Limited Heavy Industry, Etc.) District to the “E/S-1799-H” (Multiple Dwellings, Lodges, Clubs, Etc.) District, Holding, Modified to permit a ten storey (33.0 m), 89 unit multiple dwelling with 66 parking spaces. Staff note that the existing “J” District zoning for the site does not reflect the uses permitted in the Medium Density Residential 1 designation in Setting Sail which permits multiple dwellings. The proposed “E” District zoning permits a multiple dwelling and more closely aligns with Setting Sail. Site specific modifications to the “E” District have been requested to implement the subject proposal and are discussed in greater detail in Appendix “D” to Report PED19071(a). The required ‘H’ provisions are discussed in the Analysis and Rationale for Recommendation section of this report.

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RELEVANT CONSULTATION

Departments and Agencies		
<ul style="list-style-type: none"> • Strategic Planning Division, Public Works Department; • Transit Division, Public Works Department; and, • Alectra Utilities (formerly Horizon Utilities Corporation). 		No Comment
	Comment	Staff Response
CN Rail	<ul style="list-style-type: none"> • Have concerns regarding developing / densifying residential uses abutting their railway right of way. The applicant is advised to refer to CN's guidelines for the development of sensitive uses in proximity to railways. • CN intends to review the applicant's noise study. As of the writing of this report, the results of this review have not been received by Planning staff. Staff have followed up multiple times requesting comment and have not received a response from CN. 	<ul style="list-style-type: none"> • CN Rail will be circulated at Site Plan control stage for further comment regarding the development of a sensitive use in proximity to the railway corridor. • An updated Noise Impact Study based on the detailed building design will be required as a condition of Holding Removal and will be circulated to CN Rail. • All requirements related to sound and vibration due to proximity to the railway corridor, as identified in the applicant's noise study, will be implemented at Site Plan Control stage.
Metrolinx	<ul style="list-style-type: none"> • The Noise Impact Assessment does not include an analysis on the stationary noise from GO Bus operations at the West Harbour GO Station and should be updated. 	<ul style="list-style-type: none"> • An addendum to the Noise Impact Assessment was submitted identifying no further noise mitigation required due to GO Bus operations. • An updated Noise Impact Study based on the

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	<ul style="list-style-type: none"> • Concerns with building separation and the development viability of the Metrolinx lands. • The proponent shall demonstrate how maintenance of the future development (i.e. window washing, landscaping, etc.) will be carried out without encroaching onto Metrolinx lands. • Metrolinx requires a minimum 1.2 m to 2.5 m tower separation setback for floors two to six on the north side of the building to ensure future maintenance (i.e. window cleaning) for the development will not encroach into Metrolinx airspace. • A drainage report shall be provided to the satisfaction of Metrolinx. • A standard 1.83 m high security fence is required along the shared property line. • The Owner shall grant Metrolinx an environmental easement for operational emissions. • Construction shall be coordinated to ensure pedestrian access to the West Harbour GO Station. 	<p>detailed building design will be required as a condition of Holding Removal and will be circulated to Metrolinx.</p> <ul style="list-style-type: none"> • The portions of the ground floor located 0 m from the Metrolinx lands will be clad with a durable material requiring limited maintenance. An easement to provide maintenance access to the ground floor is required as a condition of Holding Removal. • A minimum 1.2 m setback is proposed above the ground floor at the north lot line abutting the Metrolinx lands to provide maintenance access. Metrolinx staff have reviewed and have no further concerns with the proposed setbacks. • Grading and drainage, fencing, easements and construction management will be coordinated with Metrolinx at Site Plan Control stage.
<p>Healthy Environments Division, Public Health Services</p>	<ul style="list-style-type: none"> • Require submission of a Pest Control Plan. 	<ul style="list-style-type: none"> • A Pest Control Plan will be required as a condition of Site Plan approval.

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Forestry and Horticulture Section, Public Works Department	<ul style="list-style-type: none"> • There are no municipal tree assets on the subject property. • A Landscape Plan for any street trees is required. 	<ul style="list-style-type: none"> • A Landscape Plan will be required as a condition of Site Plan approval.
Recycling & Waste Disposal, Operations Division, Public Works Department	<ul style="list-style-type: none"> • The development is eligible for municipal waste collection service subject to meeting the City's requirements. • A private waste hauler will be required if the property will be generating more than the allowable waste collection limit. 	<ul style="list-style-type: none"> • Waste storage and collection will be reviewed in detail at Site Plan Control stage.
Transportation Planning Section, Planning and Economic Development Department	<ul style="list-style-type: none"> • Advised that the development may not have a significant negative effect on the area road network based on estimated site traffic volume. Notwithstanding errors found in the traffic study, clearance can be provided for the TIS. • Based on the original proposal for 0.46 parking space per unit, it was the opinion of Transportation Planning that justification for the reduction in parking with no provision for visitor parking was of concern. • Appropriate visibility triangles are necessary, including a 3.0 m by 3.0 m visibility triangle for the access driveway and a visibility triangle adjacent to the GO Bus Terminal. • A 6.0 m long clearance from the ultimate property line to the overhead garage door is 	<ul style="list-style-type: none"> • The revised proposal includes an increased parking rate of 0.74 parking spaces per unit from 0.46 parking spaces per unit. Residential visitors would have access to metered parking on James Street North and on-street parking subject to time limit restrictions. • The revised proposal provides 3.0 m by 3.0 m visibility triangles at the access driveway and adjacent to the access driveway for the GO Bus Terminal. • The required 6.0 m long clearance to the overhead garage door is identified on the site plan. • A minimum 0.05 short term and 0.5 long term bicycle parking spaces are

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	<p>required to provide vehicle stacking.</p> <ul style="list-style-type: none"> • Transportation Planning staff support the proposed driveway width of 6.0 m, with 6.0 curb radii. • Transportation Planning staff can support the proposed loading space location and dimensions. • Long term bicycle parking shall be provided to meet the guidelines of 0.5 to 1.25 spaces per unit. • Short term bicycle parking shall be provided to meet the guideline of 0.05 to 0.2 spaces per unit. 	required in the proposed amending By-law.
Public Consultation		
Comment	Staff Response	
Parking	There are concerns that the proposed parking is insufficient to meet the needs of the development and will result in overflow parking onto adjacent residential streets. Staff are satisfied that the proposed parking rate of 0.74 parking spaces per unit is appropriate for the site based on its location adjacent to Downtown Hamilton with convenient access to transit at the West Harbour GO Station and on James Street North.	
Traffic	There are concerns that the development will result in increased vehicle traffic on surrounding streets. Transportation Planning staff have reviewed the Transportation Impact Study submitted with the application and had no concerns based on the estimated traffic volumes.	
Infrastructure	There are concerns that existing infrastructure is insufficient to meet the needs of the development. Development Engineering Approvals staff have reviewed the Functional Servicing Report provided by the applicant and have no concerns with the Zoning	

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	By-law Amendment application proceeding from a servicing perspective.
Building Height	There were concerns based on the original 13 storey proposal that the proposed building was too high and would have adverse impacts on adjacent buildings. Staff are satisfied that the proposed building, at its reduced height, is appropriate with the proposed setbacks and step backs that provide for transition to adjacent properties.
Views	There are concerns that the proposed building would inhibit views and disrupt the skyline. The proposed ten storey building would not impact any key view or vista as identified on Schedule M-5: Public Realm of the Setting Sail Secondary Plan.
Compatibility with Adjacent Neighbourhood	There are concerns that the proposal is not compatible with the prevailing low density residential character of the neighbourhood. The proposed development is located at an appropriate location in the neighbourhood adjacent to the West Harbour GO Station and provides setbacks and step backs to the place of worship and residential uses to the south.
Precedent	There is concern that approval of the original proposed 13 storey multiple dwelling would set a precedent leading to the overdevelopment of the West Harbour area. The subject lands are identified as an appropriate location for medium density development in Setting Sail. Staff are satisfied that the intent of Setting Sail and the Mobility Hub Study have been met by the reduced height and the incorporation of setbacks and step backs to provide a transition to adjacent uses. Future development proposals within the West Harbour area will be evaluated on their own merits.
Structural Damage Due to Construction	There is concern from the adjacent Romanian Orthodox Church that vibration resulting from the construction of the proposed multiple dwelling would cause damage to their existing church building. Construction Vibration is not a criterion used to assess modifications to the Zoning By-law as it can occur for any proposed development.
Shadow	There is a concern that the proposal would result in shadow impacts on nearby dwellings and on the Workers Arts and

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	Heritage Centre. A Shadow Study submitted in support of the applications demonstrated that the shadows generated by the proposed development will occur primarily over the railway lands to the north, with limited impacts on adjacent buildings.
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Design Review Panel (DRP)

The development proposal was presented to the City's Design Review Panel (DRP) on December 13, 2018 after submission of the Official Plan Amendment and Zoning By-law Amendment applications. The mandate of the DRP is to provide design advice to staff and the proponent.

The DRP provided a number of design recommendations to staff and the applicant, including the summarized comments below, amongst others:

- The panel acknowledged that the site is a good candidate for some density due to the proximity to the GO station, but the current proposal is too high and too dense for the neighbourhood.
- The building's footprint is too large, and its mass is too bulky; it does not adequately transition to the existing neighbourhood.
- The panel acknowledged that the site has some constraints due to the size of the land parcel and its surroundings; however, the panel agreed that the current proposal is too tight, squeezing too many elements into a small area.
- The front façade of the building should align with the row of existing buildings on MacNab Street North to define the street edge and achieve a consistent setback.
- The podium should have a height of two or three storeys before stepping back, for a more prominent street wall that reflects the heights of other buildings in the neighbourhood.

Applicant's Response to DRP Advice:

The revised proposal includes a reduced building height from 13 storeys to ten storeys, and a reduced density from 110 residential units to 89 residential units. The proposed massing has been reduced and shifted towards the northwest corner of the site to improve the transition to the existing residential uses to the south. To align with the existing place of worship to the south, the southerly portion of the front façade has been shifted further from the property line. Staff are satisfied that the proposed design that

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does not include a two - three storey podium is appropriate as the building is not located along a pedestrian focused commercial corridor with a consistent street wall.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 184 property owners within 120 m of the subject property on October 9, 2018. A Public Notice sign was posted on the property on October 9, 2018 and updated with the public meeting date on July 15, 2020. Finally, Notice of the Public Meeting was mailed to 184 property owners within 120 m of the subject lands on July 24, 2020.

To date, six letters of concern, one letter of support, a petition in opposition to the proposal with 205 signatures and an online petition have been submitted (refer to Appendix "C" of Report PED19071(a)). The concerns raised are summarized in the above chart.

Public Consultation Strategy

In accordance with their submitted Public Consultation Strategy, the applicant held a public open house on November 21st, 2018. Invitations to the open house were mailed to residents within 120 m of the subject lands. Approximately 35 residents attended the meeting expressing concerns related to affordability, parking, scale and massing and vibration. Two City staff members and the Ward Councillor attended the open house.

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the PPS (2020) and conforms to A Place to Grow Plan (2019);
 - (ii) The application complies with the policies of the Hamilton-Wentworth Official Plan, the City of Hamilton Official Plan, and complies with the general intent of the Setting Sail Secondary Plan upon approval of the Official Plan Amendment; and,
 - (iii) The proposed development is compatible with existing land uses in the immediate area and represents good planning by providing for the development of a complete community, making efficient use of existing infrastructure within the urban boundary, and supporting public transit including the West Harbour GO Station adjacent to the site.

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2. Official Plan Amendment

The proposed multiple dwelling is a permitted use in the existing Medium Density Residential 1 designation in the Setting Sail Secondary Plan. However, the existing designation permits a maximum building height of three to five storeys and a maximum density of development in the range of 60 – 150 units per gross hectare. A Special Policy Area is proposed to permit a maximum building height of ten storeys and a maximum density of 688 units per gross hectare.

The intent of the “Stable Areas” policies in the Setting Sail Secondary Plan is to ensure new development respects and enhances the character of existing neighbourhoods. The proposed multiple dwelling would be located at an appropriate location within the neighbourhood adjacent to the West Harbour GO Station to the north and east, a commercial building to the west and a place of worship to the south. Staff are satisfied that adequate parking and amenity space is proposed to accommodate the proposed residential density. To respect the character of the stable residential area to the south and southwest, the bulk of the proposed building mass has been shifted to the northwest corner of the site, providing a 4.0 m setback from the south property line at the second storey and an 8.8 m setback at the ninth storey. In addition, an increased setback is proposed for the south portion of the front façade to align with the adjacent place of worship.

Based on the forgoing, staff are satisfied that the intent the “Stable Areas” Policies has been met and the proposed Official Plan Amendment to increase the permitted building height and density in the Medium Density Residential 1 designation can be supported.

3. Zoning By-law Amendment

The subject lands are currently zoned “J” (Light and Limited Heavy Industry, Etc.) District. To permit the proposed ten storey (33.0 m) mixed use building, a change in zoning to a site specific “E” (Multiple Dwellings, Lodges, Clubs, Etc.) District is required to align with the Medium Density Residential 1 designation in Setting Sail.

Built form and massing

The subject lands are an appropriate location for a mid-rise building, being at the northern edge of the neighbourhood adjacent to the West Harbour GO Station. The proposed ten storey (33.0 m) building incorporates the following setbacks and step backs (see Appendix “E” to Report PED19071(a)):

SUBJECT: Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 282 MacNab Street North, Hamilton (PED19071(a)) (Ward 2) - Page 32 of 35

- At the north property line, a 0 m setback for the ground floor, a minimum 1.2 m setback for floors two to six and a minimum 4.2 m setback for floors seven to ten.
- At the east (rear) property line, a 0 m setback for the ground floor, and a minimum 6.3 m setback for floors two to ten.
- At the south property line, a minimum 0.7 m setback at the ground floor, a minimum 4.0 m setback for floors two to eight and a minimum 8.8 m setback for the ninth and tenth floors.
- At the west (front) property line abutting MacNab Street North, a minimum 0 m setback for floors one to five, a 1.5 m setback for floors six to eight and a 3.0 m setback for floors nine and ten.
- An increased 9.7 m front setback is provided for the southernmost 4.0 m of the building and a 6.0 m front setback is provided for the southernmost 14.4 m of the building.

Except for the front façade and a portion of the north façade, the ground level will be occupied by parking, with no windows facing adjacent properties, limiting issues of overlook. Where a 0 m setback is proposed to adjacent properties, the ground floor façade will be clad with durable material to limit the need for maintenance access. Upper storeys with windows and balconies would be maintained using a swing stage. As per comments received from Metrolinx, a minimum 1.2 m setback is required from the north lot line above the ground level.

The revised proposal provides for transition to the stable residential area to the south and southwest by locating the bulk of the building mass towards the northwest corner of the site. The increased front setback for the southerly portion of the building aligns with the adjacent place of worship.

Staff are satisfied that the massing described above results in an appropriate mid-rise built form at this location that transitions to adjacent residential uses and provides adequate access for maintenance.

Parking

The revised proposal includes a minimum parking rate of 0.74 parking spaces per unit, whereas a minimum 1.25 parking spaces per unit, including 0.25 parking spaces per unit for visitors, are required under Zoning By-law No. 6593. Residents of the proposed multiple dwelling would have convenient access to

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SUBJECT: Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 282 MacNab Street North, Hamilton (PED19071(a)) (Ward 2) - Page 33 of 35

transit, including the West Harbour GO Station directly to the north of the site and HSR routes on James Street North approximately 75 m to the east.

Transportation Demand Management measures including short term and long term bicycle parking will be included in the site specific by-law. Visitors would have access to metered parking on James Street North and parking on local streets subject to time limit restrictions. Residents of the multiple dwelling will not be eligible for time limit exemptions or on street parking permits. The subject lands are located adjacent to Downtown Hamilton and the proposed parking rate is higher than the rate applicable to a multiple dwelling in the Downtown Zones.

The applicant has requested modifications to the parking space dimensions from 2.7 m by 6.0 m to 2.8 m by 5.8 m. The proposed parking space dimensions are consistent with the Zoning By-law No. 05-200 parking space requirements approved by Council on November 8, 2017 through By-law No. 17-240 where parking is in a parking structure or underground garage. The portion of By-law No. 17-240 dealing with parking stall size remains under appeal to the LPAT. The proposed parking stall size does not include a 0.3 m increased width where a parking stall abuts a wall or column as required by the Council approved regulations to provide room for door swings. Based on the submitted underground parking plans, the parking spaces primarily abut columns located at the front of the parking spaces providing room for door swings between the column and the back wall of the parking garage. A loading space with a dimension of 3.0 m by 7.5 m is proposed to accommodate moving vehicles.

The proposed modifications to the "E" District are included in Appendix "C" to Report PED19071(a) and further analysis of all modifications is provided in Appendix "D" to Report PED19071(a).

4. An "H" Holding Provision is recommended to require the Owner to enter into a conditional building permit agreement with respect to completing a Record of Site Condition (RSC) or a signed RSC be submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP) for the subject property. This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton's current RSC administration fee. This is required to evaluate the impacts of the former commercial uses on the property given the proposed change to include residential uses (a sensitive land use).

In addition, an "H" Holding Provision is required for an updated Noise Impact Study based on the detailed building design to be submitted at the Site Plan Control stage. The updated study is to be completed in consultation with CN Rail

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SUBJECT: Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 282 MacNab Street North, Hamilton (PED19071(a)) (Ward 2) - Page 34 of 35

and Metrolinx and shall demonstrate compliance with MOECP noise criteria to the satisfaction of the Director of Planning and Chief Planner.

Finally, an "H" Holding Provision is required ensuring the applicant establishes an easement registered on title to provide maintenance access to the ground floor of the north and east main walls of the building from the abutting West Harbour GO Station property. The easement is required as portions of the ground floor are located 0 metres from the north and east property lines so can not be accessed from within the property.

5. Existing servicing for the site includes a 450 mm combined storm and sanitary sewer, 750 mm storm sewer, 200 mm watermain and 1650 mm sanitary sewer on MacNab Street North.

Development Engineering staff have reviewed the Functional Servicing Report provided by the applicant and have no concerns with the Rezoning proceeding from a servicing perspective. During the Site Plan Control process, the applicant will be required to demonstrate that appropriate sewer servicing, water servicing stormwater management, grading, and erosion and sediment control measures are undertaken to the satisfaction of City staff.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Official Plan Amendment and Zoning By-law Amendment be denied, the lands could be developed in accordance with the existing "J" (Light and Limited Heavy Industry, Etc.) District) District which permits light industrial and some commercial uses.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

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**SUBJECT: Applications for Official Plan Amendment and Zoning By-law
Amendment for lands located at 282 MacNab Street North, Hamilton
(PED19071(a)) (Ward 2) - Page 35 of 35**

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Location Map

Appendix "B" – Official Plan Amendment

Appendix "C" – Amendment to Zoning By-law No. 6593

Appendix "D" – Zoning Modification Table

Appendix "E" – Concept Plan

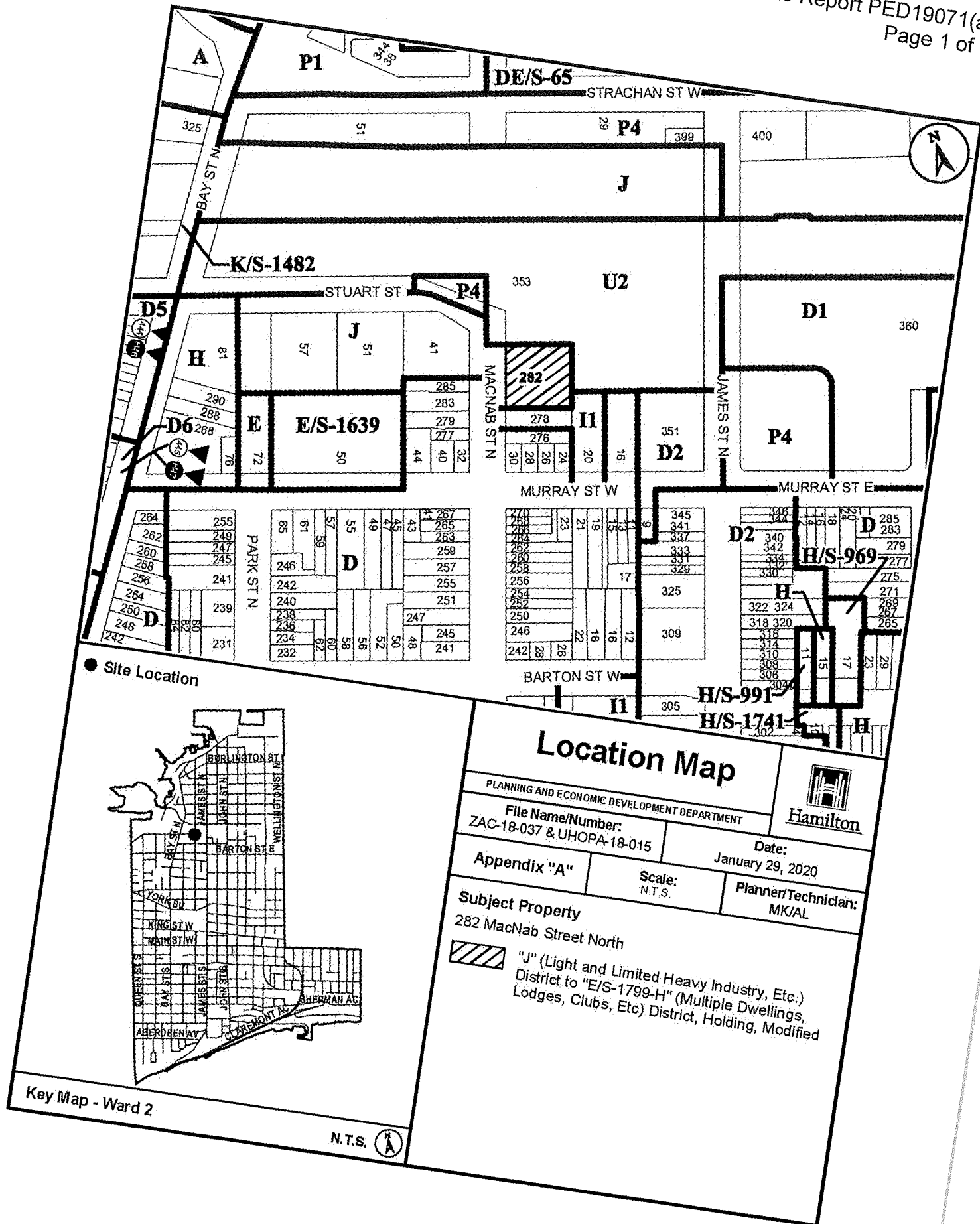
Appendix "F" – Public Submissions

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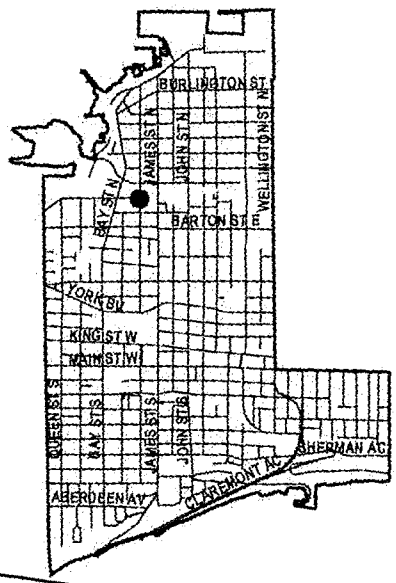
OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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Appendix "A" to Report PED19071(a)
Page 1 of 1



● Site Location



Key Map - Ward 2

N.T.S.

Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		
File Name/Number: ZAC-18-037 & UHOPA-18-015	Date: January 29, 2020	
Appendix "A"	Scale: N.T.S.	Planner/Technician: MK/AL

Subject Property
282 MacNab Street North

"J" (Light and Limited Heavy Industry, Etc.)
District to "E/S-1799-H" (Multiple Dwellings,
Lodges, Clubs, Etc) District, Holding, Modified

Schedule "1"

Amendment
to the
City of Hamilton Official Plan

The following text, together with Appendix "A", attached hereto, constitutes Official Plan Amendment No. XXX of the City of Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to amend the West Harbour (Setting Sail) Secondary Plan by establishing a Special Policy Area to permit a 10-storey multiple dwelling with a residential density of 688 units per gross hectare.

2.0 Location:

The lands affected by this Amendment are located at 282 MacNab Street North in the City of Hamilton.

3.0 Basis:

The basis for permitting the Amendment is as follows:

- The proposed development efficiently utilizes existing infrastructure, positively contributes to the streetscape and makes use of a vacant lot;
- The proposed development implements the vision of the West Harbour (Setting Sail) Secondary Plan in providing intensification at a form and scale that is in keeping with the character of the surrounding neighbourhood and is in proximity to existing transit; and,
- The Amendment is consistent with the Provincial Policy Statement, 2020 and the A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019.

4.0 Changes:**4.1 Text Changes:**

4.1.1 That a new Special Policy Area be added, to read as follows:

"A.6.3.3.1.13.X The following policies shall apply to lands known municipally as 282 MacNab Street North, designated Medium Density Residential 1 and identified as Special Policy Area X:

- i) Notwithstanding Policy A.6.3.3.1.13 ii), an 89 unit multiple dwelling with a maximum residential density of 688 units per gross hectare shall be permitted,
- ii) Notwithstanding Policy A.6.3.3.1.13 iii), the height of buildings shall range from 3 to 10 storeys.

4.2 Schedule Changes:

4.2.1 That Schedule "M-2": General Land Use, of the West Harbour (Setting Sail) Secondary Plan is amended by:

- a) identifying the lands as "Special Policy Area X", as shown on Appendix "A" to this Amendment.

5.0 Implementation:

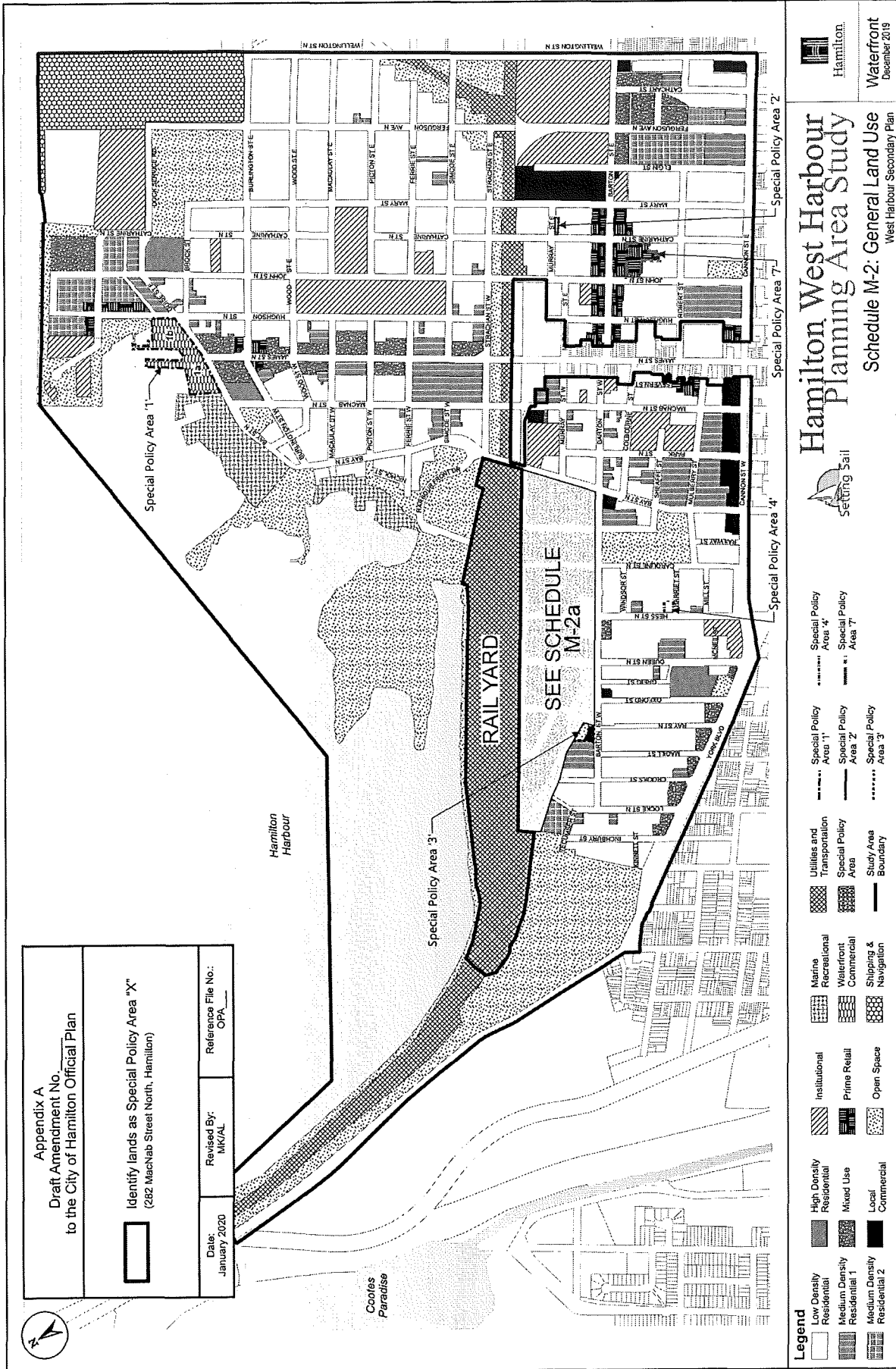
An implementing Zoning By-law Amendment and Site Plan Control will give effect to the intended uses on the subject lands.

This is Schedule "1" to By-law No. ____ passed on the day of ____, 2020.

**The
City of Hamilton**

F. Eisenberger
MAYOR

A. Holland
CITY CLERK



Authority:

Ward 2

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 6593 Respecting Lands Located at 282 MacNab Street North, Hamilton

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Schedule 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 full 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 _____ of Report 20-_____ of the Planning Committee, at its meeting held on the XX day of XX 2020, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

AND WHEREAS this By-law is in conformity with the City of Hamilton Official Plan of the City of Hamilton upon finalization of OPA No. XX.

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

1. That Sheet No. W3 of the District Maps appended is amended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by changing the zoning from the "J" (Light and Limited Heavy Industry, Etc.) District, Modified to the "E/S-1799-H" (Multiple Dwellings, Lodges, Clubs, Etc.) District, Holding, Modified; the extent and boundaries of which are shown on a plan here to annexed as Schedule "A".

To Amend Zoning By-law No. 6593 Respecting Lands Located at 282 MacNab Street
North, Hamilton

2. That the "E" (Multiple Dwellings, Lodges, Clubs, Etc.) District provisions, as contained in Section 11 of Zoning By-law No. 6593 be modified to include the following special requirements:
- a) Notwithstanding Section 11(1)(xii)(i), the Accessory and Incidental Uses listed in Section 11(1)(xii) shall be permitted.
 - b) Section 11(1)(xii)(j) shall not apply.
 - c) Notwithstanding Section 11(2)(ii), no building or structure shall exceed ten storeys or 33.0 metres in height.
 - d) Notwithstanding Section 11(3)(i)(b), a front yard depth not less than 0 metres, except that:
 - i) For any portion of the building with a height greater than 16.8 metres, a front yard depth not less than 1.5 metres; and,
 - ii) For any portion of the building with a height greater than 25.8 metres, a front yard depth not less than 3.0 metres.
 - e) Notwithstanding Section 11(3)(ii)(b):
 - i) A southerly side yard width not less than 0.7 metres, except that:
 - 1. For any portion of the building with a height greater than 4.8 metres, a southerly side yard width not less than 4.0 metres; and,
 - 2. For any portion of the building with a height greater than 25.8 metres, a southerly side yard width not less than 8.8 metres.
 - ii) A northerly side yard width not less than 0 metres, except that:
 - 1. For any portion of the building with a height greater than 4.8 metres, a northerly side yard width not less than 1.2 metres; and,
 - 2. For any portion of the building with a height greater than 19.8 metres, a northerly side yard width not less than 4.0 metres.
 - f) Notwithstanding Section 11(3)(iii)(b), a rear yard depth not less than 0 metres, except that:

To Amend Zoning By-law No. 6593 Respecting Lands Located at 282 MacNab Street
North, Hamilton

- i) For any portion of the building with a height greater than 4.8 metres, a rear yard depth not less than 6.3 metres.
 - g) Section 11(5) shall not apply.
 - h) Section 11(6) shall not apply.
 - i) Notwithstanding Section 18(3)(vi)(b)(i), a canopy, cornice, eave or gutter may project into a required front yard up to 0 metres from a street line.
 - j) Notwithstanding Section 18(3)(vi)(cc)(i), a bay, balcony or dormer may project into a required front yard up to 0 metres from a street line.
 - k) Notwithstanding Section 18(3)(vi)(cc)(ii), a bay, balcony or dormer may project into a required rear yard not more than 2.4 metres.
 - l) Notwithstanding Section 18A(7), every required parking space, other than a parallel parking space, shall have dimensions not less than 2.8 metres wide and 5.8 metres long.
 - m) Notwithstanding Section 18A Table 1 1.(g), a minimum 0.74 parking spaces per Class A dwelling unit.
 - n) Section 18A(1)(b) shall not apply.
 - o) Notwithstanding Section 18A(1)(c), one loading space shall be provided with a minimum size of:
 - i) Length: 7.0 m
 - ii) Width: 3.0 m
 - iii) Height: 4.3 m
 - p) A minimum 0.05 short term bicycle parking spaces per Class A dwelling Unit shall be required.
 - q) A minimum 0.5 long term bicycle parking spaces per Class A dwelling unit shall be required within a secure facility.
3. That the 'H' symbol applicable to the lands referred to in Section 1 of this By-law, shall be removed conditional upon:
- a) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of

To Amend Zoning By-law No. 6593 Respecting Lands Located at 282 MacNab Street
North, Hamilton

the Environment, Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton's current RSC administration fee.

- b) The Owner shall investigate the noise levels on the site and determine and implement the noise control measures based on the detailed design in consultation with Canadian National Railways and Metrolinx that are satisfactory to the City of Hamilton, in meeting the Ministry of the Environment, Conservation and Parks recommended sound level limits. An updated acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the Director of Planning and Chief Planner.

Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner/applicant and shall be submitted to the satisfaction of the Director of Planning and Chief Planner.

- c) That the Owner establish an easement registered on title to provide maintenance access to the ground floor of the north and east main walls of the building from the abutting Metrolinx property (353 James Street North) and provides legal documentation to the City of the easement, to the satisfaction of the Director of Planning and Chief Planner.
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 "E" (Multiple Dwellings, Lodges, Clubs, Etc.) District provisions, subject to the special requirements referred to in Sections 2 and 3 of this By-law.
5. That Sheet No. W3 of the District Maps is amended by marking the lands referred to in Section 1 of the By-law as "E/S-1799-H".
6. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1799.
7. 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*.

To Amend Zoning By-law No. 6593 Respecting Lands Located at 282 MacNab Street
North, Hamilton

PASSED this ___ day of _____, 2020.

Fred Eisenberger
Mayor

Andrea Holland
City Clerk

For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Chair and Members

Report No.: PED19071(a) Date:

Ward(s) or City Wide: Ward 2

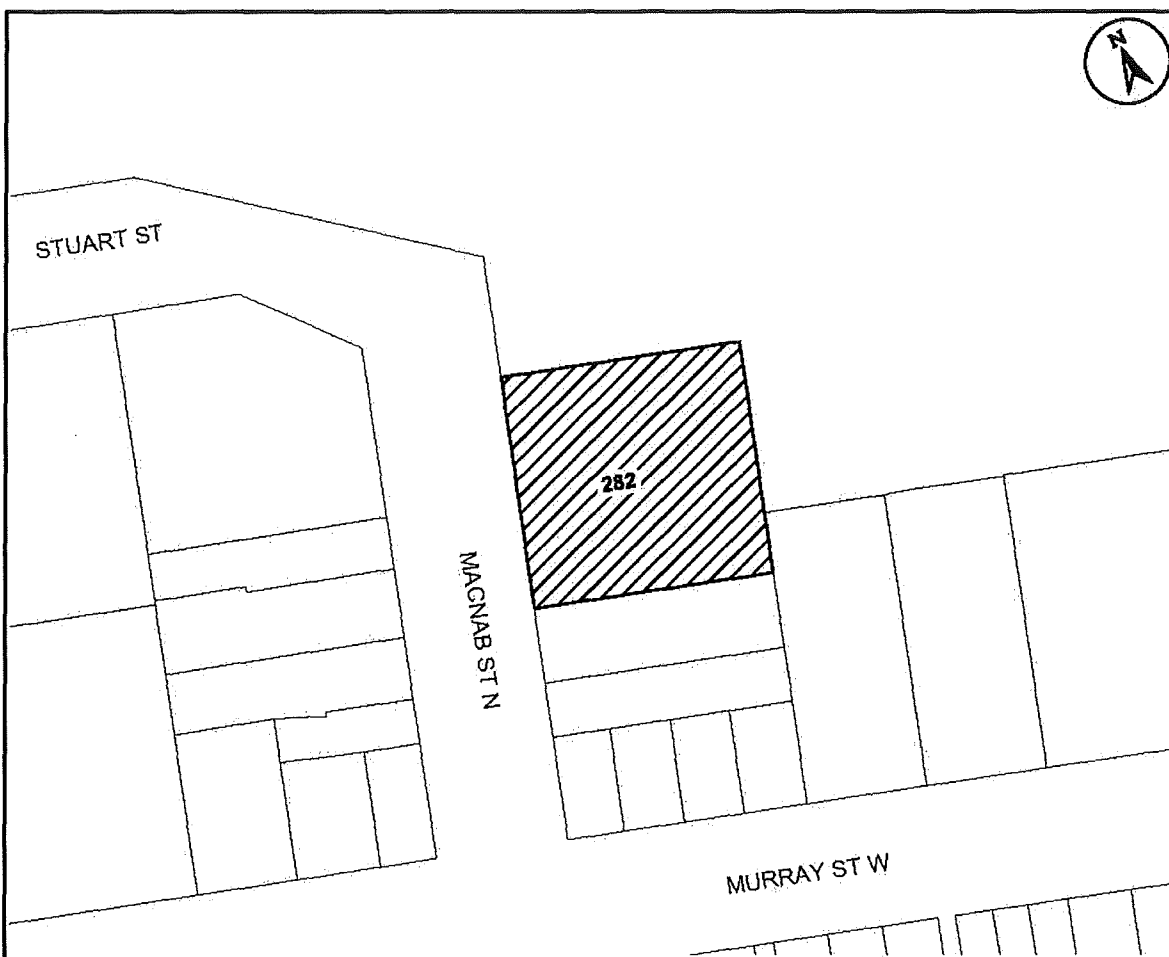
(MM/DD/YYYY)

Prepared by: Mark Kehler, Planner I

Phone No: 905-546-2424 ext. 4148

For Office Use Only, this doesn't appear in the by-law

To Amend Zoning By-law No. 6593 Respecting Lands Located at 282 MacNab Street North, Hamilton



This is Schedule "A" to By-law No. 20- Passed the day of, 2020	----- Mayor ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 20-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 6593</p>	<p>Subject Property 282 MacNab Street North</p> <div style="display: flex; align-items: flex-start;"> <div style="width: 20px; height: 15px; border: 1px solid black; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); margin-right: 5px;"></div> <div> <p>"J" (Light and Limited Heavy Industry, Etc.) District to "E/S-1799-H" (Multiple Dwellings, Lodges, Clubs, Etc) District, Holding, Modified</p> </div> </div>
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Scale: N.T.S.	File Name/Number: ZAC-18-037/JHOPA-18-015	
Date: Jan. 29, 2020	Planner/Technician: MK/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Site Specific Modifications to the "E" (Multiple Dwellings, Lodges, Clubs, Etc.) District

Regulation	Required	Modification	Analysis
11(1)(xii)(i) and 11(1)(xii)(i) Accessory and Incidental Uses	Permits accessory and incidental uses only in multiple dwellings with greater than 100 dwelling units and permits access to accessory or incidental uses only from within the interior of the building.	To permit accessory and incidental uses in the proposed multiple dwelling that has less than 100 dwelling units and to permit access from outside the building.	<p>The "E" District permits accessory service and retail uses within a multiple dwelling containing greater than 100 dwelling units provided they are accessed only from within the building. The intent of the By-law is to provide convenient access to services and retail for residents without negatively impacting adjacent uses.</p> <p>Staff are satisfied that accessory service uses would be desirable for the proposed multiple dwelling containing less than 100 dwelling units and that access from the exterior of the building would be appropriate given the location of the site adjacent to the West Harbour GO Station.</p> <p>Based on the forgoing, staff support the modification to permit accessory and incidental uses.</p>
11(2)(ii) Building Height	No building or structure shall exceed eight storeys or 26.0 metres in height.	No building or structure shall exceed ten storeys or 33.0 metres in height.	<p>Staff are satisfied that the proposed ten storey building height is appropriate based on the proposed massing that includes setbacks and step backs to transition to adjacent uses. Shadows from the proposed development would occur primarily over the railway lands to the north.</p> <p>Therefore, staff support the proposed modification to building height.</p>
11(3)(i)(b) Front Yard Depth	A front yard depth of at least 7.5 metres.	A front yard depth not less than 0 m, except that: i) For any portion of the building with a height greater than	<p>The intent of the Zoning By-law is to provide a consistent streetscape and an interesting and comfortable pedestrian realm.</p> <p>The proposed 0 m front setback for the northerly portion of the building provides for a street-oriented building adjacent to the West Harbour GO Station. A 1.5 m step back at the sixth storey and a 3.0 m step back at the ninth storey are proposed to limit the visual impact</p>

Regulation	Required	Modification	Analysis
11(3)(ii)(b) Side Yard Width	A side yard width of at least 13.5 metres.	<p>16.8 metres, a front yard depth not less than 1.5 metres; and,</p> <p>ii) For any portion of the building with a height greater than 25.8 metres, a front yard depth not less than 3.0 metres.</p>	<p>of the building from the street. The increased front setback for the southerly portion of the building aligns with the adjacent place of worship.</p> <p>Based on the forgoing, staff support the proposed modification to required front yard depth.</p>
	<p>A southerly side yard width not less than 0.7 metres, except that:</p> <p>i) For any portion of the building with a height greater than 4.8 metres, a southerly side yard width not less than 4.0 metres; and,</p> <p>ii) For any portion of the building with a height greater than 25.8 metres, a</p>		<p>The intent of the Zoning By-law is to provide for transition to adjacent uses and allow sufficient room for maintenance access.</p> <p>At the southerly side lot line adjacent to the existing place of worship, a 0.7 m setback is provided at the ground level to allow for maintenance access. A 4.0 m setback for floors two to eight and an 8.8 m setback for floors nine and ten are proposed to provide for transition in height to the place of worship and the single detached residential dwellings further to the south.</p> <p>At the northerly side lot line adjacent to the West Harbour GO Station, a 0 m setback is proposed at the ground floor, a 1.2 m setback for floors two to six and a 4.0 m setback for floors seven to ten. The minimum 1.2 m setback above the ground level will ensure maintenance access to windows and balconies without any equipment encroaching over the adjacent Metrolinx lands. The ground floor is the exterior wall for the parking garage so does not contain any</p>

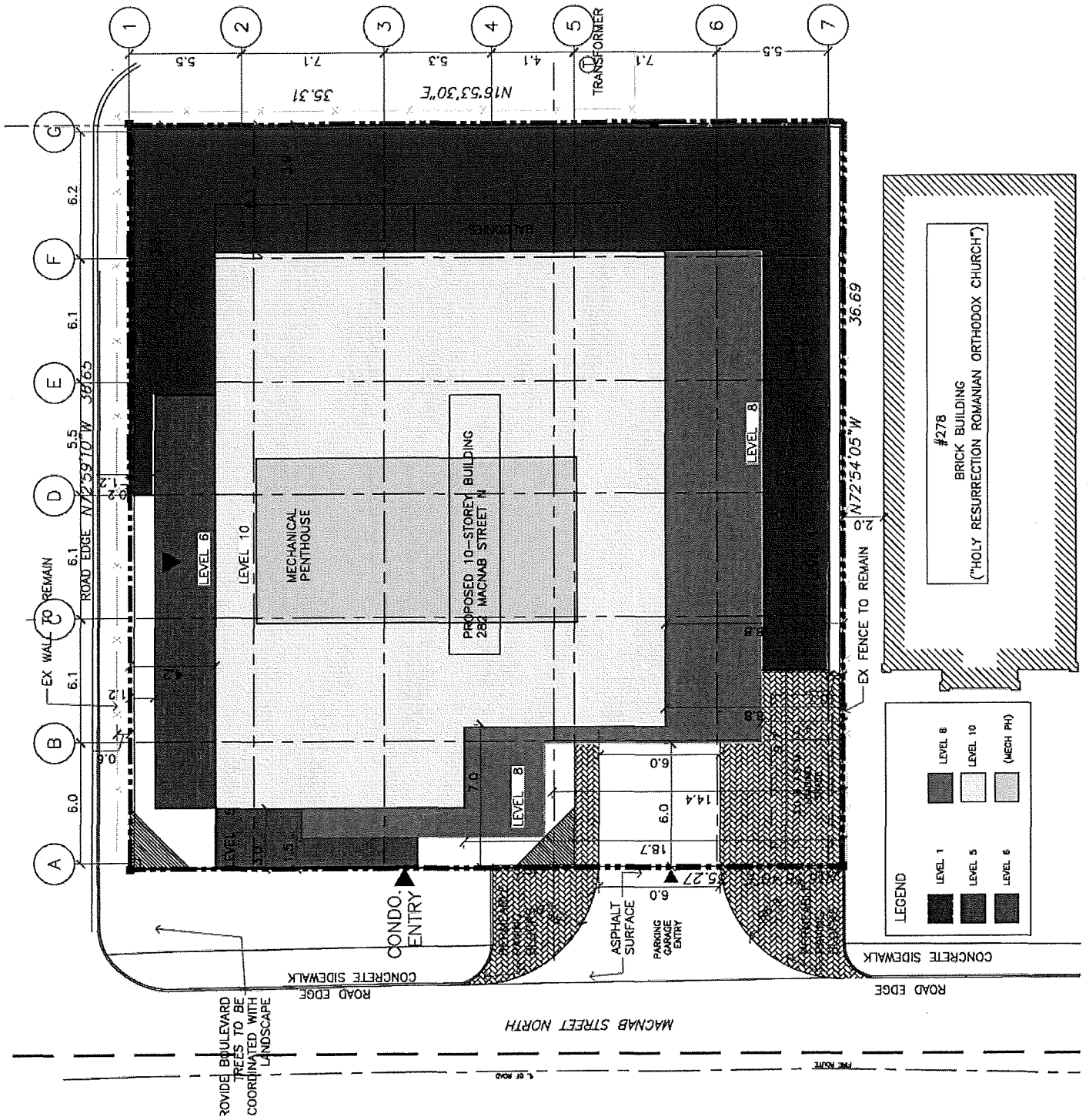
Regulation	Required	Modification	Analysis
		<p>southerly side yard width not less than 8.8 metres.</p> <p>A northerly side yard width not less than 0 metres, except that:</p> <p>i) For any portion of the building with a height greater than 4.8 metres, a northerly side yard width not less than 1.2 metres; and,</p> <p>ii) For any portion of the building with a height greater than 19.8 metres, a northerly side yard width not less than 4.0 metres.</p>	<p>windows or balconies and will therefore require limited access for maintenance.</p> <p>Based on the forgoing, staff support the proposed side yard modifications as amended.</p>
11(3)(iii)(b) Rear Yard Depth	A rear yard depth not less than 13.3 metres.	Notwithstanding Section 11(3)(iii)(b), a rear yard depth not less than 0 metres, except that:	<p>The intent of the Zoning By-law is to provide for transition to adjacent uses and allow sufficient room for maintenance access.</p> <p>A 0 m rear yard depth is proposed for the ground floor containing the above grade parking garage. There are no windows or balconies at the ground level, requiring limited maintenance access. To limit the</p>

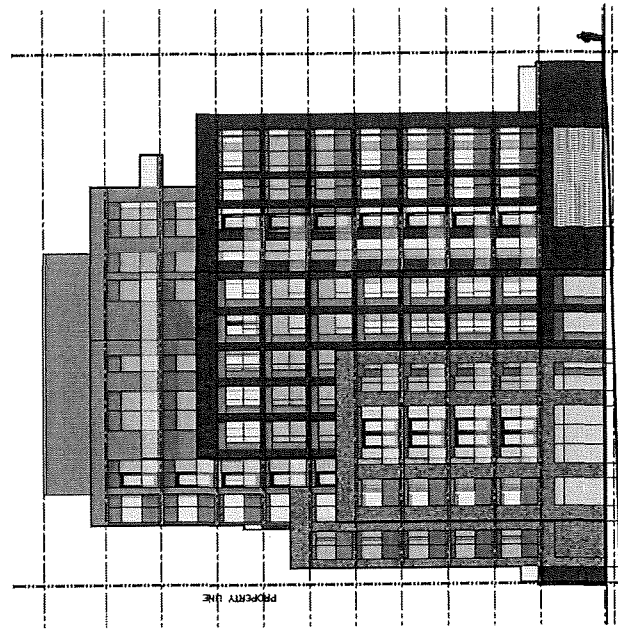
Regulation	Required	Modification	Analysis
		<p>i) For any portion of the building with a height greater than 4.8 metres, a rear yard depth not less than 6.3 metres.</p>	<p>mass of the building, a 6.3 metre rear step back is proposed above the ground level.</p> <p>Based on the forgoing, staff support the proposed rear yard depth modifications.</p>
11(5) Gross Floor Area	No building or structure shall have a gross floor area greater than 2,209.98 square metres.	That Section 11(5) shall not apply.	<p>The intent of the Zoning By-law is to limit the scale and density of development by permitting a maximum gross floor area. The building envelope for the proposed development is limited by the required maximum building height and minimum setbacks and step backs.</p> <p>Staff are satisfied that a maximum permitted gross floor area requirement is not required and support the proposed modification.</p>
11(6) Landscaped Area	For every building or structure there shall be provided and maintained on the same lot within the district an amount not less than 25% of the area of the lot on which the building or structure is situate, as landscaped area.	That Section 11(6) shall not apply.	<p>The intent of the Zoning By-law is to provide a balance between developed area and soft landscaping on site, a buffer to adjacent uses, and at grade amenity space.</p> <p>Staff are satisfied that the built form provides for adequate transition to adjacent uses without additional buffering. Staff are satisfied that it is appropriate to provide limited on-site landscaping in order to achieve greater residential density due to the site's location adjacent to Downtown Hamilton and the West Harbour GO Station. There are opportunities for soft landscaping, including street trees, within the municipal boulevard adjacent to the site. Outdoor amenity space is proposed on balconies and residents would have access to public open spaces, including the nearby Bayfront Park.</p> <p>Therefore, staff support the proposed modification to landscaped area.</p>

Regulation	Required	Modification	Analysis
18(3)(vi)(b)(i) and 18(3)(vi)(cc)(i) Canopy, Cornice, Eave and Balcony Projections Abutting a Street Line	A canopy, cornice, eave, gutter, bay, dormer or balcony may project into a required front yard not more than 1.5 m from a street line.	A canopy, cornice, eave, gutter, bay, dormer or balcony may project 0 metres from a street line.	<p>The proposed building will be permitted to be located at the front property line, therefore any proposed balconies, eaves, cornices and canopies will be located 0 metres from the MacNab Street North property line.</p> <p>The boulevard adjacent to the property provides a buffer between the sidewalk and the proposed balconies and canopies. Encroachments will not be permitted into the boulevard without entering into an agreement with the City.</p> <p>Therefore, staff support this modification.</p>
18(3)(vi)(cc)(ii) Balcony Projection Into a Required Rear Yard	A bay, balcony or dormer may project into a required rear yard not more than 1.0 metre.	A bay, balcony or dormer may project into a required rear yard not more than 2.4 metres.	<p>The intent of the zoning by-law is to limit overlook impacts caused by balconies that encroach into the required rear yard.</p> <p>The rear yard for the proposal abuts the GO Bus Terminal and does not overlook any residential amenity space. A minimum 6.1 metre rear setback is required for the portion of the building containing balconies, further limiting overlook.</p> <p>Based on the foregoing, staff can support the proposal to permit increased balcony projections into the required rear yard.</p>
18A Table 1 1.(g) and 18A(1)(b) Parking Rate	A minimum of 1.25 parking spaces are required for a multiple dwelling, of which 0.25 shall be designated for visitors.	A minimum of 0.74 parking space per Class A dwelling unit, of which no parking will be designated for visitors.	<p>The intent of the Zoning By-law is to provide adequate parking to meet the needs of the development. Staff support the proposed parking reduction based on the location of the subject lands adjacent to Downtown Hamilton and the West Harbour GO Station. Additional TDM measures, including long term and short term bicycle parking will be required at Site Plan Control Stage. Further analysis of the parking requirements is provided in the Analysis and Rationale section of this</p>

Regulation	Required	Modification	Analysis
18A(1)(c) Loading Space	One loading space with a minimum length of 18.0 m, width of 3.7 m and height of 4.3 m.	One loading space with a minimum length of 7.0 m, width of 3.0 m and height of 4.3 m	<p>report.</p> <p>Based on the forgoing, the proposed reduced parking rate can be supported.</p> <p>The intent of the Zoning By-law is to provide adequate facilities to allow loading to occur on site.</p> <p>The applicant has proposed a loading space with a reduced length and width designed to accommodate moving vehicles. The proposed loading area has been reviewed and accepted by Transportation Planning staff.</p> <p>Therefore, staff can support the proposed modification.</p>
18A(7) Parking Space Dimensions	For any parking space other than a parallel parking space, a minimum width of 2.7 m and a minimum length of 6.0 m.	For any parking space other than a parallel parking space, a minimum width of 2.8 m and a minimum length of 5.8 m.	<p>The intent of the Zoning By-law is to provide adequate space within each parking stall for maneuvering and door swings. The parking area for the proposed development was designed using the parking stall size requirements for underground and structure parking approved by Council for Zoning By-law No. 05-200. The proposed parking stall size does not include a 0.3 m increased width where a parking stall abuts a wall or column as required by the Council approved regulations to provide room for door swings. Based on the submitted underground parking plans, the parking spaces primarily abut columns located at the front of the parking spaces providing room for door swings between the column and the back wall of the parking garage.</p> <p>To maximize parking on site, staff support the proposed modification to permit a minimum parking stall size of 2.8 m by 5.8 m.</p>

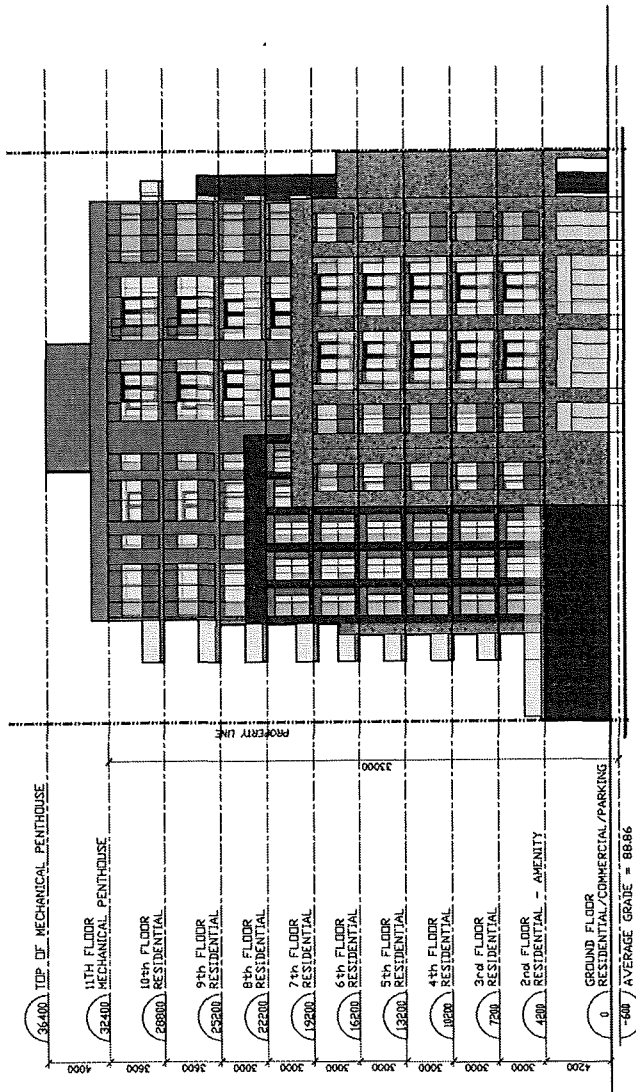
Regulation	Required	Modification	Analysis
Short Term and Long Term Bicycle Parking	No existing requirement	A minimum 0.05 short term and 0.5 long term bicycle parking spaces shall be required per Class A dwelling unit.	Transportation Demand measures, including bicycle parking, form part of the justification for the proposed parking reduction. Therefore, staff recommend the By-law include a requirement for a minimum 0.05 short term and 0.5 long term bicycle parking spaces as per the City of Hamilton TDM for Development Guidelines. Long term bicycle parking spaces will be required within a secured facility.



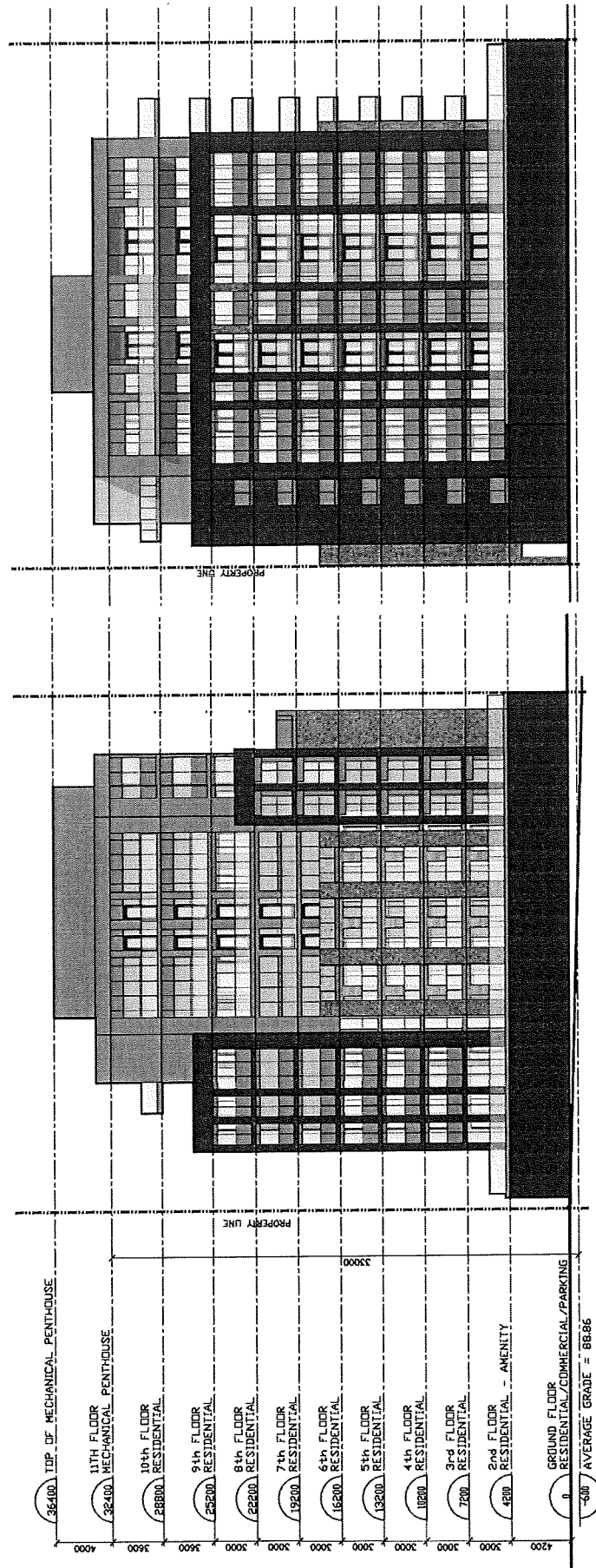


W/

WEST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION

EAST ELEVATION

Appendix "F" to Report PED19071(a)
Page 1 of 28**Kehler, Mark**

From: Lynda Dykstra [REDACTED]
Sent: December-07-18 10:34 AM
To: Kehler, Mark
Cc: bkhes@gspgroup.ca
Subject: 282 MacNab St N

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Mark,

We met briefly at the community open house for the site development of 282 MacNab St N two weeks ago, and you suggested I email you with my comments. I was the woman with the newborn who didn't have the opportunity to write my thoughts down on the comment sheets provided at that time.

Here are a few of my comments for your consideration:

- This will be the first building people arriving off of the Go train will see, giving them their first impressions of Hamilton. This makes the aesthetics of this building particularly important. I would think that something that incorporates the style of the neighbourhood would be appropriate: i.e. red brick, stone. There are some excellent examples of this in developments on James St N. Some setback from the road with room for trees and shrubs also would improve aesthetics.
- As you heard during the open house, parking is a major (!) issue in our neighbourhood. Incorporating visitor parking in the building is critical. Even if not every person in the building is expected to own a car, many of their visitors will and this will further complicate parking for local residents.
- Also stated at the open house, 13 storeys is exceptionally high for our neighbourhood. While I am pro density around transportation hubs, something more like the Witton lofts on Murray St with its 6 storeys and setback from the road would be much more appropriate.

Also, just for your information, it would be very helpful if developers communicated with the neighbours of their properties when work is being done on the site. During the demolition we received no communication, and the noise, dust, and vibrations had a major impact on us.

Please do let me know if you have any questions concerning my comments. Thank you for taking them into consideration, and for your work making Hamilton a wonderful place to live.

Lynda Dykstra
[REDACTED]

Appendix "F" to Report PED19071(a)
Page 2 of 28**Kehler, Mark**

From: Joy Parrott [REDACTED]
Sent: October-12-18 12:03 AM
To: Kehler, Mark
Cc: Dave Watson
Subject: 282 MacNab Street Development

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Kehler

Thank you for sending the notification for the re-zoning at 282 MacNab Street.

I am writing to express my concerns with the intended development. My partner David and I reside at 28 Murray Street West, around the corner from the proposed condo project. It states in the communication that the application for permit is to build a 13 storey building with 110 units and 51 parking spaces. From what we have been told, there is also another condo development proposed across the street from that address. I am extremely concerned about the amount of parking proposed for these buildings. The parking situation in this neighbourhood is already tight without having multi-level units without a corresponding number of parking spaces. Many houses on the streets around here have multiple cars. We are a one car family and often find it a challenge to get parking. Fifty one spaces is not nearly enough for 110 units, not to mention what is planned for the other building.

Re-examining the plans for this development is imperative in order to maintain manageable parking for the existing residents of the neighbourhood. I would be interested to attend any meeting that you hold in order to voice my concerns in person.

Sincerely,
Joy Parrott

Kehler, Mark

From: Simon Baruk [REDACTED]
Sent: November-04-18 9:58 PM
To: Kehler, Mark
Subject: UHOPA-18-15 and ZAC-18-037

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Mark,

In regards to File No. ZAC-18-037, I would like to comment that I am for the rezoning of the subject lands at 282 MacNab Street North from "J" to "E", however I do not agree with the proposed amendment of the Official Plan (File UHOPA-18-15) to permit the construction of a 13 storey building with a residential density over 800. A development of this size will greatly increase traffic in the area, will disrupt the skyline and undoubtedly stand out as an eyesore. There are areas with room for developments of this size in the City of Hamilton, but West Harbour is not one of them. I believe the height and density limitations set out in the Setting Sail Secondary Plan should be adhered to for this and any future developments in the West Harbour area.

Best regards,

Simon Baruk
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

PETITION

Re: Application for *Official Plan Amendment* and *Zoning By-Law Amendment* for Lands Located at 282 MacNab Street North, Hamilton (Ward 2)

To: Mark Kehler
Planning and Economic Development Department
Development Planning, Heritage and Design -Urban Team
71 Main St, West, 5th Floor, L8P 4Y5

From: The Romanian Orthodox Church of the Holy Resurrection
278 Mac Nab Street North, Hamilton, On, L8L 1K4

The issue:

We received notification about an application made by GSP Group Inc to the City of Hamilton for an **Official Plan Amendment (File No. UHOPA-18-15) and a Zoning By-Law Amendment (File No. ZAC -18 -037)** for Lands located at 282 MacNab Street North, Hamilton to:

- permit a 13 storey building with 110 multiple dwelling units with a residential density of 847 units per gross hectare
- Rezone the subject lands from "J" District to a site specific "ES -XXXX" (Multiple Dwellings, Lodges, Clubs, etc) District Modified to permit construction of a 13 storey, 110-unit multiple dwellings with 51 parking spaces.

The concerns:

We, the congregation of The Romanian Orthodox Church of the Holy Resurrection are presenting the City of Hamilton Planning and Economic Department with the following concerns:

- The proposed Official Plan Amendment fails to follow the land use designation general policies for stable areas as listed by the West Harbour (Setting Sail) Secondary Plan recently adopted by the Hamilton City Council.
- The proposed building height (13 storey) and residential density of 847 units per gross hectare is a gross deviation from the West Harbour (Setting Sail) Secondary Plan core planning principles as emerged from extensive public consultation undertaken by the City during the conception of this plan.
- The proposed Zoning By-Law Amendment is not clear with regards to the subject lands zoning designation under the "site specific" definition opening the possibility of land use designations incompatible with our religious activity.

We, the congregation of The Romanian Orthodox Church of the Holy Resurrection, petition the City of Hamilton to deny the request for Official Plan Amendment (File No. UHOPA-18-15) and Zoning By-Law Amendment (File No. ZAC -18-037) as the proposed development will negatively impact us.

#	Name	Signature	#	Name	Signature
1	Anna Nealeku	[Signature]	40	ALEXANDRA PREDESCU	[Signature]
2	G. Nedelcu	[Signature]	41	ANAMARIA BARBULESCU	[Signature]
3	AUREL BOICAN	[Signature]	42	ANA PREDESCU	[Signature]
4	NEGIUTA BOICAN	[Signature]	43	TIP PREDESCU	[Signature]
5	DANIELA FOSTER	[Signature]	44	DRAGOS NEDESCU	[Signature]
6	DANIELA FOSTER	[Signature]	45	ANICA POPILNICA	[Signature]
7	CORNELIA HARTEN	[Signature]	46	VIORICA PETCU	[Signature]
8	CRACIUN IONEL LUTU	[Signature]	47	Ioana FUSCASA	[Signature]
9	CRACIUN FLORICA	[Signature]	48	Simoneida Gildes	[Signature]
10	FRATERINA NEDEICU	[Signature]	49	Andrei Buscariu	[Signature]
11	MONICA PROTODIPESCU	[Signature]	50	Catalina Bolbocianu	[Signature]
12	NICK PROTODIPESCU	[Signature]	51	Ziviu Bolbocianu	[Signature]
13	ELENA STOISOR	[Signature]	52	George Andreea	[Signature]
14	ANDA PROTODIPESCU	[Signature]	53	ROBERTA FOSTER	[Signature]
15	PHILIP PAPADOPOULOS	[Signature]	54	Silvia Urban	[Signature]
16	RODAN STOLTOR	[Signature]	55	VIORICA VERBAN	[Signature]
17	VASIU MARIA	[Signature]	56	Stana Bogdan	[Signature]
18	VASIU VASILE	[Signature]	57	Adrian Bogdan	[Signature]
19	ION P. STOITOR	[Signature]	58	Adrian Bogdan	[Signature]
20	MONICA	[Signature]	59	Patrușcu Anca	[Signature]
21	ADINA LUPEN	[Signature]	60	Patrușcu Anca	[Signature]
22	ALEXANDRU DOGHU	[Signature]	61	Bentia Giliario	[Signature]
23	ANA DOGHU	[Signature]	62	Aurica Bogdan	[Signature]
24	DANIELA CONSTANTINESCU	[Signature]	63	CRISTIAN BOGDAN	[Signature]
25	MIHAIL BUJOR	[Signature]	64	DAN MANOLESCU	[Signature]
26	EMILY BUJOR	[Signature]	65	CRISTIAN TRANDAFIL	[Signature]
27	Dragoslava Voica	[Signature]	66	MARIANA BOGDA	[Signature]
28	Cristina Voica	[Signature]	67	ANCA PENISOARA	[Signature]
29	Castor Voica	[Signature]	68	GEORGE FLUTU	[Signature]
30	Iulia Voica	[Signature]	69	Georgescu Mircea	[Signature]
31	Robert Voica	[Signature]	70	Georgescu SANDA	[Signature]
32	Sabrina Saracau	[Signature]	71	Mihela Flutu	[Signature]
33	Diana Saracau	[Signature]	72	Adrian Roman	[Signature]
34	Bogdan Stancu	[Signature]	73	VIORICA BOGDAN	[Signature]
35	Foster	[Signature]	74	Cristina Stancu	[Signature]
36	Foster	[Signature]	75	G. Constantin	[Signature]
37	Sandra Bogdan	[Signature]	76	ALICE TOMESCU	[Signature]
38	Sandra Bogdan	[Signature]	77	ION STOICA	[Signature]
39	Mihela Bratu	[Signature]	78	ORINA GHERGHEL	[Signature]

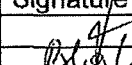
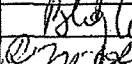
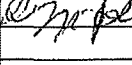
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#	Name	Signature	#	Name	Signature
79	GHILOCEL DV	[Signature]	117	Balica Balasa	[Signature]
80	Rodica Protop	[Signature]	118	Florescu Dumitru	[Signature]
81	DRAGOS IVAN	[Signature]	119	mitch B. Holburn	[Signature]
82	CARMEN CIOCEA	[Signature]	120	VALERIU CERCEL	[Signature]
83	Lucian Balan	[Signature]	121	Manuel Popa	[Signature]
84	Bice Hostiuc	[Signature]	122	Mariana Popa	[Signature]
85	[Signature]	[Signature]	123	Monica Solo	[Signature]
86	GEORGESCU GEORGE	[Signature]	124	Anca Bulau	[Signature]
87	CRISTINA MEDGESCU	[Signature]	125	Balica Bulau	[Signature]
88	Schia Dolcea	[Signature]	126	GEORGE BIRSAU	[Signature]
89	Maria Bobu	[Signature]	127	Monica Petrescu	[Signature]
90	Diana Popa	[Signature]	128	Oana Stancla	[Signature]
91	ELEONORA BAIAN	[Signature]	129	Silvia Oprea	[Signature]
92	DIANA RUS	[Signature]	130	Anca & Gabriela	[Signature]
93	IVAN RUS	[Signature]	131	CLARA BAINBRIDGE	[Signature]
94	Antonia Sinca	[Signature]	132	VIKTOR ARDEJAN	[Signature]
95	Lukus Sinca	[Signature]	133	ROXANA MARIJA	[Signature]
96	LUCIAN SINCA	[Signature]	134	CRISTI MARIJA	[Signature]
97	Blanka Sinca	[Signature]	135	MARIANA CUMAC	[Signature]
98	DIANA POPESCU	[Signature]	136	DANIELA CUMAC	[Signature]
99	RUXANDRA BIRSAU	[Signature]	137	Darius Cumac	[Signature]
100	OLEG COV	[Signature]	138	MIRCEA DUMITRESCU	[Signature]
101	OLEG COV	[Signature]	139	Carmen Dumitrescu	[Signature]
102	Eugeniu Anghel	[Signature]	140	Jessica Arbour	[Signature]
103	MARCELINA ANGHIEL	[Signature]	141	Sebastian Dumitrescu	[Signature]
104	IONEL DRAGOMIR	[Signature]	142	Veronica Gogoras	[Signature]
105	DANIELA SUCIU	[Signature]	143	Mirela Gogoras	[Signature]
106	George Berthia	[Signature]	144	Leana Pasca	[Signature]
107	ANA PREDESCU	[Signature]	145	Marianne Gogoras	[Signature]
108	PETRU SCURTU	[Signature]	146	capacino daniel	[Signature]
109	GEORGE FATU	[Signature]	147	Ciclei GEORGETA	[Signature]
110	MARIA FLORESCU	[Signature]	148	Ciclei PETRUL	[Signature]
111	Valeriu Cercel	[Signature]	149	NECULIU BUNU	[Signature]
112	Priscilla Adler	[Signature]	150	Andrei Bunu	[Signature]
113	Jan Anghel	[Signature]	151	DAN SAURILIU	[Signature]
114	Lucian Sinca	[Signature]	152	Jany M...	[Signature]
115	Anghel Tanas	[Signature]	153	DAN PARVU	[Signature]
116	Zoltan Tanas	[Signature]	154	[Signature]	[Signature]

We, the congregation of The Romanian Orthodox Church of the Holy Resurrection, petition the City of Hamilton to deny the request for Official Plan Amendment (File No. UHOPA-18-15) and Zoning By-Law Amendment (File No. ZAC -18-037) as the proposed development will negatively impact us.

#	Name	Signature	#	Name	Signature
155	SORIN CRISTIAN SAVA	[Signature]	193		
156	MIRELA SAVA	[Signature]	194		
157	RARES SAVA	[Signature]	195		
158	Corina E	[Signature]	196		
159	RAMON MINDRECI	[Signature]	197		
160	Cristofor Sava	[Signature]	198		
161	SUTA ALEXA	[Signature]	199		
162	NECULAI ATANASOAI	[Signature]	200		
163	COLINT JUNT	[Signature]	201		
164	Hasan Teofil	[Signature]	202		
165	ROAN RODRIG	[Signature]	203		
166	Elena Alex Lotcu	[Signature]	204		
167	ALEX LATCU	[Signature]	205		
168	Lucian Cosocanu	[Signature]	206		
169	Cosmin Alina Camerota	[Signature]	207		
170	Vasile Atanasei	[Signature]	208		
171	Matt Derizon	[Signature]	209		
172	Adriyan Atcha	[Signature]	210		
173	MIHAEL IGARCI	[Signature]	211		
174	Georgeta Nemeno	[Signature]	212		
175	Cristian Ciomara	[Signature]	213		
176	MARG HURHINSON	[Signature]	214		
177	SORIN PACOTA	[Signature]	215		
178	LUCIA KI PUSCARIU	[Signature]	216		
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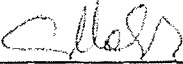
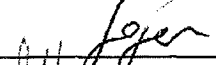
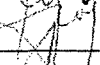
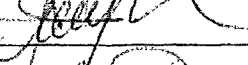
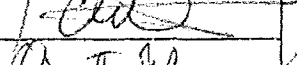
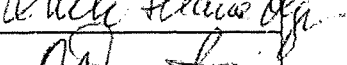
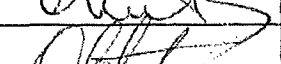
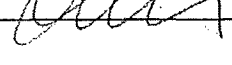
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#	Name	Signature	#	Name	Signature
231	Lucian Stog		269		
232	Gaiana Blone		270		
233	FERSA NICOLITA		271		
234			272		
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236			274		
237			275		
238			276		
239			277		
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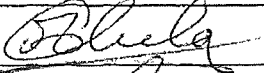
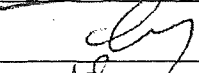
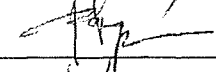
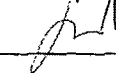
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#	NAME	SIGNATURE
	Bogdan Bobin	B. Bobin
	Florian Bobin	F. Bobin
	Monica Adam	M. Adam
	Gabriel Adam	G. Adam
	Custina Picea	C. Picea
	AUREL TRAMBITAS	A. Trambitas
	IOANA TRAMBITAS	I. Trambitas
	CATHY IUGA	C. Iuga
	MARIA NIKOLICH	M. Nikolich
	TRAIAN NIKOLICH	T. Nikolich

We, the congregation of The Romanian Orthodox Church of the Holy Resurrection, petition the City of Hamilton to deny the request for Official Plan Amendment (File No. UHOPA-18-15) and Zoning By-Law Amendment (File No. ZAC -18-037) as the proposed development will negatively impact us.

#	NAME	SIGNATURE
	Mihaela Oltean	
	Adina Manly	
	Liliana Lozer	
	RALUCA SOLOIU	
	ROXANA GIRIF	
	DIANA CHIRU	
	ONETE ILEANA OLSA	
	OCTAVIAN ONETE	
	IRENE ONETE	

We, the congregation of The Romanian Orthodox Church of the Holy Resurrection, petition the City of Hamilton to deny the request for Official Plan Amendment (File No. UHOPA-18-15) and Zoning By-Law Amendment (File No. ZAC -18-037) as the proposed development will negatively impact us.

#	NAME	SIGNATURE
	ANDREI GHILA	
	NICOLAE LADANYI	
	BOGDAN POPAZU	
	NICOLETA LADANYI	

RECEIVED

OCT 31 2018

PETITION

Re: Application for *Official Plan Amendment* and *Zoning By-Law Amendment* for Lands Located at 282 MacNab Street North, Hamilton (Ward 2)

To: Mark Kehler
Planning and Economic Development Department
Development Planning, Heritage and Design -Urban Team
71 Main St, West, 5th Floor, L8P 4Y5

From:
The Romanian Orthodox Church of the Holy Resurrection
278 Mac Nab Street North, Hamilton, On, L8L 1K4

The issue:

We received notification about an application made by GSP Group Inc to the City of Hamilton for an **Official Plan Amendment (File No. UHOPA-18-15)** and a **Zoning By-Law Amendment (File No. ZAC -18 -037)** for Lands located at 282 MacNab Street North, Hamilton to:

- permit a 13 storey building with 110 multiple dwelling units with a residential density of 847 units per gross hectare
- Rezone the subject lands from "J" District to a site specific "ES -XXXX" (Multiple Dwellings, Lodges, Clubs, etc) District Modified to permit construction of a 13 storey, 110-unit multiple dwellings with 51 parking spaces.

The concerns:

We, the congregation of The Romanian Orthodox Church of the Holy Resurrection are presenting the City of Hamilton Planning and Economic Department with the following concerns:

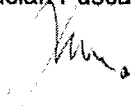
- The proposed Official Plan Amendment fails to follow the land use designation general policies for stable areas as listed by the West Harbour (Setting Sail) Secondary Plan recently adopted by the Hamilton City Council.
- The proposed building height (13 storey) and residential density of 847 units per gross hectare is a gross deviation from the West Harbour (Setting Sail) Secondary Plan core planning principles as emerged from extensive public consultation undertaken by the City during the conception of this plan.
- The proposed Zoning By-Law Amendment is not clear with regards to the subject lands zoning designation under the "site specific" definition opening the possibility of land use designations incompatible with our religious activity.

- The proposed development is adjacent to our Church and we are deeply concerned that our building will sustain structural damages caused by vibration during the excavations for the underground parking levels.
- The proposed development fails to provide the appropriate number of parking spaces in accordance with the current zoning By-Law. This will negatively impact our congregation by reducing the number of available on-street parking spaces in the area and prevent our members to attend religious services and events (i.e. baptism, weddings or funeral ceremonies) as our existing parking lot is very small (only 8 parking spaces) and there are no other off-street parking facilities available nearby.

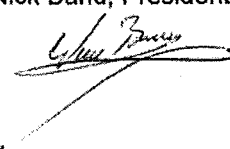
We, the Parish Council of The Romanian Orthodox Church of The Holy Resurrection, are asking the City of Hamilton Planning and Economic Development Department to deny the request for Official Plan Amendment (File No. UHOPA -18-15) and Zoning By-Law Amendment (File No. ZAC -18-037) and notify us with any decision on this regard.

Respectfully submitted on Wednesday, October 31'st by:

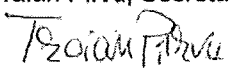
Rev. Lucian Puscariu, Parish Priest



Nick Bunu, President of Parish Council



Traian Pirvu, Secretary



c.c: Councilor Jason Farr, Ward 2

Shannon McKie, BES, MCIP, RPP, Senior Project Manager

S. Robichaud, Director of Planning and Chief Planner, Planning Division

A. Fabac, Manager, Development Planning, Heritage and Design

Kimberly Harrison-McMillan, Senior Project Manager, Development Planning, Heritage and Design



Mr. Mark Kehler, City of Hamilton
 Planning and Economic Development Dept.
 Development Planning
 Heritage and Design – Urban Team
 71 Main Street West, 5th Floor
 Hamilton, ON, L8P 4Y5
 Via Email: mark.kehler@hamilton.ca

Dear Mr. Kehler:

Re: UHOPA-18-15 and ZAC-18-037

I am writing on behalf of the Board of Directors of the Workers Arts and Heritage Centre (WAHC), located at 51 Stuart street, Hamilton to raise concerns related to files UHOPA-18-15 and ZAC-18-037 regarding the property at 282 MacNab St N.

We are located in a designated national historic building, and our property is adjacent to 282 MacNab St N on the west side. The proposed development would require the city of Hamilton to re-haul its planning vision for the area, as stated in the approved Land Use studies for the West Harbour area, which identifies Stuart Street as a "Corridor of Gradual Change" (Fig. 2, Preferred Land Use Strategy Report). These studies involved extensive public consultation, and the intent of the city's land use policies for such corridors is to "strengthen existing uses and encourage redevelopment that complements adjacent neighbourhoods and enhances the character of the street." The city has interpreted this to mean low to mid-rise apartment buildings, as evidenced by the only previous redevelopment in the immediate area – no. 50 Murray Street where the height was limited to six storeys.

The proposed development of 282 MacNab St N with an 13-storey tower is inappropriate for a number of reasons:

- it is contrary to the intent of the city's land use policies of encouraging redevelopment that complements adjacent neighbourhoods;
- it is out of character with the area in terms of scale and height, since an 13-storey tower is twice the prevalent height of any exiting building in the area, and the vast majority of properties are one or two storeys;
- it would have a detrimental impact on the continued enjoyment of programming in the 19th century heritage garden of our property, as well as neighbouring residential homes on Murray Street, due to the excessive shadowing that would result from the height of the building;
- given the 51 paking spaces for 110 units, it would lead to a high volume of vehicles, both resident and visitor, that will create street-parking issues for citizens visiting the WAHC; and
- it would create a dangerous precedent that would encourage high density redevelopment in the future, and negatively impact the continued stability of the nearby low density residential homes.

Further, we feel that the existence of a new GO station nearby should not call into question the city's land use goals and objectives by allowing excessive redevelopment.

W : wahc-museum.ca | T : 905.522.3003 | F: 905.522.5424 | E: staff@wahc-museum.ca
 51 Stuart Street | Hamilton ON | L8L 1B5



While the Workers Arts and Heritage Centre is not opposed to the redevelopment of the application site, in principle, and in fact we would welcome the appropriate redevelopment of underutilized sites in terms of scale and height, this particular application is excessive and not in keeping with the character of the area nor the stated intent of the city's land use policies.

Yours very truly,

~~Per:~~ David Hauch
Chair,
Board of Directors of the Workers Arts and Heritage Centre

Contact person:
Florencia Berinstein
Executive Director,
Workers Arts and Heritage Centre
Email: florencia@wahcmuseum.ca

change.org

Recipient: Mark Kehler, Development Planning, Heritage and Design -Urban Team 71
Main St, West, 5th Floor, L8P 4Y5, City of Hamilton Planning and Economic
Department

Letter: Greetings,

Help preserve the core planning principles of our city now!

Signatures

Name	Location	Date
Dragos Predescu	Hamilton, Canada	2018-11-16
Johny Peterson	Waterloo, Canada	2018-11-16
Lucian Puscaiu	Hamilton, Canada	2018-11-16
Mihaela Nicolae	Saint Catharines, Canada	2018-11-16
Rodica Pecheanu	Stoney Creek, Canada	2018-11-16
Lavinia Macdonald	Toronto, Canada	2018-11-16
Gabriel Adam	Oakville, Canada	2018-11-16
Florin Feloiu	Oakville, Canada	2018-11-16
Iulia Voica	Hamilton, Canada	2018-11-16
Alexandrina Plop	Welland, Canada	2018-11-16
Justin Stoicheci	Hamilton, Canada	2018-11-16
Ofelia Nicolau	Ottawa, Canada	2018-11-16
Gabriela Vasu	Burlington, Canada	2018-11-16
Bogdan Stoleru	Hamilton, Canada	2018-11-16
Bogdan Popazu	Hamilton, Canada	2018-11-16
Traian Pirvu	Hamilton, Canada	2018-11-16
Simona Crisan	Oakville, Canada	2018-11-16
Dan Zbarcea	Oakville, Canada	2018-11-16
Margaret Hutchinson	Hamilton, Canada	2018-11-16
Roxana Marica	Etobicoke, Canada	2018-11-16

Name	Location	Date
Julian Baciu	Hamilton, Canada	2018-11-16
Radu Mindreci	Hamilton, Canada	2018-11-16
LUCA LAZAR	Toronto, Canada	2018-11-16
Dumitru Aldea	Sharjah, United Arab Emirates	2018-11-16
Emilia Atanasoaei	Hamilton, Canada	2018-11-16
Stelian Fediuc	Stoney Creek, Canada	2018-11-16
Nick Bunu	Hamilton, Canada	2018-11-16
Michael Legris	Toronto, Canada	2018-11-16
Mariana Popa	Binbrook, Canada	2018-11-16
Nick Dobrera	Hamilton, Canada	2018-11-16
Daniela Corunga	Ancaster, Canada	2018-11-16
Juljeta Zahari	Saint Catharines, Canada	2018-11-16
MITCH HOLBURA	Hamilton, Canada	2018-11-16
Andrei Patrascanu	Romania	2018-11-16
Livia Patrascanu	Hamilton, Canada	2018-11-16
Cristian Huma	Burlington, Canada	2018-11-16
Lisa Popescu	Hamilton, Canada	2018-11-16
George Flutur	Etobicoke, Canada	2018-11-16
Liliana Stanciu	Oakville, Canada	2018-11-16
Mona Ilsa Bunu	Hamilton, Canada	2018-11-16
Mariana Bolba	Hamilton, Canada	2018-11-16
George Georgescu	Thornhill, Canada	2018-11-16

Name	Location	Date
Adrian Burlacu	Hamilton, Canada	2018-11-16
Corneliu Stanciu	Oakville, Canada	2018-11-16
Teodora Rusneac	Fort McMurray, Canada	2018-11-17
Aurel Cotiga	North York, Canada	2018-11-17
Crina Hodis	Oakville, Canada	2018-11-17
IONEL GURAU	North York, Canada	2018-11-17
Daniela Bordac	Waterdown, Canada	2018-11-17
Angela Tanacs	Saint Catharines, Canada	2018-11-17
Daniela Posirca	Stoney Creek, Canada	2018-11-17
Mariana Calmac	Hamilton, Canada	2018-11-17
MARIUS PANTEA	Hamilton, Canada	2018-11-17
Octavian Burtea	Roanoke, Texas, US	2018-11-17
Shell Perrone	Toronto, Canada	2018-11-17
Cosmina Dumitrescu	Grimsby, Canada	2018-11-17
Edward Ciobanu	Hamilton, Canada	2018-11-17
Ildiko Kereszturi	Hamilton, Canada	2018-11-17
Carolyn Lowes	Belleville, Canada	2018-11-17
Giulian Aileni	Toronto, Canada	2018-11-17
Domnica Melnic	Toronto, Canada	2018-11-17
George Partila	Stoney Creek, Canada	2018-11-17
Lora Gutierrez	Hamilton, Canada	2018-11-17
Calin Bisca	Ancaster, Canada	2018-11-17

Name	Location	Date
Ioan Sofonea	Stoney Creek, Canada	2018-11-17
Liviu Bolbocianu	North York, Canada	2018-11-17
Constantin Raznovan	Thornhill, Canada	2018-11-17
Carol Vaughan	Hermitage, Tennessee, US	2018-11-17
Nicolae Marius Pascu	Oakville, Canada	2018-11-17
Nicole Brosseau	Sudbury, Canada	2018-11-17
Geta Stan	Burlington, Canada	2018-11-17
Nichita Negruseri	Romania	2018-11-17
Adriana Iliescu	Ancaster, Canada	2018-11-17
Mihail Iordan	Barrie, Canada	2018-11-17
Tessy Marais	Repentigny, Canada	2018-11-17
Duta Bilan	Mulmur, Canada	2018-11-17
Marius Manea	Toronto, Canada	2018-11-17
Hannah Hamilton	Canada	2018-11-17
Ioana Icala	Hamilton, Canada	2018-11-17
Victor Icala	Hamilton, Canada	2018-11-17
Danny Bilan	Canada	2018-11-17
Paula Boanta	Binbrook, Canada	2018-11-17
Catalin George Bogdan	Hamilton, Canada	2018-11-17
Cabiria Bogdan	Oakville, Canada	2018-11-17
Diane DePasquale	Bethel Park, Pennsylvania, US	2018-11-17
Chuck Fodeles	Ancaster, Canada	2018-11-17

Name	Location	Date
Janet Laxamana	Prince Albert, Canada	2018-11-17
George Corbeanu	Hamilton, Canada	2018-11-17
Mya Green	Hamilton, Canada	2018-11-17
linda coza	Toronto, Canada	2018-11-17
Stanley Foshay	Lecanto, US	2018-11-17
Serena Ward	Springfield, US	2018-11-17
Liz Clarke	Courtright, Canada	2018-11-17
Rebeca Munteanu	Vienna, Austria	2018-11-17
Daniel Ifrim	Hamilton, Canada	2018-11-17
Lenore Black	Markham, Canada	2018-11-17
Joey Fields	Greensboro, US	2018-11-17
Stefan Mihai Rusneac	Fort McMurray, Canada	2018-11-18
Shebaz Khan	Stockton, US	2018-11-18
Aurelia Circiumaru	Stoney Creek, Canada	2018-11-18
carson kong	San Francisco, US	2018-11-18
Zoltan Tanacs	Saint Catharines, Canada	2018-11-18
Ionela Fablan	Hamilton, Canada	2018-11-18
Daniel Tehranpour	Toronto, Canada	2018-11-18
Jaden baird	Pickering, Canada	2018-11-18
Elizabeth Clarke	St. John's, Canada	2018-11-18
Marcus Bauer	Winnipeg, Canada	2018-11-18
Alexander Campbell	Cairo, Canada	2018-11-18

Name	Location	Date
Florin Patrau	Hamilton, Canada	2018-11-18
Alina Onose	North York, Canada	2018-11-18
Me Jahkesh53128	Winnipeg, Canada	2018-11-18
reina martinez	Nashua, US	2018-11-18
Sally Kim	Edmonton, Canada	2018-11-18
Cristian Dumitru	Dundas, Canada	2018-11-18
Tiffany Natasha	San Jose, US	2018-11-19
Maxine Gauvreau	Gatineau, Canada	2018-11-19
Mark Liao	Oakland, US	2018-11-19
irina Faria	Hamilton, Canada	2018-11-19
Melanie Larios	Fairfield, US	2018-11-19
Emahnee Cover	Canada	2018-11-19
Denisa Dumitru	Ancaster, Canada	2018-11-19
Diana Atienza	San Jose, US	2018-11-19
Justin Viado	Berkeley, US	2018-11-19
JESee Batres	Manteca, US	2018-11-19
Levai Levai	Toronto, Canada	2018-11-19
Cristina Iancu	Burlington, Canada	2018-11-19
Dulce Contreras	San Mateo, US	2018-11-19
Elena Dumitrescu	Stoney Creek, Canada	2018-11-19
Genevieve Garceau	Ottawa, Canada	2018-11-19
HELLYEAH NOW	Barrie, Canada	2018-11-19

Appendix "F" to Report PED19071(a)
Page 23 of 28

Name	Location	Date
juliana walt	Burlington, Canada	2018-11-19
Fatima Muhidin	Edmonton, Canada	2018-11-19
Emaad Hussain	Edmonton, Canada	2018-11-19
Tegan Mackinnon	St.albert, Canada	2018-11-19
Dean Opheim	Camrose, Canada	2018-11-19
Devon Williams	Edmonton, Canada	2018-11-19
Emilla Turcu	Saint Catharines, Canada	2018-11-20
Steven Barton	T5y1b9 Edmonton, Canada	2018-11-20
Jayce Sandboe	Stony Plain, Canada	2018-11-20
Shadiya Abdi	Edmonton, Canada	2018-11-20
Angélique Saba	Saint-hyacinthe, Canada	2018-11-20
Amel Taliani	Edmonton, Canada	2018-11-20
Carlo Marano	Newtown, Connecticut, US	2018-11-20
Ryan Findlen	Wake Forest, US	2018-11-20
hossein ali dehghanian	esfahan, Iran	2018-11-20
Elena Buica	Ancaster, Canada	2018-11-24
Marius Gligor	Dundas, Canada	2018-11-25
Stefan Bogdan	Burlington, Canada	2018-11-26
Matei Burlea	Toronto, Canada	2018-11-28
Georgeta Stoica	Hamilton, Canada	2018-11-28
Lavinia Bica	Oakville, Canada	2018-11-29
Andrew Turkstra	Hamilton, Canada	2018-12-07

change.org

Recipient: Mark Kehler, Development Planning, Heritage and Design -Urban Team 71
Main St, West, 5th Floor, L8P 4Y5, City of Hamilton Planning and Economic
Department

Letter: Greetings,

Help preserve the core planning principles of our city now!



Appendix "F" to Report PED19071(a)
Page 25 of 28

Subject: 282 MacNab St N Staff Recommendation Planning Committee Comments Tuesday April 02, 2019; 9:30AM

Hello,

My name is Chris and I have been involved in various things in the community around Hamilton. I attended McMaster University where I studied political science and geography, live at John St N and Barton, and work downtown Hamilton in Ward 2, and have a deep interest in urban planning and transit. I have a few comments about the recommendation by staff for denial of the project at 282 MacNab St N found here: <https://pub-hamilton.escribemeetings.com/Meeting.aspx?Id=9494c144-2d79-4379-a7c4-7a19032918ee&Agenda=Agenda&lang=English&Item=19>

1

The proposal at 282 MacNab St N has been recommended to be denied by city staff. While I completely respect the professional opinion of city staff and their recommendations, I have to disagree completely with their recommendation.

This development is exactly the type of development Hamilton should be encouraging. The city just made a complaint that Go service is being promised far too late considering the growth potential and interest in Hamilton. It also just declared a climate emergency, and is continuing to push for improved transit and cycling.

The best way to approach each of these above elements is to intensify around transit nodes and walkable areas. The development proposes bicycle parking and limited parking spaces. Exactly what developments downtown should be moving toward. I can understand that some would not consider this downtown, but I do since downtown is apparently 4 blocks across, and juts out into James St N which this development is less than 100 metres from. I find it interesting that rather than resolve issues of parking, such as requiring parking on streets near downtown have parking limits or require permits, the city would rather deny developments immediately adjacent to a Go Station.

This recommendation for denial feels like it stems from two things; an inability in Hamilton to actually resolve issues, pushing them to a future date, and pandering to a few loud voices. While the city suggests congestion, traffic and parking are major issues in this area, it works to approve mass suburbia that will require a car or multiple, rather than approve a development that will allow its residents to walk to work, walk to transit, walk to the waterfront, walk to First Ontario Centre, and walk to nightlife and cafes and restaurants. To reiterate the Go station is literally a 5 metre walk from this planned building. In addition to this, Go stations have a minimum people/jobs per hectare with no maximum for a reason, it is because going slightly higher than the minimum is considered to be acceptable.

As an advocate for cycling, may I add that the development is less than a minute away from 3 of the city's major bi-directional separated cycle tracks, and on top of a SoBi station.

It is irrational that a city like Hamilton would imagine the worst possible outcomes from this type of proposal. As if people living here would be absolute scumbags and take up street space to those who have been living here for years. Hamilton needs vision for the future that is less pessimistic. The city proudly touts how much value in developments were approved year over year, while denying medium density developments right beside the empty Go station and one of downtown's treasures; Jame St N and all its eventful days and nights.

Instead of working with the developer to get community benefits like public parking in the building because it is moderately taller than the official plan suggests, it requests additional parking, so as to encourage more cars, and less public parking. The Connolly was just approved with a parking ratio of 0.36 and with a downtown suggested parking ratio of 0.80 the Connolly has 45% the parking suggested by the city, while this has 63% within 5 metres of a Go Station, and within a few hundred metres of multiple bus lines, Jame St N, bicycle lanes, Bayfront park and various other amenities. If anywhere constitutes a beneficial location for reduced parking, it is here.

If the character of this neighbourhood was at stake because of new housing, let us not ignore the sleek, new, modern Go station immediately beside this proposal. Further to this point, this property is a vacant lot, and the city seems very quick to approve demolition of heritage buildings, schools and houses to approve condos, while denying seemingly everything on a vacant or pavement lot. Nearly every approved development in Hamilton has been where a building once stood; The Connolly, Platinum Condos, the Kresge site, Jamesville Lofts, 154 Main St E, 71 Rebecca, and the CIC Residence. At a certain height, I can see the character getting ruined, but this development, being adjacent to a Go station would hardly affect the neighbourhood character. If anything the design could have an impact, but then mention design, not other unnecessary points.

The city seems to be working backward, and trying to hurt itself, rather than move forward. A large portion of the city's core is surface parking lots and vacant properties. The city claims there is no infrastructure to handle these developments, but apparently fails to realize that bringing people and jobs to the city will increase the total tax revenue

to allow for more infrastructure to be built. Let's not deny respectful development creating homes for people that want to live in Hamilton, and those wanting to move to the city, and for those who want to downsize or buy a first home in the city who have lived here all their lives. I live around the corner from this proposal, and want nothing more for this to be approved, and that is my recommendation for council.

Regards,

Christopher Ritsma.

Jane and Murray Slote

Hamilton ON

City of Hamilton
Legislative Coordinator
Planning Committee
71 Main St. W., 1st Floor
Hamilton ON L8P 4Y5

Re: Urban Hamilton Official Plan Amendment (File No. UHOPA-18-15)
St. Jean Properties Inc. and Durand Development Corporation

As residents in the immediate area of the proposed 13 storey building located at 282 MacNab St. N., we would like to express our objections and concerns regarding parking spaces proposed and the excessive height that will tower over neighbouring properties.

At our Witton Lofts residence, we have 6 floors, 36 units and 36 parking spaces as well as 3 visitor spaces. As Superintendent of the building, I have information as to which cars are registered to the 36 specific parking spaces. In our 36 resident building, there are 46 vehicles registered since some owners have more than one vehicle. Only one resident does not have a vehicle at this time. Street parking for blocks is full with the extra vehicles as well as use by neighbours.

The proposed condo tower is 13 stories, 110 dwellings and 51 vehicle parking spaces = on site parking for only 46% of units. Using this formula, Witton Lofts would have only 17 parking spaces provided. Where would the other 29 vehicles park?

It is also true that if a resident is able to commute to work using the limited public transit, many still have a vehicle for personal after work use.

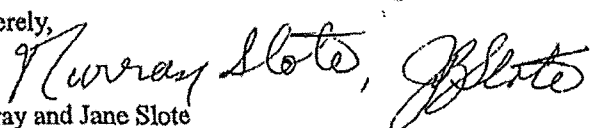
Hamilton is a great city with many special events that also greatly limits street parking.

The parking ratios of this development will negatively impact this neighbourhood and would set a unwelcome precedent for future buildings such as the one proposed on Stuart St., (directly across from 282 MacNab) which has similar parking ratios.

We would like to quote a small excerpt from the Hamilton Setting Sail Secondary Plan, which appears to have been abandoned. "Developments will preserve and maximize on street parking, respect design, scale, massing, setbacks, height and use of neighbouring buildings existing and anticipated." These issues are still very valid today, and ignoring the secondary plan undermines the extensive public input that helped form it.

We respectfully request that the City reconsiders this amendment regarding the proposed parking ratios.

Sincerely,


Murray and Jane Slote

Kehler, Mark

From: [REDACTED]
Sent: July 3, 2019 12:48 PM
To: Kehler, Mark
Subject: 282 MacNab St.

Follow Up Flag: Follow up
Flag Status: Flagged

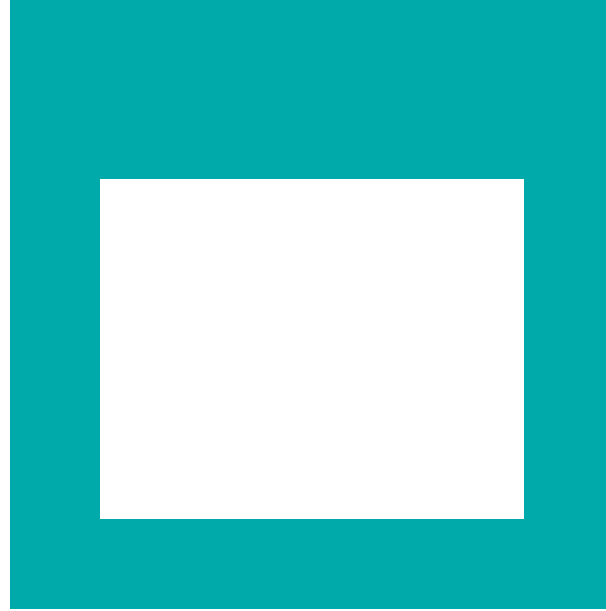
Hi Mark, thank you for the update.

It is our opinion that the proposal currently under review is far from what we were expected to see after the latest Committee meeting. We feel that the proponent failed to take in consideration our concerns expressed at the Committee meeting and in the successive letter sent to staff on April 15, 2019.

We trust that staff will diligently review this proposal and make the appropriate recommendation to deny the application for all the reasons expressed by us in our petition and letters to staff.

Please notify us as soon the staff report is available for circulation.

Sincerely,
Rev. Lucian Puscaru



WELCOME TO THE CITY OF HAMILTON

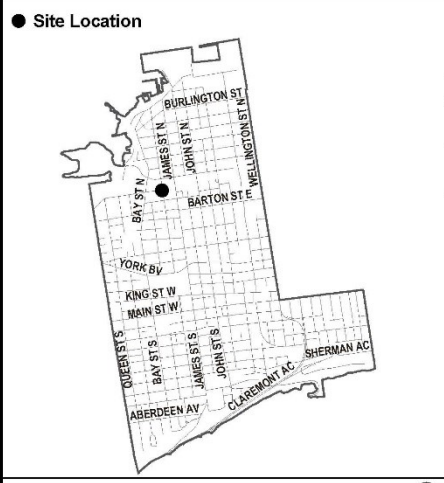
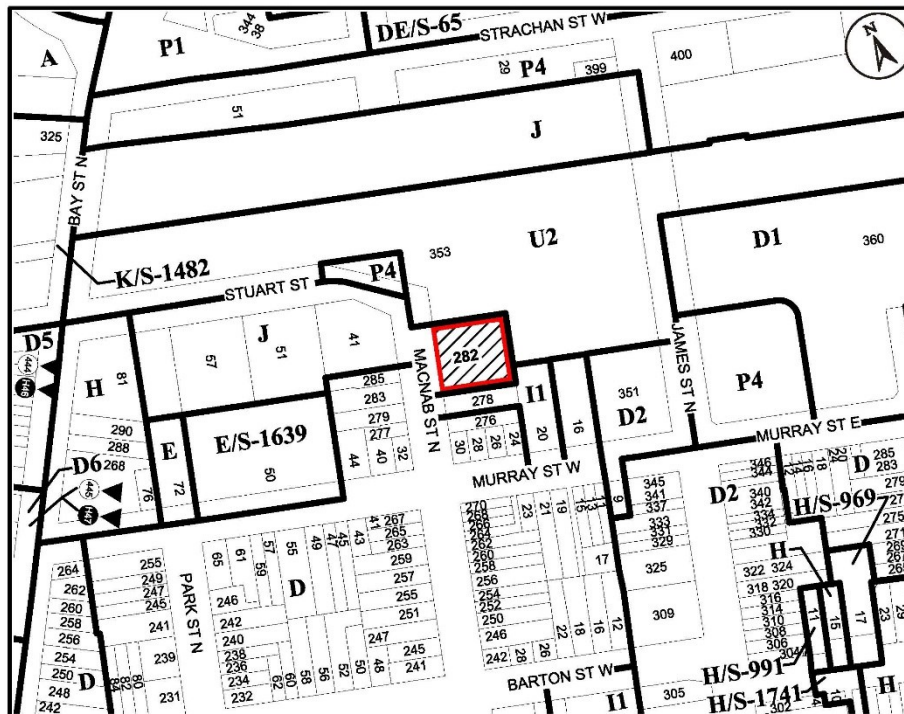
PLANNING COMMITTEE

September 22, 2020

PED19071(a) – (ZAC-18-037 & UHOPA-18-015)

Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 282 MacNab Street North, Hamilton

Presented by: Shannon McKie



Key Map - Ward 2 N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		
File Name/Number: ZAC-18-037 & UHOPA-18-015	Date: January 29, 2020	
Appendix "A"	Scale: N.T.S.	Planner/Technician: MKJAL

Subject Property
 282 MacNab Street North

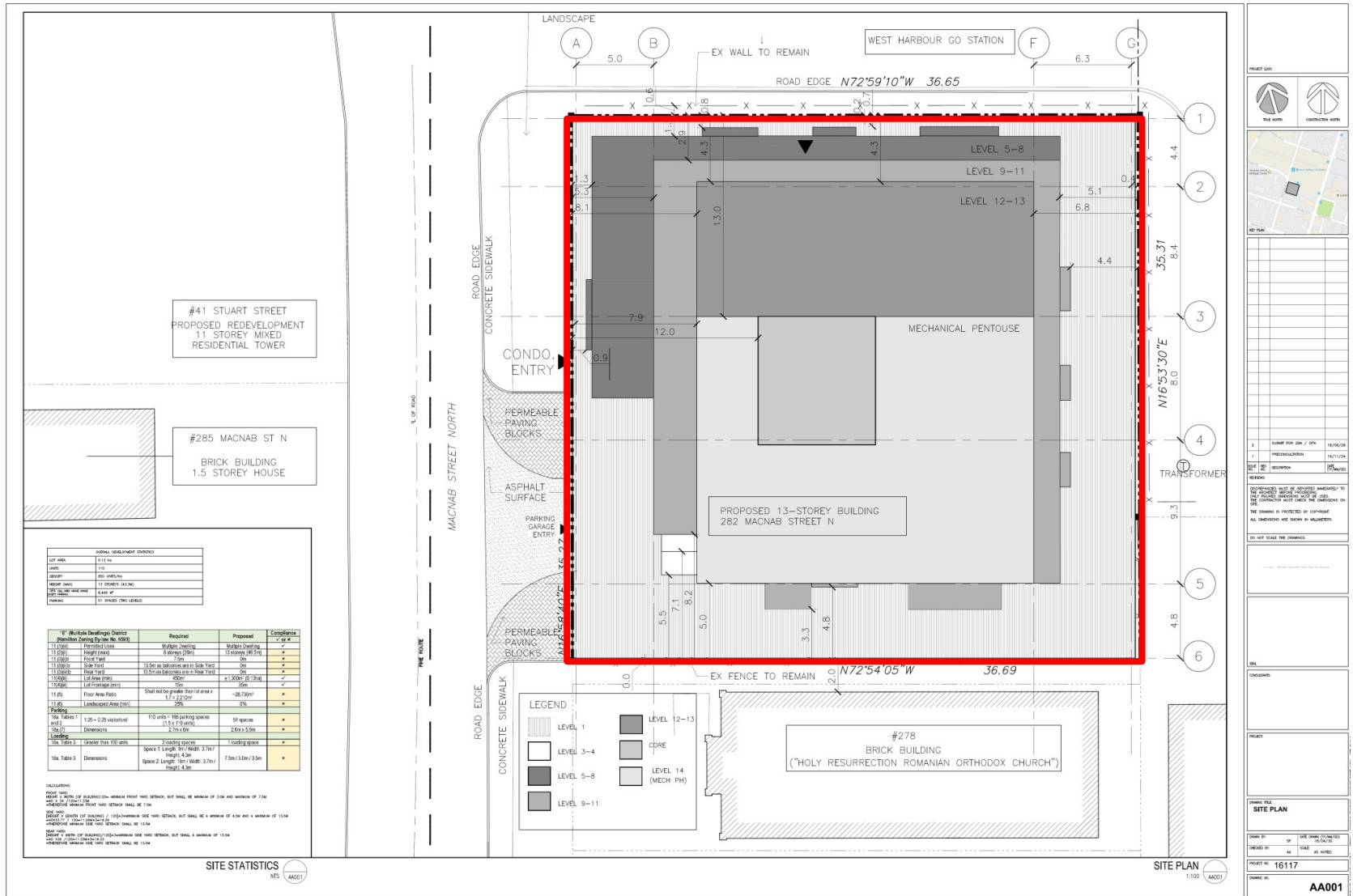
"J" (Light and Limited Heavy Industry, Etc.)
 District to "E/S-1799-H" (Multiple Dwellings,
 Lodges, Clubs, Etc) District, Holding, Modified



SUBJECT PROPERTY



282 MacNab Street North, Hamilton



INDIVIDUAL DEVELOPMENT STATISTICS

LOT AREA	2,113 sq. ft.
AREA	1.04
DEVELOP	880 sqm/23,000 sq. ft.
HEIGHT	11 STOREYS (34.3M)
MAX. GROUND FLOOR AREA	4,400 sq. ft.
MAX. HEIGHT	51 STOREYS (156.3M)

"F" Multiple Dwellings District
 Hamilton Zoning Bylaw No. 439(3)

Item	Proposed	Compliance
11.1(1)(a)	Permitted Uses	Multiple Dwelling
11.1(1)(b)	Height (meters)	13 storeys (40.5m)
11.1(1)(c)	Floor Area	0m
11.1(1)(d)	Setback (meters)	13.5m in all directions and in back yards
11.1(1)(e)	Floor Area Ratio	13.5m in all directions and in back yards
11.1(1)(f)	Lot Coverage Ratio	0m
11.1(1)(g)	Floor Area Ratio	Small and no greater than lot area x 1.2 x 2.2 (20%)
11.1(1)(h)	Landscaped Area (%)	25%
11.1(1)(i)	Setback	11.0 meters + 100 parking spaces (1.5 m for each)
11.1(1)(j)	Dimensions	2.7m x 6m
11.1(1)(k)	Setback	2 loading spaces
11.1(1)(l)	Dimensions	Space 1 Length: 5m (Width: 3.7m) Height: 4.3m Space 2 Length: 5m (Width: 3.7m) Height: 4.3m

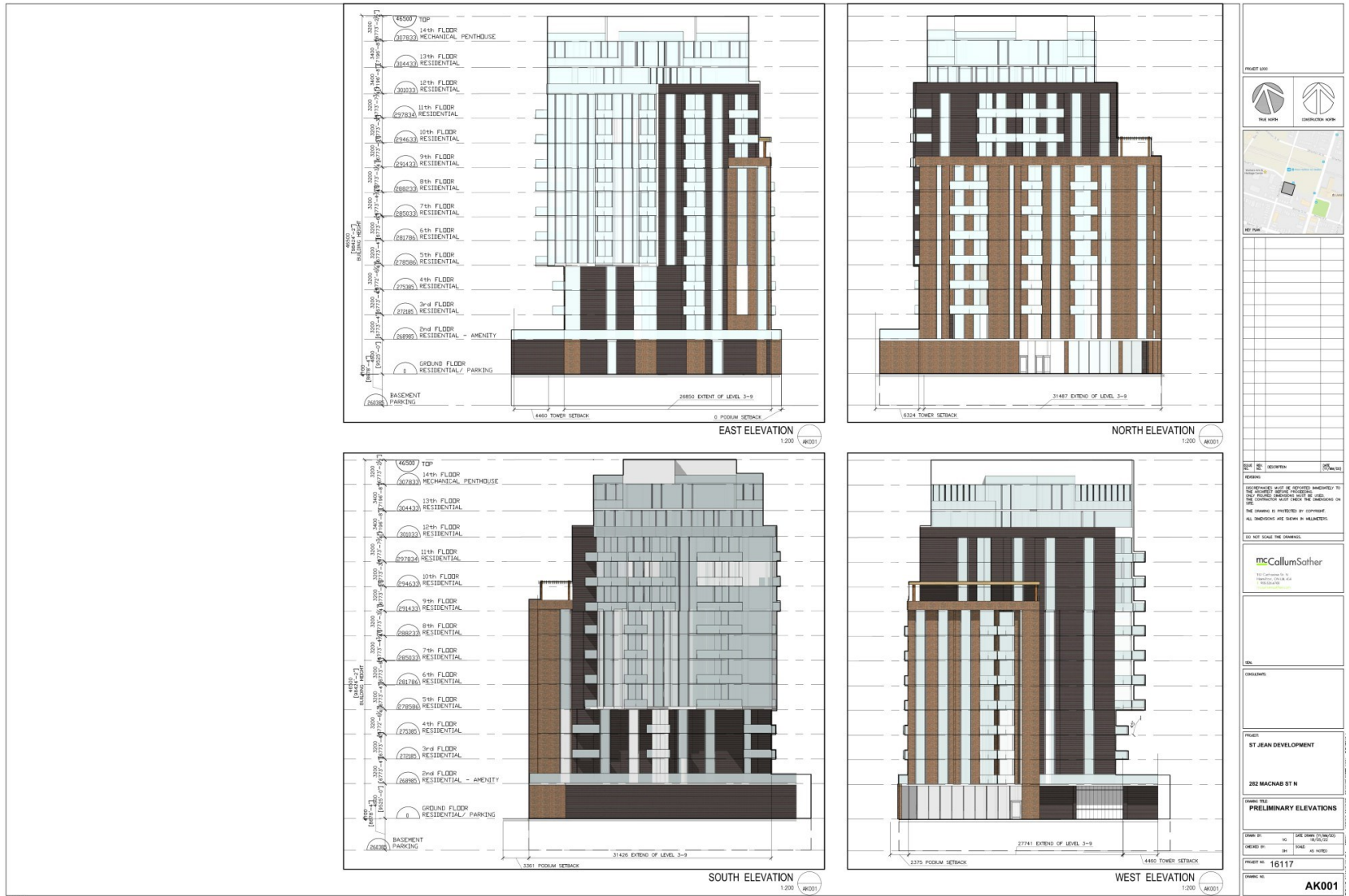
SITE STATISTICS
 NTS (A001)

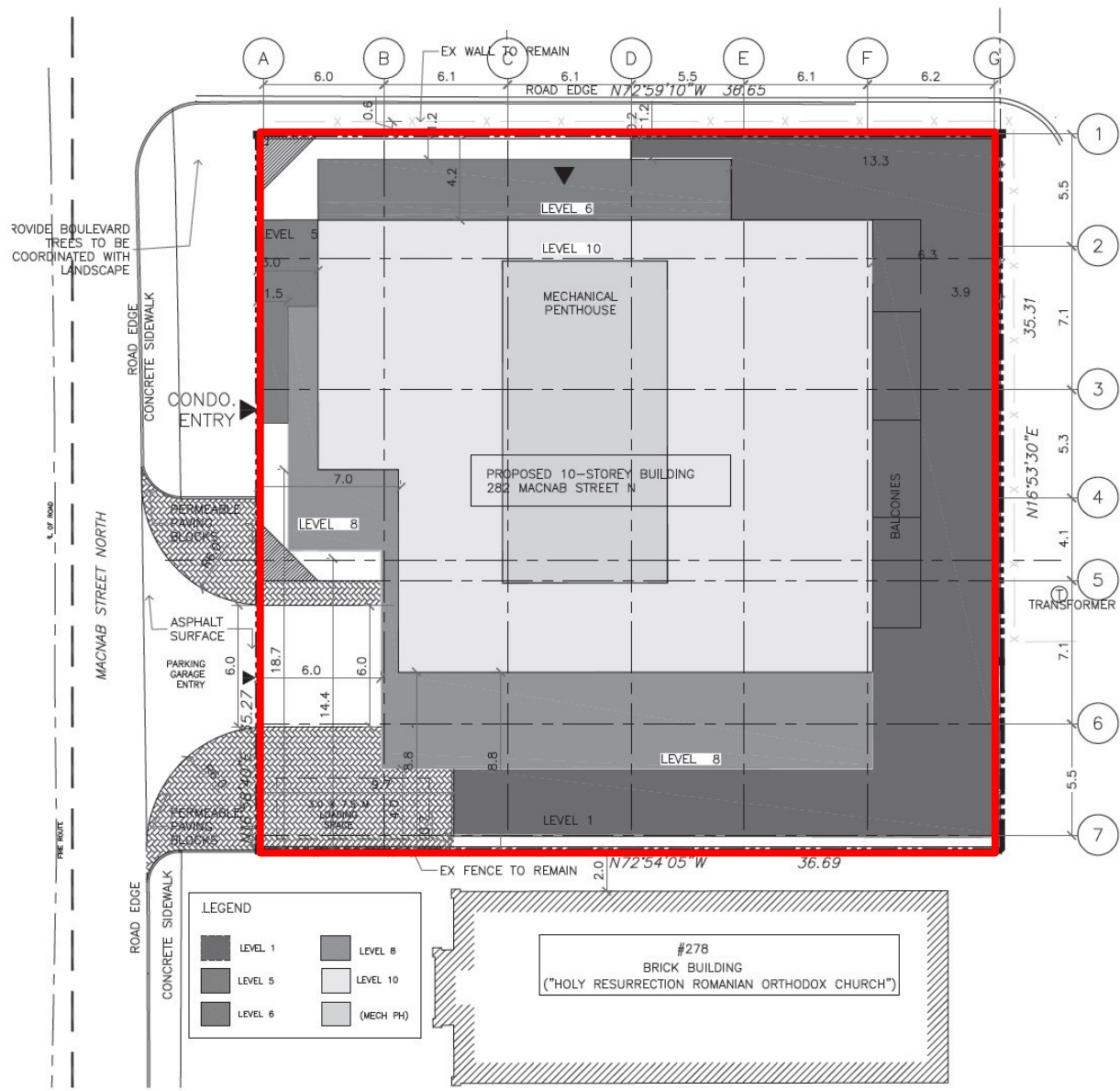
SITE PLAN
 1:100 (A001)

PROJECT LOG

DATE	DESCRIPTION	BY
16/08/20	START FOR PERM / OPA	16/08/20
16/11/20	PREDEVELOPMENT	16/11/20
08/01/21	REVISION	08/01/21

DATE: 16/11/20
 SCALE: AS NOTED
 PROJECT NO: 16117
 DRAWING NO: AA001







NORTH ELEVATION



WEST ELEVATION

W1



EAST ELEVATION

SOUTH ELEVATION

	Original Proposal	Revised Proposal
Building Height	Thirteen storeys (43.5 m)	Ten storeys (33.0 m)
Residential Units	110	89
Parking Spaces	51 (0.46 per unit)	66 (0.74 per unit)
Coverage and ground floor setbacks	Full lot coverage with 0 m ground floor setbacks to all lot lines.	The revised proposal includes the following ground floor setbacks: <ul style="list-style-type: none"> • A minimum 0 m front yard setback with an increased 6.0 m front setback provided for the southernmost 14.4 m of the building and a 9.7 m front setback provided for the southernmost 4.0 m of the building; • A minimum 0.7 m south side yard setback; • A 0 m to 1.2 m north side yard setback; and, • A 0 m rear yard setback.
Building setbacks above the ground floor	The original proposal included the following building setbacks above the ground floor: <ul style="list-style-type: none"> • At the west (front) lot line, a 1.3 m setback for floors two to eight, a 5.3 m setback for floors nine to eleven and an 8.1 m setback for floors twelve and thirteen; • At the south lot line, a 5.0 m setback for floors two to thirteen; • At the north lot line, a 1.3 m for floors two to eight, a 2.9 metre setback for floors nine to eleven and a 4.3 m setback for floors twelve and thirteen; and, • At the east (rear) lot line, a 5.1 m setback for floors two to eleven and a 6.8 m setback for floors twelve and thirteen. 	The revised proposal includes the following building setbacks above the ground floor: <ul style="list-style-type: none"> • At the west (front) lot line, a 1.5 m setback for floors six to eight and a 3.0 m setback for floors nine and ten; • At the south lot line, a 4.0 m setback for floors two to eight and an 8.8 m setback for floors nine and ten; • At the north lot line, a 1.2 m setback for floors two to six and a 4.2 m setback for floors seven to ten; and, • At the east (rear) lot line, a 6.3 m setback for floors two to ten.



Subject Lands 282 MacNab Street North



Subject Lands



GO Station to the north of the Subject Lands



Go Station



Looking north on MacNab Street



Looking at the South West corner of MacNab Street and Stuart Street



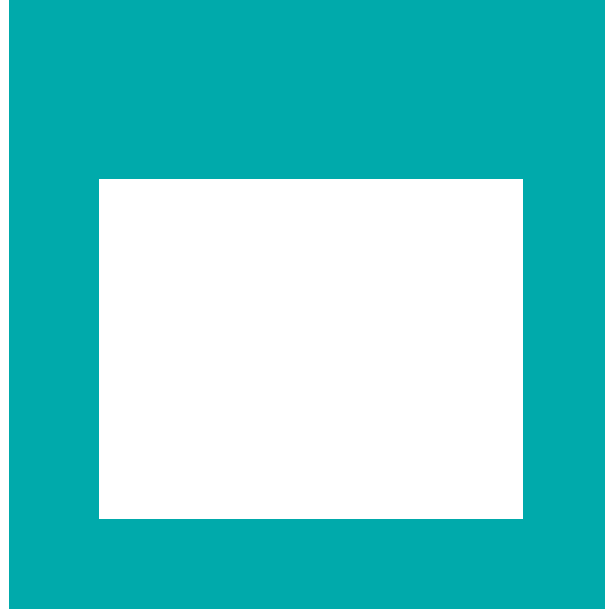
Looking South on MacNab Street



Looking at the properties south of the Subject Land

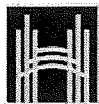


Looking at the properties on the west side of MacNab



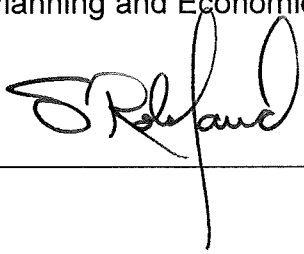
THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



Hamilton

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 22, 2020
SUBJECT/REPORT NO:	Second Dwelling Units – Options to Increase Housing Supply in Hamilton’s Existing Low Density Housing Stock (PED20093) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Steve Robichaud (905) 546-2424 Ext. 4281 Timothy Lee (905) 546-2424 Ext. 1249
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATIONS

- (a) That Report PED20093 (City Initiative CI-20-E), including the Discussion Paper titled Creating a House and Home: Second Dwelling Units – Discussion Paper for the creation of Second Dwelling Units in Hamilton – September 2020, attached as Appendix “A” to Report PED20093, be received;
- (b) That staff be authorized to proceed with public engagement on the proposed Zoning By-law regulations, that staff report back to the Planning Committee on the feedback received, including the identification of the preferred approach for Second Dwelling Units for incorporation into the development of the residential zones to be added to Hamilton Zoning By-law No. 05-200;
- (c) That as part of the public engagement on Second Dwelling Units that staff consult and report back on potential financial barriers and incentives to the creation of Second Dwelling Units, including but not limited to, Development Charges and Parkland Dedication.

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EXECUTIVE SUMMARY

1.0 Introduction

A second dwelling unit (SDU) is a self-functioning and independent dwelling unit located on the same lot as the main dwelling. An SDU can be located inside an existing building (basement apartment or attic space), as an addition to an existing dwelling, or in a detached building (converted garage or Laneway Housing). SDUs are a different housing type compared to duplex and triplex dwellings as SDUs are accessory to a principal dwelling (such as a single detached dwelling) whereas a duplex and triplex are principal dwelling type.

The Provincial Planning framework requires municipalities to establish Official Plan policies to permit Second Dwelling Unit(s) and that these policies are to be implemented through the Zoning By-law on lots containing single, semi-detached, and row houses. An SDU may be internal to the principal dwelling, or as a separate detached dwelling unit or both. Through Bill 108, municipal Official Plans are to contain policies to permit up to three dwelling units (one main dwelling, one accessory internal to the dwelling, and one detached Dwelling Unit) on a lot.

Housing is a broad and multi-faceted topic. Permitting SDUs is one of many approaches to increase housing supply in the City. While important facets of the housing continuum, the following topics are beyond the scope of the attached Discussion Paper:

- Temporary garden suites;
- Single Detached Dwellings with multiple tenants (“co-housing”);
- Issues related to affordable housing;
- Housing with supports such as Residential Care Facilities;
- Purpose-built Student Residences;
- Property Standards issues such as unkempt lawns, noise, garbage, and owner/tenant relations;
- Licensing of rental units; and,
- Ontario Building Code (OBC) Requirements.

Although the Province requires municipalities to proactively plan for SDUs, the Province has given municipalities the flexibility to address local issues by establishing local regulations to integrate SDUs within the neighbourhood. To create a “Made in Hamilton” approach aimed at providing a greater housing diversity and increase the housing supply in the City, the Discussion Paper “Creating a House and Home – August 2020” has been prepared by staff and is attached as Appendix “A” to Report PED20093.

Although this Discussion Paper focuses on the urban area and is part of the larger residential zoning project, SDU’s in the rural area also need to be addressed to meet

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SUBJECT: Second Dwelling Units – Options to Increase Housing Supply in Hamilton’s Existing Low Density Housing Stock (PED20093) (City Wide) - Page 3 of 21

the housing needs of the rural community. Currently, second units are only permitted as garden suites or as a farm help house due to servicing issues. A separate initiative is underway for SDU’s in the rural area to implement the recent update to the provincial planning framework.

2.0 Public Engagement and Next Steps

Prior to the development of the Residential Zones that will be added to Hamilton Zoning By-law No. 05-200, staff have identified Residential Care Facilities, SDU’s and Parking as significant thematic topics that are distinct from standard Zoning By-law regulations (i.e. setbacks, height, etc.). These matters warrant public input prior to completion of the new zones.

The Residential Care Facilities Discussion Paper was received by Council on May 7, 2019 with initial stakeholder engagement occurring between August 16 to September 27, 2019. Public comments on this matter can still be submitted and all of the feedback received will be recorded and summarized for presentation to Council.

Each Discussion Paper provides a basis for initiating conversations with stakeholders prior to final recommendations on proposed zoning regulations to Planning Committee being presented. Public engagement involves:

- Residents;
- Neighbourhood Associations;
- Hamilton-Halton Homebuilders Associations;
- Realtors Association of Hamilton-Burlington;
- Housing and Tenant Groups;
- Professionals in the Industry such as architects, urban planners, etc.;
- Councillors; and,
- Other interested parties.

The new Residential Zone Project will utilize the Engage Hamilton portal site as the primary public engagement gateway in addition to non-online methods such as mailing information and conversations by phone.

Alternatives for Consideration – See Page 20

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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Legal: N/A

HISTORICAL BACKGROUND

1.0 Existing Municipal Zoning By-law Regulations on Secondary Dwelling Units

The Former City of Hamilton and the Town of Dundas Zoning By-laws permit one additional unit other than the principal dwelling regardless of when the principal dwelling was constructed. The Stoney Creek Zoning By-law permits one additional unit but only in dwellings built before 1941. The Flamborough Zoning By-law has similar permissions to the Stoney Creek Zoning By-law for dwellings built before 1990.

2.0 Recent Zoning By-law Initiatives on Secondary Dwelling Units

Council approved By-law No. 18-299 to permit a “Laneway House” on a lot abutting a laneway that contains a single detached dwelling (see Section 2.1 below). An amendment to Section 19 of Hamilton Zoning By-law No. 6593 removed regulations identified as a barrier to SDU’s to encourage additional dwelling units to be created and/or legalized (see Section 2.2 below). This initiative applies to areas near McMaster University and Mohawk College. A summary of these initiatives is described below.

2.1 Laneway Housing

Council approved a pilot project and implementing zoning amendments in 2018 for lands roughly bounded by Lake Ontario, the Red Hill Valley Parkway, the Niagara Escarpment, and Hwy 403 to permit Laneway Housing accessory to Single Detached Dwellings (By-law No. 18-299). An SDU is permitted if the lot abuts a laneway. The zone regulations include a maximum building height of 6.0 metres, a maximum floor area of 50 square metres, and restricts doors and windows to elevations not facing a laneway and must be on the ground floor of the facade.

2.2 Temporary Use By-law for Accessory Dwelling Units (Wards 1, 8 and 14 (in part))

By-law No. 19-307 is a temporary use by-law and affects Wards 1, 8, and portions of Ward 14 to remove potential barriers to the creation of SDUs in the form of a converted dwelling within portions of the former City of Hamilton. Under Section 19 of Hamilton Zoning By-law No. 6593, single detached can be converted to add an accessory unit in what is referred to as a “converted dwelling” in the Zoning By-law. The amendment provides for a reduction in minimum lot sizes, elimination of minimum unit size, and in Ward 1 east of Hwy 403. No additional parking is required. The amendment is a pilot project that will expire in December, 2022.

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3.0 SDU’s in the Rural Area

The 2006 Rural Hamilton Official Plan (RHOP) allows SDU’s in the form of garden suites or as farm help houses. Garden suites are detached small residential buildings on the same lot as a principle dwelling. In accordance with the provisions of the *Planning Act*, they are intended to be temporary (20 year period). A Temporary Use By-law amendment is required to ensure the conditions associated with the garden suite are addressed. At the time of preparation of the RHOP, and after consultation with Public Works (Source Water Protection) staff and the Province, SDU’s were not permitted as-of-right in the rural area due to concerns about servicing (septic tank, wells and capacity of municipal water in certain Rural Settlement Areas). In 2015, the zoning was updated for the rural area to implement the RHOP. The rural zoning does not permit SDU’s (with the exception of farm help houses either as a stand alone building or as an accessory dwelling unit in the principal residence) since the Zoning By-law must conform to the RHOP.

As a result of recent *Planning Act* changes to allow SDU’s in single-detached, semi-detached and row houses, staff are reviewing the RHOP and the associated zoning for the rural area. This initiative is separate from this Discussion Paper and the residential zoning project. The rural SDU review will look at both lands within the Rural Settlement areas and agricultural and rural lands.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

1.0 Provincial Legislation

1.1 Bill 108 – *More Homes, More Choice Act, 2019*

Bill 108 (*More Homes, More Choice Act, 2019*) received Royal Assent on June 6, 2019 and amended various pieces of legislation such as the *Planning Act*, *Ontario Heritage Act*, and the *Development Charges Act*, amongst others. The changes to the *Planning Act* require all municipalities to prepare and implement Official Plan policies to permit up to two SDUs associated with a Single Detached, Semi-Detached, or Row House (Street Townhouse) dwelling through their Official Plans. The SDUs are to be permitted as one SDU within the dwelling and one SDU in an attached accessory structure thereby resulting in up to 3 residential units on a lot.

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2.0 Provincial Policy

2.1 Growth Plan for the Greater Golden Horseshoe (A Place to Grow, 2019)

SDUs are identified throughout the Growth Plan as one option to provide for a diverse range and a mix of housing options (Policy 1.2.1: Guiding Principles). This includes dwelling units to serve all sizes, incomes, and ages of households (Policy 2.2.1.4).

Furthermore, within major transit station areas, development will be supported by planning for a diverse mix of uses, including second units, to support existing and planned transit service levels (Policy 2.2.1.9).

Based on the foregoing, permitting SDUs with implementing regulations conforms to the Growth Plan for the Greater Golden Horseshoe.

2.2 Provincial Policy Statement 2020 (PPS)

The Provincial Policy Statement (2020) came into effect on May 1, 2020 which replaced the 2014 version. The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest related to land use planning and development. Both the Rural and Urban Hamilton Official Plans implements provincial policy. More specifically, the proposed zoning changes to permit SDUs and associated regulations implement the following policies:

- Creating healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential (including “additional residential units”) (Policy 1.1.1b); and,
- Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by permitting and facilitating all forms of residential intensification, including second units (1.4.3b).

An amendment in the PPS (2020) included a change in terminology from “second units” to “additional residential units”.

The PPS defines “intensification” as being the net increase in residential units through conversion or expansion of existing residential buildings to create new residential units such as accessory apartments and second units.

Based on the foregoing, the options and alternatives to permit SDUs are consistent with the PPS (2020).

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3.0 Urban Hamilton Official Plan

The UHOP was adopted by Council in 2009 and approved by the OMB in 2013.

The housing policies in the UHOP identify the need to provide for a range of housing types, forms, and densities to meet the social, health and well-being requirements of all current and future residents (Policy B.3.2.1.1) and to increase Hamilton’s stock of housing for people whose needs are inadequately met by existing housing forms or tenure, affordability throughout the urban area of the City (Policies B.3.2.1.4 and B.3.2.1.6).

The development of a full range of housing forms, types, and densities are to be provided for and promoted throughout the City of Hamilton through residential intensification and new development (Policy B.3.2.4.1).

Policies B.3.2.4.4 and C.3.2.2d) permit SDUs on lots containing a single or semi-detached dwelling, subject to zoning regulations. Detached SDUs, in certain conditions, may be appropriate on lots of existing single detached dwellings (Policy B.3.2.4.5). A wide range of housing forms, types, and tenure are permitted in the Neighbourhoods Designation (Policy E.2.6.4).

The importance of Neighbourhood character is recognized in the UHOP though the General Residential Intensification Policies under Subsection B.2.4. In the absence of an alternative or updated vision for a neighbourhood, the existing character is to be maintained and that new development is to build upon established patterns and built form.

An amendment to the UHOP is required to permit SDUs in Street Townhouse dwellings. Further, because a detached SDU can be serviced jointly with the principal dwelling or independently with its own water and sewer mains from the street, it is proposed that an amendment to the UHOP be undertaken to prohibit the severance of a residential lot containing a detached SDU where the SDU was constructed as an accessory unit. Such severances may result in a lot fabric, such as a flag shaped lot, that is not in keeping with the established development pattern and that once created the new lot would no longer be subject to the zoning regulations designed to ensure that the detached SDU is compatible with adjacent properties (e.g. the unit size restriction would no longer apply).

Permitting SDUs in single detached, semi-detached and row townhouses (also called street townhouses in the UHOP) implements the overall Urban Housing Goals of the UHOP.

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4.0 Hamilton’s Housing and Homelessness Action Plan

This 10-year Action Plan is a guide to how the City will respond to issues of affordable housing and homelessness in the city. Of the 54 strategies outlined in the Action Plan, three are directly applicable to SDUs and are described below.

Strategy	Description
1.6	As part of the Comprehensive Zoning By-law, permit as-of-right higher density multi-residential development, converting non-residential space to residential.
2.1(a)	Encourage mixed housing and mixed income development by increasing opportunities for rental, social, and affordable housing.
2.1(c)	Encourage mixed housing and mixed income development by exploring opportunities to redevelop to include a mix of new housing options.

SDUs implements Strategies 1.6, 2.1(a), and 2.1(c) as it provides opportunities for additional housing within residential areas and encourages a broad mix of housing for a greater range of households.

A staff report (See Report CS11017(d)) was brought forward to the Emergency and Community Services Committee on August 20, 2020 to seek endorsement on the Five-Year Review of the Action Plan. The Action Plan includes seven Core Values, one of which includes providing for a full range of housing options which contributes to a healthy community.

Similarly, outcomes and strategies identified in the Action Plan includes creating more rental housing and housing that is appropriate for diverse range of household types. In fact, one of the “smart targets” identified call for increasing the number of new and legalized existing secondary rental units by 25% per year. The initiative to permit SDUs will contribute to this target by permitting the use across the City.

Planning staff are currently part of the internal advisory group hosted by the Investment in Affordable Housing Section of the Healthy and Safe Communities Department. The purpose of the advisory group is to maintain communications between city departments to ensure cross-sectional discussions occurs, and all departments collectively addresses housing issues in the City.

RELEVANT CONSULTATION

1.0 Province of Ontario

Consultations were conducted with the Province to provide clarity respecting two matters.

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Firstly, it was confirmed by the Ministry of Municipal Affairs and Housing that under the current provincial planning framework (Section 16(3) of the *Planning Act*) all municipalities in Ontario are required to amend their Official Plans to permit “additional residential units”, such as two residential units in a single detached, semi-detached, and rowhouse (street townhouse), and the use of an accessory building to the single detached, semi-detached, and rowhouse for a one dwelling unit thereby resulting in 3 separate dwelling units per lot being permitted. Additional regulations, such as parking permissions and permitting SDUs regardless of whether or not the property is owner-occupied and date of construction are also found in Ontario Regulation 299/19.

The second clarification by the Province was with respect to Development Charges. Under Bill 108, amendments were made to the *Development Charges Act, 1997*, to provide additional exemptions from development charges for SDUs in a detached building. The same amendment is being made through Bill 197, the COVID-19 Economic Recovery Act. The amendments are currently not in effect as the Act has not been proclaimed. Section 2 of Ontario Regulation 82/98 under the *Development Charges Act* addresses exemptions for more than one SDU associated with an existing residential building but these changes to the Act are beyond the scope of the SDU review as it pertains to triplexes or fourplexes.

2.0 City of Hamilton

In addition to consultation with the Province, the following Divisions and Departments were also consulted and are supportive of the Discussion Paper:

- Community Safety and Planning – Fire Prevention
- Healthy and Safe Communities Department – Investment In Affordable Housing Section
- Planning and Economic Development Department – Hamilton Municipal Parking System

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

- 1.0 The SDU Discussion Paper provides a platform for public engagement, dialogue and future considerations on zoning permissions based on five key themes: Parking; Use of Backyard Space; Neighbourhood Appearance; Privacy; and, Technical Regulations. Feedback from the public will assist staff in creating zone regulations for SDUs as part of the Residential Zones Project in Hamilton Zoning By-law No. 05-200.

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As previously mentioned, the purpose of this Report and Discussion Paper is:

- to implement Provincial policies, legislative framework and the City’s Urban Hamilton Official Plan; and,
- to identify options for zoning regulations aimed at ensuring the appropriate integration within the community, especially between SDUs and abutting neighbours.

These proposed regulations will be subject to public feedback and discussion to ensure concerns are addressed.

- 2.0 Below is a summary of the proposed approaches to SDUs. More detailed information is contained in the Discussion Paper (See Appendix “A” of Report PED20093).

An SDU can take the following different forms:

Within the Principal Dwelling

- Interior to the existing principal dwelling; and/or,
- Addition to the existing principal dwelling.

Separate from the Principal Dwelling

- Conversion of all or part of an existing legally established Accessory Building (i.e. underutilized detached garage).
- Within a newly constructed Accessory Building.

Zoning regulations are required based on the different form for SDUs.

2.1 General Topics of Second Dwelling Units

2.1.1 *Why is the City introducing SDUs throughout the Urban Area?*

As the population increases in Hamilton, not only is there a need to increase the housing supply, but there is the need to construct appropriate types of housing. Further, there are individuals who may not want to live in a large multi-unit building based on building characteristics and location.

As noted in the Historical Background Section of this Report (Report PED20093), converted dwellings (dwelling units that have been converted to create an accessory dwelling unit) are permitted in the Zoning By-laws of the former City of Hamilton, the Town of Dundas, the Town of Flamborough and the City of Stoney Creek subject to varying permissions and regulations.

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The concept of an accessory dwelling is not new in the former City of Hamilton as these permissions have existed since the 1970s. However, through Bill 108, the Provincial government has mandated that all municipalities in Ontario permit SDUs in their Official Plans.

A stable neighbourhood does not mean “static” or “no change”. A stable neighbourhood suggests a gradual evolution of the existing residential community, which includes SDUs. The number of SDU’s created will be subject to limitations due to existing conditions including, but not limited to:

- lot area and width resulting in insufficient physical distance between dwellings, or have little physical room to accommodate an SDU;
- an obstructed rear or side yard access based on the existing building footprints to allow safe access of emergency personnel;
- site constraints associated with natural heritage features or natural hazard such as a floodplain which poses health and safety concerns; and,
- the lot cannot accommodate on-site parking based on municipal and/or market requirements.

The intent of this Report is not to discuss whether SDUs should be permitted, but rather what regulations are needed to ensure compatibility within a residential neighbourhood, and to address grading and drainage, landscaping and useable backyard space. Examples of proposed regulations include: minimum physical distance between the main dwelling unit and detached SDU (newly constructed or converted); maximum lot coverage and floor area of the SDU to prevent overbuilding; and, taking up the entire rear yard, and setback requirements from the property lines.

The suggested regulations respond to compatibility concerns/issues such as noise, shadowing, privacy and overlook such as applying setbacks from the side and rear property lines to provide a buffer from adjacent residential uses, and prohibiting porches, balconies, and windows on the second floor to prevent noise and overlook.

2.1.2 What is the difference between a Second Dwelling Unit and Duplex and Triplex Dwellings? If I have two dwellings in one house isn't that the same thing?

A duplex and triplex dwelling must be identified as a permitted use in the Zoning By-law much like a single detached or semi-detached dwelling. A duplex and triplex are considered as principal uses. However, an SDU is only permitted as accessory to a principal use, such as a single detached, semi-detached, and street townhouses. An SDU cannot be built on its own as a principle land use nor can it be severed to become a principal use. Historically, zoning regulations for

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SDUs require that the SDU be subordinate to the primary use in terms of floor area restrictions as well as exterior modifications. SDUs are created as conversions through the utilization of existing space whereas a duplex is purpose built to contain two units and each unit is designed to function independent of the other unit.

A dwelling unit(s) in a duplex or triplex is located on top of one another within the same building. However, an SDU can be constructed above or below the principal dwelling unit, to the side of the principal building, or even as a detached unit in an accessory building. There is greater flexibility on how the SDU can be accommodated on a lot.

2.1.2 Is there a limitation to how big or small a Second Dwelling Unit can be?

The Building Code sets out minimum room sizes in dwelling units and is dependent on whether the rooms are separated by walls or open concept. For a combined living, dining, kitchen, and in a bachelor unit, the minimum size is 13.5 square metres (145 square feet), not including the bathroom.

The approach for determining the maximum size of an SDU located internally to the principal dwelling is similar to existing regulations under Section 19 of Hamilton Zoning By-law No. 6593 where there are no maximum floor area other than allowing floor areas for the SDU to be less than 50% of the total floor area to maintain its accessory function to the main dwelling. The intent for the flexibility is to allow the homeowner to design and plan how big the SDU should be based on its needs or abilities to accommodate within the existing dwelling unit. In other words, the size of the principal dwelling determines the maximum size of the SDU.

For detached SDUs (newly constructed or converted), establishing a maximum gross floor area ensure the accessory building is not oversized relative to the lot size. Further, establishing a maximum size ensures there is enough space for landscaping, grading and drainage, usable backyard amenity space for the residents, and the placing of sheds and other backyard structures. Undersized lots may be required to either build a 1.5 storey detached SDU, or perhaps even not at all. A maximum unit size of 50.0 square metres would be consistent with existing zone regulations of the Laneway Housing pilot project.

2.1.3 How will Second Dwelling Units be serviced?

An SDU located interior to the principal dwelling is generally serviced jointly with the principal dwelling unit. Sharing of services reduces the construction cost and duration of construction.

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Detached SDUs can be serviced in two ways. Water and sewer services can be extended from the principal dwelling, relying on existing water and sewer connections from the street. Alternatively, a separate service can be provided from the street with direct connections to the detached SDU. Construction cost can be high as there is a separate service for both dwellings. All service connections are to be provided in accordance with the City’s Sewer and Drainage By-law.

A disadvantage to having a separate connection to the detached SDU is a separate service may result in pressures for a severance, since the “retained” and “severed” lots would each have separate services. Theoretically, a flag shaped or irregularly shaped lot may be created. An amendment to the UHOP is an option to prohibit severances of a residential lot containing a detached SDU.

2.1.4 Can Water and Sewer Services be hooked up from a Laneway?

In Hamilton, the intention is to not place additional burden onto existing lanes because many are either privately owned or are unassumed. Many lanes historically have had gravel surfaces that are only intended for resident parking and pedestrians only and often there are no municipal sewers or watermains in the laneway. The intention of lanes in Hamilton was to not provide services such as garbage collection, emergency responses (such as Fire and EMS), and water and sewer connections. As a result, servicing must be provided from the street in front of the residential lot and not from a lane.

2.2 Mandatory Regulations as a result of the Ontario Building Code and the Fire Code

Staff have identified mandatory requirements for the development of SDU’s in response to basic health and safety considerations. These requirements are proposed to be incorporated into the Zoning By-law regulations.

2.2.1 What are the mandatory Regulations?

There are two mandatory regulations:

1. A regulation limiting the maximum linear distance between the front and flankage lot line (not including the laneway) and the front entrance of the detached SDU to 40.0 metres. The regulation ensures that a fire hose that has a maximum length of 45.0 metres, can reach the front entrance of the SDU.

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2. A regulation requiring a minimum unobstructed width of 1.0 metre path from the street (not including the laneway) to the entrance of the SDU, and a minimum clearance height of the path of 2.6 metres. The regulation ensures that an emergency personnel can safely access the SDU without obstructions including parking spaces, concrete steps and stoops, bay windows, gutters and eaves, chimney, and fences that cannot be physically opened.

2.2.2 Why are mandatory Regulations being introduced into the Zoning Options?

Certain regulations in the Ontario Building Code (OBC) and the Fire Code (FC) ensure emergency personnel such as Fire and EMS have full access to the rear yard. Proposed regulations provide clarity and prevent surprises when a homeowner applies for Building Permit after preparing plans and drawings based on the in-force zoning, only to find out OBC and FC requirements cannot be met.

The mandatory “fire” regulations apply to all forms of SDUs except where fire personnel can access the SDU from a common foyer with the main dwelling unit.

2.3 Second Dwelling Units Interior or as an Addition to a Principal Dwelling

An SDU located inside the main dwelling, or as addition to the building must conform to the parent zone regulations. As a result, there are no setback or height requirements for this form of SDU. The following topics relate to an SDU that is interior to or an addition to the main dwelling.

2.3.1 Where does the main entrance to the Second Dwelling Unit have to be? Can it have its own entrance to the outside?

The location of an entrance for a SDU can vary based on neighbourhood character and housing types. Three approaches are proposed:

1. in most of the City where there is a more uniform housing type on the same street, the number of entrances facing the street is limited to one entrance;
2. in Lower Hamilton, where there are diverse housing types, buildings may have more than one entrance on the façade facing the street; and,
3. for corner lots throughout the City, one additional entrance should be permitted on each building facades a street.

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2.4 Second Dwelling Units in an Existing Accessory Building

2.4.1 *Can an existing Detached Garage be converted to a Second Dwelling Unit?*

A detached SDU is permitted to be established by converting a legally established and existing accessory building (such as a detached garage or work shed) The accessory building must have existed prior to the passing of the By-law that gives permissions to SDUs. However, parking requirements for the principal dwelling and SDU must be maintained and/or provided on site. Prior to occupancy, Building Permits are required to ensure the accessory building is designed and constructed in accordance to the Ontario Building Code and servicing (water and wastewater) must be provided for human habitation.

To address legal and existing conditions, a suggested regulation is to introduce a “vacuum clause” where existing setbacks, accessory building height, and other regulations are deemed to comply. This approach is similarly applied to other zones (Industrial, Rural, Commercial and Mixed Use) within Hamilton Zoning By-law No. 05-200. As mentioned previously, the accessory building must have existed prior to the passing of the By-law that gives permissions to SDUs.

2.4.2 *Can an addition be added to the converted Accessory Building?*

Often, the legally established accessory building such as a work shed may be too small to accommodate an SDU based on OBC requirements or preference of the homeowner. An addition to an existing accessory building is one option and would be permitted but will be subject to compliance with setback and building height requirements. Although new regulations will be determined in the future as part of the New Residential Zones project, variances may be required for any regulations that cannot be met. An addition to the detached SDU is permitted if the use remains accessory and less than 50.0 square metres. The conversion of the legally existing accessory to a detached SDU will also be required to undergo OBC review, and any Zoning By-law regulations that may apply such as the Fire Regulations (mentioned on Page 11 of this Report).

2.5 Second Dwelling Units in a New Constructed Accessory Building

2.5.1 *How will permitting Second Dwelling Units affect the Laneway House Pilot Project?*

By-law 18-299 amended Section 19 of Hamilton Zoning By-law to permit a “Laneway House” in certain parts of Lower Hamilton. A Laneway House is one form of detached SDU and is permitted where a residential lot abuts a laneway.

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Regulations include minimum lot size, building height and setback requirements, design, parking, and size of dwelling unit.

As noted in the Discussion Paper (See Appendix “A” to Report PED20093), the intent is to adapt the regulations of the Laneway Housing Project and apply them to SDUs on a Citywide basis. For example, technical and design regulations already in place for Laneway Housing such as building height and limitations on doors and windows are suggested regulations to be applied Citywide.

By permitting detached SDU throughout the Urban Area, the presence of a laneway will no longer be required and will also be permitted where a laneway is not present (i.e. Hamilton Mountain). It must be reiterated that the intention is not to apply additional pressures on the alleyway, and servicing is to be provided from the main dwelling or from the street. The lane may only serve to provide pedestrian access.

2.5.2 How will concerns of Privacy be addressed?

Elements of the Laneway House Pilot Project, approved through By-law No. 18-299, addressed privacy concerns through design considerations which permit doors and windows only on the ground floor and within the roof for any elevation not facing a lane (the elevation facing the lane does not have such restrictions). Skylights can be permitted on a flat roof. This approach prevents residents from looking over the fence and to backyards.

Further, the Laneway House Pilot Project restricted the building height to 6.0 metres, sufficient to construct a second storey dwelling with a flat roof, or one-storey with a peaked roof design. Other regulations such as a 1.0 metre setback from the rear and side lot line prevents from overlook and privacy concerns. A residential lot containing a rear alley provides additional privacy to abutting lots.

As part of the introduction of a Citywide permission to permit detached SDUs, the suggested regulation is to introduce a similar series of regulations to address privacy and overlook, using a combination of setback requirements, prohibiting windows which would face private backyards, and maximum building heights.

2.6 Parking Requirements and Arrangements for Second Dwelling Units

Parking regulations must achieve a balance between neighbourhood concerns relating to spill over parking and at the same time not creating a barrier to establishing SDUs. Generally, like other land uses, SDUs can only be established on a lot if parking can be accommodated on site (if parking is required). This requirement also includes parking for the main dwelling.

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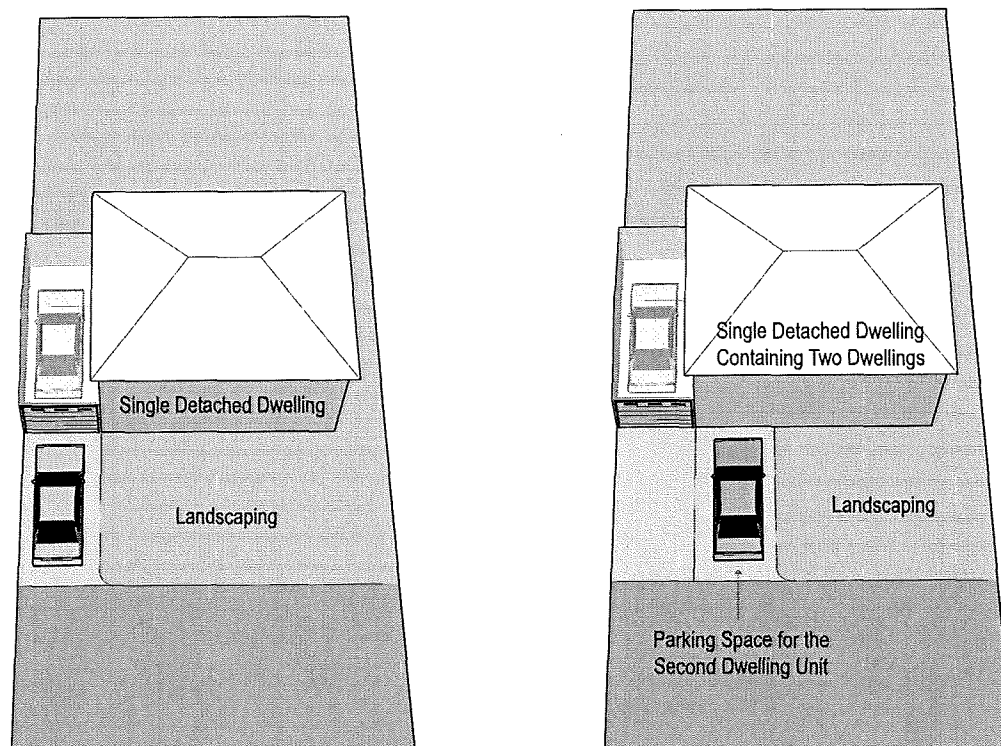
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Therefore, if the homeowner is unable to accommodate all required parking spaces, an SDU cannot be established unless a variance is obtained.

2.6.1 What is the Parking Requirements today in Hamilton under Zoning By-law No. 6593?

When a homeowner in the former City of Hamilton establishes an SDU (for Zoning By-law purposes), the existing Single Detached dwelling use becomes a converted dwelling containing two dwelling units. This change to a converted Single Detached Dwelling containing two dwelling units affects how the parking requirement is calculated. For example, the parking requirement for each Single-Family dwelling is 2.0 spaces. Conversely, for the purposes of calculating parking requirements, a Two-Family dwelling requiring 1.0 parking space for each dwelling unit means two parking spaces are still required for a converted Single Detached dwelling containing two dwelling units.

How required parking spaces are arranged on site is subject to different regulations. Whereas tandem parking is permitted for a Single Detached dwelling, such parking arrangements are not permitted for other residential uses. The table below shows the parking requirements and tandem parking permissions under Hamilton Zoning By-law No. 6593.



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	Single Detached Dwelling	Single Detached Dwelling containing two dwellings
Parking Requirement	2.0 parking spaces	1.0 parking spaces per dwelling unit
Total Number of Parking Spaces Required	2.0 parking spaces	2.0 parking spaces
Tandem Parking?	Yes	No

The diagram on page 17 shows how parking is arranged for a lot containing a Single Detached dwelling, and a converted Single Detached dwelling containing two dwellings in a scenario where parking is required for SDUs.

2.6.2 What is the suggested approach for parking requirements

A “one size fit all” solution to parking regulations may not be the most appropriate option given the lack of ability in many residential lots to accommodate parking on site, and the differing levels of car use on different parts of the City.

One approach is to apply a Citywide parking standard for SDUs, and have portions of the city a different parking requirement based on locational situations. For example, there are areas in Lower Hamilton where there may be insufficient on site space to physically accommodate parking whereas in other areas in Hamilton, the lot fabric may be big enough to accommodate additional on site parking. Final recommendations will be determined upon consultations and feedback from Council and residents.

2.6.3 Will Second Dwelling Unit residents be able to park cars in tandem under Hamilton Zoning By-law No. 05-00?

In a tandem parking arrangement, there are logistic difficulties of operating the “inner” vehicle when cars are occupied by separate residents. The suggested approach is to not permit tandem parking for SDU required parking. Parking spaces for the individual SDU are to be kept free and clear allowing unobstructed manoeuvring to the street.

2.6.4 Can a second driveway for the Second Dwelling Unit be built on a corner or through lot given there may be space on the flankage side facing the street?

Under Subsection 5.1b)viii) of Hamilton Zoning By-law No. 05-200, a corner lot is allowed one driveway for each side of the property that faces the street. The suggested approach is to keep the existing regulation but add a new requirement of a minimum 6.0 metres driveway length to prevent the parking space from

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overhanging or encroaching the sidewalk or street. Neither driveway should link or touch at any point and would be subject to receiving an Access Permit through the Hamilton Municipal Parking System. Permitting one additional driveway for a corner lot maintains the general appearance where one lot has one driveway. However, minimum landscaping requirements would need to be carried forward from Zoning By-law No. 6593 to ensure that the driveway does not exceed more than half the area of the front yard.

2.6.5 Does the same suggested approach for corner and through lots apply to interior lots?

For interior lots (or lots not located on a corner or through lot), the suggested approach is the second driveway would not be permitted in any yard abutting a street, even if a minimum landscaping requirement is met. Having a second driveway may detract and change the general appearance of the street and reduces the number of on-street parking spaces thereby defeating the purpose of providing on-site parking. Minimum landscaping requirements ensures the driveway does not exceed more than half the area of the front yard.

2.7 Minor Variance Applications for SDU Regulations

In situations where the proposed development do not meet the SDU regulations in the Zoning By-law, homeowners can seek Minor Variance approvals. The Minor Variance application is a public process and abutting landowners and residents can review the application and submit comments to the Committee of Adjustment. Should approval to the variance application be granted, the homeowner can then proceed with the Building Permit application.

3. The purpose of Report PED20093 is to present the Discussion Paper to seek direction from Council to initiate public consultations with residents and stakeholders or SDUs.

Due to the COVID-19 pandemic and the need to physically distance each other and restrict large gatherings of people, public engagement for the new Residential Zone Project will be different from Public Information Centres (PICs) that Hamilton has traditionally held over the years. Innovative methods are needed to ensure physical distancing and the health and safety of engagement participants are assured, yet at the same time, the opportunity to be a part of the public engagement process remains in place.

4.0 Housing is a multifaceted issue that cannot be addressed through any one single initiative, and an SDU is one form of housing discussed in this Report. Other

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forms of housing are subject to other regulations and reviews, including but not limited to:

- Short term rental housing and accommodation (such as AirBnB and VRBO);
- Rental housing stock and rents;
- Lodging houses and co-housing; and,
- Student housing and student residences.

Further, the following general rental housing concerns that are not planning issues are also not discussed in this Report:

- General housing condition concerns, such as pests and vermin and “state of good repair”;
- Tenant and landlord relationships; and,
- Owner occupied requirements.

The complete list of housing forms not subject to this Report can be found on Page 9 of the Discussion Paper (See Appendix “A” to Report PED20093).

ALTERNATIVES FOR CONSIDERATION

- (i) Council may choose to receive the Discussion Paper and direct staff to schedule a statutory public meeting to consider amendments to the existing in force Zoning By-laws to permit SDU’s on a city-wide basis in advance of new residential zones being developed.
- (ii) Council may choose to amend the general provisions of Zoning By-law No. 05-200 prior to the enactment of the new Residential Zones. This would establish zoning regulations to permit SDUs in the Rural Zones, Institutional Zones, in some of the Downtown and Commercial Zones. The existing zoning regulations of the former municipalities would remain in effect until the new Residential Zones are adopted by Council.
- (iii) In accordance with the *Planning Act*, Council may choose to amend the Official Plans to permit SDU’s in a single detached, semi-detached or row house city wide (ie both the urban and rural areas) but not update the Zoning By-law to allow SDU’s. This would require property owners to apply for an amendment to the applicable zoning by-law on a property by property basis to permit a SDU.

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ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A”: *Creating a House and Home: Second Dwelling Units – Discussion Paper for the creation of Second Dwelling Units in Hamilton – August 2020*

SR:TL

Planning Division
Planning and
Economic
Development
Department

September
2020



Hamilton

Creating a House and Home

Discussion Paper for the creation of Second Dwelling Units in Hamilton

Proposed Policy and Planning Regulations for Single Detached, Semi-Detached,
and Street Townhouse Dwellings in the Urban Area

NEW RESIDENTIAL ZONES
ZONING BY-LAW NO. 05-200



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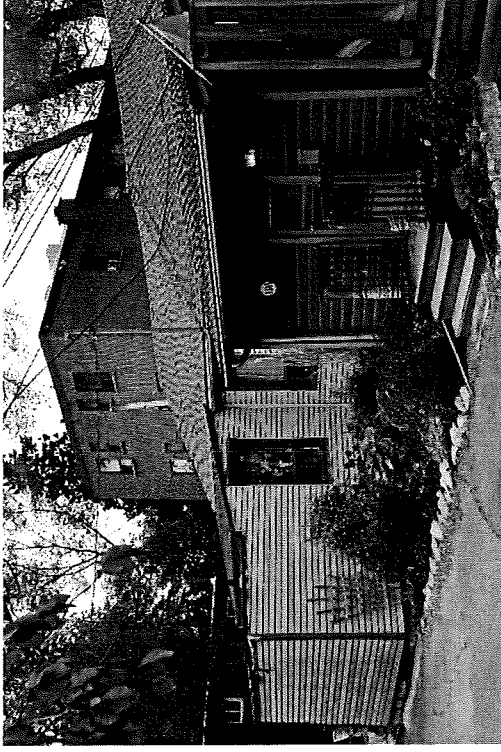
Websites: 94

Executive Summary

A Second Dwelling Unit (SDU) is a self-contained and independent dwelling unit located on the same lot as the main dwelling located inside an existing building (basement apartment or attic space), as an addition to an existing dwelling, or in a detached building (e.g. converted garage or Laneway House). Housing is a broad topic and is multi-faceted. Permitting SDUs is one of many approaches to increasing housing supply in the City. This Discussion Paper focuses on permitting SDUs in Single Detached, Semi-Detached, and Street Townhouse (also called Rowhouse) Dwellings.

The Provincial planning framework requires municipalities to permit SDUs in its municipal Official Plan and Zoning By-law within an existing Single Detached Dwelling, Semi-Detached Dwelling, and Row House Dwelling, though an addition to an existing dwelling or as a separate detached unit on a lot with a dwelling.

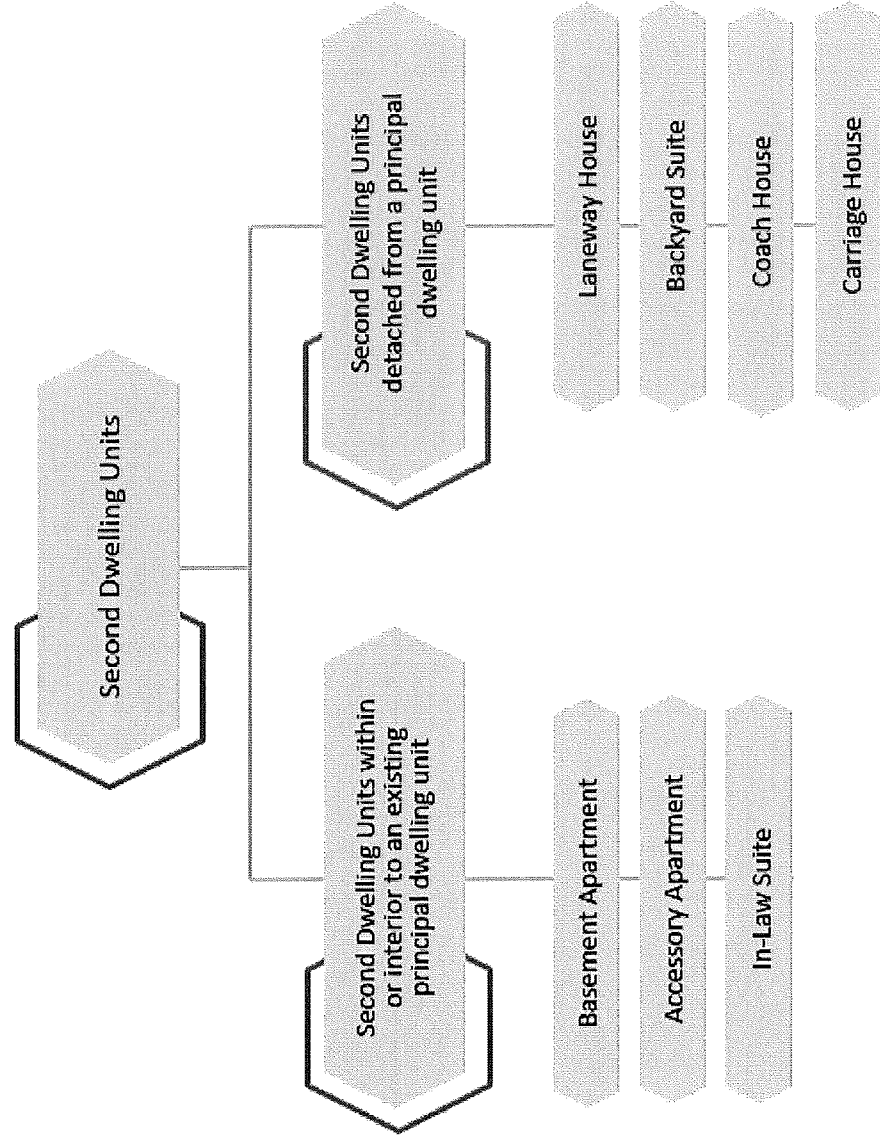
Through Bill 108, flexibility has been given to municipalities to address local issues and to establish zone regulations to integrate SDUs within neighbourhoods. This Discussion Paper provides general information on the characteristics of a SDU, Provincial and Municipal requirements, and a range of approaches to respond to the issues. These issues are categorized into the themes of design of the unit, privacy, backyard use, and parking. The regulations will be further refined through consultations with the community.



The purpose of this Discussion Paper is to start the conversation about SDUs within the Urban Area of Hamilton, including how SDUs can benefit residents, tenants, and homeowners and will inform the development of SDU regulations for the rural area. Throughout this Discussion Paper, there are "thought bubbles" with questions about specific issues. The purpose of these "bubbles" is less to do with providing feedback but rather allowing the reader to begin thinking about SDUs within their community, and sharing their experiences with SDUs. Please feel free to jot down as many notes as you like. However, a workbook with the same "thought bubbles" will be available at the Residential Zone project page within the Engage Hamilton portal at <https://engage.hamilton.ca/> and your feedback can be submitted to the Planning Division either by email at residentialzoning@hamilton.ca or by regular mail at 71 Main Street West, Hamilton ON L8P 4Y5.

As regulations are necessary to ensure SDUs are compatible within the community while at the same time not be a barrier to SDUs, this Paper introduces suggested approaches and options to address technical requirements; design elements; and, parking requirements for SDUs.

This Paper and feedback received in the future will inform the new Residential Zones in Zoning By-law No. 05-200.



Summary of Identified Issues and Themes

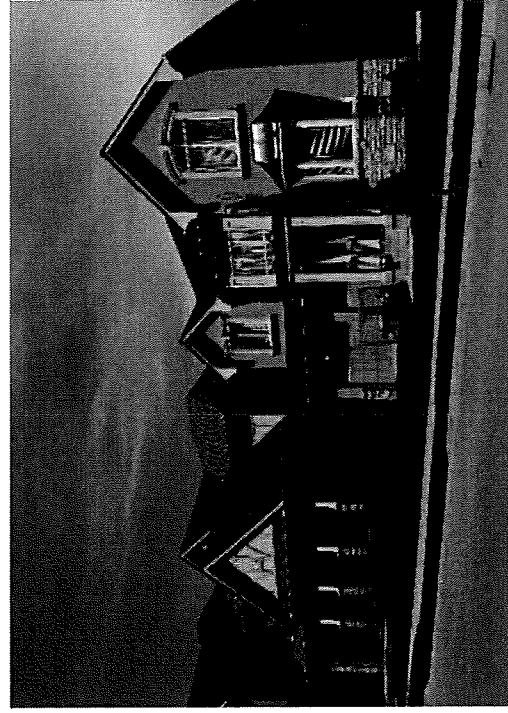
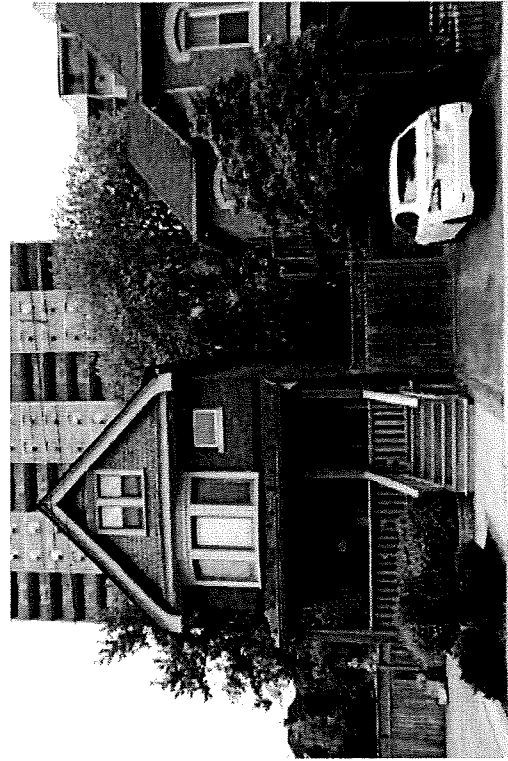
Should the City...	Themes
Regulate the size of the SDU or create some flexibility and not have a maximum floor area for SDUs?	Intensity of Use
For establishing new Detached Second Dwelling Units:	
Establish a maximum floor area of 50 square metres and a maximum lot coverage to ensure overbuilding does not occur?	Intensity of Use
Establish a minimum distance from the side and rear property lines to provide a separation from abutting properties?	Intensity of Use
Establish a maximum building height to 6.0 metres (or about 1.5 storeys)? Should it go higher or lower?	Intensity of Use
Establish a minimum 7.5 metres distance between the main house and the detached SDUs in the rear yard?	Intensity of Use
Allow or prohibit windows on the first and second floors beyond a minimum setback from property lines to facilitate privacy with abutting lands?	Property Impacts
Allow or prohibit balconies, exterior stairs, and rooftop patios on the second floor, but not including fire escapes and stairs?	Property Impacts
For Converting Existing Accessory Buildings into Detached Second Dwelling Units:	
Allow the homeowner to convert an existing accessory building as-of-right (i.e. without needing to meet certain zone requirements including height and distance from lot line (also called "vacuum clause"))?	Intensity of Use
Apply regulations for additions to existing accessory buildings to comply with the new construction?	Intensity of Use

Should the City...	Themes
Entrances to the Second Dwelling Unit:	
On corner lots allow one entrance on each side of the dwelling that faces the street?	Neighbourhood Appearance
On interior lots allow two front doors facing the street (such as having one front door for the main house, one front door for the SDU)?	Neighbourhood Appearance
Parking Design and Parking Requirement for Second Detached Dwellings:	
Consider parking requirements for SDUs based on geographic area? Establish a city-wide requirement followed by potential area-specific reductions based on existing conditions.	Parking Requirement for SDUs
Allow corner lots to establish one driveway for each side facing the street?	Parking, Driveway
For interior lots, allow or prohibit a second driveway?	Parking, Driveway

1.0 Introduction and Purpose

The *Planning Act* was recently amended through Bill 108 to require Hamilton to develop and implement policies to allow for Second Dwelling Units (SDU) in Single Detached, Semi-Detached, and Row Housing (street townhouses). The City has flexibility to develop zoning regulations that facilitate SDUs, while at the same time set parameters that are a barrier to SDUs, and ensure SDUs are appropriately accommodated without impacting adjacent neighbours. There is a diversity of housing stock in Hamilton in both established and developing neighbourhoods. This means that not every residential lot in Hamilton may be able to accommodate an SDU based on a variety of factors such as lot size and built form. The purpose of this Discussion Paper is to inform and seek public input on proposed regulations that will be incorporated into Hamilton Zoning By-law No. 05-200.

This Discussion Paper provides background information on SDUs from a land use planning perspective. SDUs offer additional housing options for a wide range of age groups, lifestyles choices, and household sizes. However, as rents are determined by the property owner, zoning regulations and permissions for SDUs cannot regulate the issue of affordable housing, although traditionally SDUs provide for more affordable housing costs due to the lower per unit costs to construct. SDUs are a different housing type and format to duplexes and triplexes. Duplexes are purpose built 2 unit buildings and triplexes are larger in size and require larger lots to accommodate the required parking and amenity space. Duplexes and triplexes may have different sets of Zoning By-law regulations than single detached, semi-detached and row housing.



Have you Ever...

Lived in an SDU before?



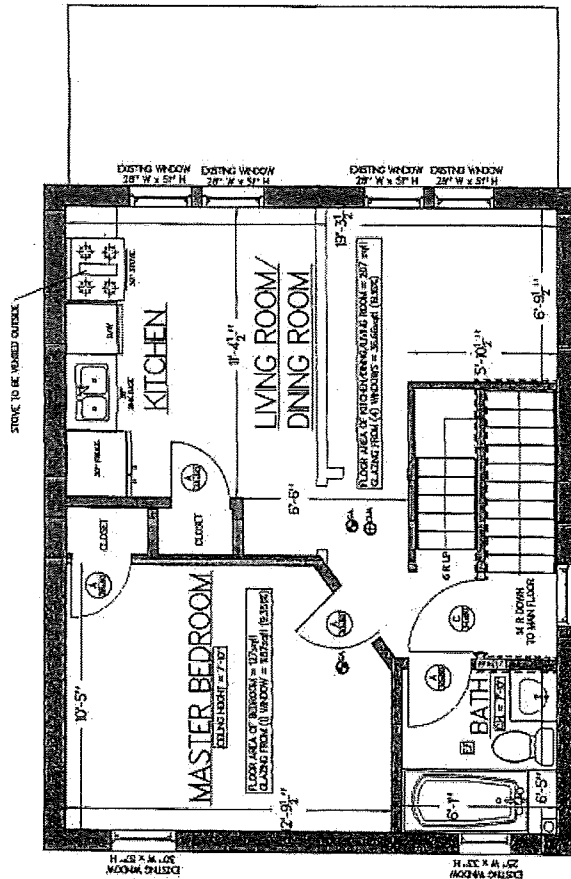
Yes



No

This Discussion Paper focuses on Official Plan Policy and Zoning Regulations for SDUs. The following matters are beyond the scope of this paper.

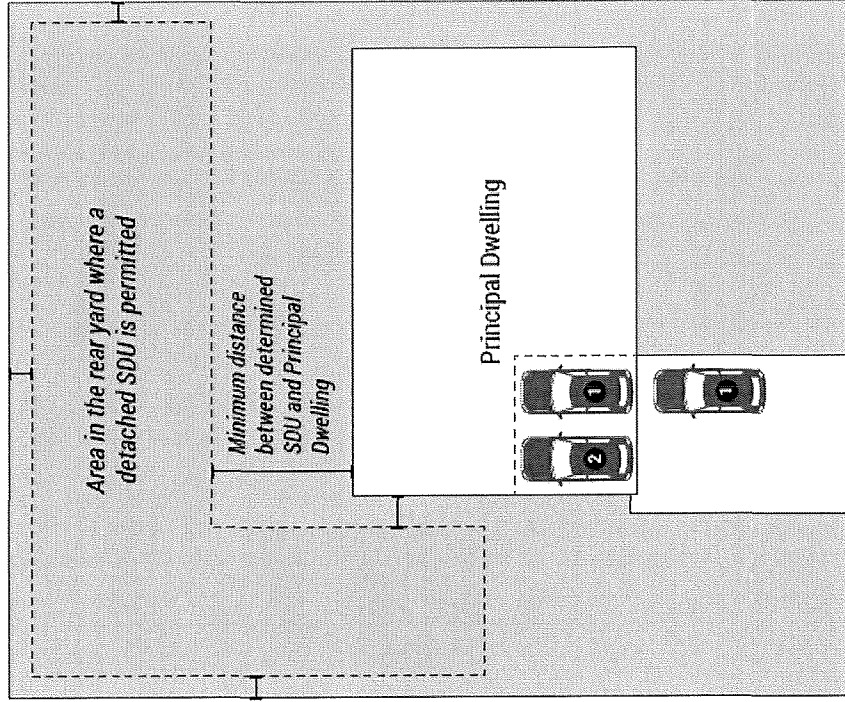
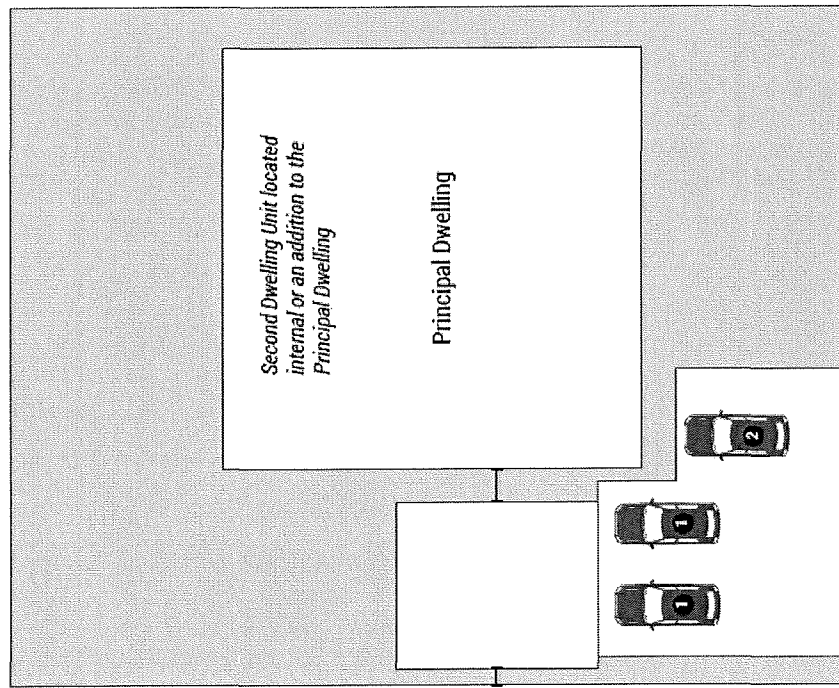
- Short term rental housing/accommodations.
- Supply of Rental Housing stock and the cost of rent.
- Alternative forms of housing:
 - Student Housing and Student Residences;
 - Lodging Homes and co-housing;
 - Group homes, residential care facilities (Refer to Discussion Paper titled "Residential Care Facilities, Group Homes, Human Rights and the Zoning By-laws within the Urban Area"); and,
 - Movable "Tiny homes" on wheels, trailers, or temporary foundations.
- Housing conditions such as maintenance and repairs as these are enforced through the Building Code (OBC) and the Property Standards By-law (By-law No. 10-221);
- The licensing of rental housing, including SDUs;
- Tenant/Landlord relationships; and,
- Owner occupancy of the principal dwelling.



Example of an SDU Floor Plan submitted to Hamilton's Committee of Adjustment

2.0 Second Dwelling Units – What Are They?

There are many terms used to describe an SDU. An SDU can be constructed as a (1) newly constructed detached unit; (2) a conversion of an existing accessory building; or, (3) within the existing space through an addition to the main dwelling or a combination of both. The presence of an SDU within a dwelling however does not mean the building is converted into a duplex, as a duplex is a different housing type and have their own set of Zoning By-law regulations. Further, duplexes are not permitted in all Residential Zones or zones which permit residential uses, whereas the intent is that a SDU will be permitted in the Zoning By-law in a Single Detached, Semi-Detached, and/or a Row House dwelling.



What are some Common Characteristics of a Second Dwelling Unit?

The SDU must be:

- Self contained with its own kitchen, bathroom, living area, and have a separate entrance;
- Smaller in floor area than the principal building;
- Located on the same lot as the principal dwelling;
- Under the same ownership of the principal dwelling, intended to be rented out, and not sold as a separate dwelling; and,
- Contained in a permanent building (i.e. cannot be moved like a recreational vehicle or trailer home) if detached.

2.1 What About Laneway Housing?

A Laneway House is a form of SDU and a Pilot Project approved by Council in 2018 to remove zoning barriers to the creation of Laneway Housing. The pilot project applies to lands bounded by Burlington Street to the north, Hwy 403 to the west, the Niagara Escarpment to the south, and the Red Hill Valley to the east. Downtown Hamilton is not in the pilot project due to the existing flexible zoning that already permits a variety of housing types and built forms.

Laneway Houses are permitted in the pilot project area in conjunction with a Single Detached Dwelling, provided they abut a laneway, and meets the required conditions, as noted in the box to the right.

**Hamilton's Laneway Housing Pilot Project
(By-law No. 18-299)**

- Permits accessory dwelling units within standalone buildings on lots that adjoin a laneway;
- Establishes a maximum height of 6.0 metres and a maximum gross floor area of 50 square metres;
- Restricts the location of doors and windows above the 1st floor for privacy;
- No requirement for additional parking; and,
- Severances not permitted to create a new lot for the Laneway House.

2.2 Second Dwelling Units in Heritage Buildings

Significant built heritage resources exist within the City of Hamilton. Built heritage is an important consideration when developing regulations for SDUs. Heritage properties throughout the City fall into the following categories:

- **Part IV designations** consist of individual properties that are deemed by municipal by-law to have cultural heritage value or interest. Alterations, additions, and demolition occurring on the property may require a heritage permit. (275 properties)
- **Part V designations** comprise an area or grouping of properties collectively designated by a single municipal by-law as a Heritage Conservation District (HCD). Alterations, additions, or demolition within one or more of the properties may require a heritage permit. (349 properties)
- **Registered properties** consist of individual properties not designated under Part IV or Part V of the *Ontario Heritage Act* but are deemed to have cultural heritage value or interest. An owner / applicant is required to give 60 days notice for any application to demolish structures or properties that are in the municipal *Register of Properties of Cultural Heritage Value / Interest*, in addition to a Heritage Impact Assessment report. (1,576 properties)
- **Listed properties** are individual properties having architectural and / or historical interest. Inclusion in this inventory is not a legal encumbrance under the *Ontario Heritage Act*, but the Inventory is used by City staff to identify when potentially significant cultural heritage features may be impacted through the planning process. Substantial proposed impacts through demolition, alteration, or new construction on significant "listed" property may warrant a heritage impact assessment, or simply comments on how to accommodate alterations in a fashion sympathetic to the built heritage. (6,791 properties)



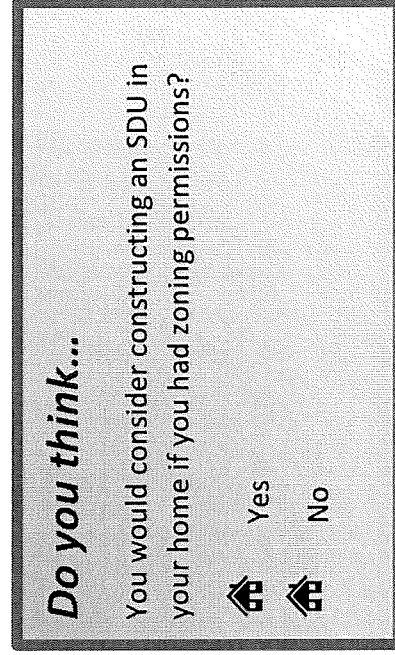
Where properties are identified as having heritage value, attention should be paid to the specific heritage attributes meant to be protected. For designated properties, a determination will be made on whether a proposed SDU will have an impact on these heritage features, and a Heritage Permit and / or Heritage Impact Assessment may be required for any additions or alterations to the building. For properties that are either on the Registry or Inventory, if the proposed SDU complies with the Zoning By-law, no additional municipal planning approvals would normally be required. Notwithstanding the parent regulations for SDUs, further location restrictions and enhanced design requirements may be incorporated into the design of the SDU. For example, construction may be limited to the rear of the property, and using compatible materials to the heritage building to maintain the heritage attributes of the building.

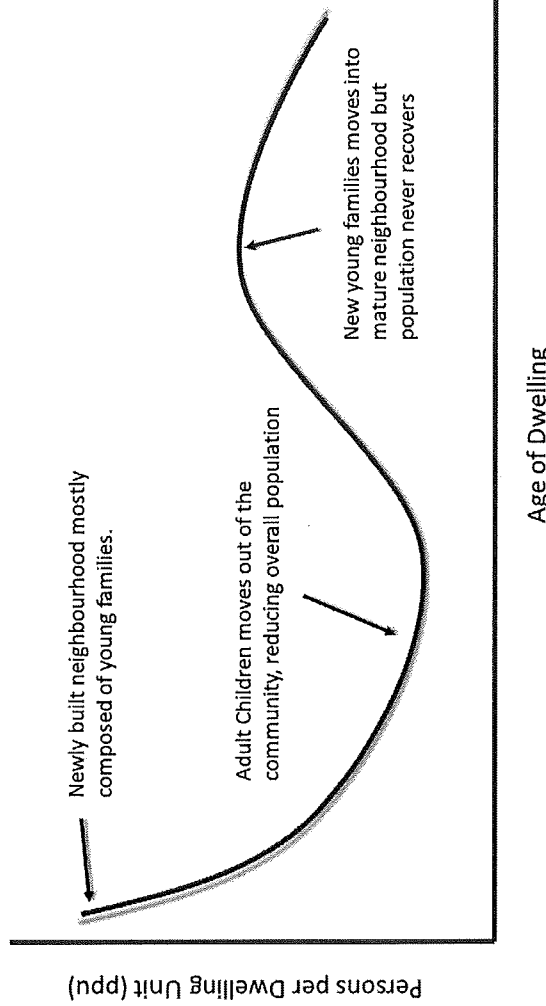
3.0 Benefits of Second Dwelling Units

This section identifies benefits SDU provide to homeowners, tenants, and the broader community.

3.1 What are the Benefits of Second Dwelling Units?

- Infrastructure Efficiency:** SDUs make better use of existing hard infrastructure (such as sewers and roads) and soft infrastructure (such as schools and recreational services). Statistics Canada data from 2016 shows on average in Hamilton, 3.4 persons live in a Single Detached dwelling and 1.6 persons live in an apartment. Household size changes over time. Communities and neighbourhoods go thorough lifecycle and household composition changes where the number of resident decline. This decline in household size and composition changes the demand for services. Adding additional population in the community helps to retain these services and businesses within the community.
- Efficient Use of Housing Stock:** Adding an SDU to an existing dwelling can make better use of existing housing stock by converting an unfinished basement or accessory building into a new rental unit.
- Affordable Home Ownership:** Homeowners gain additional income. This income can be especially important for someone looking to afford their first home, or a senior looking to remain in their own home by creating an additional income stream.
- Provide Increased Housing Choice:** SDUs increase housing options and the range of rents, especially in parts of the city where there may be few rental housing options or low vacancy rates.





- *Revitalizing and Sustaining Mature Communities:* The graph to the right shows a typical lifecycle of a new residential neighbourhood from the time the community is first established until a second and subsequent generation of owners move in. As the children of first-generation owners move out, the number of persons per dwelling unit declines. Eventually, as first-generation owners age, new families move in. But typically, the resulting increase in population within the neighbourhood is not at the same peak as the original population.

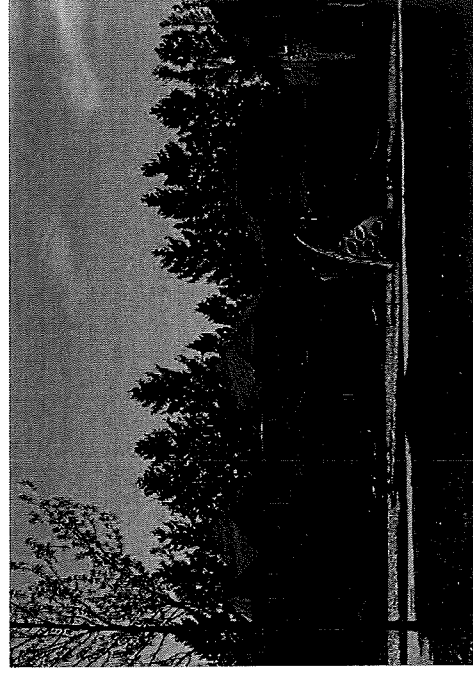
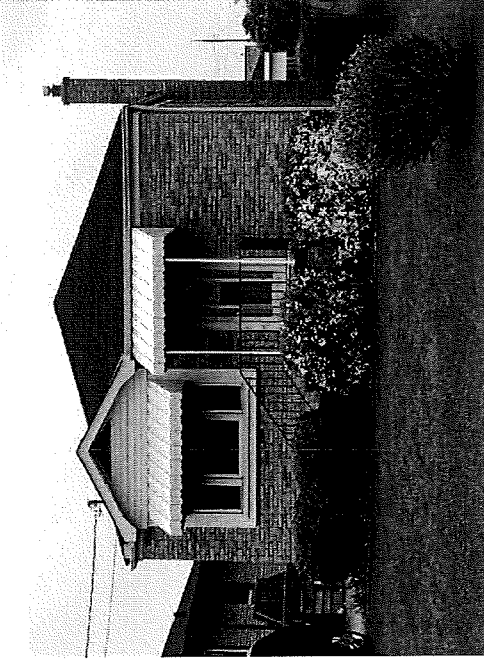
Permitting SDUs is one way to offset this trend of declining neighbourhood population. Although the number of households may increase as additional dwelling units are provided, the overall population does not substantially increase. By stabilizing the population over time, important components of a community, such as community facilities, retail and personal services, are retained.

3.2 What does it mean for Hamilton?

Currently, SDUs are not permitted city-wide. SDUs are permitted in the City of Hamilton Zoning By-law No. 6593 and the Town of Dundas Zoning By-law No. 3581-86 (regardless of the year of construction). The Stoney Creek Zoning By-law No. 3692-92 permits SDUs in homes built before 1941, and Flamborough permits SDUs in homes built before 1990.

The different zoning permissions in the former municipalities have implications for both the supply of housing and housing choices across the City. Harmonizing the regulations are important for the following reasons:

- SDUs can provide an additional housing choice throughout the urban area especially where residential communities are dominated by Single Detached dwellings. Due to limited availability of other dwelling types, residents may be required to move to other communities if they are look for other housing options.
- According to the 2016 Census, there were more one and two-person private households than three and three plus person households within the City of Hamilton. This trend is consistent with the findings from the 1991 Housing Intensification Strategy, where demographic trends showed the number of single person households were to increase over time. Smaller and single-person households may not want a larger dwelling unit. Larger purpose-built multiple dwellings may not be the dwelling type of choice by households who prefer ground-related housing. SDUs can be a viable option for these smaller households.
- Addressing long term housing diversity and the ability for a broader range of households to meet their housing needs is one of several actions in Hamilton’s Strategic Plan, the Hamilton Housing & Homelessness Action Plan, and other housing and aging plans. Permitting SDUs is one means of achieving this goal.



- SDUs may not be appropriate in certain areas of the City due to environmental concerns. Permitting SDUs in a flood zone may jeopardize the health and safety of residents. One example is the Spencer Creek watershed in Dundas where existing Official Plan policies restricts residential uses to above the ground floor.
- Although the intent is to permit SDUs in the Urban and Rural Areas on lots containing Single Detached, Semi- Detached, and Street Townhouse dwellings, certain on-site constraints such as lot configuration and size, lot coverage, parking, grading and drainage may affect the ability of some homeowners to construct an SDU. Consideration is needed on a site-by-site basis to determine the feasibility of constructing an SDU. Private Servicing (both septic and well water) are additional considerations for the rural area and will require further investigation. Severances and lot creation are not permitted due to overall impacts on neighbourhood character, changes to the overall lot fabric, and overbuilding.

- This Paper does not address SDUs in the Rural Area. In 2006, Rural Hamilton Official Plan, SDU's were limited to garden suites due to servicing concerns. A review of the planning permissions for SDU's in the rural area is underway and the subject of a separate initiative. Garden Suites and farm help houses are permitted in certain Rural Zones if you live in the Rural Area and wish to build a Garden Suite, please refer to the Hamilton Zoning By-law No. 05-200 (<https://www.hamilton.ca/city-planning/official-plan-zoning-by-law/zoning-by-law-no-05-200>).



4.0 Provincial Requirements

4.1 Provincial Legislation

Since the 1990s, there have been numerous amendments to the *Planning Act* to create a stronger Provincial framework for SDU's. This framework requires municipalities to permit SDUs in their Official Plans and implementing Zoning By-law. The provincial requirements give municipalities the opportunity to determine what regulations are to be incorporated in the Zoning By-law to address issues such as parking, setbacks, and design considerations such as windows and doors. These regulations can reduce the impacts with abutting neighbours and ensure compatibility with the community.

4.1.1 Bill 140 (Strong Communities Through Affordable Housing Act, 2011)

Bill 140 received Royal Assent on May 4, 2011 and was a response by the Provincial Government to provide housing options for all financial abilities and provided clear roles and responsibilities of the municipality with respect to providing policies in their official plans, and updated regulations in the zoning by-law to address such issues.

Section 4 of Bill 140 set out a series of criteria for creating Minister's Policy Statements and Housing and Homelessness Plans. These criteria include, but are not limited to:

- Addressing the housing needs of individuals and families in order to help address other challenges they face;
- Recognizing a role for the private market in meeting housing needs;
- Allowing for a range of housing options to meet a broad range of needs; and,
- Delivering in a manner that promotes environmental sustainability and energy conservation.

Bill 140 also amended the *Planning Act* to declare affordable housing as a matter of Provincial Interest.

4.1.2 Bill 108 (More Homes, More Choice Act, 2019)

Bill 108 was introduced by the Provincial Government as part of a series of legislative amendments with the general goal of increasing the supply of housing across the province. Bill 108 made legislative changes to various statutes such as the *Planning Act* and *Heritage Act*. Bill 108 implements the More Homes, More Choice: Ontario’s Housing Supply Action Plan. The Bill received Royal Assent on June 6, 2019.

The Planning Act, as amended by Bill 108, now requires that every municipality in Ontario, including Hamilton, amend their Official Plan and Zoning By-law to permit Second Dwelling Units in Single Detached, Semi-Detached, and Street Townhouse Dwellings. To implement the Provincial direction, Zoning By-law regulations to permit up to two additional Second Dwelling Units: interior to the existing dwelling, as an extension or addition to an existing dwelling, or as a detached accessory building in the rear or side yard (detached accessory buildings would remain prohibited in the front yard) are required.

The Province has also introduced proposed changes with respect to parking requirements for Second Dwelling Units. The changes related to parking are:

- One parking space for each of the additional residential units and the required parking space may be provided in a tandem parking arrangement;

What a Zoning By-law cannot regulate based on provincial requirements to permit SDUs

- Architecture design of a building
- Building materials used on the outside of the building
- Whether or not SDUs are permitted (Bill 108 permits up to two SDUs per lot)
- Whether the principal dwelling is owner occupied or not

What a Zoning By-law can regulate based on provincial requirements to permit SDUs

- Distance of buildings from the Front, Side, and Rear lot lines
- Maximum floor area
- Parking Requirements
- Building Height

- Where a municipal Zoning By-law requires no parking spaces for the primary residential unit, no parking spaces would be required for the additional residential units;
- Where a municipal Zoning By-law is passed that sets a parking standard lower than the Provincial standard of one parking space for each of the additional residential units, the lower municipal Zoning By-law parking standard applies; and,
- "Tandem Parking" would be defined as a parking space that is only accessed by passing through another parking space from a street, lane, or driveway.

The regulations provide clarification that an additional residential unit, would be permitted without regard to the date of construction of the primary or ancillary building.

Complementary amendments were proposed to the *Development Charges Act* through Bill 108. These changes, which have not yet been proclaimed into force, will expand the legislated residential intensification exemption to include structures ancillary to existing, or new, residential dwellings. Development charges are discussed in further detail in Section 6.3 of this Discussion Paper.

In November 2019, the Province released a primer on "tiny homes." As part of the overall Provincial interest in increasing the options and supply of housing, "Tiny Homes" are essentially detached Second Dwelling Units located in the rear yard of a Single Detached, Semi-Detached, or Street Townhouse Dwelling and may be moveable in that they are built such that it can be easily moved to another location.

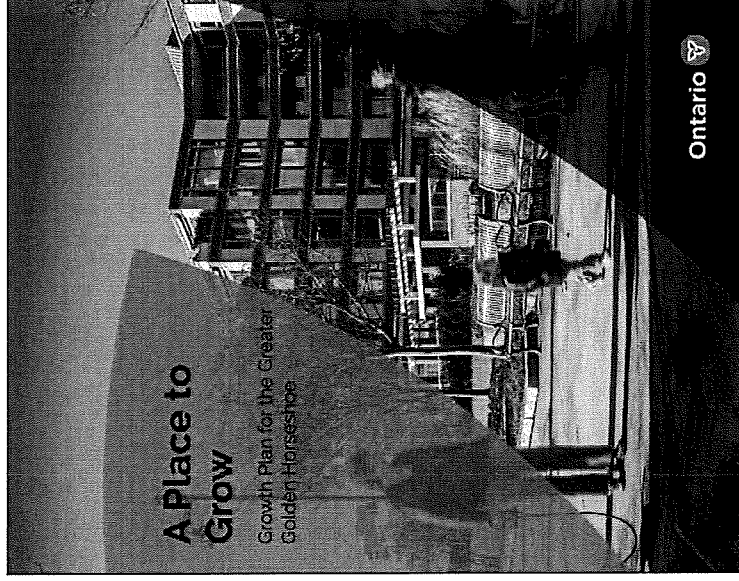
The suggested approaches to SDUs in Hamilton build upon and implement O. Reg 299/19 which is the Provincial regulation on SDUs.

4.2 Provincial Policy / Plans

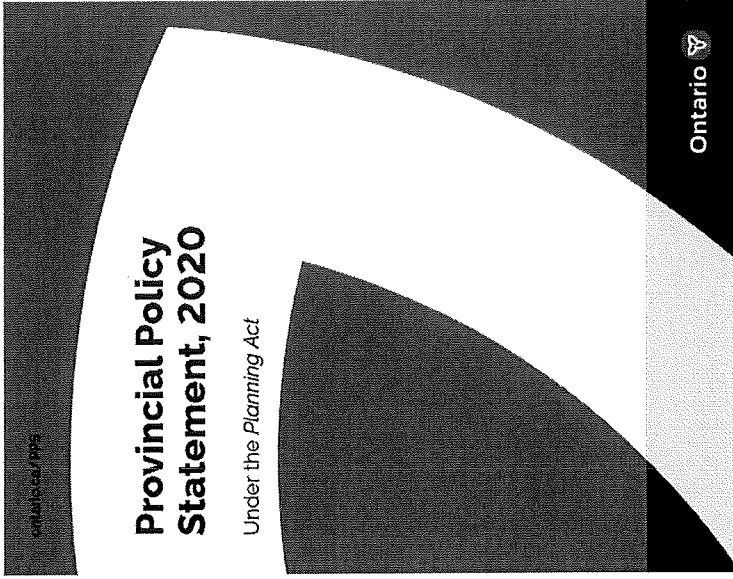
In addition to Provincial legislation, Provincial policies and plans such as *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)* and the *Provincial Policy Statement (2020)* provide broad direction to municipalities on how and where growth should occur. The goal is for municipalities to develop "complete communities" which allows residents to work, play, and live within the same community using a variety of housing options and transportation modes such as walking, cycling, transit, and driving, and

focus intensification along higher order transit corridors and in Urban Growth Centres. The following table summarizes provincial policy documents.

Provincial Plans and Policies	Effect on Second Dwelling Units
<p>A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)</p>	<p>The Provincial Government amended the Growth Plan for the Greater Golden Horseshoe (Places to Grow) on May 16, 2019. The Growth Plan contains policies requiring a compact development pattern and provide for greater housing options, amongst others. Additional residential units are considered as one form of housing that contributes to a mix of housing options. More specifically:</p> <ul style="list-style-type: none"> • Achieve complete communities by providing a diverse range and mix of housing options including second units and affordable housing to accommodate people at all stages of life; and, • Higher density housing options such as second units to accommodate a range of household sizes in locations that can provide access to transit and other amenities. • Within major transit station areas, development will be supported by planning for a diverse mix of uses, including second units to support existing and planned transit service levels.



Provincial Plans and Policies		Effect on Second Dwelling Units
Provincial Policy Statement (2020)	<p>The Province released the Provincial Policy Statement (PPS) (2020) on February 28, 2020 with an in-effect date of May 1, 2020.</p> <p>The PPS (2020) identifies "additional residential units" as part of creating complete communities and being inclusive with respect to housing options.</p> <p>In Policy 1.1.1. states that healthy, liveable and safe communities are sustained by efficient development and land use patterns, accommodating a range and mix of, amongst others, residential uses such as additional residential units, and promoting cost-effective development patterns and standards to minimize land consumption and servicing costs.</p> <p>Additional residential units are also key to contributing a mix of housing types when considering social and economic well-being under Policy 1.4 – Housing.</p> <p>Additional residential units are included in the definition of "Residential Intensification" in Policy 6.0 - Definitions.</p>	



Effect on Second Dwelling Units

Provincial Plans and Policies

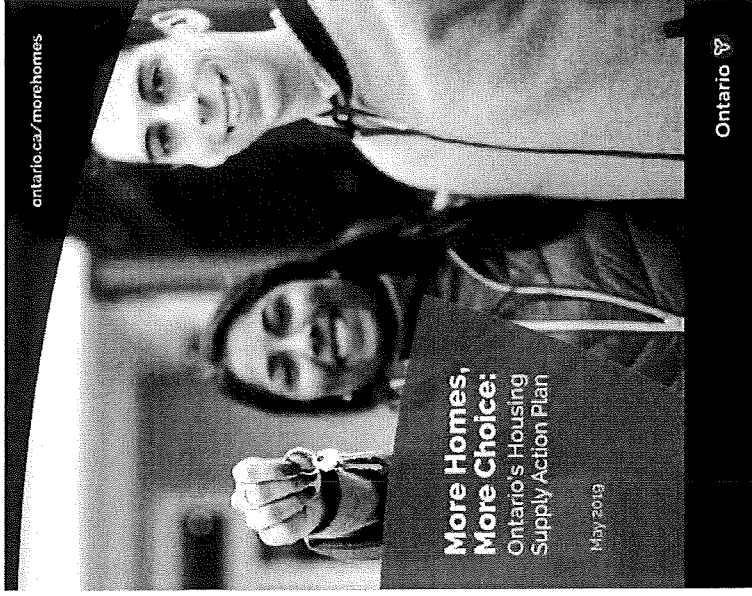
More Homes, More Choice: Ontario's Housing Supply Action Plan (2019)

Released on May 2, 2019, the Five-Point Housing Supply Action Plan includes the following relevant points:

Point 3 – Mix: Need for a variety of housing types to be built including townhouses, mid-rise rental apartments, and Second Units.

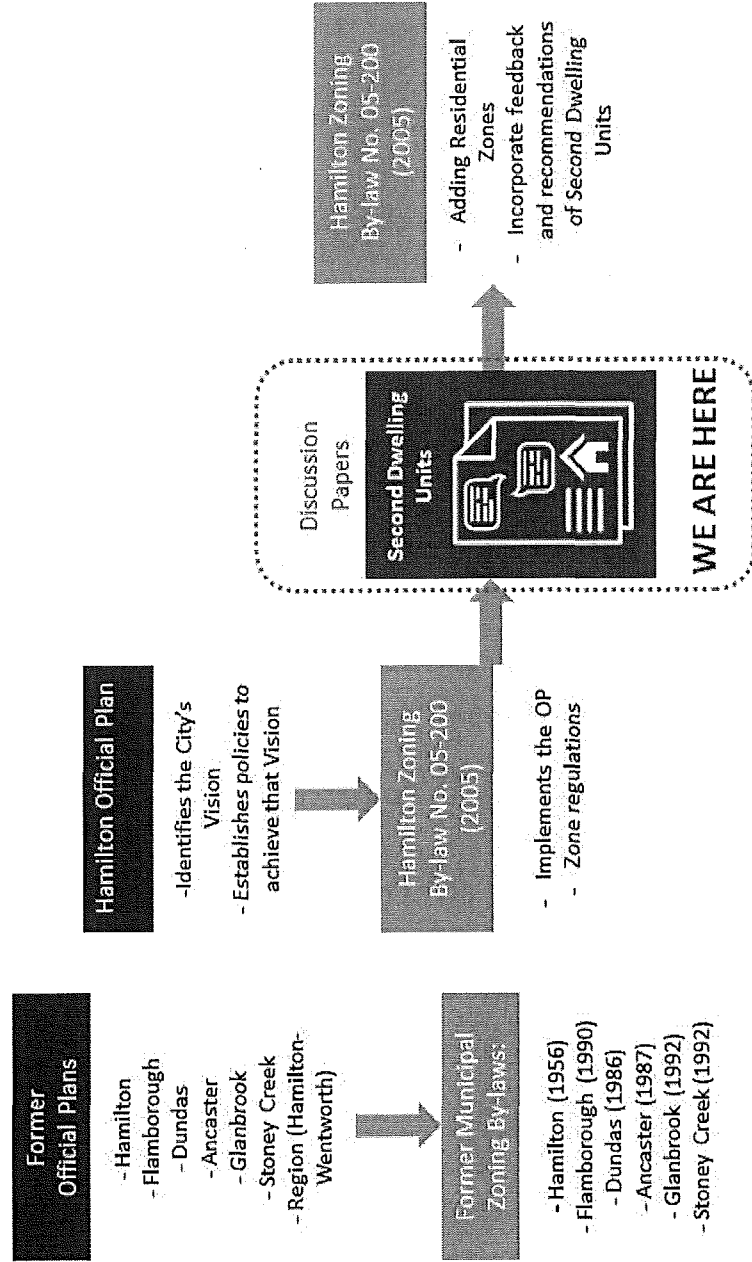
Point 4 – Rent: A plan to make it easier to build rental housing. Rental housing may also include Second Units as this form of housing is subordinate to the principal dwelling and can only be rented, not sold.

Point 5 – Innovation: New housing designs and materials encouraging innovative and creative forms of housing such as Second Units. Second Units through its creative designs can be accommodated within existing dwelling units or as a stand-alone building accessory to the principal dwelling.



5.0 Municipal Planning Requirements

There has been an evolution in the planning framework in Hamilton over time with a progression from when each former municipality had their own Zoning By-law to today combining all six Zoning By-laws of the former municipalities into one city-wide document.



5.1 Urban Hamilton Official Plan (UHOP)

The UHOP contains policies that address housing options for a variety of household types, including SDUs.

Providing a range of housing types, forms, and densities, to meet social, health, and wellbeing requirements for current and future residents, and to provide housing within complete communities is a goal set out in the UHOP (Policy B.3.2.1). SDUs provide for different housing types and forms within communities which, in turn, contribute to the overall social wellbeing of residents, diversity of housing forms, and complete communities.

The UHOP identifies Residential Intensification as a key component of growth in the City, including SDUs. The need to consider the existing neighbourhood's overall built form, character, scale, and massing to ensure any intensification is sympathetic to its surrounding is a requirement of the UHOP (Policy B.2.4).

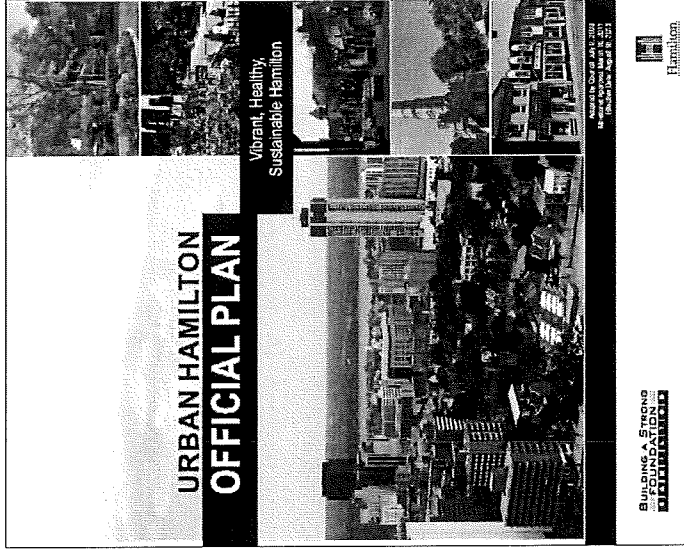
Policies C.3.2.2 and E.3.0 sets out the policy permissions for SDUs. SDUs are permitted in Single Detached and Semi-Detached Dwellings. An amendment to the policy is required to permit SDUs in Street Townhouses.

What is an Official Plan?

An Official Plan (OP) is a policy document that guides short, medium, and long-term goals of the City. It applies to all lands within the City and provides direction such as how a property can be used, whether it will have certain infrastructure such as water and sewer, and any policies specific to the land use.

An Official Plan must conform, or be consistent with, Provincial Legislation and Policies such as those identified in Section 3 – Provincial Requirements.

Hamilton is governed by two Official Plans: the Rural Hamilton Official Plan (approved in 2012) and the Urban Hamilton Official Plan (approved in 2013).



Design and compatibility policies for SDUs in the UHOP direct that any potential impacts of residential intensification be minimized through building design in keeping with the scale, massing, and building height of the surrounding neighbourhood.

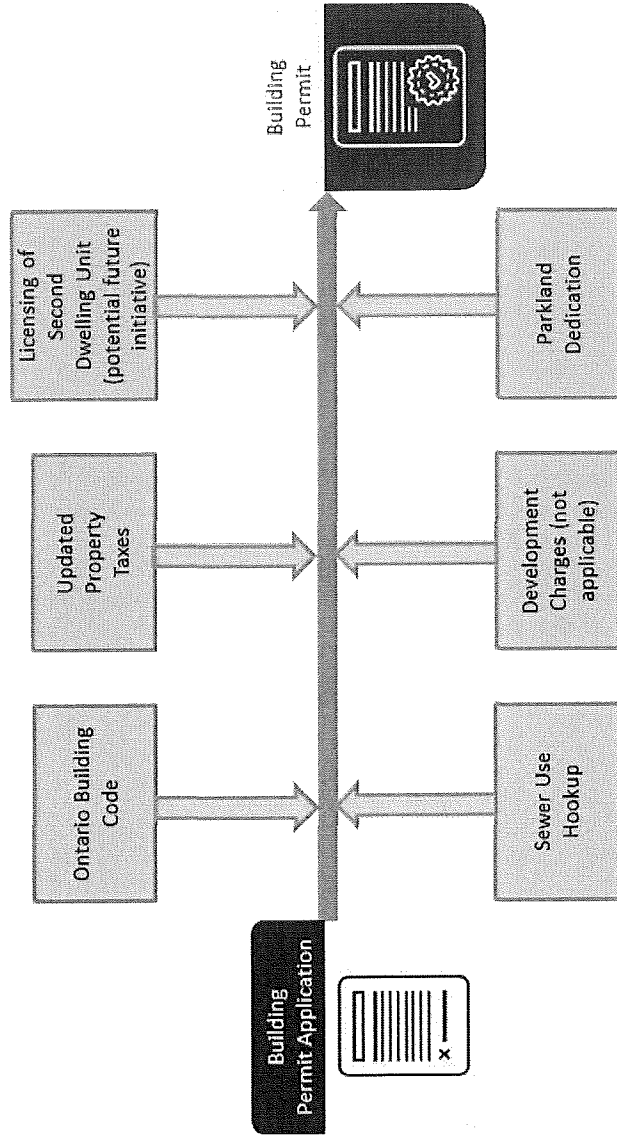
In addition to the parent Official Plan policies, there are also Secondary Plans which affect specific communities. Volume 2 of the UHOP contains Secondary Plans which implement not only the parent Official Plan (found in Volume 1), but also Secondary Plan policies, land use designations, and overall planning approaches that fit with local contexts. Because SDUs are permitted through Policies C.3.2.2d) and E.3.2.3 in Volume 1 of the UHOP, there are few policies in the Secondary Plans related to SDUs.

5.2 Existing Permissions in the former Municipal Zoning By-laws

Currently, portions of the Urban Area of Hamilton allow for SDUs within the interior of the existing dwelling unit only, with the exception of the Laneway House pilot project which permits detached SDUs in conjunction with Single Detached Dwellings that abut a laneway. However, as previously noted, these permissions are inconsistent across the former municipalities.

6.0 Other Municipal Requirements

The City of Hamilton has undertaken several actions to reduce the overall municipal costs related to SDUs such as reducing Parkland Dedication fees. Changes to the Ontario Building Code have provided more certainty and reduced overall construction costs. The diagram identifies the various municipal requirements to establish a SDU.



6.1 Ontario Building Code

Construction of a new SDU is subject to Part 9: Residential of the *Ontario Building Code (OBC)*, whereas converting an existing accessory building to residential use is subject to Part 11: Renovations. A Building Permit is required to ensure compliance with regulations of the Code. Changes to the OBC in May 2017 under O.Reg. 139/17 increased flexibility by allowing different construction methods in new construction. Further, changes included the broadened definition of "House" which includes a single detached, semi-detached unit, or row house (street townhouse) unit having not more than two dwelling units. Therefore, a house can contain the principal dwelling unit alone, or a principal dwelling unit and a secondary suite. However, a house cannot include three dwelling units.

Between 2016 and 2018, a total of 282 Building Permits were issued in Hamilton to convert Single Detached dwellings to SDUs. All but one of the Building Permits were issued in the former City of Hamilton and one was issued in Dundas. The data showed the average size of the SDU was 75.6 square metres. There were no new SDUs constructed in the other former municipalities.

6.2 Parkland Dedication

Parkland dedication refers to the amount of land, or cash in lieu of land, that new development must provide to the City for the creation of new parkland. The construction of an SDU is considered as development and must therefore contribute to parkland dedication.

The current Parkland Dedication By-law was approved on May 23, 2018. It seeks to encourage the construction of SDUs by setting a reduced cash-in-lieu rate of approximately \$870 where one additional dwelling unit is added to a Single Detached Dwelling that existed prior to March 8, 2017, subject to annual indexing. Prior to the amendment in 2018, the homeowner was required to pay a cash-in-lieu fee for the SDU based on the valuation of the property after the addition, which was substantially more than the current \$870 rate.



6.3 Development Charges

Development charges are required through the Province's *Development Charges Act* and the Municipality's adopted development charges by-law. These charges are generally collected at the time a Building Permit is issued, and are used to partially cover the cost of new infrastructure required to provide municipal services to new or existing communities such as roads, transit, water and sewer infrastructure, and community centres.

The Hamilton Development Charges By-law currently mirrors the statutory residential intensification exemption required in the Development Charges Act and provides an additional exemption for laneway houses and garden suites.



In summary, Hamilton provides development charges exemptions for up to two additional dwelling units within an existing single detached dwelling or for one additional dwelling unit in any semi-detached, row dwellin or apartment building. The exemption is limited based on Gross Floor Area such that such that development charges apply if the Gross Floor Area of the one or two additional units exceeds the Gross Floor Area of the existing dwelling unit. Laneway houses and garden suites also receive an exemption from development charges without any Gross Floor Area limitations.

Legislation is pending which will expand the statutory residential intensification exemption to include not only dwellings within existing residential building but also to include structures ancillary to existing single detached dwellings, semi-detached dwellings or row-dwellings or within new single detached dwellings, semi-detached dwelling or row-dwellings. [consider cross reference]

6.4 Water and Wastewater Servicing of Second Dwelling Units

SDUs are self-contained dwelling units and water and sanitary services must be provided directly into the unit. SDUs located interior to the principal dwelling can utilize existing water and wastewater lines and detached SDUs (new or converted) have two options. Services can either be hooked up through water and wastewater lines that already exists on the lot, or a dedicated water and wastewater line can be installed from the street. Under the City's existing Sewer and Drainage By-law 06-026, services can be hooked up from the private portion of the Sanitary Sewer lateral pipes and water pipes to the SDUs in the side or rear yard, and it would be the responsibility of the homeowner to maintain and repair the pipes. A sewer permit must be obtained prior to any alterations to existing services or construction of new services.

6.5 Emergency Services Access to Second Dwelling Units

Regulations in the OBC and Fire Code ensure emergency personnel have proper access to buildings. Firstly, the maximum distance from the street to the entrance of the door of a habitable building is 45.0 metres under both Codes, which is the length of a fire hose that is connected to a pumper truck. The linear distance from the street may be less if the hose is required to bend to reach the SDUs in those situations where the SDU is located in the rear of the lot, the side or rear of the principal dwelling. To avoid any confusion between zoning, OBC and Fire Code regulations, it is recommended that the zoning standards for SDUs establish a maximum linear distance of 40 metres from the front or flankage lot line to allow emergency personnel to safely access the dwelling unit.

Similarly, a required 1.0 metre minimum clearance and unobstructed path along one yard from the street to the front of the SDU with a minimum clear overhead of 2.6 metres ensures safe access for personnel to reach the SDU. Emergency vehicles do not rely on laneways to access properties as they are generally undersized and access is not guaranteed.

6.6 Hamilton's Housing & Homelessness Action Plan

Released in December 2013 by the Housing Services Division of the Community and Emergency Services Department, the purpose of this action plan is to provide a 10-year action plan to guide decision making in addressing affordable housing and homelessness in the City. The recommendations are formed on the basis that housing is a human need and good housing promotes better health and social outcomes. There is also an economic aspect to providing good housing such as the reallocation of government funding to other priorities in the City and further encourages private investment in creating new housing stock.

There is a total of 54 strategies to be completed over the ten-year period, many of which are related to financial assistance and funding programs. However, there are three strategies that directly tie to increasing the supply of SDUs by permitting them through zoning:

Strategy	Description
1.6	As part of the Comprehensive Zoning By-law, permit as-of-right higher density multi-residential development, converting non-residential space to residential.
2.1(a)	Encourage mixed housing and mixed income development by increasing opportunities for rental, social, and affordable housing.
2.1(c)	Encourage mixed housing and mixed income development by exploring opportunities to redevelop to include a mix of new housing options.

Strategies 2.1(a) and 2.1(c) may be more generally described and a variety of tools can be utilized. For example, through policies in the Official Plan and Secondary Plans to increase housing diversity, which includes permitting a variety and mix of housing types within a community to allow for opportunities for low income households to find affordable housing in all parts of the City. In addition to the above strategies, the report also mentions the comprehensive zoning by-law project to implement the policies of the Urban Hamilton Official Plan that will facilitate affordable housing opportunities, including SDUs. A Five-Year update to the Action Plan was brought forward to the Emergency and Community Services Committee on August 17, 2020.

6.7 “Keys to the Home”: A Housing Strategy for Hamilton

Released in 2004 by the Public Health and Community Services Department, “Keys to the Home” noted that there are health and social costs associated with the lack of affordable housing and appropriate housing. An increase in housing affordability leads to improvement in personal health and social wellbeing, and also serves as an economic catalyst that may lead to increased jobs and incomes for residents. Of the 22 recommendations to “Keys to the Home”, two specifically relate to SDUs.

Recommendation	Description
5	That the new Official Plan for the City of Hamilton include policy direction in a number of key housing areas including condominium conversions, maintenance of Hamilton’s dwelling stock, the affordable housing continuum, housing supply targets, residential intensification, accessory apartments and lowering the cost of new housing construction. (completed)
6	That as part of the development and harmonization of the former area municipal zoning by-laws into one Hamilton zoning by-law, accessory apartments as-of-right throughout the City with appropriate site-specific requirements be considered as it represents a cost-effective way of providing new lower cost rental housing opportunities.

The UHOP implements Recommendation 5 through policies with respect to:

- Housing policies which includes increasing Hamilton’s stock of affordable housing and maintaining a balance of rental and ownership housing stock including general housing targets for both tenure;
- Residential intensification in the Downtown and nodes and corridors; and,
- Permitting SDUs in the Neighbourhoods designation.

This paper will feed into a new set of zone regulations to permit SDUs and implements Recommendation 6.

6.8 Conclusion

Site specific constraints such as grading and drainage, parking, lot configuration, natural heritage features and buffer requirements, and emergency access requirements mean that not every residential lot will be able to accommodate an SDU.

Through Bill 108, all municipalities in Ontario, including Hamilton, are required to permit up to two SDUs on a lot containing a Single Detached, Semi-Detached, or Street Townhouse Dwellings. Given the legislative requirements, the conversation in this Discussion Paper is not a matter of “if” SDUs should be permitted in Hamilton, but rather what regulations should be incorporated to ensure appropriate integration within existing residential communities.

7.0 Suggested Approaches to Defining Second Dwelling Units in Hamilton Zoning By-law No. 05-200

The suggested approach is to introduce a new definition of Second Dwelling Unit to provide clarity on what an SDU is. The proposed definition for an SDU is:

Second Dwelling Unit: Shall mean a separate and self-contained Dwelling Unit that is accessory to and located on the same lot as the principal dwelling and can be physically located within the principal dwelling, or located within an accessory building to the principal dwelling.

All of the definitions in a zoning by-law need to be read collectively as the various parts of a zoning by-law are intended to work together. As such, there are other options such as amending the definitions of single-detached, semi-detached, and street townhouse dwellings in Hamilton By-law No. 05-200 to include up to two SDUs. Amending existing definitions of dwellings to where an SDU could be permitted can be an innovative option and reduce the number of defined terms in the Zoning By-law.



8.0 Potential Regulations for Second Dwelling Units Interior to the Principal Dwelling

Interior renovations and SDUs located within the main dwelling unit, or as an addition to the main dwelling unit, is more common than detached SDUs as construction can be cheaper, especially where no additions are involved. They could include an underused or unfinished portion of the main dwelling such as a basement or attic space.

Additions must conform to the zoning regulations for building height, setbacks, and any other regulations. However, in developing zoning regulations for SDUs, there are technical requirements for SDUs internal to the principal dwelling that are identified in this section.

8.1 Potential Technical Requirements for interior Second Dwelling Units

8.1.1 Minimum and Maximum Size Requirements of a Second Dwelling Unit


Current regulations in Hamilton require both the principal dwelling and accessory dwelling unit to each exceed 65 square metres which means a dwelling has to be at least 130 square metres (1,400 square feet) to be eligible to add a SDU . The intent of this regulation developed in the 1980's was to ensure the units met all OBC requirements and to discourage the over concentration of SDUs in any one geographic area of the City.


This section provides options for either bringing forward the minimum size requirement for an SDU, or abolishing the regulation altogether.


Do you think...

There should be a Minimum Size Restriction on an SDU?

If Yes, what should the minimum be?

 50 square metres

 65 square metres (same as current regulation)

 ___ Square metres (you determine)

Option 1a: Minimum Gross Floor Area of a Second Dwelling Unit (No Maximum Size Requirement)

This first option introduces a minimum Gross Floor Area (GFA) for the SDU. Currently, Hamilton Zoning By-law No. 6593 has a minimum GFA of 65 square metres for each of the SDU and the principal dwelling.

Advantages	Disadvantages
As it is a regulation carried over from a former Municipal Zoning By-law, the interpretation is consistent and familiar.	Variances would be required should the homeowner wish to establish a smaller SDU.
Minimum size requirements ensure the tenant is not living in an oversized unit.	Establishing a minimum floor area may be arbitrary. Why 65 square metres? Dwelling units can be designed to be smaller and still be livable while still meeting minimum OBC. No similar regulations exists for apartment units in the Zoning By-law.

Option 1b: Maximum Gross Floor Area of Second Dwelling Unit based on Size (No Minimum)

This second option considers a maximum size for the SDU based on a maximum floor area to ensure the additional unit is “accessory” to the main house.




Advantages	Disadvantages
Ensure the SDU is not oversized.	Establishing a maximum floor area may be arbitrary. Reduces flexibility and creativity of the homeowner to establish a larger SDU. May require the homeowner to modify the regulation through a Minor Variance application. This further adds time and cost to the project.

Option 1c: Gross Floor Area of Second Dwelling Unit based on a Percentage of the Size of the Main Dwelling (No Minimum)

This third option adds a regulation that includes a maximum size for the SDU based on a percentage with an overall maximum cap on size (in square metres). The stricter of the two regulations apply. For example, the Zoning By-law could establish a maximum percentage of 40 percent, the maximum size of a SDU would be 400 square feet (37 square metres) for a 1,000 square foot (93 square metres) main dwelling.

Do you think...

There should be a Maximum Size for SDUs?

-  No restriction as long as other requirements are met (i.e lot coverage, distance between dwellings)
-  50 square metres
-  Another size?

Advantages	Disadvantages
Ensures the SDU is not oversized especially on narrow and/or shallow lots.	<p>Determining the maximum percentage or maximum size can be arbitrary.</p> <p>Reduces flexibility and creativity of the homeowner to establish a larger SDU. May require the homeowner to modify the regulation through a Minor Variance application, adding time and cost delays for a homeowner.</p>

Option 1d: A Combination of Options 1a, 1b, and 1c

This fourth option considers a suite of regulations from Options 1a, 1b, and 1c, which is a combination of minimum or maximum GFA of an SDU, or both. With respect to maximum size of a SDU by percentage and floor area, the stricter of the two would apply. For example, if the main dwelling is 1,000 square feet (93 square metres), the maximum size of the SDU is 400 square feet (37 square metres) based on the maximum percentage of 40 percent. But because the stricter of the two applies, the SDU can only be 30 square metres.

Option 1e: No Restrictions on the Size of the Second Dwelling Unit (No Minimum or Maximum)

This fifth option addresses the accessory nature of the second dwelling unit. Although there are no restrictions compared to the first two options, the SDU must still function as an accessory use to the principal use (i.e. Single Dwelling Unit). The definition of "Accessory" in Hamilton Zoning By-Law No. 05-200 is:

"Shall mean, when used to describe a use of land, building or structure, shall mean a use which is commonly incidental, subordinate and exclusively devoted to the main use or main building situated on the same lot."

Advantages	Disadvantages
Not subject to an arbitrary maximum percentage and calculating how big the SDU is simple.	The maximum size (i.e. percentage or floor area) is silent in the Zoning By-law. "Accessory" determined based on policy interpretation of the Zoning By-law.
Eliminate need by the homeowner to seek Minor Variance to increase the size of the SDU.	

Suggested Approach: Option 1e

The suggested approach is to not include a minimum or maximum size restriction of the SDU. This approach is currently taken under Section 19: Residential Conversion in Hamilton Zoning By-law No. 6593. Based on a mathematical calculation and interpretation of "accessory," the floor area of the SDU must be less than 50% of the floor area of the principal dwelling unit. For example, for a 100 square metres principal dwelling, the SDU must be less than 50 square metres (i.e. 49.9 square metres). This approach leaves the size and configuration of the SDU up to the homeowner.

8.2 Potential Design Requirements for interior Second Dwelling Units

8.2.1 Location of Entrance to Second Dwelling Unit


Entrances to SDUs can be established in a variety of ways. The entrance can be shared with the principal entrance internally in a vestibule or lobby. Alternatively, the entrance can be separated between dwellings with the doors facing the street, or through the side or rear of the building. This section includes options to address the location of entrances to the SDU and is for discussion purposes.


Option 2a: Permit Second Dwelling Unit Entrances from the Side or Rear of the Principal Building only

This first option directs the location of the main entrance of the SDU to the side or rear of the main dwelling only, or as an internal common hallway with a common main entrance with the principal dwelling. Municipalities such as Toronto, London and Mississauga prohibit Second Dwelling Unit Entrance from a yard abutting a street (the front or flankage yard).

What do you think?

Should a dwelling unit be able to have two doors facing the street (one for the Second Dwelling Unit, one for the main dwelling)?

 Let them have two doors.

 Prefer one building, one door.

Why or why not?

Advantages	Disadvantages
Maintains the general appearance and character of the street by prohibiting "two front doors."	Depending on the floor plan of the main dwelling, retrofitting the interior so there is a rear or side entrance for the Second Dwelling Unit may be difficult and/or cost prohibitive.

Option 2b: For a Corner Lot, permit one Second Dwelling Unit Entrance facing one street and a second entrance facing the other street.

This second option would allow one entrance on each building façade facing the street but only for corner lots. From the street, only one door would be present.

Advantages	Disadvantages
<p>Provides another option for the homeowner to place the entrance in a convenient and cost-effective location. This regulation would not prevent the homeowner from building an additional entrance in the rear or side yard.</p> <p>A private entrance for the tenant of the SDU provides additional privacy and safety for both dwelling and principal dwelling as it faces the street.</p> <p>This option permits one entrance per building façade facing the street and still maintain the general appearance of the street.</p>	<p>Only applicable in a limited number of circumstances (i.e. only applies to corner lots and not interior lots).</p>

Option 2c: Do not regulate the presence of a Second Dwelling Unit Entrance facing the Street

The third option allows two external entrances on the façade to face the street. The property owner has the option of installing the entrance based on their preference.

Advantages	Disadvantages
<p>Fewer regulations and greater flexibility for the property owner.</p> <p>Provides street-facing entrances for the tenants.</p>	<p>For semi-detached, street townhouse dwellings, and single-detached dwellings on narrow lots, permitting one additional entrance facing the street could be out of the character with the rest of the street.</p>

Option 2d: Permit a second entrance on the façade facing the street in an interior lot in Lower Hamilton as-of-right, and only permit through minor variance elsewhere in the City

The fourth option would allow for certain areas of the City to have second entrances facing the street. Due to Hamilton's diverse housing and neighbourhood types, it may not be possible to have a "one size fits all" solution to second entrances. For example, older communities, such as around Downtown Hamilton, have a more varied range of dwelling types from single-detached, duplex, triplex, and rowhouse dwellings.

However, in other communities such as parts of Hamilton Mountain, Ancaster, and Stoney Creek, there is a more uniform housing type based on the period of construction and the number of entrances facing the street is limited to a single door. In this location, requiring a minor variance provides an opportunity to ensure compatibility on a case by case basis.



Advantages	Disadvantages
<p>The option to add an additional entrance on the façade facing the street gives additional flexibility for homeowners residing in certain areas of the City where there are more diverse housing types. Requiring a minor variance provides an opportunity to ensure compatibility on a case by case basis.</p>	<p>It would create added cost outside of Lower Hamilton to obtain a minor variance and may reduce the opportunity for SDU's outside of Lower Hamilton where side or rear entrances are not feasible.</p>

Suggested Approach: Options 2b and 2d

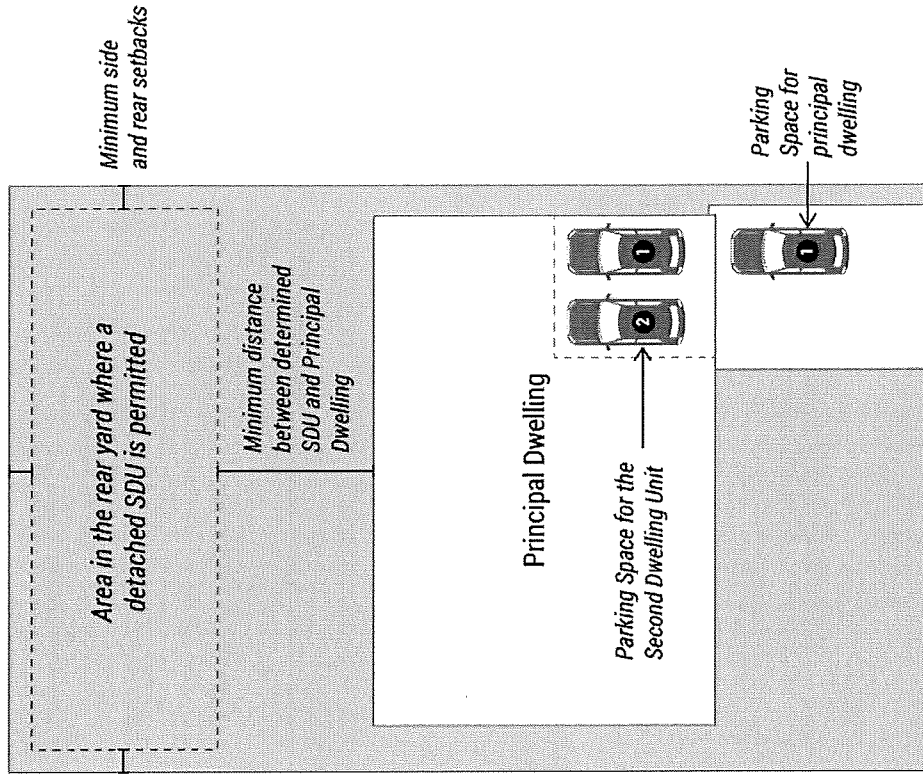
The suggested approaches are: to permit one entrance on each building façade facing a street for corner lots citywide; to permit two entrances for interior lots in Lower Hamilton; and, to permit one additional entrance on the rear or side building facades in the rest of the City. As there are diverse housing types in Lower Hamilton, buildings may have more than one entrance on the façade facing the street. However, elsewhere in the City where there is a more uniform housing type on the same street, the number of entrances facing the street is limited to one entrance.

9.0 Potential Regulations for New Detached Second Dwelling Units

In addition to SDUs located internal to the principal dwelling, newly constructed detached SDUs on lands containing a Single Detached, Semi-Detached, and Street Townhouse dwelling will also be permitted. These SDUs would only be permitted in the rear yard, and side yard if there is sufficient space. A detached SDU would not be permitted in the front yard as any accessory building and structure is not permitted in the front of the dwelling.

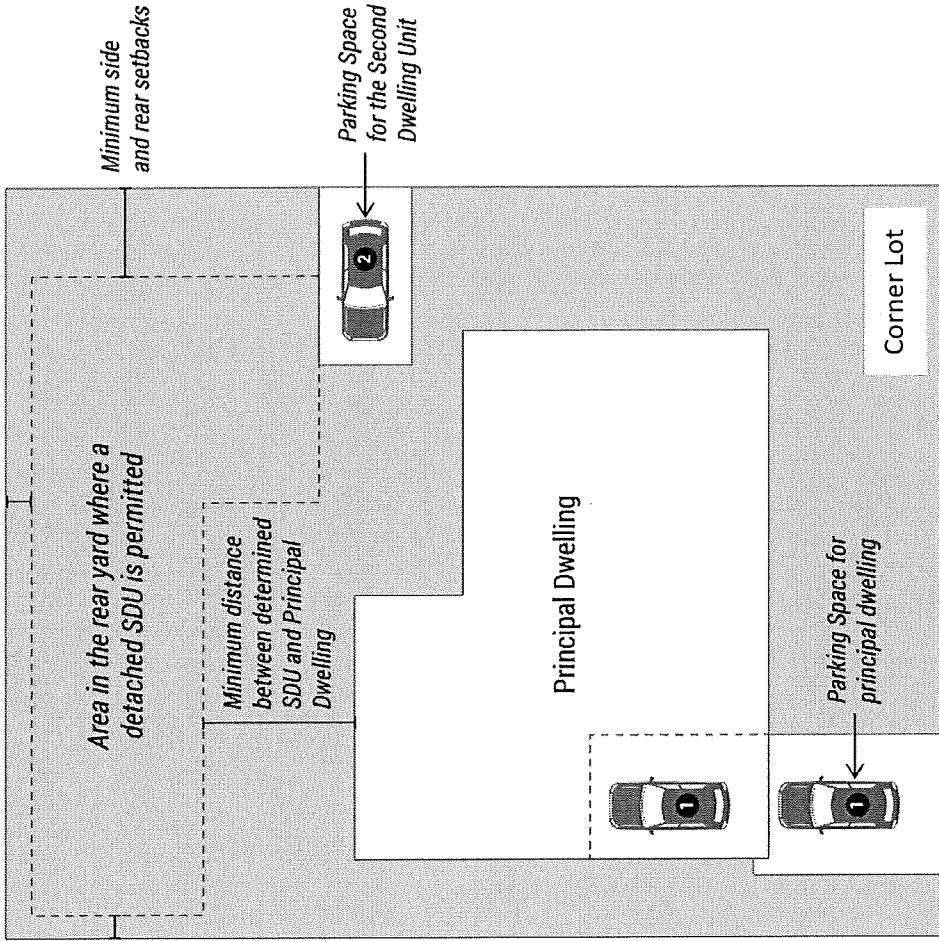
Not all lots can accommodate a detached SDU due to lot configuration, grading, drainage, and environmental constraints. Further, any easements in the side and rear yard may also hinder any detached dwellings from being built. Finally, there are regulations that are proposed to ensure the detached SDU is compatible with abutting neighbours and impacts such as noise, privacy, shadow, and overlook are minimized.

The following subsections propose regulations to address compatibility and impacts related to the construction of a detached SDU in an urban context. Accompanying the regulations are options for consideration and pros and cons.



A property owner must also consider the following mandatory "fire" regulations in the OBC and Fire Code to ensure that dwelling units of any type can be accessed in the event of a fire or paramedic call. Including the "fire" regulations into the Zoning By-law increases certainty and reduces surprises that these regulations exist. The mandatory regulations include:

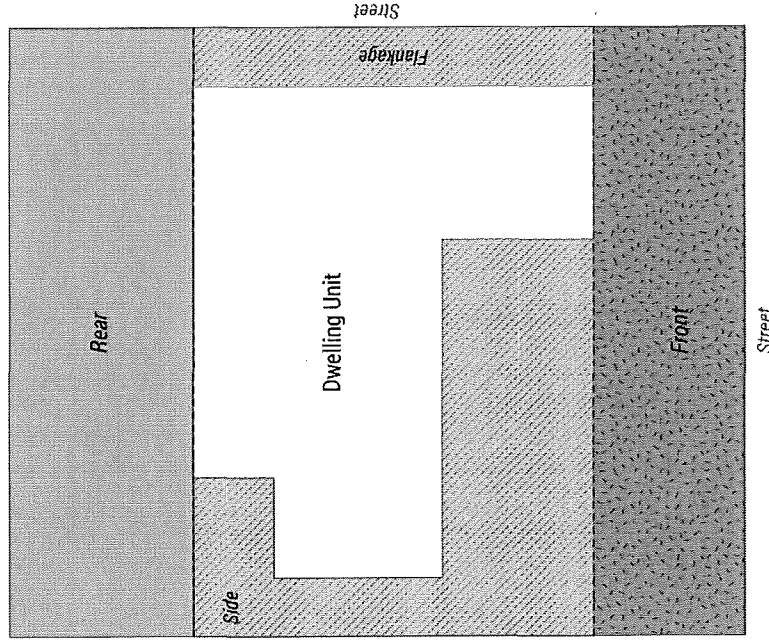
- A minimum 1.0 metre clear and unobstructed path with a clear overhead of 2.6 metres from the street to the entrance of the detached SDU;
- A maximum 40.0 metres linear distance from the street to the entrance to the SDU; and,
- Minimum distance requirement of 4.0 metres between the detached SDU and the main dwelling in the interior side yard for fire separation, access, landscaping, privacy, and grading and drainage.



9.1 Potential Technical Requirements for New Detached Second Dwelling Units

Planning 101: What is a "Yard"?

- A "yard" is the space between a building and the property line. There are four types of yard:
 - Front Yard: The space between the front lot line and building.
 - Side Yard: The space between the side lot line and nearest point of the building
 - Rear Yard: The space between the rear lot line and the building.
 - Flankage (or Exterior Side) Yard: The space between the front yard and the rear yard along the lot line that abuts the street (that is not the front lot line).
- A corner lot will have a flankage (or exterior side yard) on one side of the lot because the lot abuts streets on two sides of the property.



9.1.1.1 Minimum Setback from Front Lot Line for a Detached Second Dwelling Unit

If a detached SDU is permitted in the interior side yard, one concern is how close the detached SDU is to the front face of the principal dwelling. Without regulations to restrict its placement, detached SDUs can conceivably be built very close to the street. The main concern is the potential change in general appearance of the dwelling by having an additional accessory building visible from the street. The following options address this issue.

Option 1a: No regulation to address minimum distance requirement of Detached Second Dwelling Units from the Street

This first option is to not regulate how close the detached SDU should be from the street. As the use is permitted within the full extent of the interior side yard, the dwelling unit can be located very close to the street, effectively having the same distance from the street as the principal dwelling. From the street, the detached SDU may resemble a separate principal dwelling unit on its own residential lot, thus disrupting the appearance from the street.

Advantages	Disadvantages
Gives the discretion to the homeowner to determine where to site the detached SDU.	If the detached SDU is constructed close to the street, it may read as a separate principal dwelling and alter the general appearance of the neighbourhood from the street.

Option 1b: Establish a Universal Minimum Setback from the Front Lot Line

The second option establishes a universal minimum front yard setback that is greater than what is required for the principal dwelling, would ensure the detached SDU is built further to the rear of the property and be less visible from the street. However, this option may not consider houses that are built far back from the front lot line. Under this scenario, the detached SDU may be built closer to the street than the principal building.

Advantages	Disadvantages
<p>Addresses the detached SDU having an impact on the general appearance from the street if the dwelling unit is built at the front lot line.</p>	<p>This option does not consider the scenario where the principal dwelling may be built far back from the minimum front yard setback (such as a "homestead" scenario where the house is built further back from the street). There may be a chance the detached SDU might be built closer to the front lot line than the principal dwelling, thus defeating the purpose of reducing altering the appearance from the street.</p>

Option 1c: Establish a Maximum Projection into the Rear Portion of the Interior Side Yard and Establish a specific setback based on Front Yard of Principal Dwelling

The third option is to establish a maximum distance a detached SDU can project into the interior side yard. The projection would only be permitted from the rear end of the principal dwelling. The intent is to direct a SDU to the rear half of the principal dwelling and is set back far from the street. A maximum projection from the rear of the principal dwelling ensures the detached SDU cannot project into the side yard more than a predetermined amount such as half the depth of the principal dwelling. The intent is that no matter the building depth of the principal dwelling unit, the detached SDU would be only partially visible from the street.

Advantages	Disadvantages
<p>This option considers scenarios where the principal dwelling may be built away from the minimum front yard setback (such as a "homestead" scenario where the house is built further back from the street).</p>	<p>Variances are required if the homeowner wishes to exceed the projection into the interior side yard.</p>
<p>Effective in locating the detached SDU regardless of the dimensions of the principal dwelling.</p>	

Suggested Approach: Option 1c

The suggested approach is to establish a maximum projection into the rear portion of the interior side yard. The advantage of this approach is that the detached SDU construction is dependent on the location and building depth of the principal dwelling. The following draft regulation is proposed:

"A detached Second Dwelling Unit shall be permitted beyond the halfway point of the depth of the interior Side Yard as measured from the front and/or flankage lot line."

9.1.1.2 Minimum Side and Rear Lot Line Setback Requirements

To address privacy and overlook, landscaping, proper maintenance and repairs to buildings, and for drainage and grading purposes, minimum setbacks from a rear and/or side lot line are required. Setback requirements from the side, rear, and flankage lot lines are considered in this subsection but not for front lot lines (lot lines in front of the street) as detached SDUs are not permitted in the front yard.

Option 2a: No Setback Requirement from the Side or Rear lot lines

This first option does not include minimum setback requirements from the side and rear property line for detached SDUs. In this option, the homeowner determines if a setback should be applied when proposing a new detached SDU.

Advantages	Disadvantages
Benefit narrow lots where it may be difficult to accommodate minimum setbacks for detached SDU.	Potential shadowing, privacy and overlook concerns with abutting property.
Property owners have more flexibility to build a SDU especially on undersized lots.	No ability for the property owner to maintain/repair building as the walls face the abutting properties, potentially resulting in neighbour disputes and conflicts.
	Grading and drainage will result in flow of water onto the abutting properties. Further, having a 0.0 m setback from the property line results in encroachment of gutters and eavestroughs onto the neighbouring property, further resulting in overflow of water onto abutting properties.

Option 2b: Establish a Minimum Side, Flankage, and Rear Yard Setback for the detached Second Dwelling Unit

This second option would require the following minimum setback requirements for a newly detached SDU:

Interior Side Yard setback: 1.0 metres

Rear Yard setback of 1.0 metres

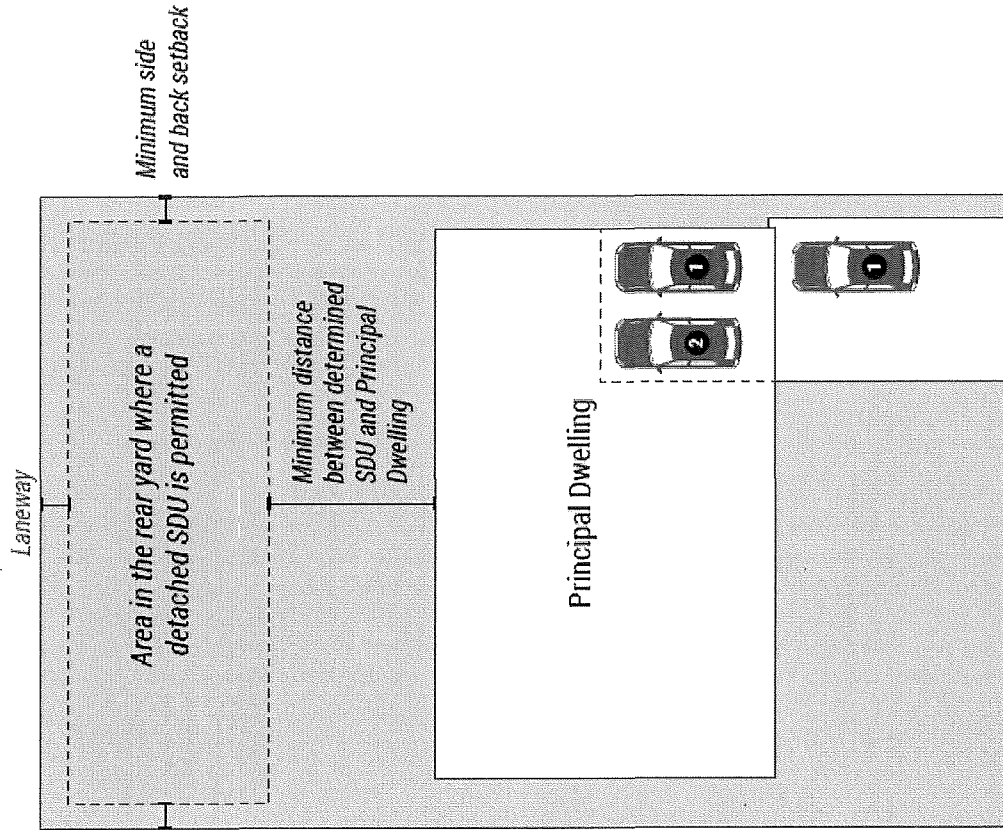
Flankage Yard setback: Same as parent zone regulations

The above setback requirements provide adequate grading and drainage that are important where there are grade differences, presence of retaining walls, and where there is limited landscaping and more impervious surface. Further, maintenance and repairs can be done without having to encroach onto abutting properties.

Future refinement will be required to ensure the regulations also reflect setback regulations for accessory buildings and structures in the Residential Zoning project.

The final determination of a required setback from a side or rear lot line must ensure that any overland drainage swales are not blocked.

Advantages	Disadvantages
A minimum setback requirement for the detached Second Dwelling Unit allows the property owner to maintain and repair the Second Dwelling Unit.	Reduces the buildable area in the rear yard, especially on a narrow and shallow lot.
A minimum setback requirement allows for on-site stormwater management such as drainage of stormwater.	



Suggested Approach: Option 2b

The suggested approach is to maintain an appropriate distance from abutting neighbours and allow maintenance of the building without encroaching onto abutting properties, the suggested approach is to establish a minimum side and rear yard setback of 1.0 metres subject to ensuring no interference with swales and draining.

9.1.3 Maximum Building Height

A maximum building height prevents a detached SDU from becoming too tall and impacting abutting neighbours. Under the "Laneway Housing" pilot project, a maximum building height of 6.0 metres was established. Six metres allows for either a one-storey detached SDU with a pitched roof design or a 1.5 storey dwelling with a shallow pitch or flat roof structure.

Option 3a: Establish a Maximum Building Height of 6.0 metres

This option would establish a maximum building height of 6.0 metres that is consistent with the Laneway Housing regulation. Building Height is generally defined in the various Zoning By-laws as the vertical distance between grade and the uppermost point of a building.

Advantages	Disadvantages
A defined maximum ensures clarity on how high a detached SDU can be built.	Maximum building height of 6.0 metres may not be sufficient to build a full two-storey level and still have some design elements.
Maximum Building Height of 6.0 metres considers the relation between the proposed detached SDU and abutting residential uses.	May impact how a detached SDU is designed if the rear yard has a sloped elevation.
Allows for additional floor space above the ground floor, reducing lot coverage.	

Option 3b: Establish the same height as the main building. No specific maximum height requirement for SDU

This option is to maintain the same maximum building height for the SDU as the main building.

Advantages	Disadvantages
Establishes a more flexible and minimal set of regulations. The design of the detached SDU is at the discretion of the homeowner and designer.	Potential impacts on abutting properties such as overlook, privacy, and loss of sunlight in the Rear Yard.

Suggested Approach: Option 3a

The suggested approach is to establish a maximum building height for a detached SDU of 6.0 metres, which permits a two-storey building with a flat roof, or a one-storey building with a sloped roof style.

9.1.4 Maximum Size of Detached Second Dwelling Unit

There are potential merits of establishing a maximum Gross Floor Area for a detached SDU to avoid an “oversized” accessory building in the backyard. Having an “oversized” detached SDU would impact abutting neighbours with respect to grading and drainage of stormwater, loss of landscaping, and potential privacy and overlook issues. However, having a maximum floor area cap reduces the ability for the homeowner to construct a larger Second Dwelling Unit. A maximum floor area may be perceived by property owners as an unnecessary regulatory burden as it limits the size of the SDU that they could construct, even if all building setbacks are met.

Option 4a: Establish a Maximum Size for a detached Second Dwelling Unit of 50 square metres

This first option would establish a maximum floor area for a detached SDU of 50 square metres, which is consistent with the existing zone regulation found in By-law 18-299 which established the Laneway Housing Pilot Project.

Advantages	Disadvantages
Having a maximum size for a detached SDU prevents the homeowner from building an oversized detached SDU.	Identifying a maximum building size may be arbitrary. Homeowners who need to build a larger dwelling unit or can accommodate a larger detached SDU would be required to seek Minor Variance approval.

Option 4b: No Maximum Size for a detached Second Dwelling Units. Rely on Maximum Lot Coverage to determine maximum building footprint.

This second option considers Lot Coverage to determine how big a detached SDU can be. As a result, the larger the lot, the larger the Second Dwelling Unit can be. For example, assuming a 25% lot coverage regulation, a detached Second Dwelling Unit on a 1,000 square metre lot would permit a footprint of 250 square metres for the SDU, if assuming no other accessory building (such as sheds, detached garage, gazebo) are present on the lot. Although larger lots can accommodate a larger SDU, there may be more mitigation options, such as greater setbacks from the property line, enhanced landscaping, and additional privacy barriers such as fencing to offset the impacts of essentially having two fully detached dwellings on a lot.

Advantages	Disadvantages
Homeowner has more flexibility to build a smaller or larger detached SDU based on other regulations such as Maximum Rear Yard Coverage to address overbuilding and maintain minimum open space in the backyard.	An oversized detached SDU may result in loss of landscaping and greenspace, and drainage and grading concerns. Neighbourhood conflicts may also result with the building of an excessively large building.

Suggested Approach: Option 4a

The suggested approach is to limit the size of a detached SDU to 50.0 square metres. There is no restriction on floor size per floor. For example, the homeowner may wish to construct a two-storey detached SDU with 40 square metres on the first floor and 10 square metres on the second floor. Establishing a maximum size of a detached SDU prevents homeowners from building an oversized dwelling which may impact abutting neighbours such as overbuilding in the rear yard.

Should there be...

A maximum unit size for a detached SDU? If Yes, what should the minimum be and why? (Circle One)

 No restriction


 50 square metres

 You determine the size: _____

Tell Us What You Think!

If a detached SDU was allowed to be built almost parallel to the front façade of the main dwelling unit for a corner lot, interior lot, or both? (Circle One)

 Yes, it is fine. I don't feel it is a concern.

 A concern because the general appearance from the street will altered even with a smaller looking building.

What other ways can a detached SDU be screened from the street?

9.1.5 Total Lot Coverage of detached Second Dwelling Unit

One of the potential concerns with establishing a detached SDU (newly constructed or converted) is the amount of land that the building takes up. If the detached SDU takes up a large percentage of the lot, there may be insufficient space for landscaping, backyard space, and impact on grading and drainage. The issue of overbuilding is partially addressed by applying suggested approaches such as minimum distance between the detached SDU and the rear face of the principal dwelling in the rear yard (see Subsection 9.2.6) and side yard (see Subsection 9.1.3). A maximum floor area of a detached SDU of 50 square metres (see Subsection 9.1.4) also minimizes potential for overbuilding in the back yard. However, maximum lot coverage is another approach to ensure overbuilding does not occur.

Whereas floor area regulates the total gross floor area (which may be on 1 or 2 storeys), lot coverage focuses on the size of the building’s “footprint.”

The following options consider maximum lot coverage, but any regulations proposed will work in concert with maximum lot regulations of accessory buildings and structures as part of the Residential Zone project.

Option 5a: Do not establish a Maximum Lot Coverage for a Detached Second Dwelling Unit

This first option suggests no maximum lot coverage should be applied as there are other mechanisms to ensure overbuilding does not occur. For example, the minimum 7.5 metres distance required between the detached SDU located directly behind the rear wall of the principal dwelling, as described in Option 6b, ensures there is sufficient backyard space, landscaping, privacy between dwelling units, and grading and drainage. Ensuring a distance separation also ensures minimal lot coverage and allows space for accessory buildings and structures.

Advantages	Disadvantages
It provides for greater flexibility; there are other approaches that address the issue of overbuilding. Adding another regulation may be unnecessary.	This regulation also prevents overbuilding on a lot and would provide for usable backyard space, grading, drainage, and landscaping opportunities, in the event there is no distance separation between the SDU and principle dwelling (see Option 6b).

Option 5b: Establish a Maximum Lot Coverage that only applies to a Detached Second Dwelling Unit

This second option considers a combined maximum lot coverage for detached SDUs and accessory buildings and structures, calculated using the entire lot which includes the principal dwelling unit. Municipalities with a similar regulation includes Ottawa, where a combined lot coverage of 50% for the detached SDU and all accessory buildings and structures is applied. The lot coverage calculation in Ottawa applies to the side and rear yard only, and does not include the principal dwelling.

Determining the final percentage of a combined lot coverage considers two elements: the size of a detached SDU and the maximum lot coverage for all accessory buildings and structures on a residential lot. The following table shows the breakdown of the total combined lot coverage based on a maximum 7.5 percent lot coverage for accessory buildings and structures and a maximum size of a detached SDU. It is assumed in the table below, a one-storey 50 square metres detached SDU, which represents the largest possible building footprint.

Lot Width (m)	Lot Depth (m)	Lot Size (sq m)	Lot Coverage for a one-storey 50 sq m Second Dwelling Unit (%)	Maximum Lot Coverage for Accessory Buildings and Structures (%)	Total Lot Coverage (%)
9.0	30.0	270.0	18.5	7.5	26.0
10.0	30.0	300.0	16.7	7.5	24.2
11.0	30.0	330.0	15.1	7.5	22.6
12.0	30.0	360.0	13.9	7.5	21.4
15.0	30.0	450.0	11.1	7.5	18.6
18.0	30.0	540.0	9.2	7.5	16.7
20.0	30.0	600.0	8.3	7.5	15.8

In the former City of Hamilton, the lot coverage in a "C" District for a 12 m by 30 m lot (based on a minimum required yards) is 44%. The total impervious surface (principle building, SDU and 2 parking spaces) would equate to about 75%.

Based on the above table, the smaller the lot size, the greater the lot coverage. The results in the table are not a surprise given the maximum size of a detached SDU is based on a fixed floor area and is not dependant on the size of the lot the dwelling unit sits on.

Advantages	Disadvantages
<p>Regulation assists in preventing the overbuilding on a lot, allowing for usable backyard space, grading and drainage, and landscaping opportunities in response to climate change/storm water management considerations. Easier to calculate if the entire lot is considered, including the principal dwelling.</p>	<p>Provides less flexibility for property owners and other proposed regulations, such as minimum distance requirements between dwelling units and maximum GFA of the detached SDU, already address usable backyard space, grading, drainage, and landscaping concerns.</p>

Suggested Approach: Option 5b

The suggested approach is to introduce a maximum combined lot coverage for the detached SDU and all accessory buildings and structures. Based on the table found under Option 7b, the following regulation is suggested. Further refinement may be required to determine the most appropriate percentage.

- “i) The maximum combined lot coverage of a detached Second Dwelling Unit and all accessory buildings and structures on the entire lot shall not exceed 25% of the entire lot.”

9.1.6 Minimum Distance between Principal Dwelling and Detached Second Dwelling Unit in the Rear Yard

This subsection considers newly constructed SDUs that are located immediately behind the rear building face of the principal dwelling. The diagram below shows how this option applies.

A unique challenge with a detached SDU in the rear yard is the potential loss of backyard space for residents of the principal dwelling unit. This section considers options for newly constructed detached SDUs located behind the back side of the principal dwelling.

Option 6a: No restrictions on where the detached Second Dwelling Unit can be located behind the rear wall of the principle of the Principal Dwelling

This first option places no restriction on where the newly constructed detached SDU can be located behind the principal dwelling. However, minimum interior side yard and rear yard setback requirements continue to apply as well as the 3 metre separation between buildings for safety reasons (see Subsection 1.6). Although this may not be a concern for larger residential lots where there may be more opportunities for locating the detached SDU, this approach may benefit smaller lots.

Advantages	Disadvantages
Gives the homeowner discretion where to locate the detached SDU at the same time could use design options to maximize usable back yard space for the principal dwelling.	In some cases, and depending on the location of the SDU, the 3 metre distance between dwellings, may result in privacy, noise, and overlook issues for tenants. There may be insufficient useable backyard space if the detached SDU is inefficiently located.

Option 6b: Minimum distance between the detached Second Dwelling Unit and the Principal Dwelling in the Rear Yard

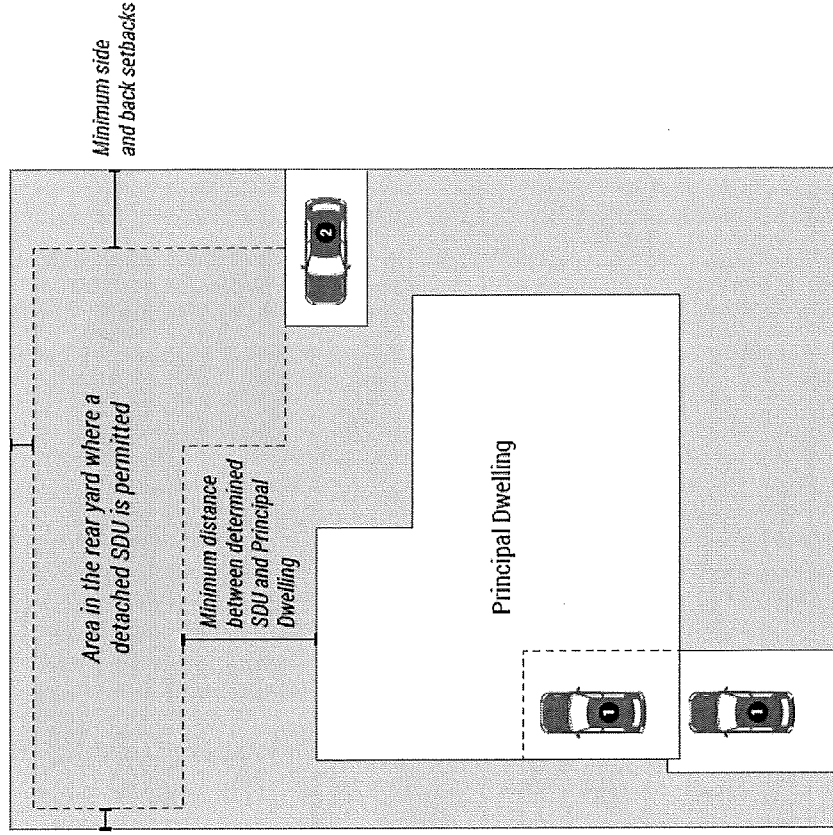
This second option considers a minimum distance of 7.5 metres when a detached SDU is directly behind the back wall of the principal dwelling. The purpose is to create a separation between two dwellings to preserve privacy and reduce overlook concerns, and providing uninterrupted back yard space for residents of both dwelling units. For example, this option prevents a detached SDU from being built directly behind the principal dwelling. Further, locating too close to the principal dwelling may result in "choppy" backyard space that is unusable. The back wall of the principal dwelling does not include encroachments such as chimney breast, window sills, architectural features, eaves and troughs that project not more than 0.6 metres from the principal dwelling. However, fire escapes or any feature required under the Building Code are exempt. A variation on this option would be to require that minimum rear yard amenity areas be delineated and provided for both the principle dwelling and the detached SDU.

Advantages	Disadvantages
<p>Provides a minimum area for a usable backyard space for the homeowner and tenant.</p> <p>Does not penalize detached SDUs located to the side of the rear yard and away from the principal dwelling.</p>	<p>Regulation may restrict the ability to establish a detached SDU especially on a smaller lot or a lot with a larger house. Variances may be required to reduce the minimum distance to accommodate the detached SDU and still meet other technical requirements such as setbacks.</p>

Suggested Approach: Option 6b

The suggested approach is to introduce a minimum distance between the detached Second Dwelling Unit and the back wall of the Principal Dwelling of 7.5 metres. The regulation only applies if the detached SDU is wholly or partially located directly behind the back wall of the principal dwelling, with the exception of encroachments and any features required under the Building Code such as fire escapes. Therefore, the draft regulation is:

- 'i) The minimum distance between the detached Second Dwelling Unit and the back wall of the principal dwelling shall be 7.5 metres.
- ii) Notwithstanding i) above, the following encroachments shall not be considered as part of the back wall of the principal dwelling or as part of the wall of the SDU:
 - a) Window sills, chimney breasts, belt courses, cornices, eaves, troughs and other similar architectural



features, ductwork, venting, bay window, alcove, and other similar appurtenances that project not more than 0.6 metres from the exterior wall of the principal dwelling; and,

- b) Fire escapes, unenclosed porch, deck, or canopy that project not more than 1.5 metres from the exterior wall of the principal dwelling.
- iii) Notwithstanding i) above, the regulation shall not apply when encroachments identified in Subsection ii) a) and b) of a detached Second Dwelling Unit are located directly behind the back wall of the principal dwelling."

9.2 Potential Design Requirements for Detached Second Dwelling Units

In addition to potential technical regulations in Section 9.1, there are also potential design regulations that may address impacts on abutting neighbours.

9.2.1 Windows above the First Floor

One concern abutting neighbours may have is privacy and overlook as tenants of the detached SDUs may have the ability to look into the rear yard of abutting lots especially from the second floor of the SDU if the SDU is setback only 1.0 m from the rear lot line.

Option 7a: Allow Windows above the First Floor facing the side and rear lot lines with minimum Interior Side and Rear Yard Setback of 1.5 metres when not facing a Laneway

This first option addresses windows above the first floor. As part of the Laneway Housing pilot project, windows are permitted above the first floor on the building façade facing the laneway or street. The laneway/street serves as a buffer to adjacent properties to reduce privacy and overlook concerns. This zoning permission applies to lots abutting a Laneway and corner lots. This regulation is recommended to be continued as a suggested approach. However, for lots not abutting a laneway, it cannot be expected that there be no windows on the second floor based on OBC requirements. Windows are permitted when facing a flankage lot line or the interior façade of the detached SDU.

This option allows a window on the second floor provided the setback along the rear and side lot lines is at or more than 1.5 metres. The increase in setback allows for additional privacy and reduction in overlook onto the abutting properties. Windows are permitted when facing the principal building.

This option will also allow a balcony above the second floor only if facing a laneway or a street.

Advantages	Disadvantages
Eliminates privacy and overlook concerns by abutting residents.	Regulation may be onerous if the subject lands abut an open space (i.e. abutting a park, natural area, "reverse lot frontage"), or other land uses such as commercial or institutional.
	Does not address windows on the first floor.




Option 7b: Prohibit Windows above the First Floor facing the side and rear lot lines

This second option would prohibit windows facing the side and rear lot line to maintain privacy, but permit windows above the first floor on the façade facing the principal dwelling or the backyard space in the rear yard. This approach is somewhat similar to the zone regulation found in the "Laneway Housing" By-law (By-law No. 18-299) where a window is only permitted when facing a laneway or permitted without restriction on the roof such as a skylight. This option only allows the windows on the side of the façade not facing the side lot line or the rear lot line but permitted when facing into the backyard.

Do you think...

Windows should be allowed on a second storey (above 1.5 m)?

If Yes, where?

-  Back of the Second Dwelling Unit
-  Front of Second Dwelling Unit
-  Side of the Second Dwelling Unit

Advantages	Disadvantages
Maintains the minimum setback requirements, so it's easier to interpret and understand.	Less flexibility in design, and a blank wall may look more unsightly than a wall with windows.
Reduced privacy impacts on abutting properties.	

Option 7c: Do not establish a Regulation restricting Windows on Second Floor

A third option is to not regulate the placement of windows and allow the homeowner the discretion to include windows on the second floor as part of the design. Windows can be placed on the second floor regardless of any concerns respecting privacy and overlook on abutting properties.

Advantages	Disadvantages
Fewer regulations means a more flexible zoning by-law that is less onerous on the homeowner. More design flexibility including the use of darker shade windows to reduce glare and privacy concerns.	<p>Despite any technologies or building materials, the presence of windows will be a concern (real or perceived).</p> <p>Potential conflicts between neighbours and homeowner, and neighbours and tenant.</p>

Suggested Approach: Option 7a

The suggested approach is to allow windows to be installed provided there is sufficient distance from the property line to reduce privacy and overlook concerns. Therefore, the suggested regulation is:

- a) Windows and doors are permitted only on the ground floor or within the roof. Dormers are not permitted.

b) Notwithstanding a) above, windows and balconies are permitted above the first floor on the building façade which faces a Laneway, Street or where the rear lot line abuts a non-residential zone (e.g. commercial or open space zoning district).

c) Notwithstanding a) above, windows are permitted if the detached Second Dwelling Unit at or more than 1.5 metres from any property line.”

9.2.2 Balconies (not facing a Laneway or Street), Rooftop Patios, Rooftop Gardens, or Exterior Stairs above the First Floor

Similar to permitting windows to only certain sides of the building to reduce concerns on privacy, another consideration are balconies and rooftop patios above the first floor. Any fire escapes and stairs that are a requirement under the Ontario Building Code are not the subject to this discussion.

Option 8a: Prohibit balconies and exterior stairs (except where required in the Ontario Building Code) on the second floor and prohibit rooftop patios

This option would prohibit stairs and balconies on the second floor and prohibit rooftop patios. This regulation would address privacy and overlook concerns. Stairs would have to be provided inside the building with the exception of fire escapes and stairs that are required by the OBC.

Advantages	Disadvantages
Ensure privacy, overlook, and general nuisance such as noise does not impact abutting neighbours.	Regulation may be onerous if the subject lands abut an open space or road (i.e. abutting a park, natural area, “reverse lot frontage”), or other land uses such as commercial or institutional.

Option 8b: Permit balconies and exterior stairs on the second floor, and prohibit rooftop patios above the top floor

A second option is to permit balconies and exterior stairs on the second floor, and rooftop patios. The Zoning By-law could require that patios be screened from view from the adjacent lands. This would allow the homeowner and designer to address privacy concerns to mitigate impact on adjacent lands.

Advantages	Disadvantages
Having no regulation benefits homeowners whose lands abut an open space, road, or other land uses and there is no privacy or overlook concerns.	Issues such as privacy, overlook, and general nuisance such as noise would be concerns by neighbours (real or perceived).
Fewer regulations mean a more flexible and a zoning by-law that is less onerous on the homeowner.	

Suggested Approach: Option 8a

The suggested approach minimizes privacy concerns. Although balconies and rooftop patios provide one form of amenity space for the tenant, it can be disruptive to abutting neighbours to noise and privacy considerations. The amenity space for the tenant can be provided in the rear yard.

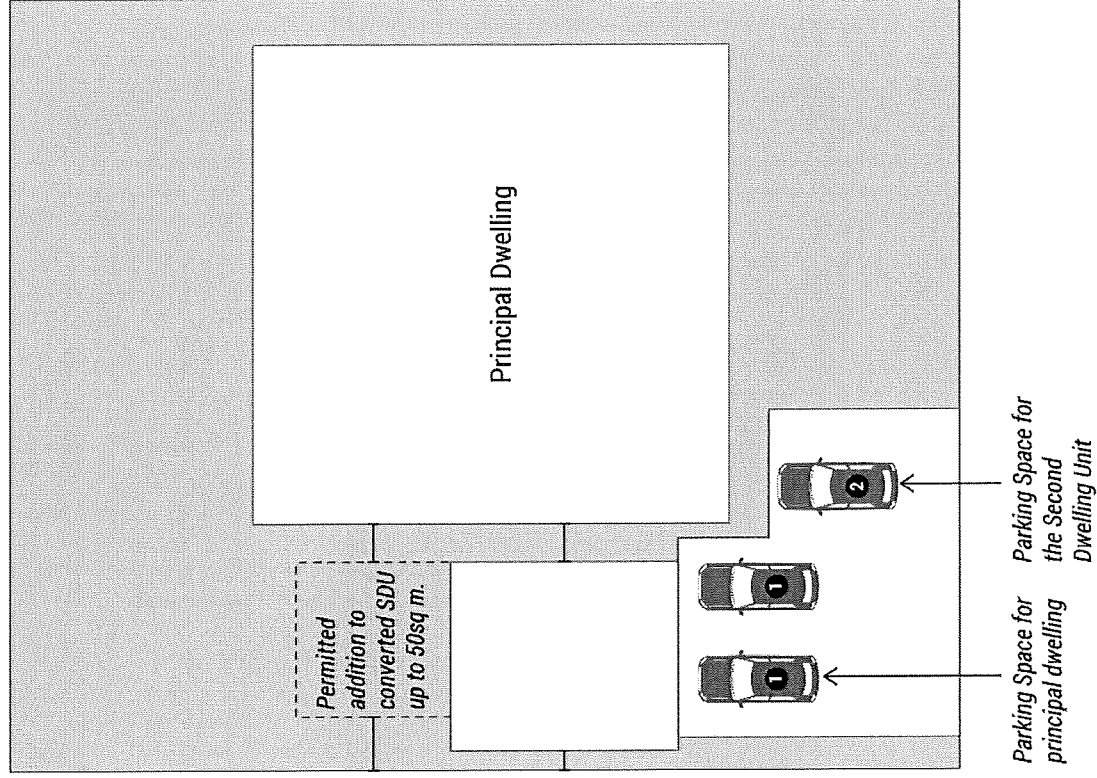
10.0 Potential Regulations for Converted Detached Second Dwelling Units

In addition to newly constructed detached SDUs, all or portions of an existing accessory building (such as detached garages and workshops) may be converted to a SDU. Converting an existing accessory building may save the homeowner construction costs and time compared to building from scratch. When converting an underused detached garage to a SDU, required parking must still be provided for the principal dwelling and SDU (if applicable). Lawfully constructed converted SDUs would only be permitted in accessory buildings that existed at the time of the passing of the By-law. Newly built accessory buildings that do not meet the performance standards for new detached SDUs would not be permitted to be converted.

There are two scenarios that may occur when converting an accessory building:

- Conversion of an accessory building without additions; and,
- Conversion of an accessory building with additions.

Similar to building a new detached SDU, mandatory regulations are required to provide safe access to the detached SDU in the rear and side yard for emergency personnel:



- A minimum 1.0 metre clear and unobstructed path with a clear overhead of 2.6 metres from the street to the entrance of the detached SDU;
- A maximum 40.0 metres linear distance from the street to the entrance to the SDU; and,
- Minimum distance requirement of 4.0 metres between the detached SDU and the main dwelling in the interior side yard for fire separation, access, landscaping, privacy, and grading and drainage.

The conversion of an existing accessory structure to a detached SDU would be permitted if the property owner could demonstrate conformity with the above criteria.

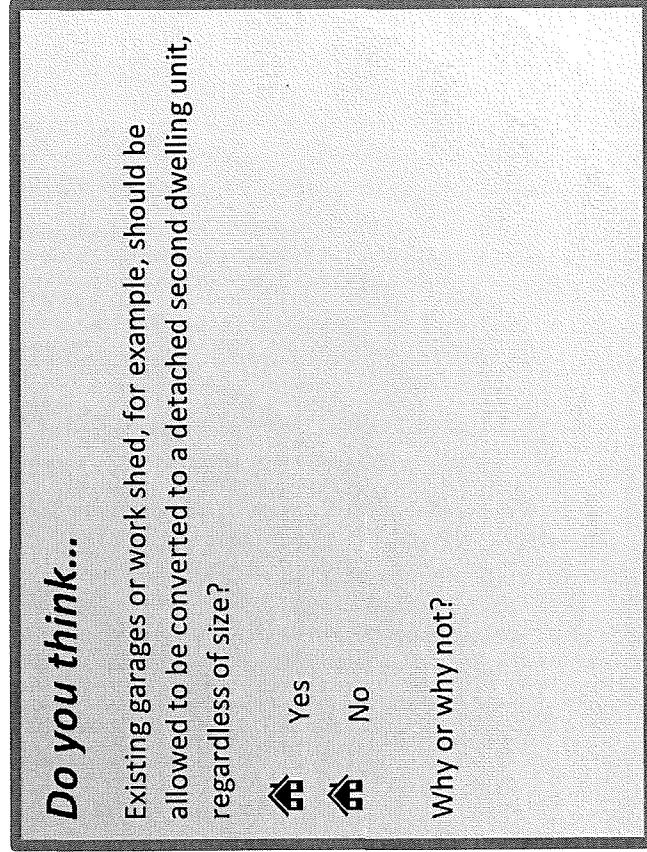
More information can be found in Section 11 of this Discussion Paper.

10.1 Potential Technical Requirements for Converted Detached Second Dwelling Units

The following are potential technical regulations for converted detached SDUs.

10.1.1 Introduction of a "Vacuum Clause" for converting existing Accessory Buildings to Second Dwelling Units

Accessory buildings such as detached garages and garden sheds are subject to zoning regulations such as setback requirements that are independent of the applicable residential zones. When an existing accessory building is proposed to be converted to a detached SDU, recognizing existing permissions is important to prevent zoning conformity issues. A vacuum clause recognizes pre-existing building locations that do not conform to the new regulations.



Option 1a: Do Not apply the Vacuum Clause to recognize non conformity with the Zoning By-law

The first option is to not apply a Vacuum Clause and instead require the homeowner to seek variances if they want to convert the existing accessory building to a detached SDU if the existing detached building/structure does not meet the By-law requirements for new construction.

Advantages	Disadvantages
<p>Converting an existing accessory building would be subject to a Minor Variance application and public consultation which would allow for the property owner with an opportunity to address neighbourhood concerns. This approach is beneficial to neighbours who might otherwise object to the project due to concerns about compatibility.</p>	<p>This approach would be onerous for the homeowner adding permit processing cost and time, thus discouraging more Second Dwelling Units from being built.</p> <p>Potential overall increase in the number Minor Variance applications, increasing staff time to process and review applications.</p>

Option 1b: Apply the Vacuum Clause to recognize and allow Existing Conditions

A second option is to apply a Vacuum Clause with wording similar to certain regulations found in Subsection 4.12 of Hamilton Zoning By-law No. 05-200. A Vacuum Clause is important when part of the project is to restore and retrofit an existing accessory building to allow for human habitation, and may include the following regulations: building height; gross floor area; and, side and rear yard setbacks.

Advantages	Disadvantages
<p>Would be consistent with other types of uses that already that apply the existing Vacuum Clause in the Zoning By-law and it is easy to interpret.</p> <p>Homeowner would not need to seek a Minor Variance approval to facilitate the use. It saves time and money.</p>	<p>Could formally establish as an SDU a building that is located closer to the lot line than would have been allowed for new construction.</p>

Advantages	Disadvantages
Overall it may increase the number of Second Dwelling Units being built as the Vacuum Clause is seen as progressive and minimizes Building Permit processing time.	

Suggested Approach: Option 1b

The suggested approach is to introduce a Vacuum Clause to Section 4.12 of Hamilton Zoning By-law No. 05-200 specifically to allow the conversion of existing accessory dwelling units to detached SDU without the requirement to meet certain detached SDU regulations such as: building height; floor area; and, side and rear yard setbacks. However, the Vacuum Clause will not apply to health and safety Regulations such as the minimum 40.0 metres setback from the street and the 1.0 metres minimum unobstructed and cleared path for reasons of safety requirements.

The Vacuum Clause is intended to avoid or minimize hardships to property owners as a result of changing zoning regulations. As such, it would not apply to new construction which includes additions to existing accessory building. The following is a draft regulation to implement the suggested approach:

“i) Notwithstanding any other provisions of this By-law, the conversion of any accessory buildings within a Residential Zone or Downtown Residential (D5) Zone existing prior to the effective date of this By-law to a detached Second Dwelling Unit shall be deemed to comply with the size, lot coverage, building height, gross floor area and setback requirements provided that:

1. Such existing use is permitted by this By-law; and,
2. Shall not apply to portions of the accessory building existing after the effective date of this By-law.”

10.2 Potential Regulations for additions to converted Second Dwelling Units

A homeowner may wish to fully convert an existing accessory building that has been underused for many years, but may want to put an addition to the existing accessory building to expand the floor area, such as a ground floor addition, or a second story addition.

Unlike a simple conversion of an existing accessory building, expanding an existing accessory building may impact abutting neighbours in terms of privacy, noise, overlook, grading, drainage, and loss of greenspace. This section discusses options ONLY for additions to converted SDU (and not the scenario of a converted portion of a detached SDU).

Option 2a: Prohibit additions to the accessory building

This first option would prohibit additions to the accessory building. The converted detached SDU would be restricted to the accessory building exactly how it exists either at the time of adoption of the regulations or some other predetermined date. Should the homeowner wish to put an addition, a Minor Variance or rezoning application would be required.

Advantages	Disadvantages
Converted detached SDU can only be established within the existing accessory building creates certainty for abutting property owners.	Restricts and discourage the ability for the homeowner to expand an existing accessory building.

Option 2b: Apply identical Technical Regulations as proposed for newly constructed Detached Second Dwelling Units to additions to converted detached Second Dwelling Units

This second option would permit additions to an existing accessory building, but the added portion of the accessory building (and not the existing portion of the accessory building) would have to meet the same regulations required for newly constructed detached SDUs. As suggested in Subsection 10.2.1, the converted portions of the detached Second Dwelling Unit would still be covered by the Vacuum Clause. Additions would be required to meet the following technical and design regulations as shown in Section 9.0 of this Discussion Paper.

Advantages	Disadvantages
Homeowners are able to expand their accessory buildings to meet OBC or market demands, especially if the building is small/substandard.	Meeting setback and building height requirements may restrict the ability for an addition to be built without seeking Minor Variance approvals.

Note that for Maximum floor area of the converted detached SDU, if the existing accessory building already exceeds 50 square metres, no further expansions would be permitted. For example, if an existing accessory building is 70 square metres, the existing accessory building can be converted in its entirety, but no additions would be permitted. However, if the existing accessory building is 30 square metres, only a 20 square metres addition is permitted for a total of 50 square metres.

A similar scenario is proposing a second storey addition to permit a SDU atop a detached garage. While the Vacuum Clause (see Section 10.2.1) would apply to side and rear setback, building height and the floor area of the detached SDU, the addition would still be subject to the proposed maximum 6.0 metres height, and 50.0 square metres size regulations.

Suggested Approach: Option 2b

This suggested approach would allow additions to existing accessory buildings to facilitate the development of a converted detached SDU, but require the addition to meet the standard by-law regulations being yard setbacks of 1.0 metre from the side and rear lot lines, maximum building floor area of 50.0 square metres, and maximum building height of 6.0 metres.

10.3 Potential Design Regulations for additions to converted Second Dwelling Units

In addition to technical requirements, the following are design considerations for converted detached SDU.

10.2.1 Design Regulations for converted Detached Second Dwelling Units

A homeowner wishing to convert and possibly put an addition to an existing accessory building may face similar challenges as impacts may arise such as privacy, overlook, and noise concerns. Certain design related approaches introduced in Section 9.0 can also apply to converted SDUs. Impacts may be similar, if not exacerbated as accessory buildings may be built closer to the property line. For example, the Ancaster Zoning By-law No. 87-57 permits accessory buildings be no more than 0.75 metres from any side or rear lot line. The subsection provides options to design regulations to apply to converted SDUs

Option 3a: Maintain the Original Design of the Accessory Building when converted to a Second Dwelling Unit

The first option is to prohibit any new design elements into the converted SDU except where required to meet Ontario Building Code requirements such as installation of a principal entrance and necessary windows for bedrooms and other living space. A similar regulation is found in Section 19 – Residential Conversion in Hamilton Zoning By-law No. 6593 where external appearances and character of the accessory building would apply.

Advantages	Disadvantages
Ensures consistency to the abutting neighbour as the external appearance of the accessory building remains untouched.	Limits the overall design and flexibility of the converted SDU, especially if the accessory building originally did not have windows. Minor Variances would be required to change the external appearance.

Option 3b: Apply identical Design Regulations under newly constructed detached Second Dwelling Units to additions to converted detached Second Dwelling Units

This second option would allow changes to the external appearances of an existing accessory building but require the addition to meet the same regulations as the newly constructed detached SDUs. Changes to the external façade of the existing building, including new additions, are required to meet the same design regulations shown in Section 9.0:

- Prohibit windows above the first floor but permit windows only if abutting a Laneway or Street; and,
 - Prohibit balconies and exterior stairs on the second floor and prohibit rooftop patios.
- Certain functional and safety elements such as fire exits as per the Ontario Building Code would be permitted.

Suggested Approach: Option 3b

This suggested approach would allow changes to the external appearances of an existing accessory building but require that the changes meet the regulations for newly constructed detached SDUs. This approach gives flexibility when building the addition as the external appearance can be suited to the homeowner, but will be required to meet any regulations as required.

11.0 Mandatory "Fire" Regulations for Detached Second Dwelling Units

In addition to technical and design regulations for new and converted detached SDUs, there are also certain "fire" regulations that are also included. These mandatory regulations address the ability to access the detached SDU in times of emergency and are also regulations in the OBC and Fire Code (upon building occupancy). These requirements are not discretionary and are therefore not presented as options. Addressing these issues in the Zoning By-law gives clarity and certainty to what is expected, and prevents changes to building plans at the Building Permit stage which can result in additional costs and time delays for the property owner. As a result, the regulations identified below are recommended for addition to the Zoning By-law.

11.1 Maximum Distance between Front Lot Line and entry to a detached Second Dwelling Unit

The ability of Hamilton Fire Department and EMS personnel to respond to emergencies in a detached SDU is important to reduce property damage and loss of life. Regulations are required to incorporate requirements from the OBC, in particular Part 9 of the Code that regulates new residential dwelling construction in the Urban Area. In accordance with the Code, any dwelling unit is required to be within 45.0 metres from the street where the pumper truck would be located to ensure fire hoses can reach the front door of the dwelling unit.

A standard fire hose can extend up to 45.0 metres from the pumper truck. However, consideration is taken to include the boulevard in front of the lot with a width of up to 5.0 metres between the street (where the pumper truck is parked) and the front lot line. Therefore, at maximum, a detached SDU should be constructed 40.0 metres from the front lot line while not having to be a straight line. For example, the total distance can be calculated by segments and angles to get to the entry to the detached SDU.

Based on the foregoing, a zone regulation to permit a maximum distance between the front lot line of a residential lot and the entry to a detached SDU is required as follows:

- "X) The maximum unobstructed linear distance between the front lot line or flankage lot line in a corner lot, and the entry to a detached Second Dwelling Unit shall be 40.0 metres."

Although a laneway may be used to provide an alternative access to a residential lot, it is not preferred as an emergency access due to the lack of certainty of unobstructed access to the dwelling units, the unknown state of the laneway, the amount of naturalized vegetation, and uneven surface material. It is important to note that a Building Permit application to construct a detached SDU may still be denied if the distance exceeds 45.0 metres from the pumper truck regardless if the entry to the detached SDU is less than 40.0 metres.

11.2 Unobstructed Path Requirements to the detached Second Dwelling Unit

When a detached SDU is located in the side and/or back yard, an unobstructed path from the front lot line to the front door of the detached SDU must be provided located in at least one interior side yard. The path can be sodded or paved, but must not be a tripping hazard. The path must be clear of any obstruction such as parked vehicles, air conditioning units, stoops, stairs, fences that cannot be opened, and encroachments such as bay windows, ledges, or awnings to allow fire and EMS personnel safe and unobstructed access to the back yard. This regulation requires a 1.0 metre unobstructed path in the side yard, and can be provided as part of the minimum 3.0 metres physical distance between the principal dwelling and the detached SDU if the SDU is in the side yard, or as part of the side yard setback requirement between the side lot line and the main dwelling. A minimum height of 2.6 metres on the path must also be free of encroachments to prevent personnel from hitting their heads on awnings or other encroachments. Therefore, the minimum requirement for free and clear interior side path with the presence of a detached SDU (newly constructed or converted) is required as follows:

- "X) An unobstructed path between the front lot line and the detached Second Dwelling Unit with a minimum width of 1.0 metres and a minimum height of 2.6 metres must be provided free and clear of any obstructions, parking space, and encroachments."

An amendment to the encroachment regulations in Section 4.0 – General Provisions is also required to ensure encroachments identified in Section 4.6 are not permitted in the path. Because these regulations are mandatory, if sufficient interior side yard setback cannot be provided, a new or converted detached SDU may not be permitted.

11.3 Minimum Separation Distance between the Principal Dwelling and the Detached Second Dwelling Unit

As mentioned in the previous subsection where a minimum 1.0-metre-wide unobstructed and clear path is requirement to allow emergency personnel to safely access the detached SDU between the street and front entrance, another concern is the distance between the detached SDU and the principal dwelling. In accordance to the OBC and in consultation with Building Services staff, a minimum distance separation greater than the 1.0 metre unobstructed path (except for plants, patio furniture, steps) is required to allow an appropriate fire separation between two dwellings. Generally, the larger the outer façade wall (also called the Exposing Building Face in the OBC), the greater the distance required to ensure fire does not spread to abutting buildings. The presence of windows increases the distance even more.

In addition to fire separation between buildings, a minimum distance between the exposing building face also addresses privacy and overlook concerns, grading and drainage issues in between buildings, and the opportunity for landscaping. Therefore, based on the above, the minimum distance between the detached SDU and the exterior wall of the principal dwelling should be 3.0 m. The following regulation is suggested.

“The minimum distance between the exterior wall of the detached Second Dwelling Unit and the exterior wall of the principal dwelling shall be 3.0 metres.”

12.0 Suggested Approaches to Parking Requirements and Design

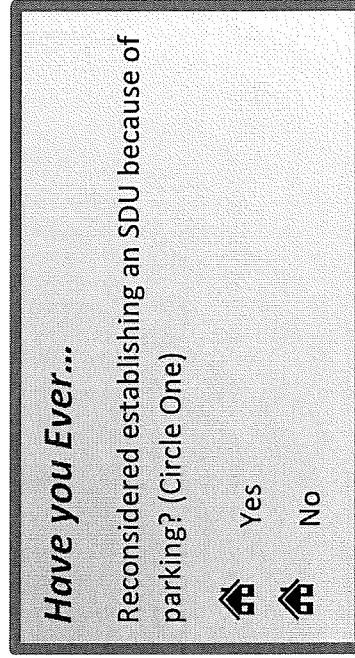
Parking is a multifaceted issue and is not simply just providing a space for parking vehicles, but also consideration of how additional parking spaces affect the streetscape and general character of the neighbourhood; reduction of landscaping in the front yard; on-site stormwater management; and potential reduction in on-street parking due to a new or widened curb cut. Further, the inability to provide additional parking could restrict the ability to provide for new SDUs, if new parking requirements are to be added. This section discusses the preliminary options for two topics: residential lots having multiple driveways on one lot and parking requirements.

12.1 Existing Parking Requirement Calculation and Parking Arrangement in Hamilton Zoning By-law No. 6593

Under Zoning By-law No. 6593, when a homeowner establishes a SDU in the former City of Hamilton, the Single Detached dwelling (as it was previously identified) becomes a converted Single Detached Dwelling containing two dwelling units. For a two-family dwelling, 1.0 parking space per dwelling unit is required. For a single detached dwelling, a total of 2.0 parking spaces are required.

Two spaces are required regardless if it is a Single Detached dwelling or a converted Single Detached dwelling. Thus, changing the use does not affect the number of parking spaces required on a lot.

However, since the use is no longer a Single Detached dwelling, how the two required parking spaces are arranged on site is subject to different regulations. Under Section 18A of Hamilton Zoning By-law No. 6593, required parking spaces for the Single Detached dwelling can be arranged in a tandem position (one car behind the other). On a lot containing a converted Single Detached dwelling, the two required parking spaces cannot be parked in tandem and must be parked side by side.



The rationale for this difference in parking arrangement is the accessibility of both vehicles when owned by different households. In a Single Detached dwelling, both vehicles can be easily moved because the car keys are accessible. However, in a converted Single Detached dwelling containing two dwelling units with two separate households, the outer vehicle is an obstruction to the other vehicle. With no access to each other's keys, the inner vehicle cannot be used until the outer vehicle is removed. As a result, the second vehicle may end up parking on the street.

The table below is a summary of the difference in how parking requirements are calculated in Hamilton Zoning By-law No. 6593 and differences in parking arrangements. As noted, a double car driveway is required for a converted Single Detached dwelling containing two dwelling units due to required unobstructed maneuvering and full accessibility for both vehicles. Variances may be required if less than half of the front yard is landscaped or to reduce the number of required parking spaces for a converted Single Detached Dwelling.

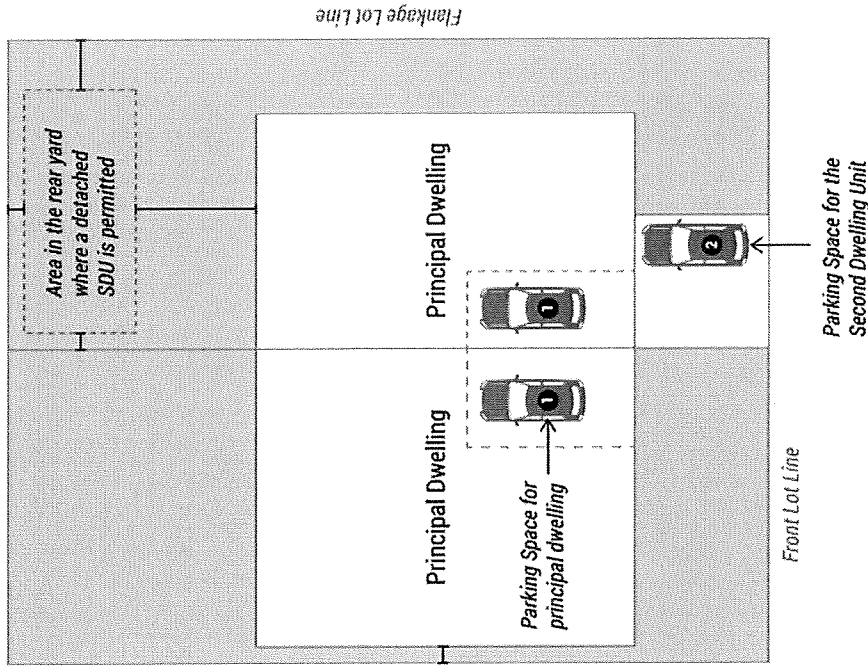
	Single Detached Dwelling	Converted Single Detached Dwelling
Parking Requirement	2.0 parking spaces	1.0 parking spaces per dwelling unit
Tandem Parking?	Yes	No
Ideal Parking Arrangement	Single Car Driveway, Double Car Driveway	Double Car Driveway

12.2 Proposed Parking Requirements and Parking Arrangements for Second Dwelling Units

Bill 108 states that one parking space can be required for each additional residential unit. However, the municipality has the opportunity to create regulations addressing individual parking needs. The options and potential approach includes reduced parking requirements for certain section of the City, especially where transit and cycling options are common and to ensure that front yard landscaping is retained. Through the Residential Zoning project, other suggested regulations may include minimum landscaping requirements in the front yard to ensure the entire yard between the street and principal dwelling is not paved over for parking.

Option 1a: Establish a consistent Minimum Parking Requirement throughout the Urban Area

This first option establishes a minimum parking requirement of 1.0 space per SDU in addition to the parking requirements of the principal dwelling throughout the urban area regardless of geographic location. This approach is the general standard used by municipalities around the City of Hamilton. This requirement would apply to both detached and attached SDUs.



Advantages	Disadvantages
Parking to be provided on site and does not create further parking demands on the street.	Providing parking for the SDU may be unnecessary especially in areas that are well served by public transit and bike lanes, and where there is a mix of land uses allowing for alternative modes of transportation be used.
	Providing a parking space might increase construction costs if the property owner and tenant feels the parking requirements is not necessary for their needs.
	Parking requirements impact the lower City the most as existing properties may not be physically able to accommodate the parking space, for example if there is no driveway on site.

Option 1b: No Parking Requirement for Second Dwelling Units throughout the Urban Area

The second option is to not establish minimum SDU parking requirements but is at the discretion for the homeowner to provide a parking space on site. This option would apply to both attached and detached SDUs.

Advantages	Disadvantages
Market demands or homeowner preferences will dictate the provision of parking. Even though parking is not required, a parking space may still be provided for the resident of the Second Dwelling Unit.	Residents of Second Dwelling Units may be required to park on the street, and thus competes for parking spaces with other residents. A disincentive by the property owner to provide additional parking for the tenant if the zoning by-law does not require it.

Option 1c: Parking requirement for Second Dwelling Unit based on Community and Geographic Area

The third option is to provide an area-specific parking requirement based on available infrastructure and services for high access to public transit and provision of bike lanes. These, in addition to sidewalks and mix of land uses, encourages alternative forms of transportation such as taking transit, cycling, and walking.

Further, in certain parts of Hamilton, residential lots cannot physically accommodate a driveway due to lot and building constraints. Conversely, simply not requiring parking for SDUs may be overly simplistic as there are certain parts of the City where today and for the short term driving may be one of few viable transportation options, residents of SDUs may be required to use a vehicle daily, and the potential result of not having parking will be spillover parking onto adjacent streets.

For example, a minimum of 1.0 parking space per SDU could be required in areas of the City where parking is also required for the principal building; but a reduction or elimination of parking requirements for a SDU in areas of the City where, no parking space is required for the principal dwelling.

Do you think...

Should there be areas of the City where no additional parking is required for SDU's?



Yes, only in certain areas with transit and cycling.



Yes, but in the entire Urban Area of Hamilton.



No, every Second Dwelling Unit should have a minimum of one space.

Advantages	Disadvantages
Benefits areas of the city where alternative modes of transportation are available, such as bike lanes and higher order transit.	Residents of SDUs may be required to park on the street, and thus competes for parking spaces with other residents.
Recognizes different parking requirements citywide.	Transitional area homeowners may want to be included in the reduced parking area.
	A general parking requirement reduction may not address particular streets where there are tight parking supplies.

Suggested Approach: 1c

The suggested approach is to require parking for SDUs based on community/geographic area and is similar to the approach taken for required parking for the principal dwelling unit. The approach recognizes geographic differences in the ability to provide parking onsite, and where alternative transportation options might not be available.

12.3 Tandem Parking

Tandem parking is where one parking space is located in front of the other such that the "outer" car would have to pull out for the "inner" car to have access to a public road or access driveway of a parking lot. Tandem parking may be present either in a single-car or double car driveway. Tandem parking is one option to explore to provide on-site parking for the resident of the SDU. Currently, with the exception of hotels utilizing a valet parking arrangement, tandem parking is not permitted in Hamilton Zoning By-law No. 05-200. The option is to either not permit tandem parking or to allow residents of SDUs the opportunity to allow tandem parking.

Have you Ever...

Lived in a basement apartment or coach house? Did the homeowner provide you with parking?
What kind of Parking was it? (Circle One)

- No parking was provided to me as a tenant.
- Yes, through a tandem parking arrangement.
- Yes, a dedicated parking spot for me.

Did you own a car? Did you need a parking space? (Circle One)

- No, I did not own a car. Never needed one.
- Yes, I did own a car and needed a parking space.
- Yes, I did own a car but I needed to sell it because no parking space was an option to me.

Option 2a: Do Not Permit Tandem Parking in conjunction with a Second Dwelling Unit

This first option does not permit tandem parking in conjunction with a SDU.

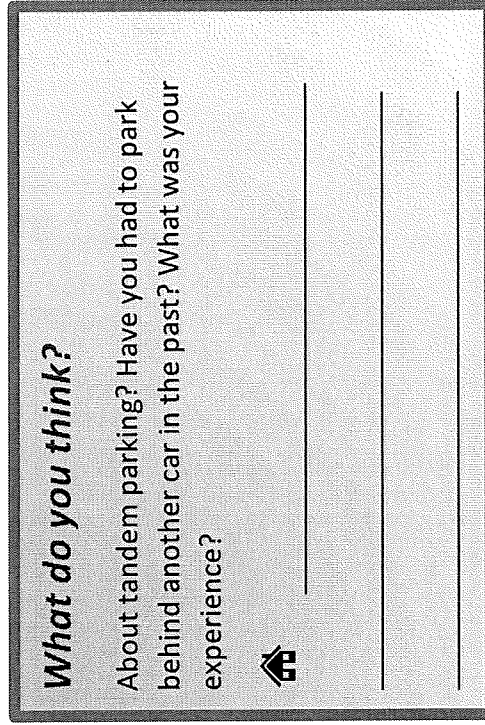
Advantages	Disadvantages
Prevents conflicts between households, especially where different work schedules are involved.	Residents may need to rely on on-street parking if available or rely on other forms of public transit.

Although tandem parking may not be an issue when there is one dwelling unit on a lot because keys are accessible within the household, tandem parking may pose logistical issues with the presence of more than one dwelling unit (i.e. 1 or 2 SDUs) because vehicle keys are not accessible by all households. This arrangement creates a scenario where the "inner" car is unable to maneuver due to the obstruction of another vehicle in front of it. This inconvenience renders the "inner" space unusable as the car cannot be maneuvered out of the parking space.

Tandem parking may not be necessary when there is a double car driveway allowing for all required parking spaces to have free and clear maneuvering to the street. However, for a single car driveway, the driveway will need to be widened to allow one unobstructed parking space for the resident of the SDU.

Option 2b: Permit Tandem Parking in conjunction with a Second Dwelling Unit

This second option permits tandem parking on a single driveway, allowing cars of differing households to park on a single driveway.



Advantages	Disadvantages
<p>Reduces the need to widen the driveway to a double car driveway. In some situations, especially in the older parts of the City, widening to a double car driveway is not physically possible, or additional landscaping would be removed.</p> <p>Allows for greater efficiency of unused portion of the driveway.</p>	<p>Potential logistical issues as keys to all vehicles may not be accessible by all households. This may cause the "inner" vehicle to have little or no operational ability especially when you have one or more vehicles obstructing access to the street.</p> <p>May result in conflicts between households, especially when households have different work schedules.</p>

Option 2c: No Regulation

This third option would not apply a regulation prohibiting or permitting tandem parking. By remaining "silent", it allows the homeowner the opportunity to park one car in front of another, even if cars are owned by different households.

Advantages	Disadvantages
<p>By not regulating tandem parking for SDUs, it gives the homeowner the discretion on whether tandem parking be used.</p>	<p>If the homeowner wishes to utilize a tandem parking arrangement, it may result in conflicts between households, especially when households have different work schedules and require access to their vehicle.</p>

Suggested Approach: 2a

The approach would to prohibit tandem parking between spaces for the SDU and the principal dwelling, which prevents the car parked in the garage from being stuck behind a car owned by the tenant or homeowner. Cars owned by the tenant and homeowner would be required to be parked side by side, or in the case of a corner lot, on separate driveways if available.

12.4 Multiple Driveways on a Corner or Interior Lot

Existing regulations in Hamilton Zoning By-law No. 05-200 allow two driveways depending on a corner or interior lot:

- "5.1b) On a lot containing a single detached dwelling, semi-detached dwelling or duplex dwelling in all zones except the Agriculture (A1) and Rural (A2) Zone:
- viii) A maximum of one driveway shall be permitted for each dwelling unit, except in the case of:
 1. A corner lot where a maximum of one driveway may be permitted from each street frontage; or,
 2. On a lot having a minimum width of 30.0 metres, a maximum of two driveways may be permitted."

A balance must be achieved between on-site and on-street parking. Curb cuts to accommodate multiple driveways result in the elimination of on-street parking that is used by both residents and visitors.

The intent is not to change the above regulation, but rather explore possibilities to build upon this regulation to one specific to lots containing an SDU (whether internal to the main dwelling or in a detached building) in conjunction with a single detached, semi-detached, and street townhouse dwelling. The following discusses options to address permitting a multiple driveway on a lot.

Option 3a: Prohibit a Second Driveway for Corner and Interior Lots

This first option removes the regulation prohibiting a second driveway. Several municipalities researched have shown a similar regulation prohibiting a second driveway on a residential lot regardless if the lot is interior to a block or is a corner lot. This option



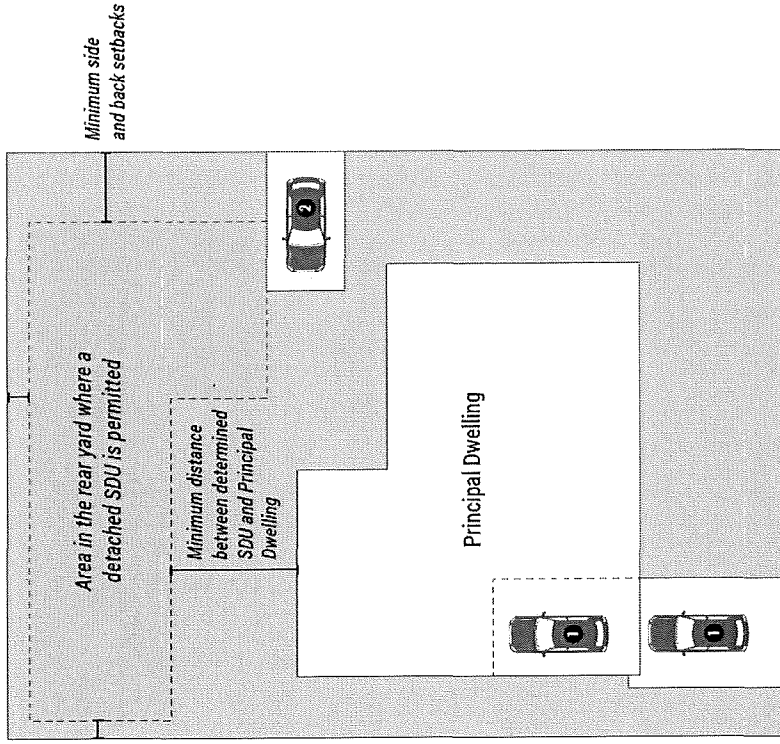
creates a similar regulation prohibiting a second driveway for all residential lots, regardless if the lot is an interior or corner lot, or if the lot is extra wide to physically accommodate a second driveway.

Advantages	Disadvantages
Prohibiting the second driveway eliminates potential pedestrian, cycling, and vehicle conflicts especially at a corner lot, where multiple driveways are close to the intersection. This may be a concern to residents especially where there are lots of pedestrians and cyclists.	Excludes a potential solution to solve parking conflicts and maneuvering of vehicles between property owner and tenant especially in a single car driveway.
Prevent a second driveway from reducing landscaping or green space along the flankage or front yard, and which may potentially change the appearance of the neighbourhood / neighbourhood character.	An existing regulation in Hamilton Zoning By-law No. 05-200 already permits a second driveway on a corner lot and interior lots greater than 30.0 metres. Option is more restrictive than the general regulation.

Option 3b: Permit a Second Driveway only for Corner Lots with minimum driveway lengths.

A second option is to maintain the same regulation as Subsection 5.1b)viii) 1) by permitting one driveway on each street frontage only for corner lots to provide parking for the tenant of the SDU, as shown in the diagram below. The second driveway must be able to accommodate the parking spot onsite without encroaching into the sidewalk. Further, the second driveway shall only be located on the side of the dwelling that does not contain the original driveway. Therefore, this option maintains the existing regulation but adds a minimum driveway length to ensure the parking space does not overhang the sidewalk or street. Option 3b proposes to prohibit a second driveway for an interior lot regardless of lot width and remove Subsection 5.1b)viii) 2). The approach prevents an undersized interior lot from establishing a second driveway.

Advantages	Disadvantages
Allows for a dedicated driveway for the tenant of the SDU, preventing conflicts in driveway functionality when two households park on the same driveway.	A second driveway from the intersection may make the corner appear cluttered, with an additional car parked on the property.
	A second driveway may increase pedestrian and vehicle conflict especially if really close to the intersection.



Suggested Approach: 3b

The suggested approach is to permit a second driveway for corner lots only, and continue to prohibit more than one driveway for interior lots. As noted in Subsection 5.1b)viii), interior lots with a lot width greater than 30.0 metres can establish a second driveway, but interior lots with a narrower lot will only be permitted one driveway. As noted in Section 11.3, tandem parking is not permitted between the parking spaces for the SDU and the principal dwelling.

Option 3b keeps the existing regulation but adds a minimum length of the driveway of 6.0 metres or more to ensure the parking space does not overhang the sidewalk or street.

13.0 Suggested Approaches to General Issues

This section identifies topics that are common to all types of SDUs (interior to an existing dwelling, and new and converted detached SDUs). As previously mentioned, the issue is not whether or not SDUs should be permitted. Bill 108 requires all municipalities in Ontario, including Hamilton, to permit up to two SDUs on residential lots with Single Detached, Semi-Detached, and Street Townhouse Dwellings. Municipalities can develop specific zoning regulations to address their own municipal concerns.

13.1 Second Dwelling Units in Condominium Tenure

A condominium is a form of tenure where all or a portion of land, buildings, and structures are owned by residents living in the development through their Condominium Corporation. As SDUs are permitted based on the housing type of the principal dwelling (single detached dwelling, semi-detached dwelling, and street townhouse), they are inherently also permitted in a condominium tenure. However, many condominium corporations are comprised of higher forms of development such as stacked townhouse, block townhouse, and maisonettes which are considered as multiple dwellings. The current policy and zoning framework do not envision SDUs in these forms of housing.

13.2 Restricting Second Dwelling Units on Floodplains?

With a Climate Change Emergency declared in Hamilton, it is acknowledged that lands previously prone to flooding may experience more extreme weather events especially in areas that are built up and with limited natural vegetation to absorb excess rainwater. Low-lying lands and creeks and rivers such as Spencer, Ann, and Sydenham Creeks in Dundas have been prone to flooding and Official Plans have included special policy areas restricting sensitive land uses due to health and safety issues. These guiding principles were carried over through Policies UD-1, UD-2, and UD-3 found in Volume 3 of the Urban Hamilton Official Plan. More information can be found in the text box below.

Currently, the Hamilton Conservation Authority is in conversations with the City of Hamilton on conducting the Lower Spencer Creek Subwatershed Study to review current policies and update as needed based on recent mapping and forecast modelling. The study will provide direction on the existing policies in the UHOP. A second example is By-law Nos. 19-277 and 19-278 for the Hamilton Beach Area which were approved by Council in November 2019 to increase the minimum ground floor elevation from 76.0 metres to

76.5 metres above mean sea level to ensure residential uses are not impacted by flooding impacts from Lake Ontario and Hamilton Harbour. This minimum elevation requirement also includes SDUs.

In light of the above, SDUs may or may not be permitted in areas that might be prone to flooding. Consultations between the Conservation Authorities, the City, and homeowners ensure the establishment of SDUs do not create an impact on or endanger future residents. Permits from the Conservation Authorities may also be required to ensure flood protection is implemented. In addition to Lower Spencer Creek, other areas in Hamilton may also be considered for restrictions such as in Stoney Creek's Battlefield Creek.

Floodplain Policy summary for the Spencer, Ann, and Sydenham Creeks in Dundas in Volume 3 of the UHOP

The Urban Hamilton Official Plan (UHOP) includes policies, identified below, for the protection of portions of Dundas where flooding may be a concern, especially in times during high water levels and rain events. Please refer to Volume 3, Chapter B - Dundas of the UHOP which also includes a map showing the extent of the policy area.

- UD-1: Where a proposal is made for development or redevelopment, contact the Hamilton Conservation Authority to determine floor protection policies. Permit may be required.
- UD-2: Existing and similar use, renovations of existing buildings are permitted, but expansions into the Natural Heritage System shall not be permitted.
- UD-3: Residential development or redevelopment shall be permitted subject to flood proofing elevation such as any habitable room elevation is located above regulatory flood level.

14.0 Illegal Second Dwelling Units

The City of Hamilton and the Town of Dundas are currently the only former municipalities permitting one SDU per Single Detached residential lot regardless of the age of the dwelling unit (Stoney Creek permits SDUs but in homes built before 1941, and Flamborough permits SDUs but in homes built before 1990). Through the Residential Zone project, it is intended the permissions are to be expanded

throughout the Urban and Rural Area, and in the process, SDUs that were once illegally established in terms of Zoning By-law regulations, may become legal if the units meet the requirements.

14.1 San Francisco's Unwarranted Dwelling Units

San Francisco has a similar issue as Hamilton where illegal SDUs exist. A "sunshine ordinance" was passed by the San Francisco Board of Supervisors, effectively legalizing illegal units which paved the way to allow legal occupancy of these units, subject to a building approval process.

Also called an Unwarranted Dwelling Unit (UDU), these illegal units may be legalized through their "Dwelling Unit Legalization Program" and applies to UDUs constructed before January 1, 2013. Owners of the UDU wanting to legalize their units must register and comply with building and fire inspection. Once these units comply with building and fire code, these units are considered as "Legalized Existing Dwelling Units". Both Legalized Existing Dwelling Units and Accessory Dwelling Units are not eligible to participate in the City's Short-Term Rental program and therefore cannot be rented out as an AirBnb.

The purpose of legalizing UDUs is to maintain the supply of affordable housing in the City, where the housing cost generally is higher than Hamilton. By legalizing these units, tenants who occupy the units can remain to live in the units and for these units to comply with building and fire code. Since 2014 when the legalization program commenced, the City received 658 permit applications to legalize already constructed units, and 163 have completed the legalization process. In addition, the plan review fees are waived for legalization permits of existing UDUs until January 1, 2020. However, other fees to bring it up to code still remain in place.

14.2 Los Angeles Bootlegged Apartment Amnesty Program

Locally called "Bootlegged Apartments", these are illegal units in Los Angeles that were constructed without a permit, and the zoning may not permit the use. The Amnesty program commenced after approximately 2,560 non-permitted units were cited during the 2010 and 2015 period over enforcement issues. During this period, 1,765 units were removed, and 201 units were able to be legalized by complying with the City's zoning and building regulations. The program temporarily stopped all enforcement and shutting down illegal uses to allow for the legalization of the apartment units.

Due to the removal of many affordable housing units, there were calls to address the remaining non-permitted units in the City. An ordinance was approved by Los Angeles City Council in May 2017 to legalize units built prior to 2015 and located in a Multiple Family Zone (R2 and above). These units are intended to remain affordable as defined by the California Department of Housing and Community Development for 55 years. The property owner is required to bring the units into compliance to the Zoning Code and Building Code on matters such as parking requirements and engage in a "good neighbor" set of performance standards. This ordinance applies only to multifamily buildings with in-law units and not single-detached dwellings with the same.

Any legalization of a non-permitted unit would result in increased cost of compliance with Building and Fire Code. After a literature scan, the ordinance was generally supported with no issues or concerns respecting financial implications to the landlord, or whether this would affect housing affordability. Further study would be needed to determine the ordinance's success.

14.3 Orillia's Legalizing Two and Three+ Dwelling Units

In 2018, the City of Orillia published a five-page booklet providing information on the legalization of residential buildings with two dwellings (principal dwelling unit plus one attached accessory dwelling). This booklet is a result of new zoning that Council adopted in 2018 and is an update to a 2011 document which also aimed at providing an amnesty to illegally constructed accessory dwelling units. This legalization program also applies to "apartments in houses" with three or more units. This program only applies to lands east of Highway 11 and in certain Residential, Commercial Intensification, Downtown Shoulder, and Health Care Zones. To further incentivize legalizing accessory dwelling units and the Building Department applies the same fees based on when the dwelling unit was established. After determining the earliest possible date of establishment, staff applies the appropriate fees. For example, for 2 dwelling units established prior to December 31, 1975, only the Fire Inspection fees apply.

14.4 Calgary's Secondary Suite and Backyard Suite Fee Waiver

Council approved amendments to the Land Use By-law (identical to a Zoning By-law) in March 2018 to permit Secondary Suites in certain residential zones. Subsequently, Council approved By-law 10P2019 to permit Backyard Suites (detached SDUs) in January 2019. To address illegal units in the City, Calgary introduced a program to waive the Development Permit Fee (\$471) and Suite Registry Fee (\$232) from March 2018 to May 31, 2020. To qualify for the waiver, the dwelling units must be on the registry site by the expiry date. The fee waive program not only applies to addressing existing illegal units, but also new Secondary Suites and Backyard Suites. The

intent of the program is not only to bring existing illegal units to Building Code, but also encourage homeowners to build new units as well. Treating new and previously illegal backyard suites with the same fairness and process eliminates any discrimination of all units. Registration of all suites are required even if you intend to rent out the unit or not. As of February 2020, there were about 2,350 Backyard Suites in the registry citywide.

Starting June 1, 2020, administrators will reinstate both fees, and for existing illegal units, all secondary suites (regardless of construction date) will need to comply with the National Building Code - 2019 Alberta edition. Further, all secondary and backyard suites are required to be on the registry to avoid fines. To assist with homeowners, an "Existing Secondary Suite Permit Checklist" was created to explain each step along the way and provide options such as inspection of the suite before or after approval, tools to find the zoning of the property and zone regulations.

14.5 Is there a "Made in Hamilton" Solution for Illegal Units?

As mentioned above, illegal SDUs would require Building Permit approvals to meet Ontario Building Code and Zoning requirements. It is acknowledged that SDUs provide additional housing options that meets the needs of renters, and enforcement may compromise the living situation of tenants if there is a requirement to bring the dwelling units within OBC standards. However, the health and safety of tenants is paramount, and the requirement to maintain a healthy long-term housing stock necessary to achieve that.

A general observation from cities in Canada and the U.S. is that encouraging property owners to bring these units in alignment with Zoning regulations and permissions and Building Code requirements can be difficult because there is not enough enticement or benefit for property owners to do so. SDUs, whether they have become legal as a result of increased zone permissions, or whether they remain illegal due to the number of SDUs on a lot, may remain hidden to avoid bringing the dwelling unit to code. Further, there may be a fear by property owners that if they do the right thing by bringing these units to Code, they may incur significant monetary costs in repairs and a reduction in rental income.

The primary goal of having all units legalized is to ensure basic health and safety provisions as per the Ontario Building Code and Fire Code (upon occupancy). Based on the experience from other jurisdictions, the following list identifies potential solutions that may address the issue of already established illegal dwelling units:

- Hamilton Zoning By-law No. 05-200 includes zones that are flexible and permit a wide range of uses. As part of the future Residential Zone project, one option is to introduce a zone that permits a range of dwelling types as opposed to zones that are restrictive and permit only one or a few dwelling types. For example, a zone to permit single detached, semi-detached, duplex, triplex, and street townhouses as addressed in the third bullet. With as-of-right zoning in place, the only other concern is to bring the dwelling units to Building Code standards.
- Waive any registry, licensing fee and/or other fees to reduce the financial burden on the homeowner. Although fees generally do not make up a significant part of the building cost, a reduction or elimination of fees can be seen as a "goodwill gesture" by the City and shows collaboration between government and residents. As is the case in Calgary, the waiving of up to \$900 in fees for a maximum of two years until May 31st, 2020 has resulted in number of Secondary Suites and Backyard Suites (existing or new). It shows the municipalities are proactive and encouraging homeowners to come forward with their illegal dwelling units and register them in the City's registry list. Hamilton can use Calgary's experience to assist homeowners who have previously illegal SDUs.
- An option a few municipalities such as Orillia and Calgary have implemented is apply the Building Code based on the year the SDU was illegally constructed. If the homeowner is able to prove the illegal SDU was built in a certain year (through rent cheques, directories, or invoices), the Building Permit application can be reviewed against the Building Code in existence at the time of construction. However, if the illegal SDU was built without documentation, there may be difficulties on proving the date of construction and the existing Code regulations would be used instead.

15.0 Summary and Next Steps

The purpose of this Discussion Paper is to initiate a conversation about permitting SDUs in the Urban Area. The discussion is not whether SDUs should be permitted (due to requirements under Bill 108), but rather present options to ensure SDUs are compatible within a neighbourhood, and are not impacted through overbuilding, privacy, loss of open space, and grading and drainage.

The new Residential Zones project to update Hamilton Zoning By-law No. 05-200 is multi-phased, and the introduction of Discussion Papers is the first step prior to the formulation of actual zones. As part of the project, public engagement will be an important next step. The intent is to inform, educate and engage in discussion with the community, and receive feedback from residents and stakeholders.

For more information, please visit the City's website at www.hamilton.ca/residentialzoning

Bibliography

Government Publications and Reports:

- As-of-Right Zoning for Secondary Suites Report PH3.1 (City of Toronto, February 25, 2019)
- Census Profile, 2016 Census: Hamilton, Ontario (Statistics Canada, 2016 Census of Canada, 2016)
- Department of City Planning – Recommendation Report on the Proposed Unapproved Dwelling Unit Ordinance Amends Section 14.00 of the Los Angeles Municipal Code (LAMC) for the purpose of creating a new process for granting legal status to Unapproved Dwelling Units in Existing Multiple-Family Dwellings (City of Los Angeles, 2016)
- Guidance on Implementing the Accessory Dwelling Units (ADU) Requirement (State of Oregon, Oregon Department of Land Conservation and Development, March 2018).
- Housing Intensification Study to the January 29, 1991 Planning and Development Committee (City of Hamilton, 1991)
- Housing Choices: Second Units Review (City of Mississauga Planning and Building Department, 2012)
- Housing Intensification Study Report P5-4-2-18 (City of Hamilton, January 29, 1991)
- Information Guide to Legalizing Existing Units (City of Orillia, 2018)
- Ontario's Long-Term Affordable Housing Strategy – Update: March 2016 (Ministry of Municipal Affairs and Housing, 2016)
- Planning & Environment Committee - Citywide Official Plan and Zoning By-law Amendments – Secondary Dwelling Units (City of London, November 26, 2013)
- Proposed new Regulation and Regulation Changes Under the *Planning Act*, including transition matters related to Schedule 12 of Bill 108 – the *More Homes, More Choice Act, 2019* (Ministry of Municipal Affairs and Housing (2019)
- Public Meeting: Secondary Residential Units City-wide Zoning By-law Amendment (City of Cambridge, February 13, 2018)

Rental Market Report for Hamilton CMA, 2018 (CMHC, 2019)
Rental Market Report for Hamilton CMA, 2019 (CMHC, 2020)
Second Dwelling Units: A Homeowner's Guide (Town of Innisfil, April 2016)
Second Dwelling Units Background Report (Town of Innisfil, 2013)
Second Units: Info Sheet – Spring 2017 (Ministry of Municipal Affairs and Housing, 2017)

Websites:

D. Gellman, A. Meirson, A. Klein. (June 1, 2018). Unwarranted ("in-law"), Legalized & Accessory Dwelling Units in San Francisco. Retrieved from <https://g3mh.com/wp-content/uploads/2018/06/2018-ADU-FAQs.pdf>
J. Sabatini. (Feb 25, 2018). Just 23 in-law units built after two years as SF seeks to iron out approval process. San Francisco Examiner. Retrieved from <http://www.sfexaminer.com/just-23-law-units-built-two-years-sf-seeks-iron-approval-process/>



WELCOME TO THE CITY OF HAMILTON

Proposed Second Dwelling Unit Regulations

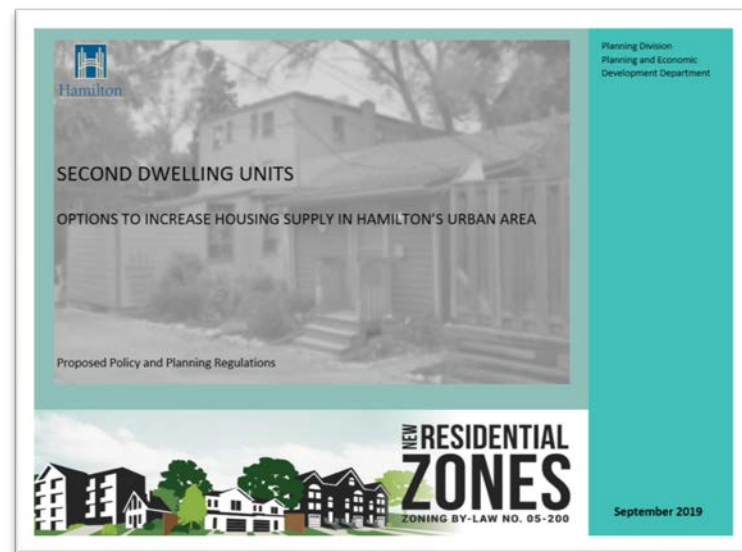
Options to Increase Housing Supply in Hamilton's Urban Area

September 22, 2020 – Planning Committee Meeting

Background

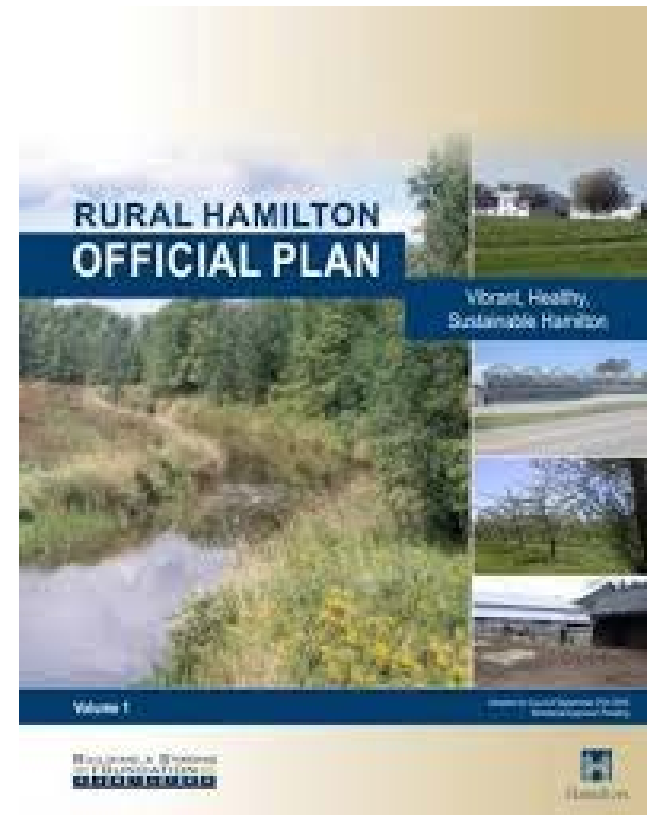
Permitting Second Dwelling Units (SDUs) is one way to increase housing supply by:

- Allowing a greater range of housing opportunities; and,
- Creating a more diverse range of household types for various income levels.



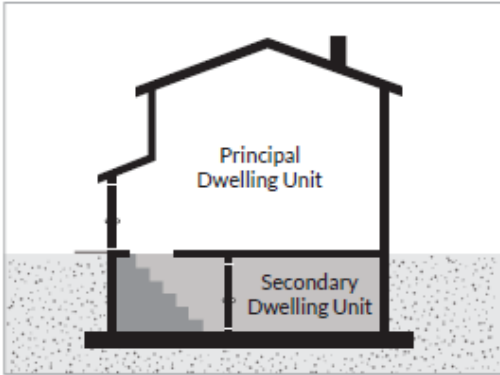
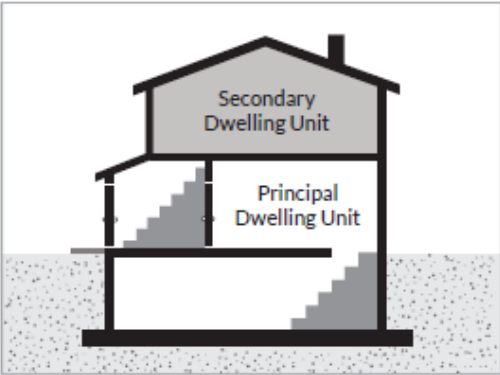
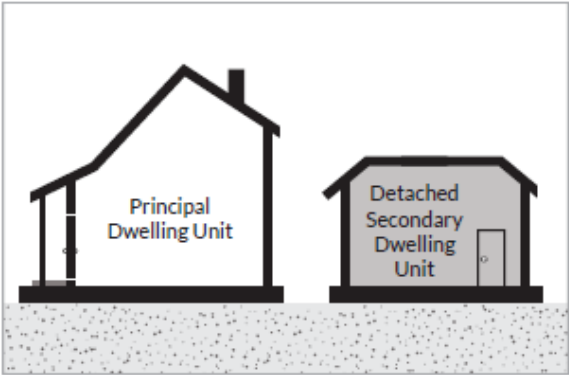
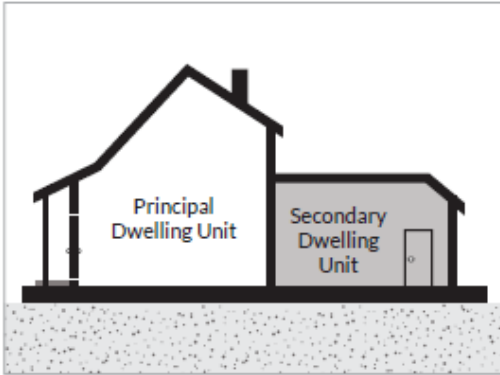
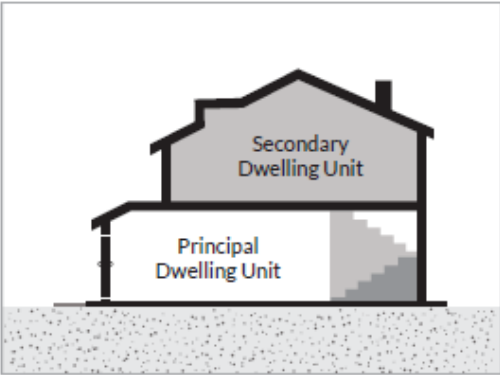
Second Dwelling Units in the Rural Area

- A separate project as a companion piece.
- Some regulations proposed for Second Dwelling Units in the Urban Area may be applicable in the Rural Area, further review required.
- Consider matters such as servicing unique to the Rural Area.



What is a Second Dwelling Unit?

Note: Due to site constraints, not all lots may be able to have an SDU.




What are the Benefits of Second Dwelling Units?


Efficient use of existing
Community Services




Tenant can save money



More Housing Option




More People watching the Street



More Rental Housing



Efficient Use of Land



Topics not discussed in this Project...

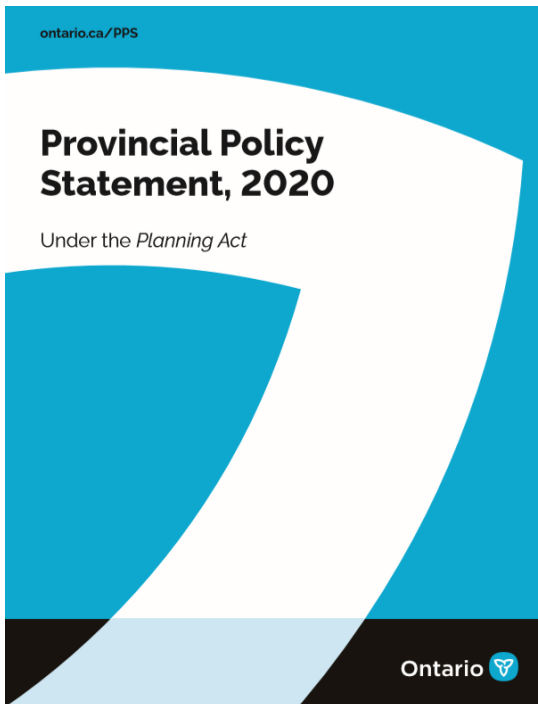
- Alternative forms of Housing;
 - Student Housing and Student Residences; and,
 - Lodging Homes and co-housing.

- Short Term Rentals / Accommodation;

- Rental Housing Market and trends; and,

- Matters that not related to land use planning.
 - Property Standards;
 - Rental Housing Licensing; and,
 - Number of Occupants in a Dwelling Unit.

Provincial Requirements for Second Dwelling Units

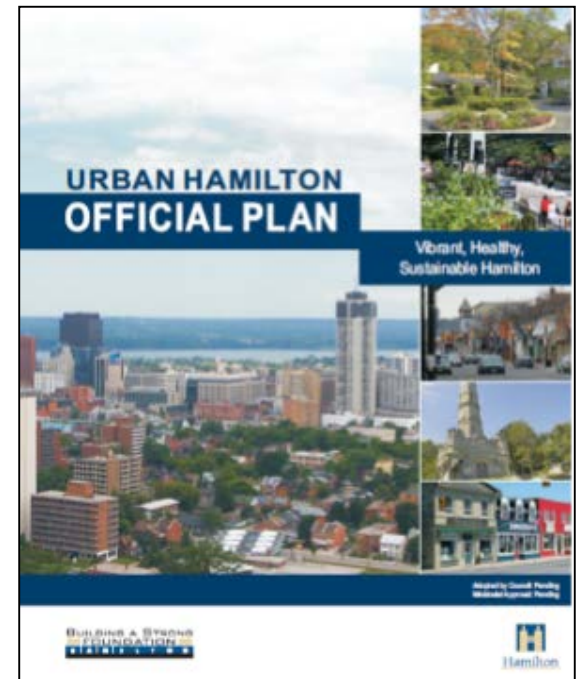


More Homes, More Choice Act, 2019 (Bill 108)

- Municipalities in Ontario are required to permit SDUs in their Official Plans and Zoning By-laws.
- Up to three dwellings permitted on a single lot containing a Single Detached Dwelling, Semi-Detached Dwelling, or Rowhouses (Street Townhouse)
 - 1 main dwelling; and,
 - Two SDUs – 1 in the main building and 1 detached (subject to regulations).
- Not a question of “if” SDUs should be permitted, but what regulations should be included in the Zoning By-law to address matters such as compatibility.

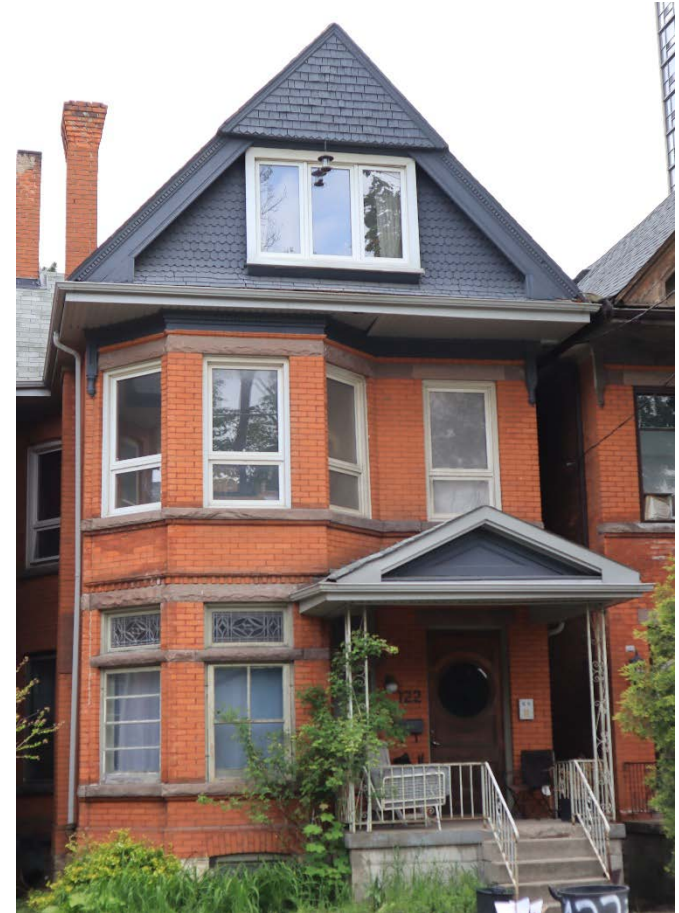
Permissions in the Urban Hamilton Official Plan (UHOP)

- SDUs are currently permitted in the Neighbourhoods Designation within a Single Detached and Semi-Detached Dwelling.
- Additional policies to address compatibility with abutting residential lots and matters such as overlook and shadowing.
- Amendments will be required to permit Second Dwelling Units in rowhouses (street townhouses).



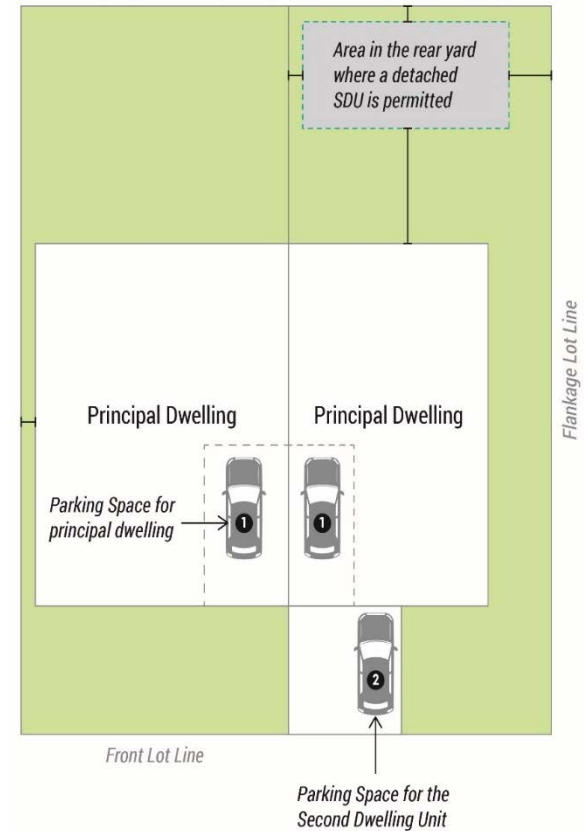
Second Dwelling Units within the Main Dwelling

- There are no minimum size requirements for either dwelling units.
- Access to SDU options:
 - Side and Rear Entrances
 - Internal to an existing building through a vestibule
 - Entrance located on the front façade facing the street for certain areas of the city where character includes different dwelling types.



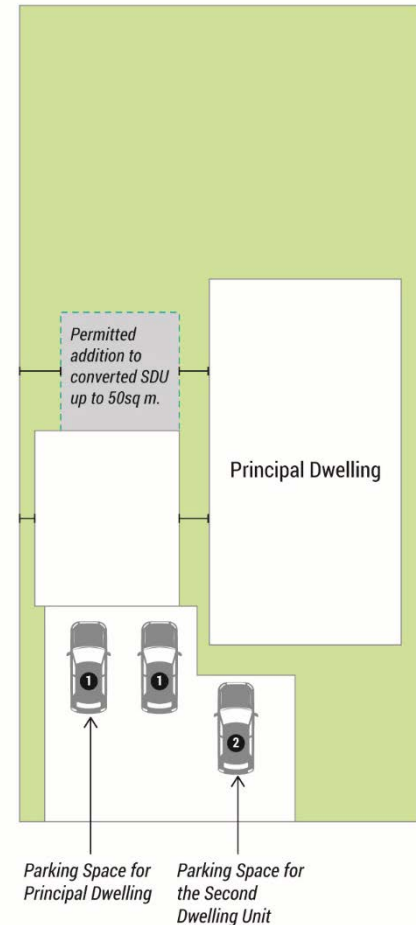
Detached Second Dwelling Units - New Construction

- Cannot be located in the front yard.
- No longer required to abut a laneway.
- Regulations derived from the Laneway Housing Pilot Project
 - Maximum size – 50 square metres
 - Maximum height – 6.0 metres.
- Other proposed regulations such as separation distance between detached SDU and principal dwelling

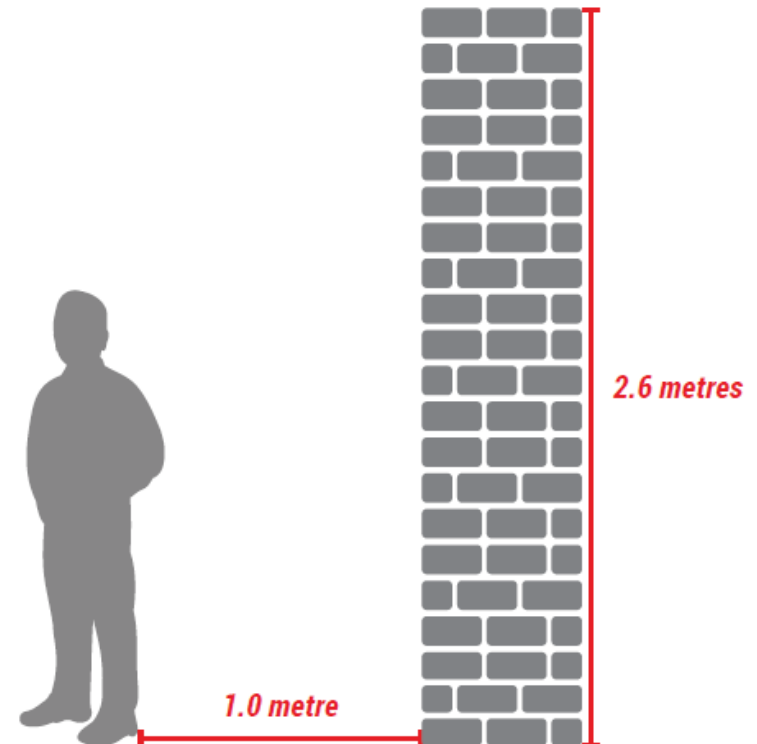
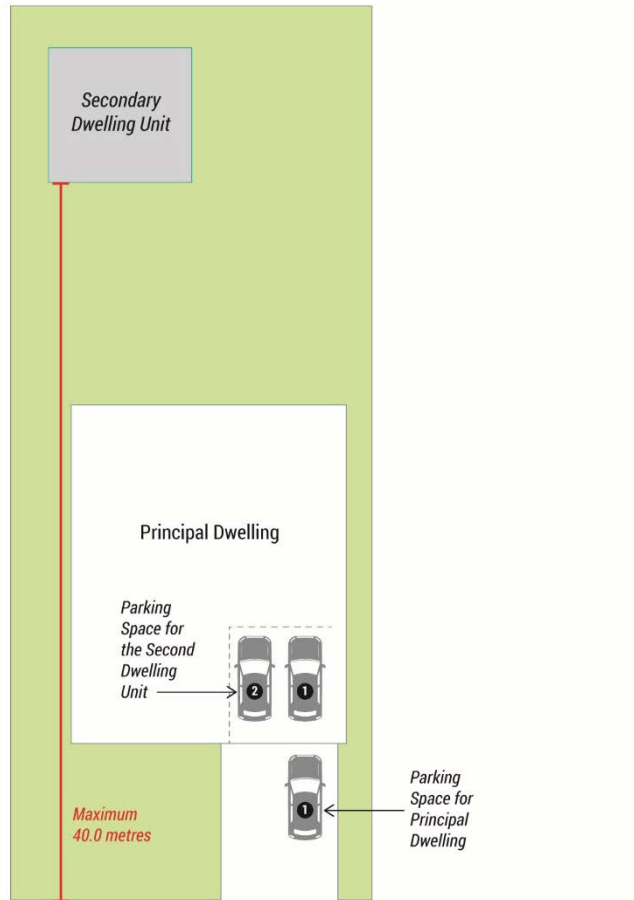


Detached Second Dwelling Units - Conversion

- Applies to accessory buildings such as detached garages, work sheds, etc.
- SDUs can either be established within the existing accessory building, or as an addition to the accessory building.
- Existing setbacks and maximum height requirements recognized for converted SDUs, but apply for additions.



Mandatory “Fire” Regulations for Detached Second Dwelling Units



Parking Requirements for Second Dwelling Units

- A general city-wide requirement of 1.0 spaces per Second Dwelling Unit is proposed.
- Possibility of no parking spaces required for Second Dwelling Unit in certain areas around Downtown Hamilton.
- Tandem parking is not permitted with parking spaces belonging to the principle dwelling.



Incentives to Second Dwelling Units

- Existing incentives include elimination of Development Charges and reduction in Parkland Dedication Fees.
- Cooperation with Healthy and Safe Communities Department to look into other innovative solutions to encourage Second Dwelling Units.



Next Steps for Second Dwelling Units

- Project launch to the Residential Zones will occur in October 2020.
 - Brochures and Discussion Paper available online and paper copies.
 - Process Map that illustrates considered regulations and options.
 - Reports from other projects will also be available for review.
- “Traditional” non-online methods will also be offered to residents and stakeholders who are more comfortable with paper versions of materials.
- Workshops for industry professionals.

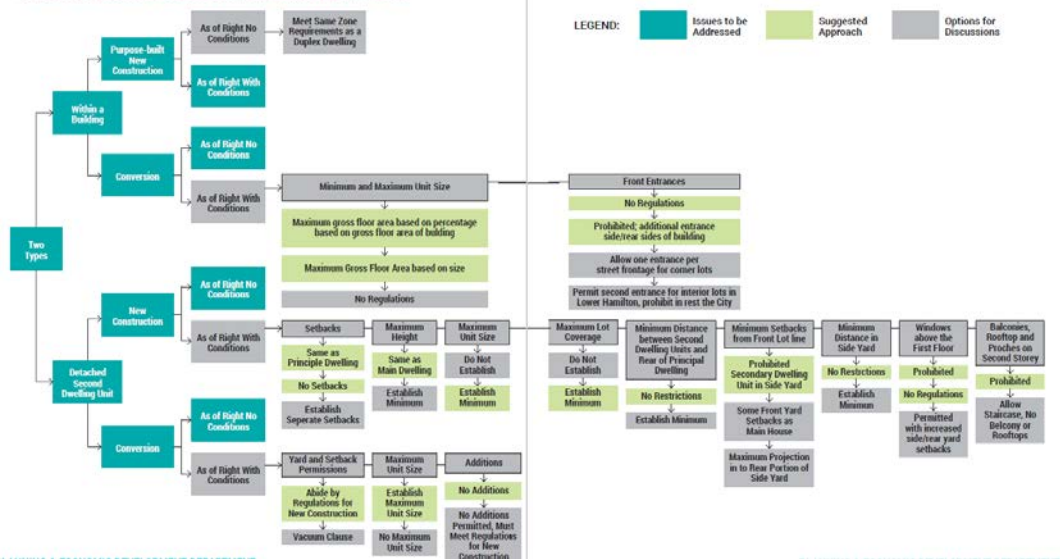




CREATING A HOUSE AND A HOME

A GUIDE TO PROPOSED ZONING BY-LAW REGULATIONS FOR SECOND DWELLING UNITS

OPTIONS FOR SECOND DWELLING UNITS IN ZONING BY-LAW 05-200





THANK YOU

THE CITY OF HAMILTON PLANNING COMMITTEE



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 22, 2020
SUBJECT/REPORT NO:	Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Applications AN/B-20:30, AN/B-20:31 and AN/B-20:32 for the Properties Located at 822 Book Road W, 914 Book Road W, and 1276 Shaver Road (Ancaster) (PED20160) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	June Christy (905) 546-2424 Ext. 5863
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That Council gives approval to the following actions, as detailed in Report PED20160, respecting Committee of Adjustment Consent Applications AN/B-20:30, AN/B-20:31, and AN/B-20:32 submitted by Urban Solutions on behalf of the Owner (Knollwood Golf Ltd.) for the Properties Located at 822 Book Road, West, 914 Book Road, West, and 1276 Shaver Road, Ancaster as shown on Appendix "A" to Report PED20160, approved by the Committee of Adjustment but recommended for Tabling by the Planning and Economic Development Department:

- (i) That Council of the City of Hamilton proceed with the appeal to the LPAT against the decision of the Committee of Adjustment to approve Applications AN/B-20:30, AN/B-20:31 and AN/B-20:32;
- (ii) That Council directs appropriate Legal Services and Planning Staff to attend the future LPAT Hearing in opposition to the decision of the Committee of Adjustment to approve Applications AN/B-20:30, AN/B-20:31 and AN/B-20:32.

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EXECUTIVE SUMMARY

The applicant submitted joint Consent Applications AN/B-20:30, AN/B-20:31 and AN/B-20:32 to permit the conveyance of parcels of land containing existing dwellings known as 822 Book Road, West, 914 Book Road, West, and 1276 Shaver Road, Ancaster and to retain lands with a frontage of 758 m and an area of 112.4 ha. The Consent Applications were heard by the Committee of Adjustment on July 23, 2020.

Comments to the Committee of Adjustment from Planning staff noted that there were conflicts with the Greenbelt Plan and the Rural Hamilton Official Plan for the severance of parcels for residential purposes in the Open Space Designation. Staff also indicated that the proposal required a successful rezoning as residential uses are not permitted in the Open Space (P4) Zone.

There were issues with the private servicing of the future residential parcels and as such, Hamilton Water staff did not support the severances and recommended that the applications be tabled. They required a more thorough hydro-g study that can would demonstrate that septic system pollution will not impact the neighbouring wells. Given the concerns from Hamilton Water, staff recommended that the applications be tabled to allow the applicant time to submit a more detailed hydro-g report that would demonstrate that the applications will meet the City's sustainable servicing policies (see Consolidated Staff comments in Appendix "C" to Report PED20160). However, the Committee of Adjustment approved the application for the reasons set out in the decision of the Committee of Adjustment (see Appendix "E" to Report PED20160).

Under the *Planning Act*, appeals must be filed within 20 days of the decision. As such, as per the standing instructions to staff, Planning and Economic Development staff submitted an appeal letter and the required fee to the Secretary-Treasurer of the Committee of Adjustment to initiate the appeal process, subject to Council's approval/ratification. The purpose of this report is to seek Council direction on the appeals.

Alternatives for Consideration – See Page 16

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Planning and Economic Development Department staff has submitted the required fee of \$450.00 to the Minister of Finance to begin the appeal process. Other than this one-time fee, the costs for the Hearing are covered by the respective Departmental Work Programs/Budgets. The Hearing would likely take one day.

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Staffing: One representative each from Planning, Public Works (Source Water Protection) and Legal Services would be required for preparation and attendance at an LPAT Hearing. One member of Planning staff and Public Works (Source Water Protection), as required, would attend as an expert witness at the Hearing, should Council support the Recommendation of the Report.

Legal: No legal implications are expected.

HISTORICAL BACKGROUND

Role and Responsibilities of the Committee of Adjustment (PD02116(a))

In December, 2002, City Council endorsed a staff report related to the Roles and Responsibilities of the Committee of Adjustment. The recommendations included the following:

“That the Planning and Development Department be authorized and directed to prepare an information Report, to the Committee of the Whole, when an appeal is made to the of a Local Planning Appeal Tribunal (LPAT) decision made by the Committee of Adjustment to support an application(s) that was not supported by staff. In response to such a report, Council may determine its position on the Committee of Adjustment decision and may instruct Legal Services to attend the LPAT Hearing, in support of the Committee’s decision, and to retain outside professional(s) accordingly.”

Report Fact Sheet:

Application Details	
Applicant/Owner:	Knollwood Golf Ltd.
Agent:	Urban Solutions Planning & Land Development (c/o Matt Johnson)
File Numbers:	AN/B-20:30, AN/B-20:31 and AN/B-20:32
Type of Application:	Consent to Sever
Proposal:	To permit conveyance of three parcels of land containing existing single detached dwellings and to retain lands for use as an existing golf course.

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Property Details	
Municipal Addresses:	822 Book Road West, 914 Book Road West, and 1276 Shaver Road (see Location Map attached as Appendix "A" to Report PED20160)
Lot Area:	112.4 ha
Lot Frontage:	758 m
Servicing:	Septic and Wells
Severance Details	
Severance A 822 Book Road, W AN/B-20:30 Sever into two lots	<u>Lands to be Conveyed</u> 61.32 m x 71.11 m 0.45 ha Contains an existing 3 storey single detached dwelling <u>Lands to be retained</u> 112 ha existing golf course
Severance B 914 Book Road, W AN/B-20:31 Sever the retained lots from Severance A	<u>Lands to be Conveyed</u> 0.3 ha Contains an existing 2 storey single detached dwelling and 1 storey building <u>Lands to be Retained</u> 111.6 ha existing golf course
Severance C 1276 Shaver Road AN/B 20:32 Sever the retained lot from Severance B	<u>Lands to be Conveyed</u> 67 m by 60 m 0.4 ha Contains an existing two storey single detached dwelling <u>Lands to be Retained</u> 111.2 ha existing golf course
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS.
Greenbelt Plan:	The Greenbelt Plan discourages lot creation for non agricultural uses in the rural area.

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Rural Hamilton Official Plan:	<ul style="list-style-type: none"> • Designated Open Space in Schedule D-Rural Land Use Designations • Permits predominantly recreational activities, conservation management and other open space uses. • One ancillary residential dwelling may be permitted in conjunction with a resource-based recreational and tourism use • Residential uses are not permitted • As per 1.14.2.1 Lot Creation, severances that create a new lot for residential uses shall be prohibited except where a dwelling may be severed as a result of a farm consolidation and where a dwelling is within a designated Rural Settlement Area.
Zoning Existing:	<ul style="list-style-type: none"> • Open Space (P4) Zone and Conservation/Hazard Land Rural (P6) Zone in the southern portion of the lands.

Acquisition History of 822, 914 Book Road and 1276 Shaver Road

Prior to acquisition of the three parcels by Knollwood Golf Ltd. for development of the golf course, the lands were originally used for agricultural purposes and contained the three existing farm houses. Knollwood Golf Ltd. Acquired the parcels in the eighties and early nineties: 822 Book Road purchased in 1982; 914 Book Road purchased in 1987 and 1276 Shaver Road in 1994. Knollwood Golf Course started operations in 1991. As the applicant's agent advised in the application materials, the three parcels have subsequently merged in title into Knollwood Golf Course lands.

July 22, 2020 Committee of Adjustment

Staff's comments noted that the proposed severances did not meet the severance policies of the RHOP (see Staff comments in Appendix "C" to Report PED20160). Severances that create new lots for residential uses in the Open Space designation are prohibited except where a dwelling unit may be severed as a result of a farm consolidation. As well, the Open Space designation does not permit residential uses except or an ancillary residential use in conjunction with a resource-based recreation and tourism use. As such, in the comments submitted to the Committee of Adjustment, staff acknowledged that the proposed severances conflicted with Greenbelt and RHOP policies. The policy framework does not provide a way to rectify the merging of the lands on title by separating the residential uses from the golf course. In addition, the residential uses are not permitted in the Hazard Land Rural (P4) Zone and upon

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severance of the lands the single detached uses were no longer be permitted. Therefore, a rezoning application would be required prior to severance.

In order for the severances to proceed, and the passage of a site specific zoning by-law to recognize and/or permit the residential uses, an Official Plan Amendment would be required to remove the proposed residential parcels from the Open Space Designation, and to add the lands to a more appropriate designation, most likely a Rural designation which would be compatible with the surrounding area.

Finally, there were issues with the private servicing of the future residential parcels and as such, Hamilton Water staff required that the applicant demonstrate that septic system pollution will not impact the neighbouring wells. Given the concerns from Hamilton Water, staff recommended that the applications be tabled to allow the applicant time to submit a detailed hydro-g report that demonstrates that the applications will meet the City's sustainable servicing policies.

As the minutes of the Committee of Adjustment meeting indicate (see Appendix "D" to Report PED20160), the agent provided an overview of the development of the golf course lands and that the severance applications were an attempt to rectify the owner's lawyer's error in allowing the original farm lots to merge with the golf course lands. Committee members discussed the merits of tabling the application (as staff recommended) so as to allow the owner time to demonstrate that the private servicing concerns of staff would be able to be satisfied. However, the owner and agent were willing to risk not clearing the conditions in the allotted time of one year. The Committee discussed whether to table but ultimately agreed to approve and not table the applications.

Appeal to LPAT

On August 11, 2020, Planning Division staff filed an appeal to the LPAT on behalf of the Planning and Economic Development Department with the Committee of Adjustment decision to approve the applications (see Appendix "F: attached to Report PED20160). The reasons for the appeal can be summarized as follows

- a) The severances conflict with the RHOP Designation and Severance policies, (F.1.14.2); and,
- b) The existing residential uses are not permitted within the zoning bylaw, in particular, in the Open Space (P4) Zone.

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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Planning Act

The application has been reviewed with respect to the provision of the *Planning Act*.

Powers of Committee

“44(1) If a municipality has passed a by-law under section 34 or a predecessor of such as the council considers advisable. R.S.O. 1990, c. P.13, s, 44(1).

45(1) The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such section, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained. R.S.O. 1990, c. P.13, s, 45(1); 2006, x, 23, s, 18 (1); 2009, c. 33, Sched. 21, s. 10 (11).

45(3) A council that has constituted a committee of adjustment may by by-law empower the committee of adjustment to grant minor variances from the provisions of any by-law of the municipality, that implements an official plan, or from such by-laws of the municipality as are specified and that implement an official plan, and when a committee of adjustment is so empowered subsection (1) applies with necessary modification. R.S.O. 1990, c. P.13, s. 45 (3)).

53(1) An owner of land or the owner’s agent duly authorized in writing may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. 1994, c. 23 s. 32.

54(5) The council of a single-tier municipality authorized to give a consent under section 53 may by by-law delegate the authority of the council under section 53 or any part of that authority to a committee of council, to an appointed officer identified in the by-law by name or position occupied, to a municipal planning authority or to the committee of adjustment. 2002, c. 17, Sched. B, s. 21 (4).

54(6) Where, under subsection (2) or (5), a committee of adjustment has had delegated to it the authority to give a consent, section 53 applies with necessary

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modifications and subsections 45 (4) to (20) do not apply in the exercise of that authority. 1994, c. 23, s. 33 (9).”

Staff are of the opinion pursuant to Section 53(1) of the Planning Act, that a Plan of Subdivision is not necessary for the proper and orderly development of the subject lands, and that a Consent Application is appropriate for the division of the subject lands.

Provincial Policy Statement (2019)

The Provincial Planning Policy Framework is established through the Planning Act (Section 3) and the Provincial Policy Statement (PPS). The Planning Act requires that all municipal land use decisions affecting planning matters be consistent with the PPS.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Local Planning Appeals Tribunal approval of the City of Hamilton Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g., efficiency of land use, balanced growth, environmental protection and sensitive land uses) are reviewed and discussed in the Official Plan analysis that follows.

The application was reviewed with respect to the Provincial Policy Statement (PPS), namely Settlement Areas Policy 1.1.3, and Housing Policy 1.4.

Furthermore, Housing Policy 1.4.3 encourages planning authorities to permit and facilitate all forms of residential intensification. Staff are of the opinion that the proposal is consistent with the Provincial policy Statement’s guidelines for residential intensification.

Residential Development

- 1.1.4.2 In *rural areas*, *rural settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.
- 1.1.5.2 On *rural lands* located in municipalities, permitted uses are:
- a) the management or use of resources;
 - b) resource-based recreational uses (including recreation dwellings);
 - c) residential development, including the lot creation, that is locally appropriate;

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- d) *agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices*, in accordance with provincial standards;
- e) home occupations and home industries;
- f) cemeteries; and,
- g) other rural land uses.”

The proposed severances are not consistent with Policy 1.1.4.2 which focuses growth within Rural Settlement Areas. However, Policy 1.1.5.2 does allow for some residential development, including lot creation, that is locally appropriate. It is the intent of the PPS to allow municipalities to determine the extent of residential development in the rural area. Given that the existing farm houses on the subject lands have existed for decades and are compatible with the surrounding rural and residential properties nearby, the proposed severances are consistent with the Provincial Policy Statement.

Greenbelt Plan (2017)

The lands are designated “Protected Countryside” in the Greenbelt Plan where lot creation for residential purposes is discouraged.

3.1.4 Rural Lands Policies

3.1.4.2 *Rural lands* may contain existing agricultural operations and provide important linkages between *prime agricultural areas* as part of the overall *Agricultural System*. *Normal farm practices* and a full range of *agricultural uses, agriculture-related uses and on-farm diversified uses* are supported and permitted. Proposed *agriculture-related uses and on-farm diversified uses* should be compatible with and should not hinder surrounding agricultural operations. Criteria for all these uses shall be based on provincial Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas.

4.5 Existing Uses

4.5.1 All *existing uses* are permitted.

4.5.2 Single dwellings are permitted on existing lots of record, provided they were zoned for such as of the date the Greenbelt Plan came into force.

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Municipalities are encouraged to retain existing lots of record for *agricultural uses* and discourage non-agricultural uses where appropriate.

- 4.5.4 Expansions to existing buildings and structures, accessory structures and uses and/or conversions of legally *existing uses* which bring the use more into conformity with this Plan are permitted subject to a demonstration of the following:
- a) Notwithstanding section 4.2.2.2, new municipal services are not required; and,
 - b) The use does not expand into *key natural heritage features* or *key hydrologic features* or their associated *vegetation protection zones*, unless there is no other alternative, in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure.”

4.6 Lot Creation

For lands falling with the Protected Countryside, the following policies shall apply:

1. Lot creation is discouraged and may only be permitted for:
 - a) Outside *prime* agricultural areas, including *specialty crop areas*, the range of uses permitted by the policies of this Plan;
 - f) The severance of a residence surplus to a farming operation as a result of a farm consolidation, on which a habitable residence was an existing use, provided that:
 - i. The severance will be limited to the minimum size needed to accommodate the use and appropriate sewage and water services; and,
 - ii. The planning authority ensures that a residential dwelling is not permitted in perpetuity on the retained lot of farmland created by this severance. Approaches to ensuring no new residential dwellings on the retained lot of farmland may be recommended by the Province, or municipal approaches that achieve the same objective should be considered.

The Greenbelt Plan policies do not provide policy direction for considering lot creation for residential uses except for the severance of a residence surplus to a farming

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operation as a result of a farm consolidation. It is staff's opinion that even though the existing residences were once farm houses on agricultural properties, the agricultural use of the lands has ceased as the consolidation was for a recreational use and not a farming operation and so lot creation for surplus farm dwelling would not apply. Although *existing* residential uses are permitted, lot creation for non farm related residential purposes is not permitted.

Rural Hamilton Official Plan

The subject lands are designated as "Open Space in Schedule D - Rural Land Use Designations. The following lot creation policies, apply to the proposed severance applications:

Residential Development – Severance Policies

The following lot creation policies, amongst others apply to the proposed development:

- "F.1.14.2.1 The following policies apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agricultural, Rural, Speciality Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D – Rural Land Use Designations:
- "3.5.3.6 New *development* shall conform to Section C.2, Natural Heritage System policies in Volume 1 of this Plan.
- "3.5.5.6 The division of land by consent may be considered when it is clear that a Plan of Subdivision is not necessary. When the severance of land by consent is deemed appropriate, regard shall be had to the other policies of this Rural Settlement Area Plan and Volume 1 of this Plan.
- C.5.11 No draft, conditional, or final approval of development proposals shall be granted by the City for any development in the rural area that could impact existing private services or involves proposed private services until the development proposal has complied with all of the following: (OPA 23)
- c) The minimum size for a new lot proposed in an application for a severance or lot addition, with an existing or proposed private water system and/or existing or proposed private sewage disposal system shall be the size required to accommodate the water system and sewage disposal system with no on-site and off-site impacts, and

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shall include sufficient land for a reserve discharge site or leaching bed, as determined by the requirements in Policies C.5.1.1 a) and b). In no case shall a proposed new lot be less than one acre. The maximum lot size shall be in accordance with Policy F.1.14.2.1 g).”

- a) Severances that create a new lot for the following purposes shall be prohibited:
 - i) Residential uses except in accordance with:
 - 1) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation; and,
 - 2) Policies F.1.14.2.1 b) iv) and F.1.14.2.4, where a dwelling within a designated Rural Settlement Area may be severed.”

Based on Policy F.1.14.2.1 the creation of non-surplus dwelling farm lots is prohibited.

Land Use Designation

The following policies, amongst others, apply to the proposed development:

- “C.3.3.1 Lands designated as Open Space on Schedule D – Rural Land Use Designations are public or private areas where the predominant use of or function of the land is for recreational activities, conservation management and other open space uses. These include, but are not limited to parks for both active and passive recreational activities including *resource-based* recreational and tourism uses, recreation/community centres, pedestrian pathways, trails, bikeways and walkways, seasonal campgrounds, marinas, woodlots, forestry and wildlife management areas, fishing reserves, *hazard lands* and cemeteries. Ancillary commercial uses may be permitted as defined by section B.3.5.1, Parkland Policies and section C.2, Natural Heritage System policies of this Plan.
- C.3.3.2 Open Space designations shall be further refined in Secondary Plans and Rural Settlement Area Plans or identified in an Appendix to this Plan in accordance with Section B.3.5.1 Parkland Policies of this Plan.

The following ancillary uses shall be permitted subject to the following:

SUBJECT: Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Applications AN/B-20:30, AN/B-20:31 and AN/B-20:32 for the Properties Located at 822 Book Road, West, 914 Book Road, West and 1276 Shaver Road, Ancaster (PED20160) (Ward 12) - Page 13 of 17

- a) Ancillary commercial uses such as but not limited to food concessions, recreational equipment rentals and water oriented recreational uses that are complimentary to supporting and in conjunction with a *resource-based* recreational and tourism use, or recreational/community centre, may be permitted provided they do not interfere with or have any negative impacts on the open space nature of the land; and
- b) One ancillary residential dwelling may be permitted in conjunction with a *resource-based* recreational and tourism use provided it does not interfere with or have any negative impacts on the open space nature of the land.

C.3.3.3 Where land is designated as Open Space and is under private ownership, it is not intended that this land shall necessarily remain so indefinitely, nor shall the Plan be construed as implying these areas are free and open to the general public or shall be purchased by the City.”

The intent of the Open Space designation is to permit Open Space uses. The Open Space designation does not permit residential uses except for an ancillary residential dwelling in conjunction with a *resource-based* recreational and tourism use provided that it does not interfere with or have any negative impacts on the open space nature of the land. As the proposal is not for an ancillary residential dwelling in conjunction with a *resource-based* recreational and tourism use, the proposal does not meet the intent of the Open Space policies of the Rural Hamilton Official Plan.

C.5.1 Private Water and Wastewater Services

“5.1.1 No draft, conditional or final approval of development proposals shall be granted by the City for any development in the rural area that could impact existing private services or involves private services until the development proposal has complied with all of the following:

- a) Prior to or at the time of application for a proposal that could impact existing private services or involves proposed private services, development proponents shall submit complete information regarding existing or proposed private water and wastewater services. This information shall be complete to the satisfaction of the City. Where sufficient information is not available to enable a full assessment of on-site and off-site water supply and/or sewage disposal impacts or if the proponent does not agree with the City’s calculations, the proponent shall be required to submit a hydrogeological

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study completed in accordance with Section F.3.2.2 – Hydrogeological Studies of this Plan and Hydrogeological Study Guidelines as may be approved or amended from time to time.

- c) The minimum size for a new lot proposed in an application for a severance or lot addition, with an existing or proposed private water system and/or existing or proposed private sewage disposal system shall be the size required to accommodate the water system and sewage disposal system with acceptable on-site and off-site impacts, and shall include sufficient land for a reserve discharge site or leaching bed as determined by the requirements in Policies C.5.1.1 a) and b). In no case shall a proposed new lot be less than one acre in size. The maximum lot size shall be in accordance with Policy F.1.14.2.1.
- d) The existing or proposed water supply system shall include a well with sufficient quantity of water and with potable water supply to sustain the use. A cistern system that meets current accepted standards, may, to the satisfaction of the City, be an additional component of the water supply system.”

Hamilton Water reviewed the well and septic technical memo from Landtek, the applicant’s consultant. Based on this memo and their desktop review, they determined that they cannot support the proposed severance(s) at this time as it would not meet the sustainable servicing policies within Chapter C.5.1 of the Rural Hamilton Official Plan. While the RHOP states that no newly created lot shall be less than 1 acre, other considerations (such as local soils, impervious surfaces, etc) within Chapter C.5.1 often require this minimum lot size to be larger. Based on their desktop review of local clay soils and the City’s Guidelines for Hydrogeological Studies and Technical Standards for Private Services, the minimum lot size requirement would be 1 hectare (2.54 acres). Staff advised that clay soils cannot dilute septic pollution efficiently, and as a result often requires larger lot areas to manage septic system pollution entirely within the property boundary.

The technical memo provided did not satisfy requirements within the City’s Guidelines for Hydrogeological Studies and Technical Standards for Private Services, as a Water Quality Impact Risk Assessment for each private sewage disposal system was not completed. It should be noted that while Landtek cites the water quality impact risk assessment as a City requirement, one was not completed within the memo that was submitted. This assessment and associated calculations are a key component in arriving at the recommended minimum lot size for a single family dwelling. Undersized lots increase groundwater quality and health risks to nearby well owners. Source Water

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staff recommended that the application be tabled in order for the applicant to do a thorough Hydro-g study that can demonstrate otherwise.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Open Space (P4) Zone and Conservation/Hazard Land Rural (P6) Zone in the southern portion. The portion of the lands to be conveyed that contain the existing residential dwellings are zoned Conservation/Hazard Land Rural (P4) Zone.

The P4 Zone permits Botanical Gardens, Cemetery, Community garden, Conservation, Golf Course (excluding mini-golf), Nature Centres, Marina, Recreation, Seasonal Campground and Urban Farms, subject to a set of performance standards.

Residential uses are not permitted in the P4 Zone. As such, the use of a single detached dwelling will no longer be permitted upon severance of the lands. A successful rezoning application will be required to rezone the proposed new parcels to a zone that permits residential uses such as the Rural (A2) Zone which would be compatible with the surrounding area. However, the passage of any zoning by-law must comply with the Official Plan.

RELEVANT CONSULTATION

- Legal Services Division

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

1. The proposal can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement (2020) and it is compatible with existing development in the immediate area with respect to use and character;
 - (ii) It is not consistent with the Greenbelt Plan which discourages lot creation for residential uses, although it is up to the municipality to determine;
 - (iii) It does not comply with the policies of the Rural Hamilton Official Plan in regards to lot creation and permitted residential uses in the Open Space designation;

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- (iv) The conditions of approval cannot be implemented because any site specific rezoning of the subject lands must comply with the RHOP and stand alone residential uses are not permitted in the open space designation; and,
- (v) The applicant has not satisfactorily demonstrated that the proposal will meet the sustainable servicing policies of the RHOP. A more detailed hydrogeological study is required.

2. Zoning By-law Amendment

The proposed severances would require a Zoning By-law Amendment to change the zoning to an appropriate zone that permits residential uses. Staff had requested that this application be Tabled until a successful rezoning application has been approved.

Staff note, that although not stated in staff's July 22, 2020 comments to the Committee of Adjustment on the proposed applications, a Rural Hamilton Official Plan Amendment would be required in order to change the designation to one that permits residential uses. However, at the same time, staff are also challenged by the lack of a policy mechanism to proceed with the severances as there are no policies in the RHOP that provide direction for severing parcels for residential uses in a Protected Countryside / rural area, except in the Rural Settlement Areas.

ALTERNATIVES FOR CONSIDERATION

Option 1:

Council could proceed with the appeal and direct appropriate Legal Services and Planning staff to attend the LPAT Hearing in opposition to the approved severance application, as recommended in this Report.

Option 2:

Council may direct staff to withdraw the appeal letter, which was filed by staff against the decision of the Committee of Adjustment to the LPAT. Provided that no further appeals are filed; this option would allow the Committee of Adjustment's consent approval to stand. However, a successful Official Plan Amendment in addition to the Rezoning application would still be required prior to the Consent being approved.

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ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A”: Location Map

Appendix “B”: Severance Sketches

Appendix “C”: AN/B-20:30, AN/B-20:31 and AN/B-20:32 Consolidated Staff Comments

Appendix “D”: July 22, 2020 Meeting Minutes

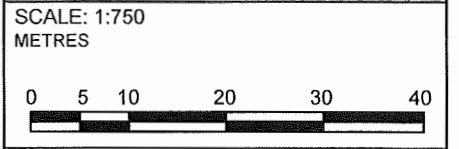
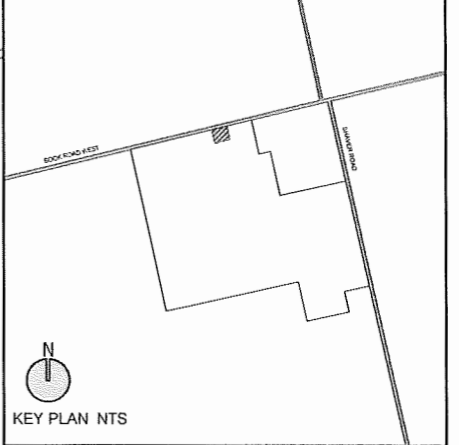
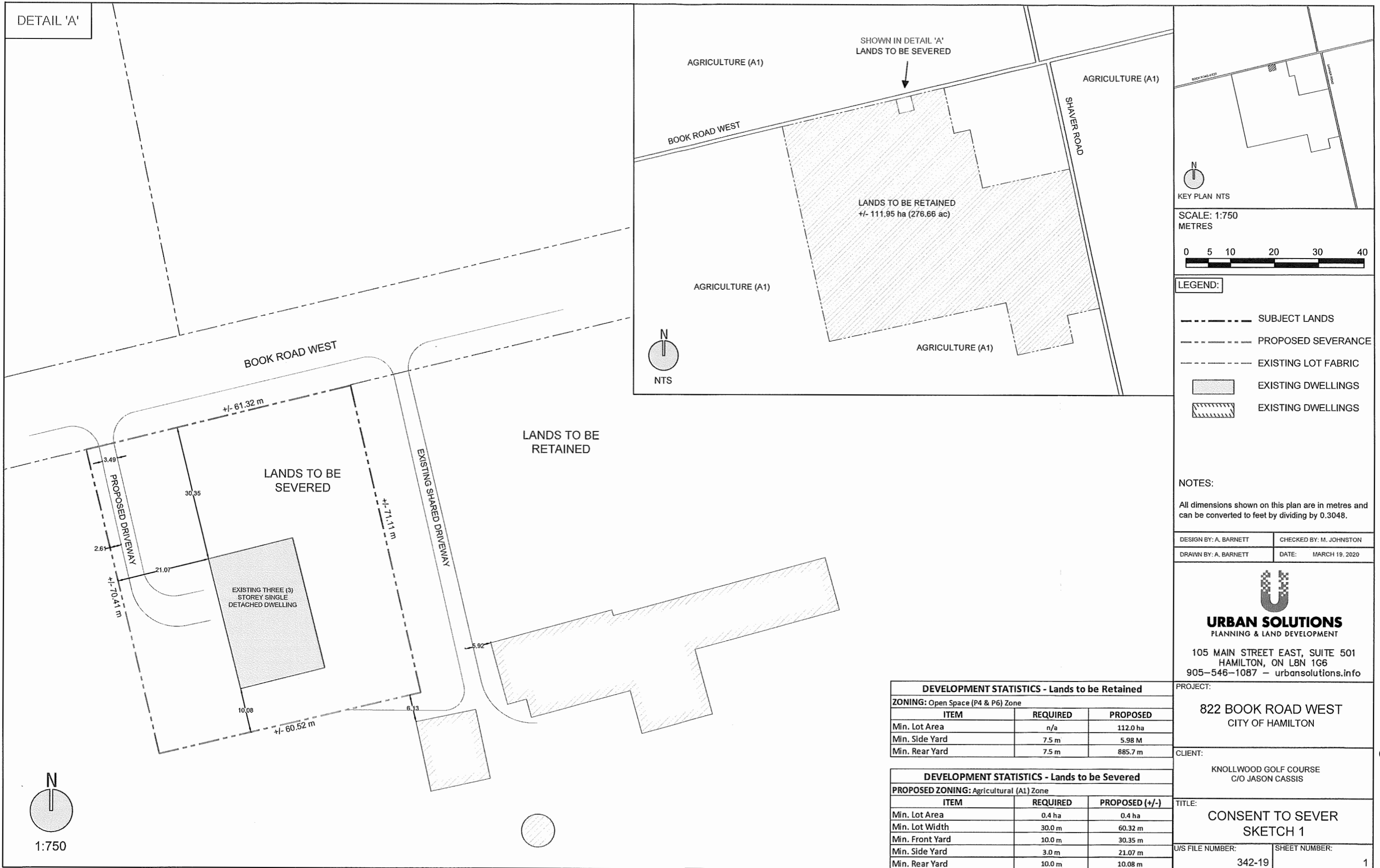
Appendix “E”: Notice of Decision

Appendix “F”: Appeal to LPAT Letter

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- LEGEND:**
- SUBJECT LANDS
 - PROPOSED SEVERANCE
 - EXISTING LOT FABRIC
 - EXISTING DWELLINGS
 - EXISTING DWELLINGS

NOTES:

All dimensions shown on this plan are in metres and can be converted to feet by dividing by 0.3048.

DESIGN BY: A. BARNETT CHECKED BY: M. JOHNSTON
 DRAWN BY: A. BARNETT DATE: MARCH 19, 2020

URBAN SOLUTIONS
 PLANNING & LAND DEVELOPMENT

105 MAIN STREET EAST, SUITE 501
 HAMILTON, ON L8N 1G6
 905-546-1087 - urbansolutions.info

PROJECT:
 822 BOOK ROAD WEST
 CITY OF HAMILTON

CLIENT:
 KNOLLWOOD GOLF COURSE
 C/O JASON CASSIS

TITLE:
 CONSENT TO SEVER
 SKETCH 1

U/S FILE NUMBER: 342-19 SHEET NUMBER: 1

DEVELOPMENT STATISTICS - Lands to be Retained

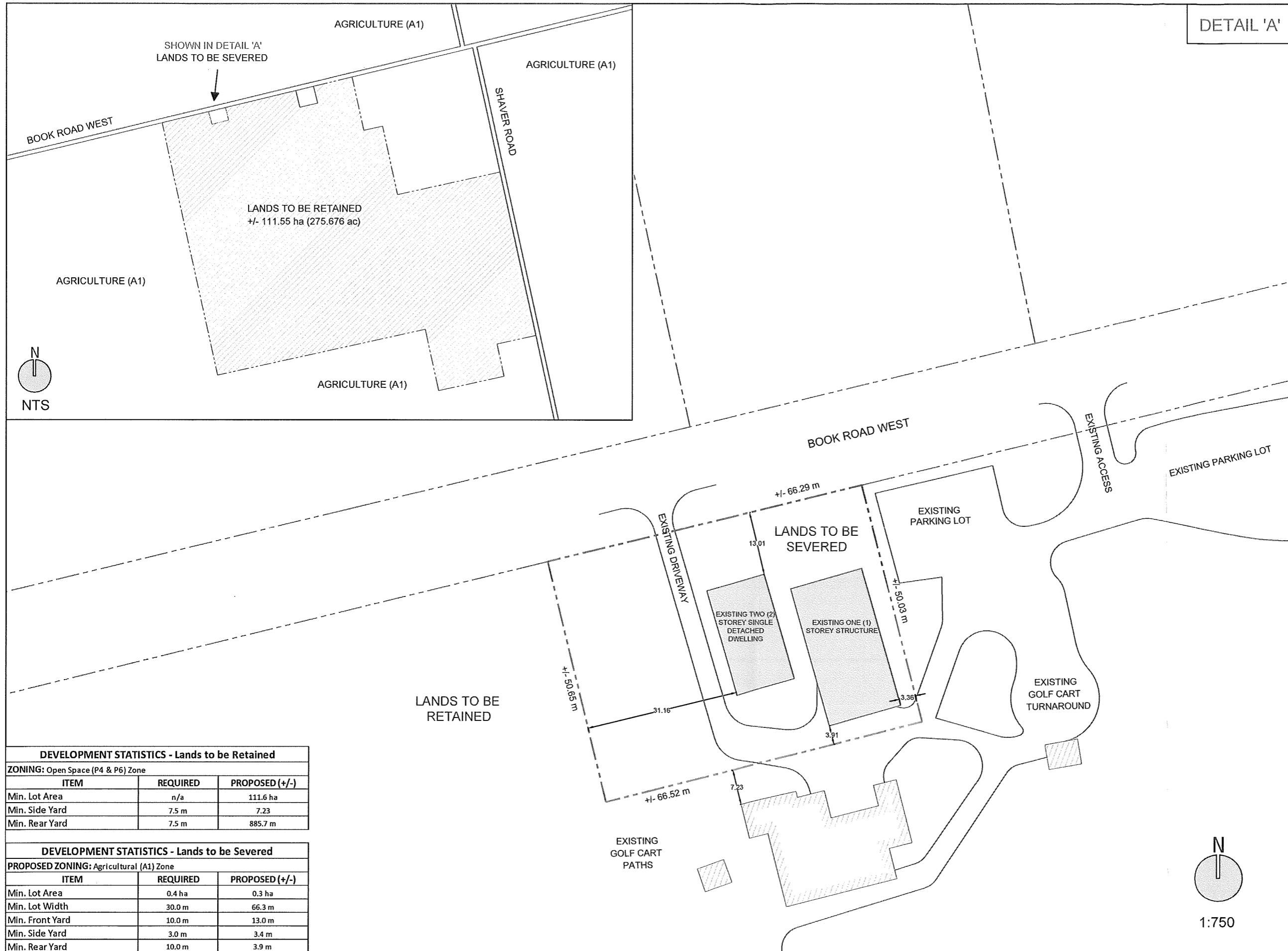
ZONING: Open Space (P4 & P6) Zone

ITEM	REQUIRED	PROPOSED
Min. Lot Area	n/a	112.0 ha
Min. Side Yard	7.5 m	5.98 M
Min. Rear Yard	7.5 m	885.7 m

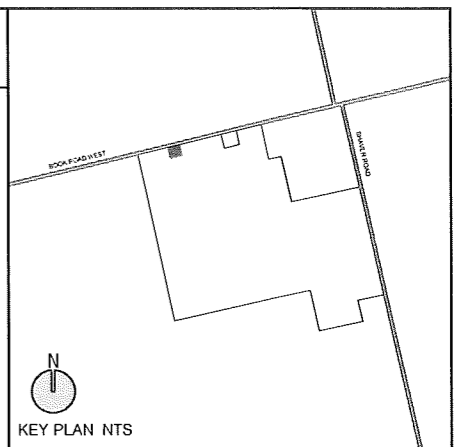
DEVELOPMENT STATISTICS - Lands to be Severed

PROPOSED ZONING: Agricultural (A1) Zone

ITEM	REQUIRED	PROPOSED (+/-)
Min. Lot Area	0.4 ha	0.4 ha
Min. Lot Width	30.0 m	60.32 m
Min. Front Yard	10.0 m	30.35 m
Min. Side Yard	3.0 m	21.07 m
Min. Rear Yard	10.0 m	10.08 m



DETAIL 'A'



SCALE: 1:100 METRES

0 5 10 20 30 40

- LEGEND:
- SUBJECT LANDS
 - PROPOSED SEVERANCE
 - EXISTING LOT FABRIC
 - EXISTING DWELLINGS
 - EXISTING DWELLINGS

NOTES:

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 HAMILTON, ON L8N 1G6
 905-546-1087 - urbansolutions.info

PROJECT:
 914 BOOK ROAD WEST
 CITY OF HAMILTON

CLIENT:
 KNOLLWOOD GOLF COURSE
 C/O JASON CASSIS

TITLE:
 CONSENT TO SEVER
 SKETCH 2

U/S FILE NUMBER: 342-19 SHEET NUMBER: 1

N
 1:750

DEVELOPMENT STATISTICS - Lands to be Retained

ZONING: Open Space (P4 & P6) Zone

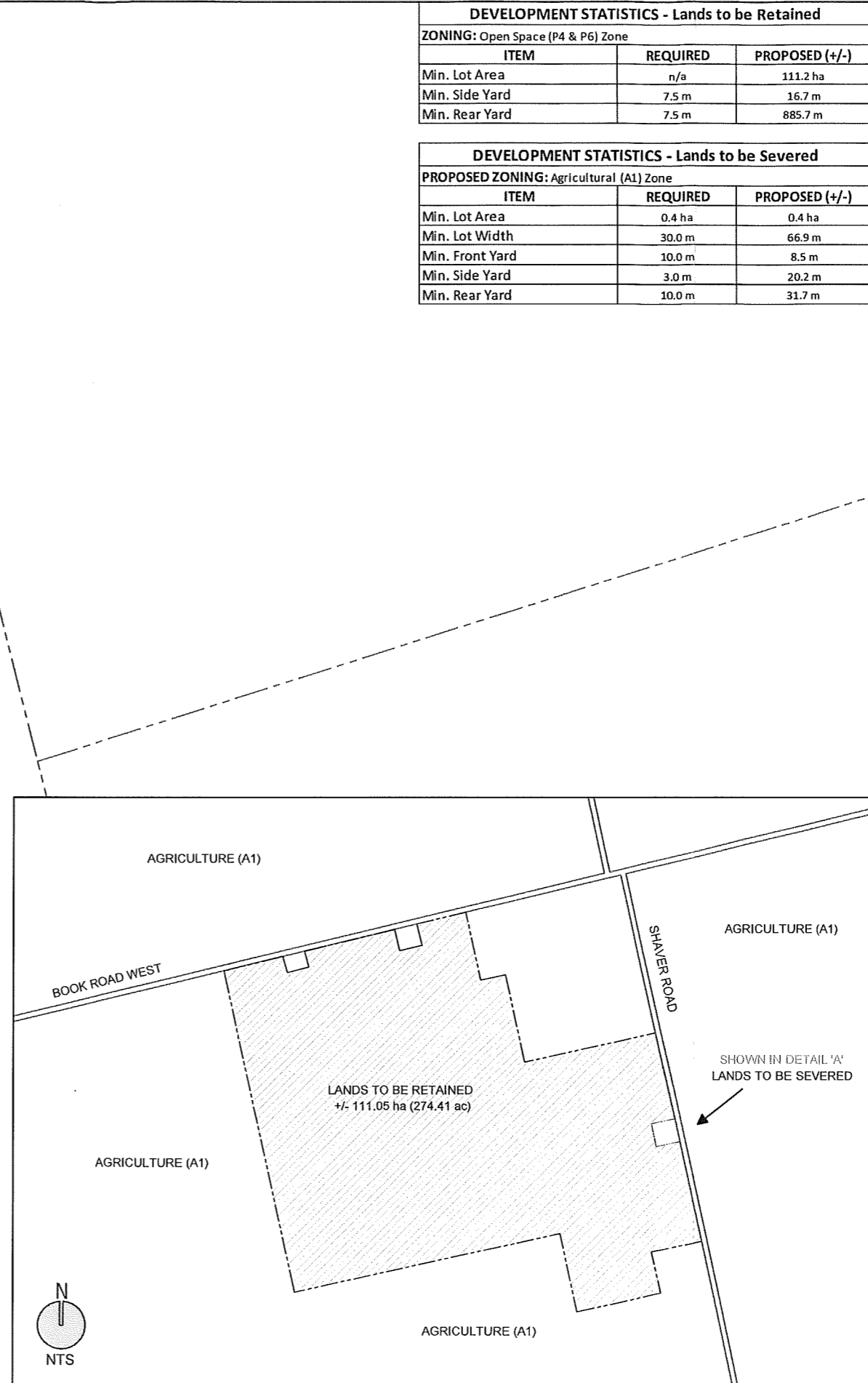
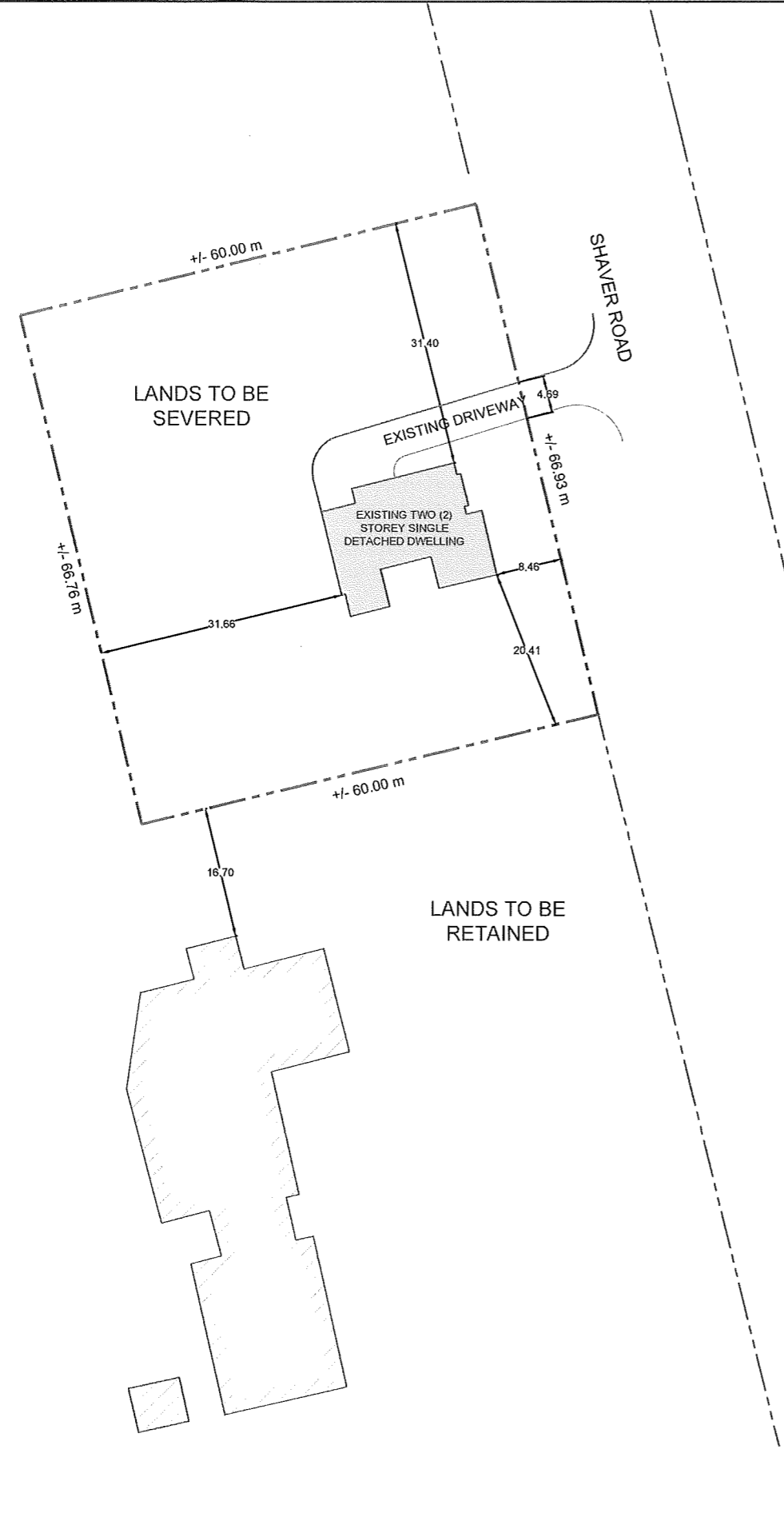
ITEM	REQUIRED	PROPOSED (+/-)
Min. Lot Area	n/a	111.6 ha
Min. Side Yard	7.5 m	7.23
Min. Rear Yard	7.5 m	885.7 m

DEVELOPMENT STATISTICS - Lands to be Severed

PROPOSED ZONING: Agricultural (A1) Zone

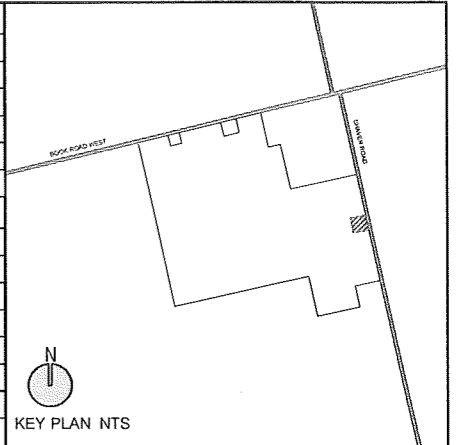
ITEM	REQUIRED	PROPOSED (+/-)
Min. Lot Area	0.4 ha	0.3 ha
Min. Lot Width	30.0 m	66.3 m
Min. Front Yard	10.0 m	13.0 m
Min. Side Yard	3.0 m	3.4 m
Min. Rear Yard	10.0 m	3.9 m

DETAIL 'A'



DEVELOPMENT STATISTICS - Lands to be Retained		
ZONING: Open Space (P4 & P6) Zone		
ITEM	REQUIRED	PROPOSED (+/-)
Min. Lot Area	n/a	111.2 ha
Min. Side Yard	7.5 m	16.7 m
Min. Rear Yard	7.5 m	885.7 m

DEVELOPMENT STATISTICS - Lands to be Severed		
PROPOSED ZONING: Agricultural (A1) Zone		
ITEM	REQUIRED	PROPOSED (+/-)
Min. Lot Area	0.4 ha	0.4 ha
Min. Lot Width	30.0 m	66.9 m
Min. Front Yard	10.0 m	8.5 m
Min. Side Yard	3.0 m	20.2 m
Min. Rear Yard	10.0 m	31.7 m



SCALE: 1:750
METRES

- LEGEND:
- SUBJECT LANDS
 - PROPOSED SEVERANCE
 - EXISTING LOT FABRIC
 - EXISTING DWELLINGS
 - EXISTING DWELLINGS

NOTES:
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DESIGN BY: A. BARNETT CHECKED BY: M. JOHNSTON
DRAWN BY: A. BARNETT DATE: MARCH 19, 2020

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PLANNING & LAND DEVELOPMENT
105 MAIN STREET EAST, SUITE 501
HAMILTON, ON L8N 1G6
905-546-1087 - urbansolutions.info

PROJECT:
1276 SHAYER ROAD
CITY OF HAMILTON

CLIENT:
KNOLLWOOD GOLF COURSE
C/O JASON CASSIS

TITLE:
CONSENT TO SEVER
SKETCH 3

U/S FILE NUMBER: 342-19 SHEET NUMBER: 1

N
1:750

N
NTS

AN/B-20:30 (822 Book Rd. W., Ancaster)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should be subject to the following condition(s):

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. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
3. The applicant shall provide confirmation of the existing uses on the lands to be retained/conveyed in order to determine compliance with the permitted uses of the "P4" and "P6" Zones or alternatively apply for and receive final approval of a Zoning By-law Amendment as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
4. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division - Building Engineering Section).
5. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
6. The owner submits to the Committee of Adjustment office an administration fee of \$20.00, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.
7. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2020 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash

payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches, and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change.

8. That the Owner submits a Geotechnical and Hydrogeological Report(s) to demonstrate that of the proposed lot size can support the residential development from water supply and wastewater disposal point of view to the satisfaction of the Source Water Protection Section staff and the Manager of the Engineering Approvals Section.
9. The applicant / proponent shall submit a Hydrogeological Study to the satisfaction of the Director, Hamilton Water.
10. The application / proponent shall submit and receive approval of a zoning by-law amendment to rezone the residential parcels so as to permit a residential use.
11. Approximately 8.0 metres are to be dedicated to the right-of-way on Book Road, as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network, 4.5.2. Collector Roads (Book Road) are to be 36.0 metres.
12. Approximately 3.5 metres are to be dedicated to the right-of-way on Shaver Road, as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network, 4.5.2. Collector Roads (Shaver Road) are to be 36.0 metres.

A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained will remain as **822 Book Road West, Hamilton (Ancaster)**, and the lands to be conveyed will be assigned the address of **828 Book Road West, Hamilton (Ancaster)**.

AN/B-20:30 (822 Book Rd. W., Ancaster)**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Rural**

The purpose of these applications are to permit the conveyance of parcels of land containing existing dwellings known as 822 Book Rd. W, 914 Book Rd. W. and 1276 Shaver Rd. Ancaster and to retain lands for use as a golf course.

- 822 Book Rd. W – existing house (.45 ha)
- 914 Book Rd. W – existing house (.3 ha)
- 1276 Shaver Rd – existing house (.4 ha)

Provincial Policy Statement and Greenbelt Plan

The applications have been reviewed against the policies of the Provincial Policy Statement (PPS, 2020).

Residential Development

- 1.1.4.2 In *rural areas*, *rural settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.
- 1.1.5.2 On *rural lands* located in municipalities, permitted uses are:
- a) the management or use of resources;
 - b) resource-based recreational uses (including recreation dwellings);
 - c) residential development, including the lot creation, that is locally appropriate;
 - d) *agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices*, in accordance with provincial standards;
 - e) home occupations and home industries;
 - f) cemeteries; and,
 - g) other rural land uses.”

The proposed use is not consistent with Policy 1.1.4.2 which focuses of growth within Rural Settlement Areas. However, Policy 1.1.5.2 does allow for some residential development, including lot creation, that is locally appropriate. It is the intent of the PPS

to allow municipalities to determine the extent of residential development in the rural area.

The lands are designated “Protected Countryside” in the Greenbelt Plan where lot creation for residential purposes is discouraged.

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the property as “Open Space” in Schedule D - Rural Land Use Designations. The following policies, amongst other apply:

Residential Development – Severance Policies

The following lot creation policies, amongst others apply to the proposed development:

- “F.1.14.2.1 The following policies apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agricultural, Rural, Speciality Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D – Rural Land Use Designations:
- “3.5.3.6 New *development* shall conform to Section C.2, Natural Heritage System policies in Volume 1 of this Plan.
- “3.5.5.6 The division of land by consent may be considered when it is clear that a Plan of Subdivision is not necessary. When the severance of land by consent is deemed appropriate, regard shall be had to the other policies of this Rural Settlement Area Plan and Volume 1 of this Plan.
- C.5.11 No draft, conditional, or final approval of development proposals shall be granted by the City for any development in the rural area that could impact existing private services or involves proposed private services until the development proposal has complied with all of the following: (OPA 23)
- c) The minimum size for a new lot proposed in an application for a severance or lot addition, with an existing or proposed private water system and/or existing or proposed private sewage disposal system shall be the size required to accommodate the water system and sewage disposal system with no on-site and off-site impacts, and shall include sufficient land for a reserve discharge site or leaching bed, as determined by the requirements in Policies C.5.1.1 a) and b). In no case shall a proposed new lot be less than one acre. The maximum lot size shall be in accordance with Policy F.1.14.2.1 g).”
 - a) Severances that create a new lot for the following purposes shall be prohibited:

- i) Residential uses except in accordance with:
 - 1) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation; and,
 - 2) Policies F.1.14.2.1 b) iv) and F.1.14.2.4, where a dwelling within a designated Rural Settlement Area may be severed.”

Based on Policy F.1.14.2.1 the creation of non-surplus dwelling farm lots is prohibited.

Land Use Designation

The subject lands are currently designated “Open Space” on Schedule “D” – Rural Land Use Designations of the Rural Hamilton Official Plan (RHOP). The following policies, amongst others, apply to the proposed development:

- “C.3.3.1 Lands designated as Open Space on Schedule D – Rural Land Use Designations are public or private areas where the predominant use of or function of the land is for recreational activities, conservation management and other open space uses. These include, but are not limited to parks for both active and passive recreational activities including *resource-based* recreational and tourism uses, recreation/community centres, pedestrian pathways, trails, bikeways and walkways, seasonal campgrounds, marinas, woodlots, forestry and wildlife management areas, fishing reserves, *hazard lands* and cemeteries. Ancillary commercial uses may be permitted as defined by section B.3.5.1, Parkland Policies and section C.2, Natural Heritage System policies of this Plan.
- C.3.3.2 Open Space designations shall be further refined in Secondary Plans and Rural Settlement Area Plans or identified in an Appendix to this Plan in accordance with Section B.3.5.1 Parkland Policies of this Plan.

The following ancillary uses shall be permitted subject to the following:

- a) Ancillary commercial uses such as but not limited to food concessions, recreational equipment rentals and water oriented recreational uses that are complimentary to supporting and in conjunction with a *resource-based* recreational and tourism use, or recreational/community centre, may be permitted provided they do not interfere with or have any negative impacts on the open space nature of the land; and,

- b) One ancillary residential dwelling may be permitted in conjunction with a *resource-based* recreational and tourism use provided it does not interfere with or have any negative impacts on the open space nature of the land.

C.3.3.3 Where land is designated as Open Space and is under private ownership, it is not intended that this land shall necessarily remain so indefinitely, nor shall the Plan be construed as implying these areas are free and open to the general public or shall be purchased by the City."

The intent of the Open Space designation is to permit Open Space uses. The Open Space designation does not permit residential uses except for an ancillary residential dwelling in conjunction with a *resource-based* recreational and tourism use provided that it does not interfere with or have any negative impacts on the open space nature of the land. As the proposal is not for an ancillary residential dwelling in conjunction with a *resource-based* recreational and tourism use, the proposal does not meet the intent of the Open Space policies of the Rural Hamilton Official Plan. Furthermore, the RHOP does not allow severances for residential dwelling lots unless they are related to a farming operation.

Hamilton Zoning By-law No. 05-200

The lands are zoned Open Space (P4) Zone and Conservation/Hazard Land Rural (P6) Zone in the southern portion. The portion of the lands to be conveyed that contain the existing residential dwellings are zoned Conservation/Hazard Land Rural (P4) Zone. The P4 Zone permits Botanical Gardens, Cemetery, Community garden, Conservation, Golf Course (excluding mini-golf), Nature Centres, Marina, Recreation, Seasonal Campground and Urban Farms, subject to a set of performance standards.

Residential uses are not permitted in the P4 Zone. As such, the use of a single family dwelling will no longer be permitted upon severance of the lands. A rezoning application will be required.

Inadvertent merging on title of the lands

The applicant has advised of the following background information:

The subject lands which contain the three dwellings were acquired by Knollwood Golf Ltd over time: 822 Book Road in 1982; 914 Book Road in 1987, and 1276 Shaver Road in 1994. Prior to the development of the golf course in 1991, the three parcels continued to be utilized for agricultural purposes. The applicant's solicitor further advises that the three parcels were inadvertently merged on title with the Golf course lands and it was an error made by the lawyer. The purpose of these applications is to rectify the merging on title by separating the residential uses from the golf course use by creating three new residential lots. Staff understand and acknowledge that the provincial plans and the Rural Hamilton Official Plan do not contain any policies to undo the merging of the

lands, however in principle staff support the creation of the new lots in order to rectify what was, in this case, a mistake.

Source Water Protection

Based on comments by Source Water Protection, the area in question is characterized by tight clay soils which are thick and continuous, as such the applicant should demonstrate that septic system pollution will not impact the neighbouring wells. As a result, Source Water Protection staff require that the applicant can successfully demonstrate "system isolation" through a detailed Hydrogeological Study which should be completed to the satisfaction of the Director, Hamilton Water. As such, Planning staff recommend that the application be tabled until such time as the applicant revises the proposal in order to meet the City's sustainable servicing policies.

Recommendation:

Staff are supportive of the application in principle, however, staff recommend that the application be tabled until such time as the applicant submits a hydrogeological study which illustrates that the proposed severances will meet the City's sustainable servicing policies and a rezoning application to rezone the lands to permit residential purposes. In conclusion, Staff recommends that these applications be tabled until the required studies are submitted and reviewed.

CONDITIONS: (If Approved)

1. The applicant / proponent shall submit a Hydrogeological Study to the satisfaction of the Director, Hamilton Water.
2. The application / proponent shall submit and receive approval of a zoning by-law amendment to rezone the residential parcels so as to permit a residential use.

Building Division:

1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. The portion of the lands to be severed is zoned "P4". The "P4" zone does not permit residential uses. As such the use of a single detached dwelling is no longer permitted upon severance.
3. The portion of the lands to be retained is zoned "P4" and "P6". Where a lot is divided into more than one zone, each such portion of the lot shall be used in accordance with the provisions of the applicable zone. Please note that the use of a golf course is not permitted in the "P6" zone.

4. The applicant, as a condition of approval, shall be required to provide evidence from a qualified professional that the existing septic system will be in compliance with the Ontario Building Code with respect to its location to the new property lines. The septic system shall be located entirely within the lands to be conveyed/retained or the lot lines shall be reconfigured to accommodate the existing septic system. A septic system is not permitted to be located on adjacent lands.
5. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.
6. In order to clear conditions, the applicant will be required to make an application for a Zoning Compliance Review and pay the relevant fees.
7. Please note this application is to be heard in conjunction with Severance Applications AN/B-20:31 and AN/B-20:32.

CONDITIONAL UPON:

If the application is approved, we request the following condition(s):

1. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
2. The applicant shall provide confirmation of the existing uses on the lands to be retained/conveyed in order to determine compliance with the permitted uses of the "P4" and "P6" Zones or alternatively apply for and receive final approval of a Zoning By-law Amendment as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
3. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division - Building Engineering Section).

Growth Management:

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained will remain as **822 Book Road West, Hamilton (Ancaster)**, and the lands to be conveyed will be assigned the address of **828 Book Road West, Hamilton (Ancaster)**.

We ask that the following be noted to the applicant:

That the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's sign By-law, in a manner that is clearly visible from the road.

Source Water Protection:

Hamilton Water has reviewed the well and septic technical memo from Landtek. Based on this memo and our desktop review, we can not support the proposed severance(s) at this time as it would not meet the sustainable servicing policies within Chapter C.5.1 of the Rural Hamilton Official Plan. While the RHOP states that no newly created lot shall be less than 1 acre, other considerations (such as local soils, impervious surfaces, etc) within Chapter C.5.1 often require this minimum lot size to be larger. Based on our desktop review of local clay soils and the City's Guidelines for Hydrogeological Studies and Technical Standards for Private Services, our minimum lot size requirement would be 1 hectare (2.54 acres). Clay soils can not dilute septic pollution efficiently, and as a result often requires larger lot areas to manage septic system pollution entirely within the property boundary.

The technical memo provided did not satisfy requirements within the City's Guidelines for Hydrogeological Studies and Technical Standards for Private Services, as a Water Quality Impact Risk Assessment for each private sewage disposal system was not completed. It should be noted that while Landtek cites the water quality impact risk assessment as a City requirement, one was not completed within this memo. This assessment and associated calculations are a key component in arriving at the recommended minimum lot size for a single family dwelling. Undersized lots increase groundwater quality and health risks to nearby well owners.

If for any reason Committee decides to grant approval, the City would require a satisfactory Hydrogeological Report be completed to the satisfaction of Director, Hamilton Water. However, Committee should be aware that with the proposed lot sizes, successfully obtaining approval from Hamilton Water may not be possible unless lot sizes were augmented.

Development Engineering:

Information:

According to our GIS records, the subject section of Book Road West and Shaver Road are both classified as collector roads with a maximum road allowance right-of-way width of 36.0m by Schedule C of the Rural Hamilton Official Plan. The current road allowance right-of-way width of the subject section of Book Road West is $\pm 20.3\text{m}$. The current road allowance right-of-way width of the subject section of Shaver is $\pm 28.0\text{m}$.

According to our GIS records, there are no existing municipal services fronting the subject property and the proposed residential development is going to rely on a private well and septic systems on site. Therefore, the proponent shall submit Hydrogeological and Geotechnical Reports to demonstrate that of the proposed lot size can support the residential development from water supply and wastewater disposal point of view.

Recommendations:

1. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2020 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches, and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change.
2. That the Owner submits a Geotechnical and Hydrogeological Report(s) to demonstrate that of the proposed lot size can support the residential development from water supply and wastewater disposal point of view to the satisfaction of the Source Water Protection Section staff and the Manager of the Engineering Approvals Section.

Transportation Planning & Parking Division (Traffic):

1. Transportation Planning will support the land severance, provided the following conditions are met:
 - a. Approximately 8.0 metres are to be dedicated to the right-of-way on Book Road, as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network, 4.5.2. Collector Roads (Book Road) are to be 36.0 metres.
 - b. Approximately 3.5 metres are to be dedicated to the right-of-way on Shaver Road, as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network, 4.5.2. Collector Roads (Shaver Road) are to be 36.0 metres.
 - c. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).

CORPORATE SERVICES:

Budgets, Taxation & Policy (outstanding taxes):

The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

See attached for additional comments.

AN/B-20:31 (914 Book Rd. W., Ancaster)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should be subject to the following condition(s):

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. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
3. The applicant shall provide confirmation of the existing uses on the lands to be retained/conveyed in order to determine compliance with the permitted uses of the "P4" and "P6" Zones or alternatively apply for and receive final approval of a Zoning By-law Amendment as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
4. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division - Building Engineering Section).
5. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
6. The owner submits to the Committee of Adjustment office an administration fee of \$20.00 payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.
7. That the Owner submits an assessment prepared by a qualified professional to demonstrate that the existing private services i.e. water well and septic system, if any, are in good working condition to continue to support the existing dwellings and that the lot size is sufficient to provide for a reserve septic bed and/or a new water well if required all supported by the existing soil conditions to the Source

Water Protection Section staff and the Manager of the Engineering Approvals Section.

8. A satisfactory Hydrogeological Report be completed to the satisfaction of Director, Hamilton Water. However, Committee should be aware that with the proposed lot sizes, successfully obtaining approval from Hamilton Water may not be possible unless lot sizes were augmented.
9. The application / proponent shall submit and receive approval of a zoning by-law amendment to rezone the residential parcels so as to permit a residential use.
10. Approximately 8.0 metres are to be dedicated to the right-of-way on Book Road, as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network, 4.5.2. Collector Roads (Book Road) are to be 36.0 metres.

A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained will remain as **914 Book Road West, Hamilton (Ancaster)**, and the lands to be conveyed will be assigned the address of **920 Book Road West, Hamilton (Ancaster)**.

AN/B-20:31 (914 Book Rd. W., Ancaster)**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Rural**

The purpose of these applications are to permit the conveyance of parcels of land containing existing dwellings known as 822 Book Rd. W, 914 Book Rd. W. and 1276 Shaver Rd. Ancaster and to retain lands for use as a golf course.

- 822 Book Rd. W – existing house (.45 ha)
- 914 Book Rd. W – existing house (.3 ha)
- 1276 Shaver Rd – existing house (.4 ha)

Provincial Policy Statement and Greenbelt Plan

The applications have been reviewed against the policies of the Provincial Policy Statement (PPS, 2020).

Residential Development

- 1.1.4.2 In *rural areas*, *rural settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.
- 1.1.5.2 On *rural lands* located in municipalities, permitted uses are:
- h) the management or use of resources;
 - i) resource-based recreational uses (including recreation dwellings);
 - j) residential development, including the lot creation, that is locally appropriate;
 - k) *agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices*, in accordance with provincial standards;
 - l) home occupations and home industries;
 - m) cemeteries; and,
 - n) other rural land uses.”

The proposed use is not consistent with Policy 1.1.4.2 which focuses of growth within Rural Settlement Areas. However, Policy 1.1.5.2 does allow for some residential development, including lot creation, that is locally appropriate. It is the intent of the PPS

to allow municipalities to determine the extent of residential development in the rural area.

The lands are designated “Protected Countryside” in the Greenbelt Plan where lot creation for residential purposes is discouraged.

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the property as “Open Space” in Schedule D - Rural Land Use Designations. The following policies, amongst other apply:

Residential Development – Severance Policies

The following lot creation policies, amongst others apply to the proposed development:

- “F.1.14.2.1 The following policies apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agricultural, Rural, Speciality Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D – Rural Land Use Designations:
- “3.5.3.6 New *development* shall conform to Section C.2, Natural Heritage System policies in Volume 1 of this Plan.
- “3.5.5.6 The division of land by consent may be considered when it is clear that a Plan of Subdivision is not necessary. When the severance of land by consent is deemed appropriate, regard shall be had to the other policies of this Rural Settlement Area Plan and Volume 1 of this Plan.
- C.5.11 No draft, conditional, or final approval of development proposals shall be granted by the City for any development in the rural area that could impact existing private services or involves proposed private services until the development proposal has complied with all of the following: (OPA 23)
- c) The minimum size for a new lot proposed in an application for a severance or lot addition, with an existing or proposed private water system and/or existing or proposed private sewage disposal system shall be the size required to accommodate the water system and sewage disposal system with no on-site and off-site impacts, and shall include sufficient land for a reserve discharge site or leaching bed, as determined by the requirements in Policies C.5.1.1 a) and b). In no case shall a proposed new lot be less than one acre. The maximum lot size shall be in accordance with Policy F.1.14.2.1 g).”
 - b) Severances that create a new lot for the following purposes shall be prohibited:

- ii) Residential uses except in accordance with:
 - 3) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation; and,
 - 4) Policies F.1.14.2.1 b) iv) and F.1.14.2.4, where a dwelling within a designated Rural Settlement Area may be severed.”

Based on Policy F.1.14.2.1 the creation of non-surplus dwelling farm lots is prohibited.

Land Use Designation

The subject lands are currently designated “Open Space” on Schedule “D” – Rural Land Use Designations of the Rural Hamilton Official Plan (RHOP). The following policies, amongst others, apply to the proposed development:

- “C.3.3.1 Lands designated as Open Space on Schedule D – Rural Land Use Designations are public or private areas where the predominant use of or function of the land is for recreational activities, conservation management and other open space uses. These include, but are not limited to parks for both active and passive recreational activities including *resource-based* recreational and tourism uses, recreation/community centres, pedestrian pathways, trails, bikeways and walkways, seasonal campgrounds, marinas, woodlots, forestry and wildlife management areas, fishing reserves, *hazard lands* and cemeteries. Ancillary commercial uses may be permitted as defined by section B.3.5.1, Parkland Policies and section C.2, Natural Heritage System policies of this Plan.
- C.3.3.2 Open Space designations shall be further refined in Secondary Plans and Rural Settlement Area Plans or identified in an Appendix to this Plan in accordance with Section B.3.5.1 Parkland Policies of this Plan.

The following ancillary uses shall be permitted subject to the following:

- c) Ancillary commercial uses such as but not limited to food concessions, recreational equipment rentals and water oriented recreational uses that are complimentary to supporting and in conjunction with a *resource-based* recreational and tourism use, or recreational/community centre, may be permitted provided they do not interfere with or have any negative impacts on the open space nature of the land; and

- d) One ancillary residential dwelling may be permitted in conjunction with a *resource-based* recreational and tourism use provided it does not interfere with or have any negative impacts on the open space nature of the land.

C.3.3.3 Where land is designated as Open Space and is under private ownership, it is not intended that this land shall necessarily remain so indefinitely, nor shall the Plan be construed as implying these areas are free and open to the general public or shall be purchased by the City."

The intent of the Open Space designation is to permit Open Space uses. The Open Space designation does not permit residential uses except for an ancillary residential dwelling in conjunction with a *resource-based* recreational and tourism use provided that it does not interfere with or have any negative impacts on the open space nature of the land. As the proposal is not for an ancillary residential dwelling in conjunction with a *resource-based* recreational and tourism use, the proposal does not meet the intent of the Open Space policies of the Rural Hamilton Official Plan. Furthermore, the RHOP does not allow severances for residential dwelling lots unless they are related to a farming operation.

Hamilton Zoning By-law No. 05-200

The lands are zoned Open Space (P4) Zone and Conservation/Hazard Land Rural (P6) Zone in the southern portion. The portion of the lands to be conveyed that contain the existing residential dwellings are zoned Conservation/Hazard Land Rural (P4) Zone. The P4 Zone permits Botanical Gardens, Cemetery, Community garden, Conservation, Golf Course (excluding mini-golf), Nature Centres, Marina, Recreation, Seasonal Campground and Urban Farms, subject to a set of performance standards.

Residential uses are not permitted in the P4 Zone. As such, the use of a single family dwelling will no longer be permitted upon severance of the lands. A rezoning application will be required.

Inadvertent merging on title of the lands

The applicant has advised of the following background information:

The subject lands which contain the three dwellings were acquired by Knollwood Golf Ltd over time: 822 Book Road in 1982; 914 Book Road in 1987, and 1276 Shaver Road in 1994. Prior to the development of the golf course in 1991, the three parcels continued to be utilized for agricultural purposes. The applicant's solicitor further advises that the three parcels were inadvertently merged on title with the Golf course lands and it was an error made by the lawyer. The purpose of these applications is to rectify the merging on title by separating the residential uses from the golf course use by creating three new residential lots. Staff understand and acknowledge that the provincial plans and the Rural Hamilton Official Plan do not contain any policies to undo the merging of the

lands, however in principle staff support the creation of the new lots in order to rectify what was, in this case, a mistake.

Source Water Protection

Based on comments by Source Water Protection, the area in question is characterized by tight clay soils which are thick and continuous, as such the applicant should demonstrate that septic system pollution will not impact the neighbouring wells. As a result, Source Water Protection staff require that the applicant can successfully demonstrate "system isolation" through a detailed Hydrogeological Study which should be completed to the satisfaction of the Director, Hamilton Water. As such, Planning staff recommend that the application be tabled until such time as the applicant revises the proposal in order to meet the City's sustainable servicing policies.

Recommendation:

Staff are supportive of the application in principle, however, staff recommend that the application be tabled until such time as the applicant submits a hydrogeological study which illustrates that the proposed severances will meet the City's sustainable servicing policies and a rezoning application to rezone the lands to permit residential purposes. In conclusion, Staff recommends that these applications be tabled until the required studies are submitted and reviewed.

CONDITIONS: (If Approved)

1. The applicant / proponent shall submit a Hydrogeological Study to the satisfaction of the Director, Hamilton Water.
2. The application / proponent shall submit and receive approval of a zoning by-law amendment to rezone the residential parcels so as to permit a residential use.

Building Division:

1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. The portion of the lands to be severed is zoned "P4". The "P4" zone does not permit residential uses. As such the use of a single detached dwelling is no longer permitted upon severance.
3. The portion of the lands to be retained is zoned "P4" and "P6". Where a lot is divided into more than one zone, each such portion of the lot shall be used in accordance with the provisions of the applicable zone. Please note that the use of a golf course is not permitted in the "P6" zone.

4. The applicant, as a condition of approval, shall be required to provide evidence from a qualified professional that the existing septic system will be in compliance with the Ontario Building Code with respect to its location to the new property lines. The septic system shall be located entirely within the lands to be conveyed/retained or the lot lines shall be reconfigured to accommodate the existing septic system. A septic system is not permitted to be located on adjacent lands.
5. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.
6. In order to clear conditions, the applicant will be required to make an application for a Zoning Compliance Review and pay the relevant fees.
7. Please note this application is to be heard in conjunction with Severance Applications AN/B-20:30 and AN/B-20:32.

CONDITIONAL UPON:

If the application is approved, we request the following condition(s):

1. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
2. The applicant shall provide confirmation of the existing uses on the lands to be retained/conveyed in order to determine compliance with the permitted uses of the "P4" and "P6" Zones or alternatively apply for and receive final approval of a Zoning By-law Amendment as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
3. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division - Building Engineering Section).

Growth Management:

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained will remain as **914 Book Road West, Hamilton (Ancaster)**, and the lands to be conveyed will be assigned the address of **920 Book Road West, Hamilton (Ancaster)**.

We ask that the following be noted to the applicant:

That the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's sign By-law, in a manner that is clearly visible from the road

Source Water Protection:

Hamilton Water has reviewed the well and septic technical memo from Landtek. Based on this memo and our desktop review, we can not support the proposed severance(s) at this time as it would not meet the sustainable servicing policies within Chapter C.5.1 of the Rural Hamilton Official Plan. While the RHOP states that no newly created lot shall be less than 1 acre, other considerations (such as local soils, impervious surfaces, etc) within Chapter C.5.1 often require this minimum lot size to be larger. Based on our desktop review of local clay soils and the City's Guidelines for Hydrogeological Studies and Technical Standards for Private Services, our minimum lot size requirement would be 1 hectare (2.54 acres). Clay soils can not dilute septic pollution efficiently, and as a result often requires larger lot areas to manage septic system pollution entirely within the property boundary.

The technical memo provided did not satisfy requirements within the City's Guidelines for Hydrogeological Studies and Technical Standards for Private Services, as a Water Quality Impact Risk Assessment for each private sewage disposal system was not completed. It should be noted that while Landtek cites the water quality impact risk assessment as a City requirement, one was not completed within this memo. This assessment and associated calculations are a key component in arriving at the recommended minimum lot size for a single family dwelling. Undersized lots increase groundwater quality and health risks to nearby well owners.

If for any reason Committee decides to grant approval, the City would require a satisfactory Hydrogeological Report be completed to the satisfaction of Director, Hamilton Water. However, Committee should be aware that with the proposed lot sizes, successfully obtaining approval from Hamilton Water may not be possible unless lot sizes were augmented.

Development Engineering:

According to our GIS records, the subject section of Book Road West is classified as a collector road with a maximum road allowance right-of-way width of 36.0m by Schedule C of the Rural Hamilton Official Plan. The current road allowance right-of-way width of the subject section of Book Road West is $\pm 20.3\text{m}$.

According to our GIS records, there are no existing municipal services fronting the subject property and the residential developments are to continue using the private well and septic systems on site. We have no clear understanding about the existing private services on the site or their condition. Therefore, the proponent shall submit an

assessment prepared by a qualified professional to demonstrate that the existing private services i.e. water well and septic system, if any, are in good working condition to continue to support the existing dwellings and that the lot size is sufficient to provide for a reserve septic bed or a new water well if required all supported by the existing soil conditions.

Recommendations:

1. That the Owner submits an assessment prepared by a qualified professional to demonstrate that the existing private services i.e. water well and septic system, if any, are in good working condition to continue to support the existing dwellings and that the lot size is sufficient to provide for a reserve septic bed and/or a new water well if required all supported by the existing soil conditions to the Source Water Protection Section staff and the Manager of the Engineering Approvals Section.

Transportation Planning & Parking Division (Traffic):

Transportation Planning will support the land severance, provided the following conditions are met: a. Approximately 8.0 metres are to be dedicated to the right-of-way on Book Road, as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network, 4.5.2. Collector Roads (Book Road) are to be 36.0 metres.

A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).

CORPORATE SERVICES:

Budgets, Taxation & Policy (outstanding taxes):

The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

See attached for additional comments.

AN/B-20:32 (1276 Shaver Rd., Ancaster)

Consolidation Report

The attached comments have been reviewed with regard to the above noted Committee of Adjustment application and the following comments are submitted:

Should the Committee grant the severance, an approval should be subject to the following condition(s):

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. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
3. The applicant shall provide confirmation of the existing uses on the lands to be retained/conveyed in order to determine compliance with the permitted uses of the "P4" and "P6" Zones or alternatively apply for and receive final approval of a Zoning By-law Amendment as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
4. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division - Building Engineering Section).
5. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
6. The owner submits to the Committee of Adjustment office an administration fee of \$20.00, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.
7. That the Owner submits an assessment prepared by a qualified professional to demonstrate that the existing private services i.e. water well and septic system, if any, are in good working condition to continue to support the existing dwelling and that the lot size is sufficient to provide for a reserve septic bed and/or a new water well if required all supported by the existing soil conditions to the Source Water Protection Section staff and the Manager of the Engineering Approvals Section.

8. A satisfactory Hydrogeological Report be completed to the satisfaction of Director, Hamilton Water. However, Committee should be aware that with the proposed lot sizes, successfully obtaining approval from Hamilton Water may not be possible unless lot sizes were augmented.
9. The application / proponent shall submit and receive approval of a zoning by-law amendment to rezone the residential parcels so as to permit a residential use.
10. Approximately 3.5 metres are to be dedicated to the right-of-way on Shaver Road, as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network, 4.5.2. Collector Roads (Shaver Road) are to be 36.0 metres.

A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained will remain as **1276 Shaver Road, Hamilton (Ancaster)**, and the lands to be conveyed will be assigned the address of **1260 Shaver Road, Hamilton (Ancaster)**.

AN/B-20:32 (1276 Shaver Rd., Ancaster)**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Rural**

The purpose of these applications are to permit the conveyance of parcels of land containing existing dwellings known as 822 Book Rd. W, 914 Book Rd. W. and 1276 Shaver Rd. Ancaster and to retain lands for use as a golf course.

- 822 Book Rd. W – existing house (.45 ha)
- 914 Book Rd. W – existing house (.3 ha)
- 1276 Shaver Rd – existing house (.4 ha)

Provincial Policy Statement and Greenbelt Plan

The applications have been reviewed against the policies of the Provincial Policy Statement (PPS, 2020).

Residential Development

- 1.1.4.2 In *rural areas*, *rural settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.
- 1.1.5.2 On *rural lands* located in municipalities, permitted uses are:
- o) the management or use of resources;
 - p) resource-based recreational uses (including recreation dwellings);
 - q) residential development, including the lot creation, that is locally appropriate;
 - r) *agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices*, in accordance with provincial standards;
 - s) home occupations and home industries;
 - t) cemeteries; and,
 - u) other rural land uses.”

The proposed use is not consistent with Policy 1.1.4.2 which focuses of growth within Rural Settlement Areas. However, Policy 1.1.5.2 does allow for some residential development, including lot creation, that is locally appropriate. It is the intent of the PPS

to allow municipalities to determine the extent of residential development in the rural area.

The lands are designated “Protected Countryside” in the Greenbelt Plan where lot creation for residential purposes is discouraged.

Rural Hamilton Official Plan

The Rural Hamilton Official Plan designates the property as “Open Space” in Schedule D - Rural Land Use Designations. The following policies, amongst other apply:

Residential Development – Severance Policies

The following lot creation policies, amongst others apply to the proposed development:

- “F.1.14.2.1 The following policies apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agricultural, Rural, Speciality Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D – Rural Land Use Designations:
- “3.5.3.6 New *development* shall conform to Section C.2, Natural Heritage System policies in Volume 1 of this Plan.
- “3.5.5.6 The division of land by consent may be considered when it is clear that a Plan of Subdivision is not necessary. When the severance of land by consent is deemed appropriate, regard shall be had to the other policies of this Rural Settlement Area Plan and Volume 1 of this Plan.
- C.5.11 No draft, conditional, or final approval of development proposals shall be granted by the City for any development in the rural area that could impact existing private services or involves proposed private services until the development proposal has complied with all of the following: (OPA 23)
- c) The minimum size for a new lot proposed in an application for a severance or lot addition, with an existing or proposed private water system and/or existing or proposed private sewage disposal system shall be the size required to accommodate the water system and sewage disposal system with no on-site and off-site impacts, and shall include sufficient land for a reserve discharge site or leaching bed, as determined by the requirements in Policies C.5.1.1 a) and b). In no case shall a proposed new lot be less than one acre. The maximum lot size shall be in accordance with Policy F.1.14.2.1 g).”
 - c) Severances that create a new lot for the following purposes shall be prohibited:

iii) Residential uses except in accordance with:

- 5) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation; and,
- 6) Policies F.1.14.2.1 b) iv) and F.1.14.2.4, where a dwelling within a designated Rural Settlement Area may be severed.”

Based on Policy F.1.14.2.1 the creation of non-surplus dwelling farm lots is prohibited.

Land Use Designation

The subject lands are currently designated “Open Space” on Schedule “D” – Rural Land Use Designations of the Rural Hamilton Official Plan (RHOP). The following policies, amongst others, apply to the proposed development:

- “C.3.3.1 Lands designated as Open Space on Schedule D – Rural Land Use Designations are public or private areas where the predominant use of or function of the land is for recreational activities, conservation management and other open space uses. These include, but are not limited to parks for both active and passive recreational activities including *resource-based* recreational and tourism uses, recreation/community centres, pedestrian pathways, trails, bikeways and walkways, seasonal campgrounds, marinas, woodlots, forestry and wildlife management areas, fishing reserves, *hazard lands* and cemeteries. Ancillary commercial uses may be permitted as defined by section B.3.5.1, Parkland Policies and section C.2, Natural Heritage System policies of this Plan.
- C.3.3.2 Open Space designations shall be further refined in Secondary Plans and Rural Settlement Area Plans or identified in an Appendix to this Plan in accordance with Section B.3.5.1 Parkland Policies of this Plan.

The following ancillary uses shall be permitted subject to the following:

- e) Ancillary commercial uses such as but not limited to food concessions, recreational equipment rentals and water oriented recreational uses that are complimentary to supporting and in conjunction with a *resource-based* recreational and tourism use, or recreational/community centre, may be permitted provided they do not interfere with or have any negative impacts on the open space nature of the land; and

- f) One ancillary residential dwelling may be permitted in conjunction with a *resource-based* recreational and tourism use provided it does not interfere with or have any negative impacts on the open space nature of the land.

C.3.3.3 Where land is designated as Open Space and is under private ownership, it is not intended that this land shall necessarily remain so indefinitely, nor shall the Plan be construed as implying these areas are free and open to the general public or shall be purchased by the City."

The intent of the Open Space designation is to permit Open Space uses. The Open Space designation does not permit residential uses except for an ancillary residential dwelling in conjunction with a *resource-based* recreational and tourism use provided that it does not interfere with or have any negative impacts on the open space nature of the land. As the proposal is not for an ancillary residential dwelling in conjunction with a *resource-based* recreational and tourism use, the proposal does not meet the intent of the Open Space policies of the Rural Hamilton Official Plan. Furthermore, the RHOP does not allow severances for residential dwelling lots unless they are related to a farming operation.

Hamilton Zoning By-law No. 05-200

The lands are zoned Open Space (P4) Zone and Conservation/Hazard Land Rural (P6) Zone in the southern portion. The portion of the lands to be conveyed that contain the existing residential dwellings are zoned Conservation/Hazard Land Rural (P4) Zone. The P4 Zone permits Botanical Gardens, Cemetery, Community garden, Conservation, Golf Course (excluding mini-golf), Nature Centres, Marina, Recreation, Seasonal Campground and Urban Farms, subject to a set of performance standards.

Residential uses are not permitted in the P4 Zone. As such, the use of a single family dwelling will no longer be permitted upon severance of the lands. A rezoning application will be required.

Inadvertent merging on title of the lands

The applicant has advised of the following background information:

The subject lands which contain the three dwellings were acquired by Knollwood Golf Ltd over time: 822 Book Road in 1982; 914 Book Road in 1987, and 1276 Shaver Road in 1994. Prior to the development of the golf course in 1991, the three parcels continued to be utilized for agricultural purposes. The applicant's solicitor further advises that the three parcels were inadvertently merged on title with the Golf course lands and it was an error made by the lawyer. The purpose of these applications is to rectify the merging on title by separating the residential uses from the golf course use by creating three new residential lots. Staff understand and acknowledge that the provincial plans and the Rural Hamilton Official Plan do not contain any policies to undo the merging of the

lands, however in principle staff support the creation of the new lots in order to rectify what was, in this case, a mistake.

Source Water Protection

Based on comments by Source Water Protection, the area in question is characterized by tight clay soils which are thick and continuous, as such the applicant should demonstrate that septic system pollution will not impact the neighbouring wells. As a result, Source Water Protection staff require that the applicant can successfully demonstrate "system isolation" through a detailed Hydrogeological Study which should be completed to the satisfaction of the Director, Hamilton Water. As such, Planning staff recommend that the application be tabled until such time as the applicant revises the proposal in order to meet the City's sustainable servicing policies.

Recommendation:

Staff are supportive of the application in principle, however, staff recommend that the application be tabled until such time as the applicant submits a hydrogeological study which illustrates that the proposed severances will meet the City's sustainable servicing policies and a rezoning application to rezone the lands to permit residential purposes. In conclusion, Staff recommends that these applications be tabled until the required studies are submitted and reviewed.

CONDITIONS: (If Approved)

1. The applicant / proponent shall submit a Hydrogeological Study to the satisfaction of the Director, Hamilton Water.
2. The application / proponent shall submit and receive approval of a zoning by-law amendment to rezone the residential parcels so as to permit a residential use.

Building Division:

1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. The portion of the lands to be severed is zoned "P4". The "P4" zone does not permit residential uses. As such the use of a single detached dwelling is no longer permitted upon severance.
3. The portion of the lands to be retained is zoned "P4" and "P6". Where a lot is divided into more than one zone, each such portion of the lot shall be used in accordance with the provisions of the applicable zone. Please note that the use of a golf course is not permitted in the "P6" zone.

4. The applicant, as a condition of approval, shall be required to provide evidence from a qualified professional that the existing septic system will be in compliance with the Ontario Building Code with respect to its location to the new property lines. The septic system shall be located entirely within the lands to be conveyed/retained or the lot lines shall be reconfigured to accommodate the existing septic system. A septic system is not permitted to be located on adjacent lands.
5. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.
6. In order to clear conditions, the applicant will be required to make an application for a Zoning Compliance Review and pay the relevant fees.
7. Please note this application is to be heard in conjunction with Severance Applications AN/B-20:30 and AN/B-20:31.

CONDITIONAL UPON:

If the application is approved, we request the following condition(s):

1. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
2. The applicant shall provide confirmation of the existing uses on the lands to be retained/conveyed in order to determine compliance with the permitted uses of the "P4" and "P6" Zones or alternatively apply for and receive final approval of a Zoning By-law Amendment as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
3. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division - Building Engineering Section).

Growth Management:

Note: Based on these applications being approved and all conditions being met, the owner / applicant should be made aware that the lands to be retained will remain as **1276 Shaver Road, Hamilton (Ancaster)**, and the lands to be conveyed will be assigned the address of **1260 Shaver Road, Hamilton (Ancaster)**.

We ask that the following be noted to the applicant:

That the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's sign By-law, in a manner that is clearly visible from the road

Source Water Protection:

Hamilton Water has reviewed the well and septic technical memo from Landtek. Based on this memo and our desktop review, we can not support the proposed severance(s) at this time as it would not meet the sustainable servicing policies within Chapter C.5.1 of the Rural Hamilton Official Plan. While the RHOP states that no newly created lot shall be less than 1 acre, other considerations (such as local soils, impervious surfaces, etc) within Chapter C.5.1 often require this minimum lot size to be larger. Based on our desktop review of local clay soils and the City's Guidelines for Hydrogeological Studies and Technical Standards for Private Services, our minimum lot size requirement would be 1 hectare (2.54 acres). Clay soils can not dilute septic pollution efficiently, and as a result often requires larger lot areas to manage septic system pollution entirely within the property boundary.

The technical memo provided did not satisfy requirements within the City's Guidelines for Hydrogeological Studies and Technical Standards for Private Services, as a Water Quality Impact Risk Assessment for each private sewage disposal system was not completed. It should be noted that while Landtek cites the water quality impact risk assessment as a City requirement, one was not completed within this memo. This assessment and associated calculations are a key component in arriving at the recommended minimum lot size for a single family dwelling. Undersized lots increase groundwater quality and health risks to nearby well owners.

If for any reason Committee decides to grant approval, the City would require a satisfactory Hydrogeological Report be completed to the satisfaction of Director, Hamilton Water. However, Committee should be aware that with the proposed lot sizes, successfully obtaining approval from Hamilton Water may not be possible unless lot sizes were augmented.

Development Engineering:

According to our GIS records, the subject section of Shaver Road is classified as a collector road with a maximum road allowance right-of-way width of 36.0m by Schedule C of the Rural Hamilton Official Plan. The current road allowance right-of-way width of the subject section of Shaver is ± 28.0 m. Therefore, road allowance widening dedications will be required.

According to our GIS records, there are no existing municipal services fronting the subject property and the residential developments are to continue using the private well and septic systems on site. We have no clear understanding about the existing private

services on the site or their condition. Therefore, the proponent shall submit an assessment prepared by a qualified professional to demonstrate that the existing private services i.e. water well and septic system, if any, are in good working condition to continue to support the existing dwelling and that the lot size is sufficient to provide for a reserve septic bed and/or a new water well if required all supported by the existing soil conditions.

Recommendations:

That the Owner submits an assessment prepared by a qualified professional to demonstrate that the existing private services i.e. water well and septic system, if any, are in good working condition to continue to support the existing dwelling and that the lot size is sufficient to provide for a reserve septic bed and/or a new water well if required all supported by the existing soil conditions to the Source Water Protection Section staff and the Manager of the Engineering Approvals Section.

Transportation Planning & Parking Division (Traffic):

Transportation Planning will support the land severance, provided the following conditions are met: a. Approximately 3.5 metres are to be dedicated to the right-of-way on Shaver Road, as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network, 4.5.2. Collector Roads (Shaver Road) are to be 36.0 metres.

A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).

CORPORATE SERVICES:

Budgets, Taxation & Policy (outstanding taxes):

The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

See attached for additional comments.



Committee of Adjustment
CITY HALL
5th Floor – 71 Main Street West
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4144
Email: cofa@hamilton.ca

Hamilton

AGENDA
COMMITTEE OF ADJUSTMENT

Date: Thursday, July 23rd, 2020
Time: 1:00 p.m.
Location: Virtual Hearing
Contact: Jamila Sheffield (905) 546-2424, ext. 3935

TIME	SUBJECT		BY
2:10 p.m.	AN/B-20:30	822 Book Rd. W., Ancaster (Ward 12)	Agent Urban Solutions Owner Knollwood Golf Ltd.
2:10 p.m.	AN/B-20:31	914 Book Rd. W., Ancaster (Ward 12)	Agent Urban Solutions Owner Knollwood Golf Ltd.
2:10 p.m.	AN/B-20:32	1276 Shaver Rd., Ancaster (Ward 12)	Agent Urban Solutions Owner Knollwood Golf Ltd.

Agent M. Johnson Owner J. Cassis

J. Cassis

Went through history of property of how the properties were acquired and how it become Knollwood Golf Ltd.
Not here to create lots or development
Cannot have their homes merged in title with the golf lands

M. Johnson

Shared screen and went through points compared to staff comments
Attempting to resolve a lawyer's error
Letter of support from the Councillor L. Ferguson
More in line with land use, now 3 homes on a golf course
Not offending the Provincial Policy
Lands caught in the Greenbelt but are all century homes
Hydro G report (anticipated this and included a 21 page report)
Seeking conditional approved
These are existing well/septic systems that have no impact on any adjacent lands
Would like to ask that the road widening condition be removed; if development was contemplated could see these condition, but not for these properties
Showed plan of road widening condition and the impact on the site
Does not see the purpose a road widening

D. Smith

Would prefer to put "if required" which has been done in the past
Hydro G, lots are small and realize existing, but if going through Hydro G would prove if small lot are sufficient
Open space is treated differently than "AA" lands

V. Lazarevic

Lands are zoned open space they are different from "A1" by approving a single family dwelling in a P4 zone then the use of Sing family dwelling will not be permitted and therefore lands would have to be rezoned

M. Smith

Asked about the Inn that is being run out of one of the homes
Feels should do a hydro G first

J. Cassis

Owned by his sister and she rents out rooms on occasion

M. Johnson

Wants to establish the severance
adjustments to lot lines to maintain an appropriate well/septic these have existed for decades and no issues

D. Smith

It's not the lot but the land around the well
Soil types allow you to have a smaller land base
May not be able to accomplish all conditions within the one year
Should speak with staff about conditions

M. Johnson

Tabling to do this within the year is concerning
Extensive detailed Hydro G was submitted
Condition for zoning amendment
Lot lines are where they need to be
Need for closure on the decision on getting these lots and if conditions are not cleared within the year then that's on them
Cannot make an investment unless lots are here at the end of the day

N. Mleczko

Lots merged inadvertently
Submitted an established report that addresses every item that people have concerns about

D. Serwatak

Conditions are all set in place
These are existing homes

J. Cassis

Live in this homes now these septic systems work and have worked for years
Conducted a report
Cannot speak to road widening but they are good to put what needs to be done on title
Needs the homes separate from the golf course

N. Mleczko

Road widening "if required"

Motion N. Mleczko and seconded by B. Charters Approved

M. Smith opposed to the motion for approval



Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424
ext. 4221, 3935
Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT\LAND SEVERANCE

APPLICATION NO. AN/B-20:30
SUBMISSION NO. B-30/20

APPLICATION NUMBER: AN/B-20:30

SUBJECT PROPERTY: 822 Book Rd. W., Ancaster

APPLICANT(S): Owner: Knollwood Golf Ltd.
Agent: Urban Solutions c/o Matt Johnston

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land containing an existing dwelling known as 822 Book Rd. W. and to retain lands for use as a golf course.

To be heard in conjunction with AN/B-20:31 and AN/B-20:32.

Severed lands:
61m[±] x 71m[±] and an area of 0.4 ha[±]

Retained lands:
758m[±] x 1002m[±] and an area of 112.4 ha[±]

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out in paragraph three above, **IS APPROVED**, for the following reasons:

1. The proposal does not conflict with the intent of the Urban Hamilton Official Plan.
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. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).

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3. The applicant shall provide confirmation of the existing uses on the lands to be retained/conveyed in order to determine compliance with the permitted uses of the "P4" and "P6" Zones or alternatively apply for and receive final approval of a Zoning By-law Amendment as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
4. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division - Building Engineering Section).
5. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
6. The owner submits to the Committee of Adjustment office an administration fee of \$20.00, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.
7. That the Owner enter into with the City of Hamilton and register on title of the lands, a Consent Agreement, having an administrative fee of \$4,310.00 (2020 fee) to address issues including but not limited to: lot grading and drainage to a suitable outlet on the conveyed and retained parcels (detailed grading plan required), erosion and sediment control measures (to be included on the grading plan); cash payment requirements for items such as street trees (City policy requires one (1) street tree/lot, inspection of grading, stormwater management infrastructure and securities for items that may include: lot grading (\$10,000.00 grading security), driveway approaches, and any damage during construction (unknown costs at this time). Cash payments mentioned above are subject to change.
8. That the Owner submits a Geotechnical and Hydrogeological Report(s) to demonstrate that of the proposed lot size can support the residential development from water supply and wastewater disposal point of view to the satisfaction of the Source Water Protection Section staff and the Manager of the Engineering Approvals Section.
9. The applicant / proponent shall submit a Hydrogeological Study to the satisfaction of the Director, Hamilton Water.
10. The application / proponent shall submit and receive approval of a zoning by-law amendment to rezone the residential parcels so as to permit a residential use.
11. Approximately 8.0 metres are to be dedicated to the right-of-way on Book Road, as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network, 4.5.2. Collector Roads (Book Road) are to be 36.0 metres, if required.
12. Approximately 3.5 metres are to be dedicated to the right-of-way on Shaver Road, as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network, 4.5.2. Collector Roads (Shaver Road) are to be 36.0 metres, if required.

A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).

DATED AT HAMILTON this 23rd day of July, 2020.

M. Dudzic (Chairman)

N. Mieczko

AN/B-20:30
Page 3

D. Serwatak

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS July 30, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE
OF THIS NOTICE OF DECISION (July 30, 2021) OR THE APPLICATION SHALL BE
DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING
APPEAL TRIBUNAL (LPAT) MAY BE FILED IS August 19 2020.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

Note: Based on these applications being approved and all conditions being met, the
owner / applicant should be made aware that the lands to be retained will remain as **822
Book Road West, Hamilton (Ancaster)**, and the lands to be conveyed will be assigned
the address of **828 Book Road West, Hamilton (Ancaster)**.



Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
Hamilton, ON L8P 4Y5
Telephone (905) 546-2424
ext. 4221, 3935
Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. AN/B-20:31
SUBMISSION NO. B-31/20

APPLICATION NUMBER: AN/B-20:31

SUBJECT PROPERTY: 914 Book Rd. W., Ancaster

APPLICANT(S): Owner: Knollwood Golf Ltd.
Agent: Urban Solutions c/o Matt Johnston

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land containing an existing dwelling known as 914 Book Rd. W. and to retain lands for use as a golf course.

To be heard in conjunction with AN/B-20:33 and AN/B-20:32.

Severed lands:
66m[±] x 50m[±] and an area of 0.4 ha[±]

Retained lands:
758m[±] x 1002m[±] and an area of 111.6 ha[±]

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out in paragraph three above, **IS APPROVED**, for the following reasons:

1. The proposal does not conflict with the intent of the Urban Hamilton Official Plan.
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. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).

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3. The applicant shall provide confirmation of the existing uses on the lands to be retained/conveyed in order to determine compliance with the permitted uses of the "P4" and "P6" Zones or alternatively apply for and receive final approval of a Zoning By-law Amendment as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
4. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division - Building Engineering Section).
5. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
6. The owner submits to the Committee of Adjustment office an administration fee of \$20.00 payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.
7. That the Owner submits an assessment prepared by a qualified professional to demonstrate that the existing private services i.e. water well and septic system, if any, are in good working condition to continue to support the existing dwellings and that the lot size is sufficient to provide for a reserve septic bed and/or a new water well if required all supported by the existing soil conditions to the Source Water Protection Section staff and the Manager of the Engineering Approvals Section.
8. A satisfactory Hydrogeological Report be completed to the satisfaction of Director, Hamilton Water. However, Committee should be aware that with the proposed lot sizes, successfully obtaining approval from Hamilton Water may not be possible unless lot sizes were augmented.
9. The application / proponent shall submit and receive approval of a zoning by-law amendment to rezone the residential parcels so as to permit a residential use.
10. Approximately 8.0 metres are to be dedicated to the right-of-way on Book Road, as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network, 4.5.2. Collector Roads (Book Road) are to be 36.0 metres, if required.

A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).

DATED AT HAMILTON this 23rd day of July, 2020.

M. Dudzic (Chairman)

N. Mleczko

D. Serwatuk

L. Gaddy

D. Smith

B. Charters

AN/B-20:31
Page 2

M. Switzer

T. Lofchik

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS July 30, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE
OF THIS NOTICE OF DECISION (July 30, 2021) OR THE APPLICATION SHALL BE
DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING
APPEAL TRIBUNAL (LPAT) MAY BE FILED IS August 19 2020.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

Note: Based on these applications being approved and all conditions being met, the
owner / applicant should be made aware that the lands to be retained will remain as **914
Book Road West, Hamilton (Ancaster)**, and the lands to be conveyed will be assigned
the address of **920 Book Road West, Hamilton (Ancaster)**.



Committee of Adjustment
Hamilton City Hall
71 Main Street West, 5th floor
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COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. AN/B-20:32
SUBMISSION NO. B-32/20

APPLICATION NUMBER: AN/B-20:32

SUBJECT PROPERTY: 1276 Shaver Rd., Ancaster

APPLICANT(S): Owner: Knollwood Golf Ltd.
Agent: Urban Solutions c/o Matt Johnston

PURPOSE OF APPLICATION: To permit the conveyance of a parcel of land containing an existing dwelling known as 1276 Shaver Rd. and to retain lands for use as a golf course.

To be heard in conjunction with AN/B-20:30 and AN/B-20:31.

Severed lands:
67m[±] x 60m[±] and an area of 0.4 ha[±]

Retained lands:
758m[±] x 1002m[±] and an area of 111.2 ha[±]

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out in paragraph three above, **IS APPROVED**, for the following reasons:

1. The proposal does not conflict with the intent of the Urban Hamilton Official Plan.
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. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).

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3. The applicant shall provide confirmation of the existing uses on the lands to be retained/conveyed in order to determine compliance with the permitted uses of the "P4" and "P6" Zones or alternatively apply for and receive final approval of a Zoning By-law Amendment as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
4. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division - Building Engineering Section).
5. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
6. The owner submits to the Committee of Adjustment office an administration fee of \$20.00, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot.
7. That the Owner submits an assessment prepared by a qualified professional to demonstrate that the existing private services i.e. water well and septic system, if any, are in good working condition to continue to support the existing dwelling and that the lot size is sufficient to provide for a reserve septic bed and/or a new water well if required all supported by the existing soil conditions to the Source Water Protection Section staff and the Manager of the Engineering Approvals Section.
8. A satisfactory Hydrogeological Report be completed to the satisfaction of Director, Hamilton Water. However, Committee should be aware that with the proposed lot sizes, successfully obtaining approval from Hamilton Water may not be possible unless lot sizes were augmented.
9. The application / proponent shall submit and receive approval of a zoning by-law amendment to rezone the residential parcels so as to permit a residential use.
10. Approximately 3.5 metres are to be dedicated to the right-of-way on Shaver Road, as per the Council Approved Rural Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network, 4.5.2. Collector Roads (Shaver Road) are to be 36.0 metres, if required.

A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s).

DATED AT HAMILTON this 23rd day of July, 2020.

M. Dudzic (Chairman)

N. Mleczko

D. Serwatak

L. Gaddy

D. Smith

B. Charters

M. Switzer

T. Lofchik

AN/B-20:32
Page 3

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS July 30, 2020.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE
OF THIS NOTICE OF DECISION (July 30, 2021) OR THE APPLICATION SHALL BE
DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING
APPEAL TRIBUNAL (LPAT) MAY BE FILED IS August 19 2020.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

Note: Based on these applications being approved and all conditions being met, the
owner / applicant should be made aware that the lands to be retained will remain as **1276
Shaver Road, Hamilton (Ancaster)**, and the lands to be conveyed will be assigned the
address of **1260 Shaver Road, Hamilton (Ancaster)**.



Hamilton

Patrick MacDonald, Solicitor
Legal Services Division, Corporate Services
Mailing Address: 71 Main Street West
Hamilton, ON L8P 4Y5
Phone: 905-546-2424 ext. 4708
Fax: 905-546-4370
Email: Patrick.MacDonald@hamilton.ca

VIA COURIER

August 11, 2020

Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, Ontario, L8P 4Y5

Attention: Jamila Sheffield, Secretary-Treasurer

Dear Jamila:

**Re: LPAT Appeal – 822 Book Rd. W., 914 Book Rd. W. and
1276 Shaver Rd., Ancaster
Applicant: Knollwood Golf Ltd.
Municipal Reference Nos. – AN/B-20:30; AN/B-20:31 and AN/B-20:32**

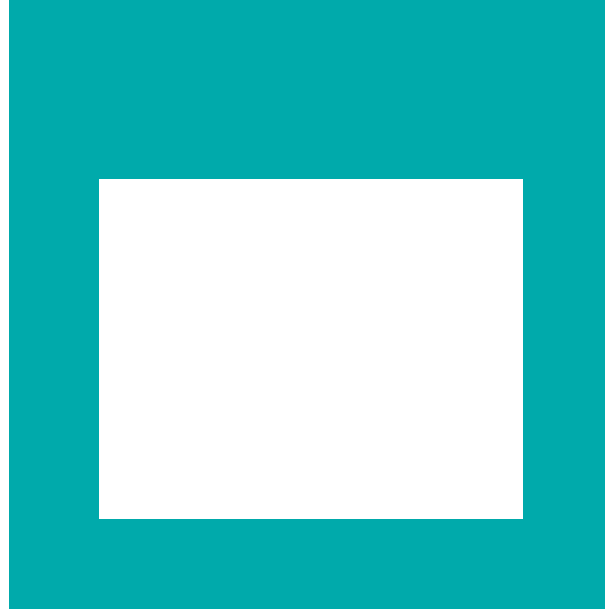
Pursuant to Section 53(19) of the *Planning Act*, the purpose of this letter is to state a formal objection on behalf of the City of Hamilton, regarding the Committee of Adjustment's decision to approve application nos. AN/B-20:30; AN/B-20:31 and AN/B-20:32. The reasons for the objection can be summarized, as follows:

- A. The severances conflict with the Rural Hamilton Official Plan Designation and Severance policies:
 - 1. The severances do not conform to the Rural Hamilton Official Plan Lot Creation policies (F.1.14.2)
 - 2. Lands are designated Open Space – Residential Uses not permitted.
- B. The Residential uses are not permitted within Zoning By-law No. 05-200, in particular, existing Open Space (P4) Zone.

City of Hamilton staff requests that you forward this objection letter and Appellant Form A1, along with the prescribed fee in the amount of \$450.00, to the Local Planning Appeal Tribunal.

Patrick MacDonald
Solicitor
Legal Services

Enclosures



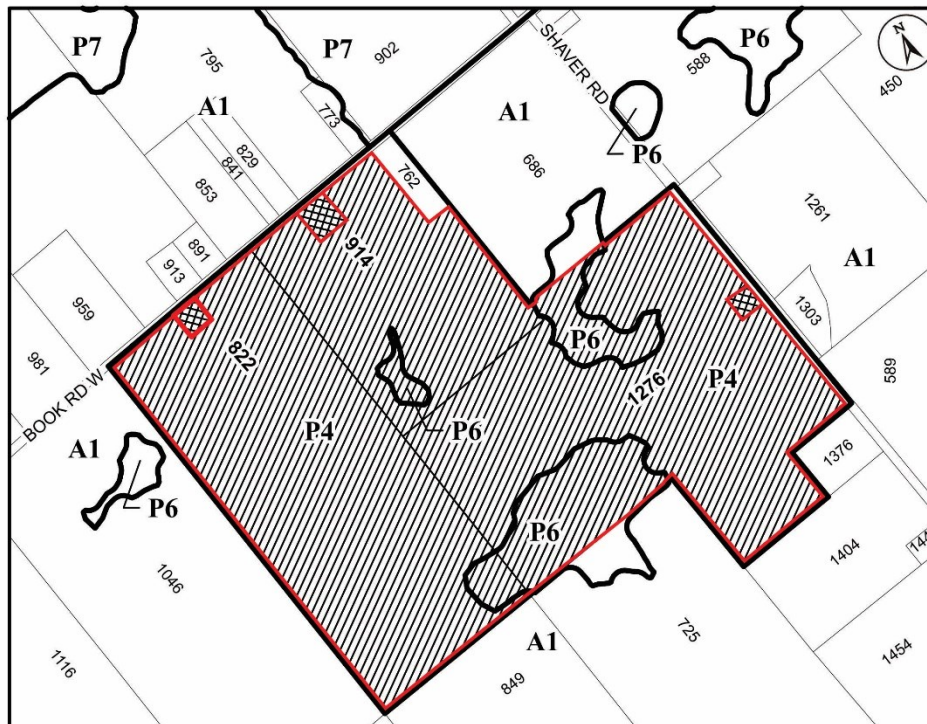
WELCOME TO THE CITY OF HAMILTON
PLANNING COMMITTEE

September 22, 2020

PED20160– (AN/B-20:30 / AN/B-20:31 / AN/B-20:32)

Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Applications AN/B-20:30, AN/B-20:31 and AN/B-20:32 for the Properties Located at 822 Book Road W, 914 Book Road W, and 1276 Shaver Road, Ancaster

Presented by: June Christy



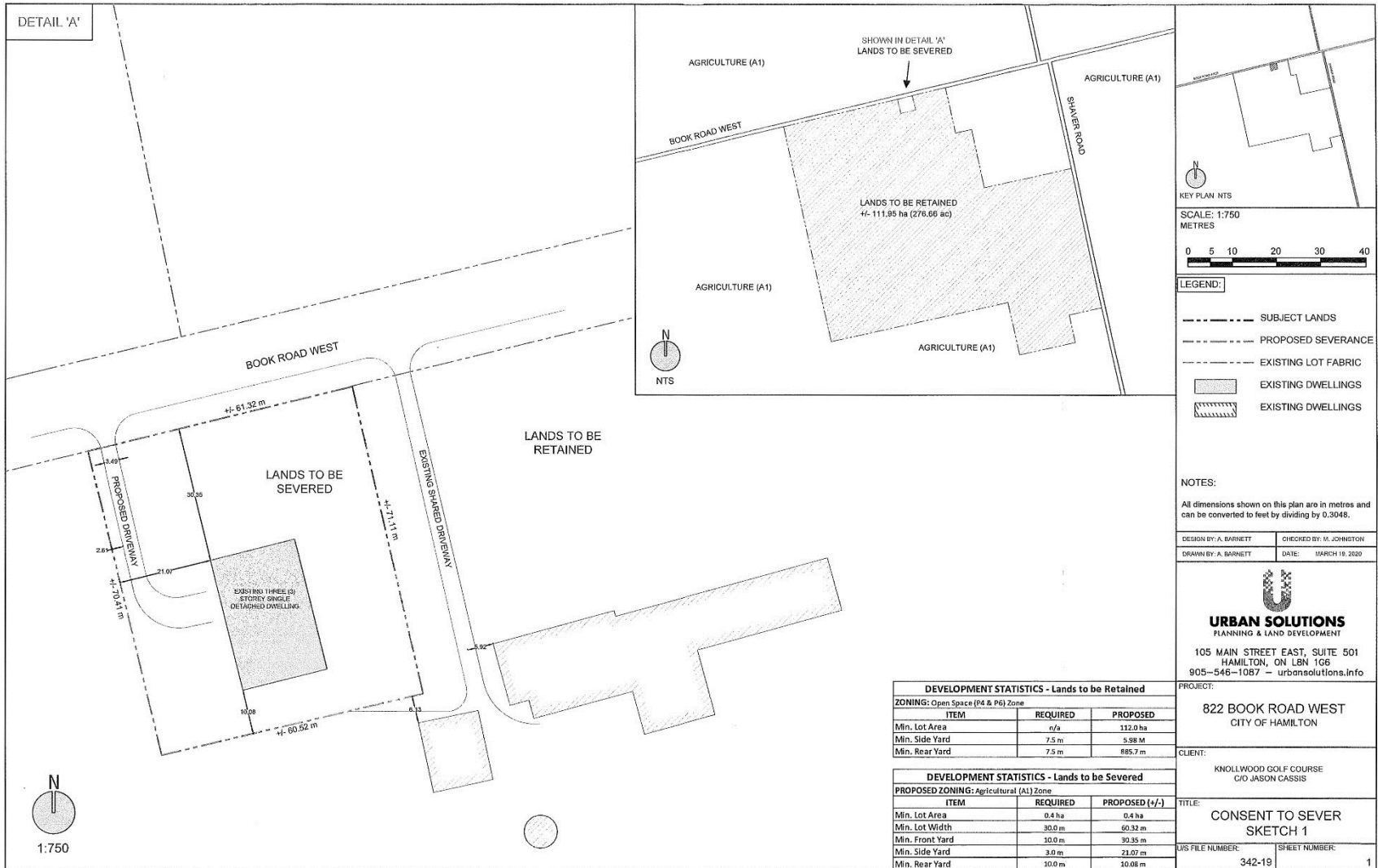
<p>● Site Location</p> <p>Key Map - Ward 12</p>	<h2>Location Map</h2> <p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	
	<p>File Name/Number: PED20160</p>	<p>Date: September 9, 2020</p>
<p>Appendix "A"</p>	<p>Scale: N.T.S</p>	<p>Planner/Technician: VLVS</p>
<p>Subject Property</p> <p>822 & 914 Book Road West & 1276 Shaver Road</p> <p> Lands to be Retained Lands to be Severed </p>		



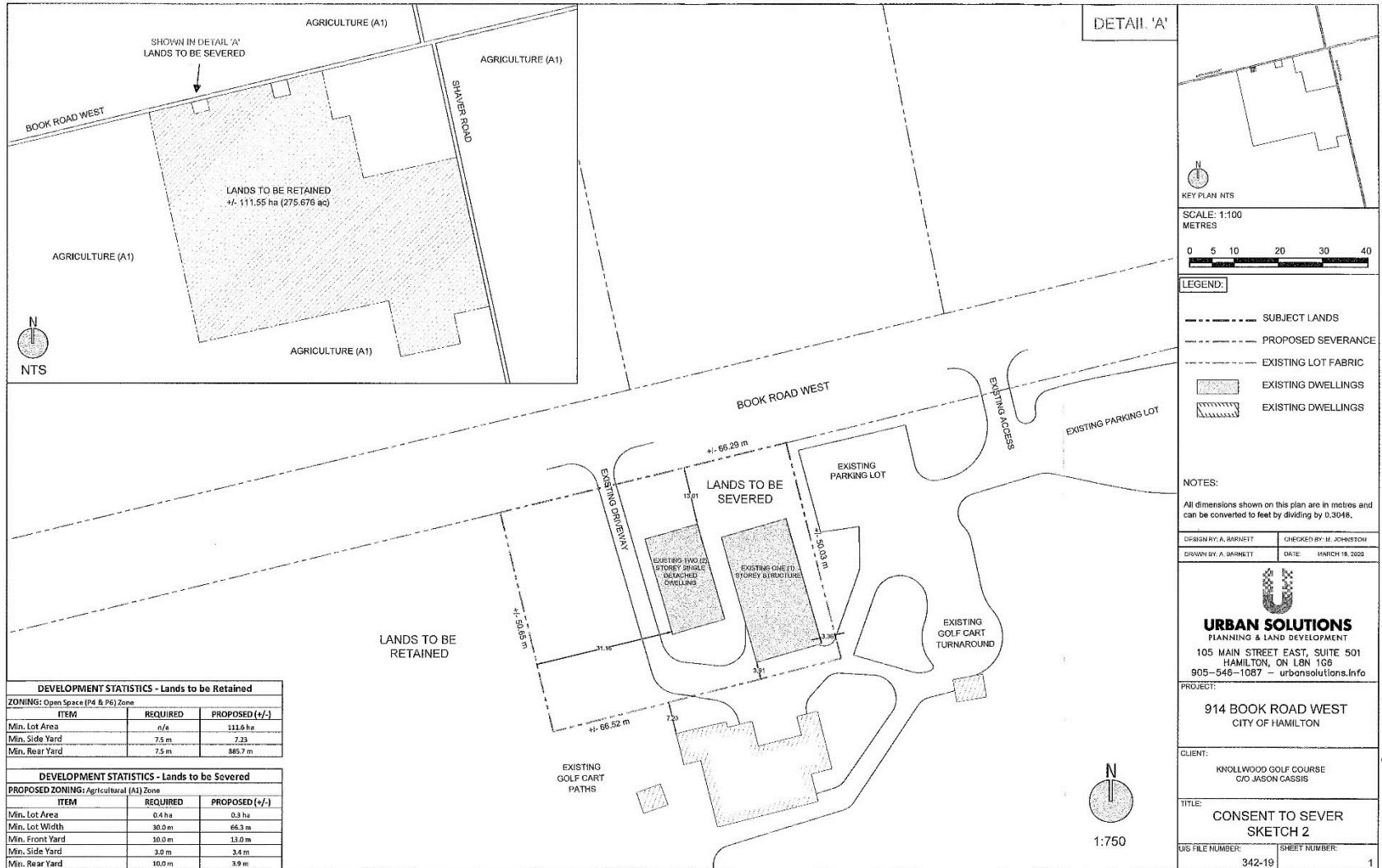
SUBJECT PROPERTY



822 & 914 Book Road & 1276 Shaver Road, Ancaster



Appendix "B" to Report PE20160
 Page 1 of 3



DEVELOPMENT STATISTICS - Lands to be Retained		
ZONING: Open Space (P4 & P6) Zone		
ITEM	REQUIRED	PROPOSED (+/-)
Min. Lot Area	n/a	111.6 ha
Min. Side Yard	7.5 m	7.23 m
Min. Rear Yard	7.5 m	865.7 m

DEVELOPMENT STATISTICS - Lands to be Severed		
PROPOSED ZONING: Agricultural (A1) Zone		
ITEM	REQUIRED	PROPOSED (+/-)
Min. Lot Area	0.4 ha	0.3 ha
Min. Lot Width	30.0 m	66.3 m
Min. Front Yard	10.0 m	13.0 m
Min. Side Yard	3.0 m	3.4 m
Min. Rear Yard	10.0 m	3.9 m

DETAIL 'A'

KEY PLAN NTS

SCALE: 1:100 METRES

0 5 10 20 30 40

LEGEND:

- SUBJECT LANDS
- - - PROPOSED SEVERANCE
- - - EXISTING LOT FABRIC
- [Hatched Box] EXISTING DWELLINGS
- [Hatched Box] EXISTING DWELLINGS

NOTES:

All dimensions shown on this plan are in metres and can be converted to feet by dividing by 0.3048.

DESIGN BY: A. BARNETT CHECKED BY: M. JOHNSTON
 DRAWN BY: A. BARNETT DATE: MARCH 18, 2022

URBANSOLUTIONS
 PLANNING & LAND DEVELOPMENT
 105 MAIN STREET EAST, SUITE 501
 HAMILTON, ON L8N 1G8
 905-546-1087 - urbansolutions.info

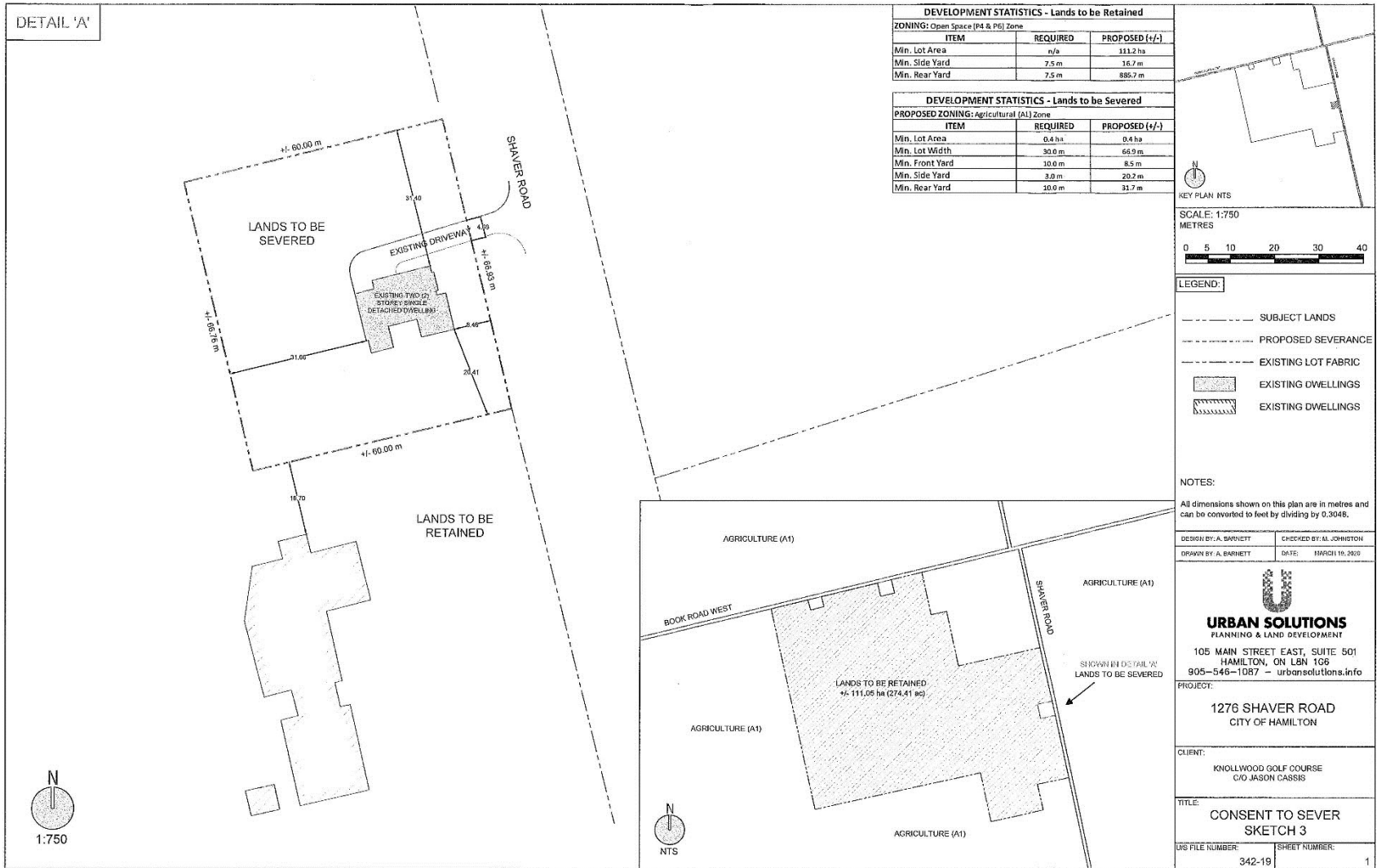
PROJECT:
914 BOOK ROAD WEST
 CITY OF HAMILTON

CLIENT:
 KNOLLWOOD GOLF COURSE
 C/O JASON CASSIS

TITLE:
CONSENT TO SEVER
SKETCH 2

URS FILE NUMBER: 342-19 SHEET NUMBER: 1

Appendix "B" to Report PED20160
 Page 2 of 3



Appendix "B" to Report PED20160
 Page 3 of 3



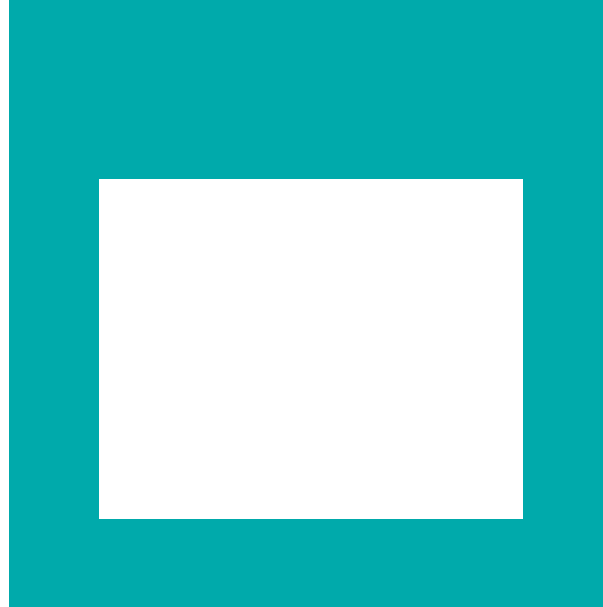
914 Book Road



822 Book Road



1276 Shaver Road



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Legal and Risk Management Services Division
and
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chairs and Members Planning Committee
COMMITTEE DATE:	September 22, 2020
SUBJECT/REPORT NO:	Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-16-18) and Township of Glanbrook Zoning By-law No. 464 Amendment Application (ZAC-16-051) for Lands Located at 3033, 3047, 3055, 3063 Binbrook Road (Glanbrook) (LS19003(b)/PED19031(b)) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Andrew Biggart (416) 622-6601 Melanie Pham (905) 546-2424 Ext. 6685
SUBMITTED BY:	Nicole Auty City Solicitor Legal and Risk Management Services
SIGNATURE:	
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department

Discussion of this Confidential Report in closed session is subject to the following requirement(s) of the City of Hamilton's Procedural By-law and the Ontario Municipal Act, 2001:

- **Litigation or potential litigation, including matters before administrative tribunals, affecting the City;**

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- **Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.**

RECOMMENDATION

- a) That the City enter into a settlement of the appeal to the LPAT by Binbrook Heritage Developments, Owner, of its Urban Hamilton Official Plan (“UHOP”) Amendment Application UHOPA-16-18, in order to permit a six storey building height in the Binbrook Village Secondary Plan in Volume 2 of the UHOP, for the lands located at 3033, 3047, 3055 and 3063 Binbrook Road (Glanbrook), as shown on Appendix “A” to Report LS19003(b)/PED19031(b), based on the approval by the LPAT of the draft Official Plan Amendment, attached as Appendix “C” to Report LS19003(b)/PED19031(b), which has been prepared in a form satisfactory to the City Solicitor and that:
- (i) prior to the finalization of the settlement, the UHOP Amendment, attached as Appendix “C” to Report LS19003(b)/PED19031(b), may be amended as required, to the satisfaction of the Director of Planning and Chief Planner and City Solicitor; and,
 - (ii) that the City Solicitor be authorized and directed to execute minutes of settlement for the appeal of UHOPA-16-18 in a form and content satisfactory to her and consistent with the foregoing.
- b) That the City enter into a settlement of the appeal to the LPAT by Binbrook Heritage Developments, Owner, of its Zoning By-law Amendment (“ZBA”) Application ZAC-16-051, for changes in zoning from the Existing Residential “ER” Zone, to a site specific General Commercial “C3” Zone, for the lands located at 3033, 3047, 3055 and 3063 Binbrook Road (Glanbrook), as shown on Appendix “A” to Report LS19003(b)/PED19031(b) based on the draft By-law attached as Appendix “D” to Report LS19003(b)/PED19031(b) and that:
- (i) prior to the finalization of the settlement, the ZBA Amendment, attached as Appendix “D” to Report LS19003(b)/PED19031(b), may be amended as required, to the satisfaction of the Director of Planning and Chief Planner and City Solicitor; and,
 - (ii) the City Solicitor be authorized and directed to execute minutes of settlement for the appeal of ZAC-16-051 in a form and content satisfactory to her and consistent with the foregoing.

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- (c) That Report LS19003(b)/PED19031(b), Appendices “A”, “B”, “C”, “D”, and “E” to Report LS19003(b)/PED19031(b) thereto and recommendations therein be released to the public, except for Appendices “F” and “G” to Report LS19003(b)/PED19031(b) which shall remain confidential.

EXECUTIVE SUMMARY

The purpose of this report is to obtain instructions regarding the appeals to the Local Planning Appeal Tribunal (LPAT) for lack of decision on Urban Hamilton Official Plan Amendment application (UHOPA-16-18) and Township of Glanbrook Zoning By-law No. 464 Amendment application (ZAC-16-051) for Lands Located at 3033, 3047, 3055, 3063 Binbrook Road (Glanbrook).

The report provides legal advice that is subject to solicitor-client privilege and is in respect of proceedings before the LPAT and therefore should be considered in camera.

Two applications (Urban Hamilton Official Plan Amendment (UHOPA) application UHOPA-16-18, and Zoning By-law Amendment (ZAC) application ZAC-16-051 (collectively both applications hereinafter referred to as the “Applications”)) were appealed to the Local Planning Appeal Tribunal (LPAT) in August 2017 as a result of a decision of Council not being made on the applications within the time period required under the *Planning Act*. The applications were deemed complete in July, 2016.

Since the applications were appealed, Binbrook Heritage Developments (the “Applicant”) has revised the applications twice on the basis of with prejudice revisions provided on January 18, 2019, and May 14, 2019.

The January 18, 2019 revision proposed a maximum height of seven storeys instead of the previous ten storey maximum height. The development was contained in a single seven storey mixed use building consisting of 163 residential units and five ground floor commercial units. A discussion of these revisions in Report LS19003/PED19031 was considered at Planning Committee on March 19, 2019. Council gave direction to oppose the Applications at the hearing of the appeals.

The second May 14, 2019 revision was similar to the previous revision, except that the building was reduced to six storeys in height with a total of 135 residential units (reduced from 163 units). Report LS19003(a)/PED19031(a) discussing these revisions was considered at Planning Committee on June 4, 2019. Council gave direction to pursue negotiations with the appellant to try to resolve outstanding issues related to servicing capacity, transportation, heritage, and urban design.

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Based on additional without prejudice discussions, the Applicant has made revisions to the site layout, circulation and parking areas, incorporated several setbacks and façade changes into the six storey building design and reduced the number of residential units to 111. Additional information was also provided with regards to servicing, and a revised Cultural Heritage Impact Assessment was submitted on May 11, 2020.

The most recent revised proposal, provided in April 2020, generally addresses the outstanding issues that Council previously directed staff to try to resolve. Sufficient information was submitted to confirm that there are no servicing capacity issues with the proposal. The primary heritage resource on the site (the “Coach House”) will be preserved and relocated on the westerly portion of the site. Issues with parking, access, and site circulation have been resolved. The proposed changes also help to bring the proposal more into conformity with the Binbrook Village Community Core Urban Design Guidelines.

Alternatives for Consideration – See Page 17

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: See Report LS19003/PED19031.

Staffing: See Report LS19003/PED19031.

Legal: See External Legal Counsel opinion from Andrew Biggart of Ritchie Ketcheson Hart & Biggart attached hereto as Appendix “F” to Report LS19003(b)/PED19031(b).

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Applicant/Owner:	Binbrook Heritage Developments
Applicant/Agent:	GSP Group Inc. (Agent)
File Number:	UHOPA-16-18, ZAC-16-051

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Type of Application:	Urban Hamilton Official Plan Amendment Zoning By-law Amendment
Proposal:	Six storey multiple dwelling with 546 m ² of ground floor commercial space and 111 dwelling units, 104 surface parking spaces and 27 additional parking spaces within the first floor of the building, for a total of 131 parking spaces (see Appendix “B” to Report LS19003(b)/PED19031(b)).
Property Details	
Municipal Address:	3033, 3047, 3055 and 3063 Binbrook Road (see Location Map attached as Appendix “A” to Report LS19003(b)/PED19031(b)).
Lot Area:	±7,630 m ² (mostly rectangular)
Servicing:	Existing Full Municipal Services
Existing Use:	Four single detached dwellings
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS.
A Place to Grow:	The proposal conforms to A Place to Grow, 2019.
Official Plan Existing:	<ul style="list-style-type: none"> • “Neighbourhoods” on Schedule E – Urban Structure • “Mixed Use – Medium Density” on Schedule E-1 – Urban Land Use Designations • Binbrook Village Secondary Plan “Mixed Use – Medium Density - Pedestrian Focus” on Map B.5.1-1 • Permitted uses: commercial uses on the ground floor, residential uses permitted above the ground floor. • Maximum height: three storeys
Official Plan Proposed:	To permit a maximum height of six storeys (see Appendix “C” to Report LS19003(b)/PED19031(b)).

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Zoning Existing:	Existing Residential "ER" Zone
Zoning Proposed:	Modified C3 General Commercial Zone (see Appendix "D" to Report LS19003(b)/PED19031(b)).
Modifications Proposed:	<ul style="list-style-type: none"> • Restrictions on commercial uses to permit only uses consistent with a "Pedestrian Focus Street" area; • Allowing a multiple dwelling in conjunction with ground floor commercial uses; • Building setback from a street; • Special yard setbacks; • Maximum building height of 26 metres; • Parking standards: <ul style="list-style-type: none"> ○ Residential and commercial uses; ○ Visitor parking; ○ Barrier free parking; ○ Space sizes; ○ Setbacks; and, ○ Planting strips. • Number of loading spaces; • Minimum landscaping requirements; • Permitted building encroachments/projections; • Outside storage and display permissions; • Definitions for Amenity Area, Height, Landscaped Area, Rear Lot Line, and Planting Strip; and, • Added regulations: <ul style="list-style-type: none"> ○ New definitions; ○ Bicycle parking; ○ Landscaping for parking areas; ○ Façade Height; ○ Building setbacks on upper storeys; ○ Amenity area for residential units; and, ○ Built form for new development. <p>(See Appendix "E" to Report LS19003(b)/PED19031(b)).</p>
Processing Details	
Received:	July 29, 2016.

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Deemed Incomplete:	August 11, 2016.
Deemed Complete:	August 23, 2016.
Notice of Complete Application:	Sent to 138 property owners within 120 m of the subject property on September 2, 2016.
Public Notice Sign:	Posted September 6, 2016.
Public Consultation:	The applicant hosted a public open house for the original proposal on March 22, 2017. The original proposal was for three buildings: a two-storey commercial building proposed to be used for restaurant, office and retail; a one-story day care centre proposed to be attached to the existing coach house; and a ten storey multiple dwelling with commercial uses on the ground floor and 72 residential units above.
Public Comments:	Approximately 153 emails were received from residents as a result of the public circulation and the public open house that the applicant hosted on March 22, 2017. Of the 153 residents, five were in support of the proposal and 130 were opposed. An additional three were not opposed but did not support the proposed height. Fifteen residents wanted more information. Of those opposed, the majority were concerned with the proposed height of ten stories. Other concerns related to a possible increase in traffic congestion, impact on the capacity of nearby schools, and a lack of adequate services in Binbrook.
Processing Time:	Appeal received August 30, 2017, 397 days after receipt of the initial application.

Proposal

January 2019 Proposal

The Applicant submitted a with prejudice revised concept plan on January 18, 2019. Staff prepared Report LS19003/PED19031 to receive direction from Council on the appeals based on the January 18, 2019 concept plan. Report LS19003/PED19031 was

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considered at Planning Committee on March 19, 2019 and Council gave direction to oppose the Applications at the hearing of the appeals. However, as per Council's direction at the March 19, 2019 Planning Committee (see Closed Session Minutes attached as Appendix "E" to Report LS19003(a)/PED19031(a)), Legal Counsel for the City advised the Applicant that the City remained amenable to engaging in further settlement discussions. The Applicant advised that a without prejudice revision would be provided to staff for review, for the purpose of engaging in settlement discussions. However, the Applicant submitted a second revised with prejudice concept plan instead.

May 2019 Proposal

The second revised concept was very similar to the January revision in layout and built form, although the proposed height was further reduced by one storey. The revised concept plan was submitted by the Applicant on May 14, 2019. Legal counsel for the Applicant advised that the Applicant would be asking the LPAT to allow the Appeals and approve the revised applications based on the May 14, 2019 concept plan.

Report LS19003(a)/PED19031(a) was considered at Planning Committee on June 4, 2019 and Council gave direction for Legal staff to engage in further settlement discussions, based on a number of conditions (see Closed Session Minutes attached as Appendix "G" to Report LS19003(b)/PED19031(b)). These conditions included:

- (i) *That the hearing be adjourned for a minimum of six months from the current hearing date;*
- (ii) *That a maximum of six stories be permitted;*
- (iii) *That the design is consistent with the Urban Design policies of the Official Plan and Binbrook Urban Design Guidelines;*
- (iv) *That heritage resources be conserved/protected;*
- (v) *That the use of a Holding Symbol for servicing and transportation related matters be implemented at the cost of the applicant/developer; and,*
- (vi) *That the issues identified in Appendix "C" of Report LS19003(a)/PED19031(a) be addressed to the satisfaction of the City Solicitor and Chief Planner.*

Subsequent to this direction, the appellant agreed to engage in further settlement discussions and the LPAT hearing was delayed for a minimum of six months.

April 2020 Proposal

As a result of settlement discussions, a further amended concept was provided to staff in April 2020 for consideration of a settlement. The amended development concept is

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very similar to the May, 2019 proposal and meets the parameter of a maximum of 6 storeys. A review of whether the proposal meets the other settlement parameters directed by Council is included in the Planning analysis of this report LS19003(b)/PED19031(b) on page 13.

A description of the original July, 2016 application, the January, 2019 revision, the May, 2019 revision and the most recent April, 2020 concept are provided below for comparison purposes:

Original Concept (July 2016):	Revised Concept (January 2019):	Revised Concept (May 2019):	Current Concept (April 2020):
Three buildings (one 10 storey building, one, one storey building, and one two storey building).	One seven storey building that extends along the frontage of the subject lands (101.5 metres long).	One six storey building that extends along the frontage of the subject lands (101.5 metres long).	One six storey building that extends along the frontage of the subject lands (101.5 metres long).
72 residential units (94 units per hectare).	163 residential units (214 units per hectare).	135 residential units (177 units per hectare).	111 residential units (145 units per hectare).
2,893 square metres of Commercial Gross Floor Area (four commercial units and one two storey office).	438.5 square metres of Commercial Gross Floor Area (five commercial units).	438.5 square metres of Commercial Gross Floor Area (five commercial units).	546 square metres of Commercial Gross Floor Area.
1,403.4 square metres of grade level outdoor amenity spaces.	313 square metres of rooftop amenity space and 545 square metres of terraced amenity space at rear of building on the second floor.	No rooftop amenity space. 545 square metres of terraced amenity space at rear of building on the second floor.	No rooftop amenity space. 243 square metres of internal common amenity area at ground floor and 60 square metres of

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			outdoor common amenity area.
133 surface parking spaces, 80 underground parking spaces.	164 surface parking spaces (including 5 barrier free).	164 parking spaces (including 5 barrier free).	131 parking spaces (including 4 barrier free).
Integrates the existing coach house into the development in existing location.	Removes existing coach house.	Removes existing coach house.	Relocates the coach house to the western portion of the site integrated into the development.

EXISTING LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	4 Single Detached Dwellings	Existing Residential (ER) Zone
<u>Surrounding Land Uses:</u>		
North	Single detached dwellings, Binbrook Baptist Church	Mixed Use Medium Density – Pedestrian Focus (C5a, 570) Zone
South	Single detached dwellings, Street townhouse dwellings	Residential “R4-200” Zone and Residential Multiple “RM2-201” Zone
East	Commercial Plaza (Shoppers Drug Mart)	Mixed Use Medium Density – Pedestrian Focus (C5a, 570) Zone
West	Single Detached Dwelling	Mixed Use Medium Density – Pedestrian Focus (C5a, 570) Zone

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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Refer to Reports LS19003/PED19031 and LS19003(a)/PED19031(a) for a policy analysis.

RELEVANT CONSULTATION

Circulation of the April 2020 concept to staff outside of the Development Planning, Heritage and Design Section of the Planning Division was limited to only Sections which had previous concerns. Earlier comments on the file were outlined in Information Report PED17177 and included standard information and requirements applicable at the site plan stage, including waste management standards, requirements for a landscape plan and approval of an updated tree management/protection plan, and a requirement to pay watermain, storm and sanitary mainline and connection fees.

Departments and Agencies		
	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> Comments on the previous May 2019 concept noted that the applicant must provide additional information in order for staff to assess the ability to service the revised proposed development. The revised concept was deemed to be premature in advance of detailed information being provided for comprehensive analysis. The applicant provided additional analysis of servicing capacity to staff on January 29, 2020. Staff have reviewed this information and confirmed that there is adequate capacity existing to service the proposal. 	<ul style="list-style-type: none"> As servicing capacity has been confirmed for the proposal, a Holding provision is no longer required.
Transportation Planning Section, Transportation	<ul style="list-style-type: none"> Comments on the previous May 2019 concept noted concerns with the two access driveways 	<ul style="list-style-type: none"> The right-of-way dedication and the revisions to the

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<p>Planning and Parking Division, Planning and Economic Development Department</p>	<p>proposed, driveway radii encroaching onto neighbouring properties, the lack of adequate visibility triangles, and the lack of safe pedestrian pathways on the site. Other information, such as the location and size of loading areas and demonstration of truck and emergency vehicle manoeuvring was also requested (Report LS19003(a)/PED19031(a)).</p> <ul style="list-style-type: none"> • The current proposal has eliminated the second access driveway and has shifted the location of the remaining driveway to ensure that the driveway radii are appropriately located and that visibility triangles are provided. Pedestrian sidewalk routes have been added around the proposed building and within the parking area. • At the Site Plan stage, Transportation Planning requires a right-of-way dedication which follows the Urban Hamilton Official Plan to provide an adequate ROW to implement the recommendations in the Binbrook Village Transportation Master Plan. Approximately 3.048 m are to be dedicated to the City along the entire frontage of the subject property on Binbrook Road. The right-of-way dedication is to meet the 26.213 	<p>Transportation Demand Management (TDM) portion of the Transportation Impact Study prepared by Paradigm Transportation Solutions Limited will be required as conditions of Site Plan Approval.</p>
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	<p>m requirements of the Official Plan: Schedule C-2 - Future Right-of-Way Dedications.</p> <ul style="list-style-type: none"> • In September, 2016 the Applicant was advised revisions were required to the TDM portion of Binbrook Heritage, Hamilton, Transportation Impact, Parking Justification and TDM Study, by Paradigm Transportation Solutions Limited, dated July 2016. The substantial differences between the Preliminary Site Plan (June, 2016) and the current Site Plan concept require the outstanding TDM revisions be specific to the most recent plan. Those revisions are outstanding and would be a condition of Site Plan Approval if the proposal is approved. 	
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ANALYSIS AND RATIONALE FOR RECOMMENDATION

Mr. Andrew Biggart's (external legal counsel) opinion and advice in respect of the appeals is attached hereto as Appendix "F" to Report LS19003(b)/PED19031(b).

Planning Analysis and Rationale

When Report LS19003(a)/PED19031(a) was considered at Planning Committee on June 4, 2019, Council gave direction that any proposed settlement must address the following matters:

1. The design must be consistent with the Urban Design policies of the Official Plan and Binbrook Urban Design Guidelines;
2. Heritage resources must be conserved/protected;
3. The use of a Holding Symbol for servicing and transportation related matters should be implemented at the cost of the applicant/developer; and,

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4. The issues identified as part of the LPAT appeal be addressed to the satisfaction of the City Solicitor and Chief Planner.

There were 21 issues identified in the City's issues list for the appeal. Issues raised related to consistency with Provincial policy documents, conformity with the City's UHOP and the Secondary Plan policies, conformity to heritage policies, meeting the vision and goals of the Urban Design Guidelines, servicing capacity, traffic impacts, safe pedestrian and vehicle circulation, the number of access driveways, and whether overall, the application represents good planning. A review of Provincial and Municipal policy was included in Report LS19003/PED19031 and Report LS19003(a)/PED19031(a). Servicing and traffic issues are addressed in comments from Growth Management and Transportation Planning on pages 11 to 13 of Report LS19003(b)/PED19031(b). Issues of urban design, heritage and parking are discussed in the following section.

Urban Design Policies and Guidelines

Policies B.5.1.1 and B.5.1.2.3 of the Binbrook Village Secondary Plan state, among other things, that Binbrook shall develop with a unique small town identity, and that the small town community character and historical identity shall be maintained. The vision encourages development that is appropriate in scale, form, and design, and highlights that urban design is extremely important for the quality and character of this highly visible area. The Binbrook Village Community Core Urban Design Guidelines (the Guidelines) have been adopted to help implement this vision. Revisions have been made to the previous development concept to address urban design policies and guidelines related to height, massing, compatibility with the existing built fabric of the community, façade articulation, landscaping, pedestrian circulation and greenspaces.

While the proposal addresses the guidelines as it relates to site design, the overall mass and scale of the proposal is greater than anything envisioned by the guidelines. The Binbrook Village Community Core Guidelines did not anticipate a building as large in scale as the proposal, nor did they envision any building over three storeys in height. As such, the guidelines have been applied as closely as possible given this limitation.

Revisions to the proposal that have been made to address specific concerns with the site and building design that were raised in the previous staff report LS19003(a)/PED19031(a) are summarized below:

- The coach house has been retained and incorporated into the proposal, whereas previously it was proposed to be removed. Although the coach house is proposed to

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be relocated rather than preserved in-situ, incorporation of this resource maintains part of the character of the site and adds a human scaled village quality to the proposal.

- The Guidelines state that long continuous elevations and roofscapes must be appropriately detailed, divided and varied to provide visual interest and relief. The majority of new mixed use buildings in Binbrook should have sloping roof forms. The proposal has added variation and architectural detailing to the front elevation to break up the appearance of the long mass and has included sloping roof elements on the top of the building.
- The architecture, design elements and construction materials must be compatible with the surrounding neighbourhood and reinforce the village character of the core. In accordance with the Guidelines, large-scale panels constructed with materials used in large commercial or industrial developments are to be avoided. Other large-scale materials/glass paneling must be scaled down to human proportions and be compatible with traditional materials. Glass curtain walls, pre-cast concrete and formed concrete shall be limited in use. The proposal has removed a large modern central glazed feature that was inconsistent with the Guidelines.
- Staff had concerns with the site circulation as the proposal did not include barrier-free pedestrian access from the parking areas to the front and rear main entrances into the building, or to the public sidewalk. A continuous walkway has now been provided around the building to achieve safe pedestrian and vehicular circulation.
- No landscaped islands were included in the previous concept. Landscaped islands are now provided in the current concept, throughout the parking area. This helps to visually soften the large amount of hardscape proposed and provide other benefits like shade, stormwater capture, etc.
- Wider landscaped strips were requested along the west and south property lines to accommodate a row of high branching deciduous trees that will help to buffer the site from the existing adjacent residences. The proposal does not provide a full 3 m wide planting strip along these lot lines, but wider strips have been provided as well as landscaped islands in strategic locations for tree plantings.
- A landscaped ground level outdoor amenity area was not provided in the proposal. The current concept now includes an outdoor amenity area at the front of the building for residents.

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Heritage

Staff have reviewed an Addendum to the Heritage Impact Assessment, dated May 11, 2020. The addendum describes that the coach house is intended to be relocated westerly on the site and will be integrated into the development. The addendum confirms that there are no other existing resources on the site that are recommended to be maintained. Further information will be required at the Site Plan stage to permit the relocation, including a Moving Plan and a Conservation Plan. The Minutes of Settlement for the Appeal will include a requirement for the appellant to provide the Moving Plan and Conservation Plan prior to Site Plan approval, to ensure that this is completed.

Holding Provision

The revised concept will no longer require a Holding provision. Growth Management staff have confirmed that sufficient capacity is available to service the proposal. Changes have been made to the proposal to address outstanding Transportation Planning concerns, including a reduction in accesses to one access, adjusting the access location to provide appropriate turning radii, the provision of visibility triangles, adequate maneuvering for vehicles on the site, and the addition of pedestrian walkways around the building and within the parking area. Appropriate securities will be taken at the Site Plan stage to ensure all cost of development is borne by the developer should the required works not be completed to the City's satisfaction.

Zoning

The subject property is currently zoned Existing Residential "ER" Zone in the Township of Glanbrook Zoning By-law No.464, as shown in Appendix "A" to Report LS19003(b)/PED19031(b).

The proposed Zoning By-law Amendment is for a change in zoning from the Existing Residential "ER" Zone to a site specific General Commercial "C3" Zone, to permit a 6-storey multiple dwelling with 546 m² of ground floor commercial space and 111 dwelling units. Site specific modifications to the General Commercial "C3" Zone have been requested to implement the subject proposal and are discussed in greater detail in Appendix "E" to Report LS19003(b)/PED19031(b).

Although designated Mixed Use – Medium Density, the subject lands were not included in the Zoning By-law No. 05-200 Commercial Mixed Use Zones passed in 2017, as the appellant's zoning application was in progress at that time. Since the original

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application applied to amend the Township of Glanbrook Zoning By-law No. 464, the proposed zone must be contained within the Township of Glanbrook Zoning By-law No. 464 as well. This is why the proposed zone is a modified version of the General Commercial “C3” Zone instead of the new Zoning By-law No. 05-200. However, many of the proposed zoning modifications are consistent with the Mixed Use Medium Density - Pedestrian Focus (C5a) Zone requirements in Zoning By-law No. 05-200. Staff note that a future housekeeping amendment will be required if a settlement is approved, to bring these lands into Zoning By-law No. 05-200.

Parking Areas

The reduced number of units in the current proposal has improved the parking ratio, as there are 131 parking spaces proposed for 111 residential units and 546 m² of commercial area. This would provide at least one space for each unit, five spaces for the commercial uses, and 15 additional spaces that can be used for visitor parking or additional residential parking. The parking being provided exceeds the standards of Zoning By-law No. 05-200 for the Mixed Use Medium Density - Pedestrian Focus (C5a) Zone.

Staff also note that the appellant is proposing seven spaces of layby parking in front of the building in the submitted concept plan. These spaces are not included in the parking calculation and would require separate approval by Council. However, Transportation Planning have reviewed these proposed spaces and have no concerns should these be included in the proposal at the Site Plan stage. The additional spaces would support the function of the commercial uses on the ground floor of the building.

ALTERNATIVES FOR CONSIDERATION

Council can direct Legal staff either:

- (a) To not oppose these appeals before the LPAT; or,
- (b) To oppose these appeals before the LPAT.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

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Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Location Map

Appendix "B" – Revised Site Plan and Elevations

Appendix "C" – Draft Official Plan Amendment

Appendix "D" – Draft Zoning By-law

Appendix "E" – Zoning Modification Chart

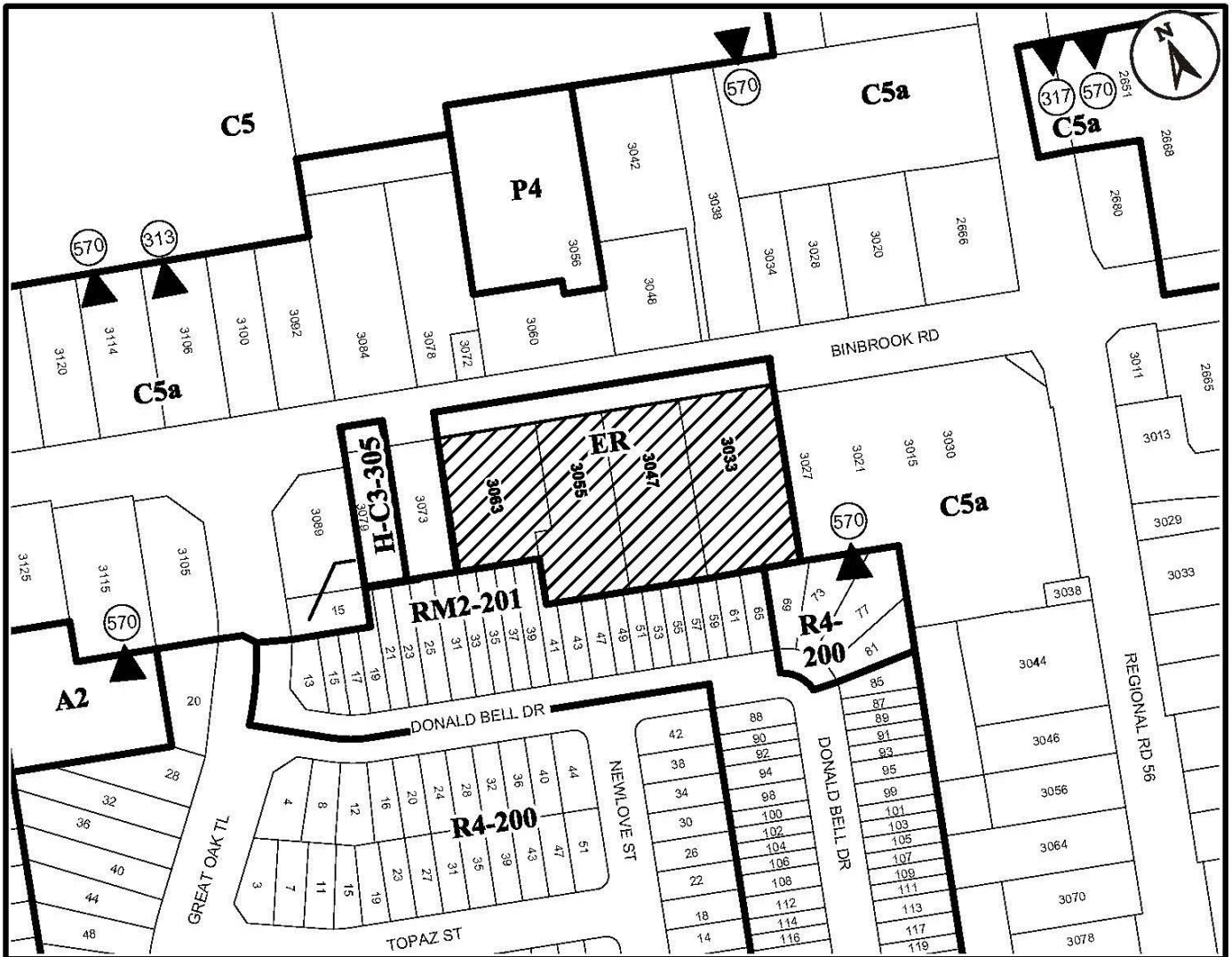
Appendix "F" – Legal Opinion of Andrew Biggart (Ritchie Ketcheson Hart & Biggart)

Appendix "G" – Planning Committee Closed Session Minutes 19-009

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● Site Location

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-16-051

Date:
January 29, 2019

Appendix "A"

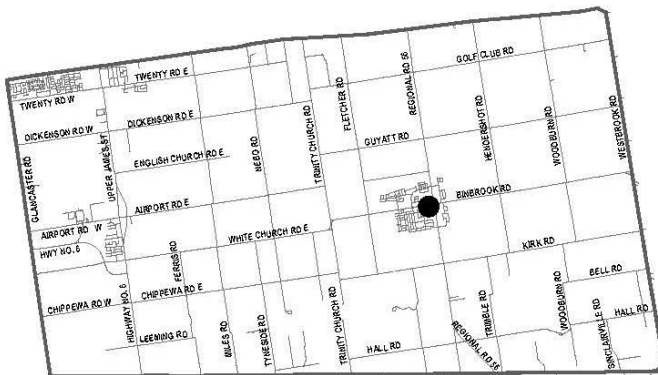
Scale:
N.T.S.

Planner/Technician:
BN/NB

Subject Property



3033, 3047, 3055 & 3063 Binbrook Road,
Lands owned by the applicant



Key Map - Ward 11

N.T.S.





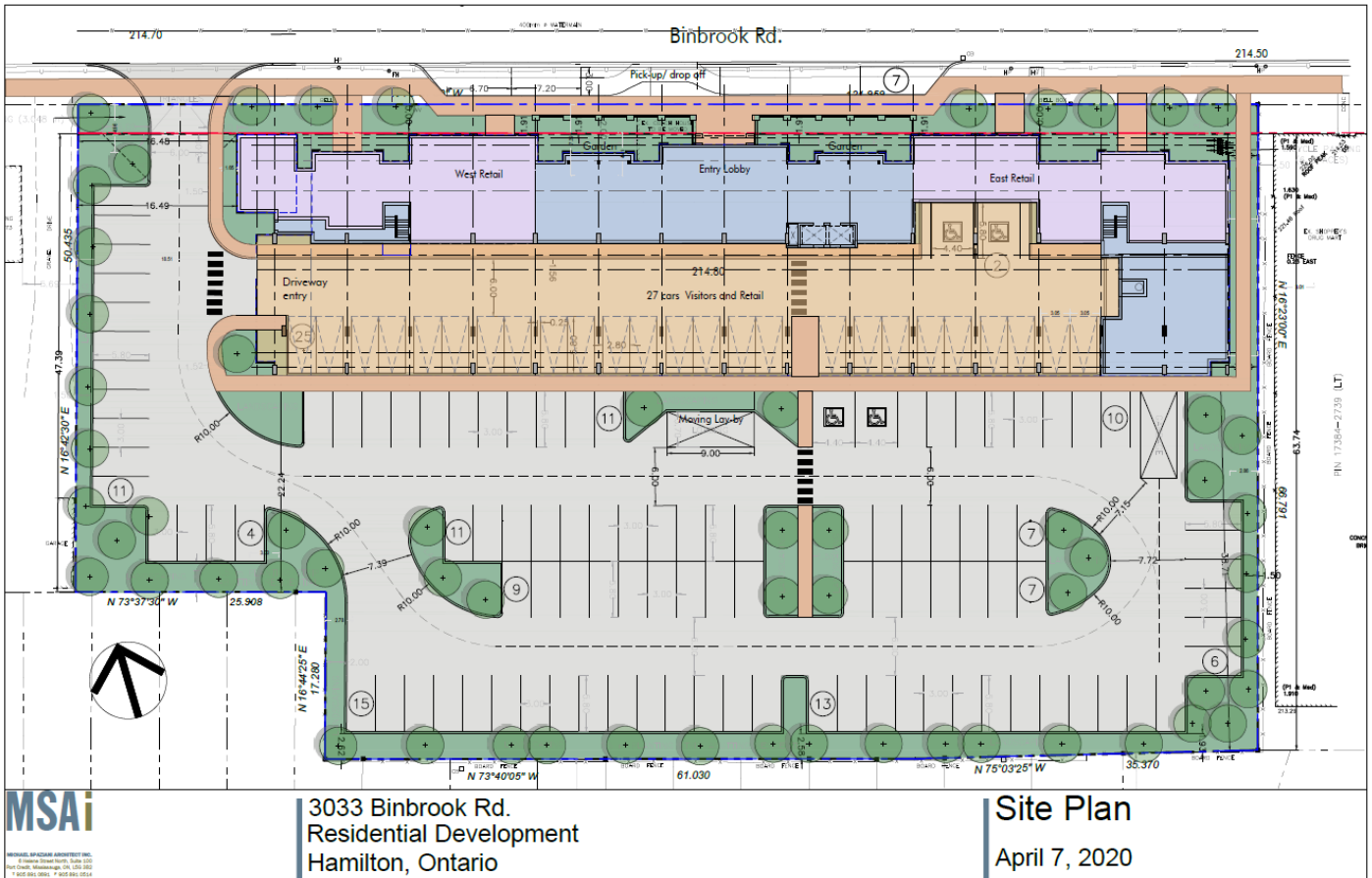
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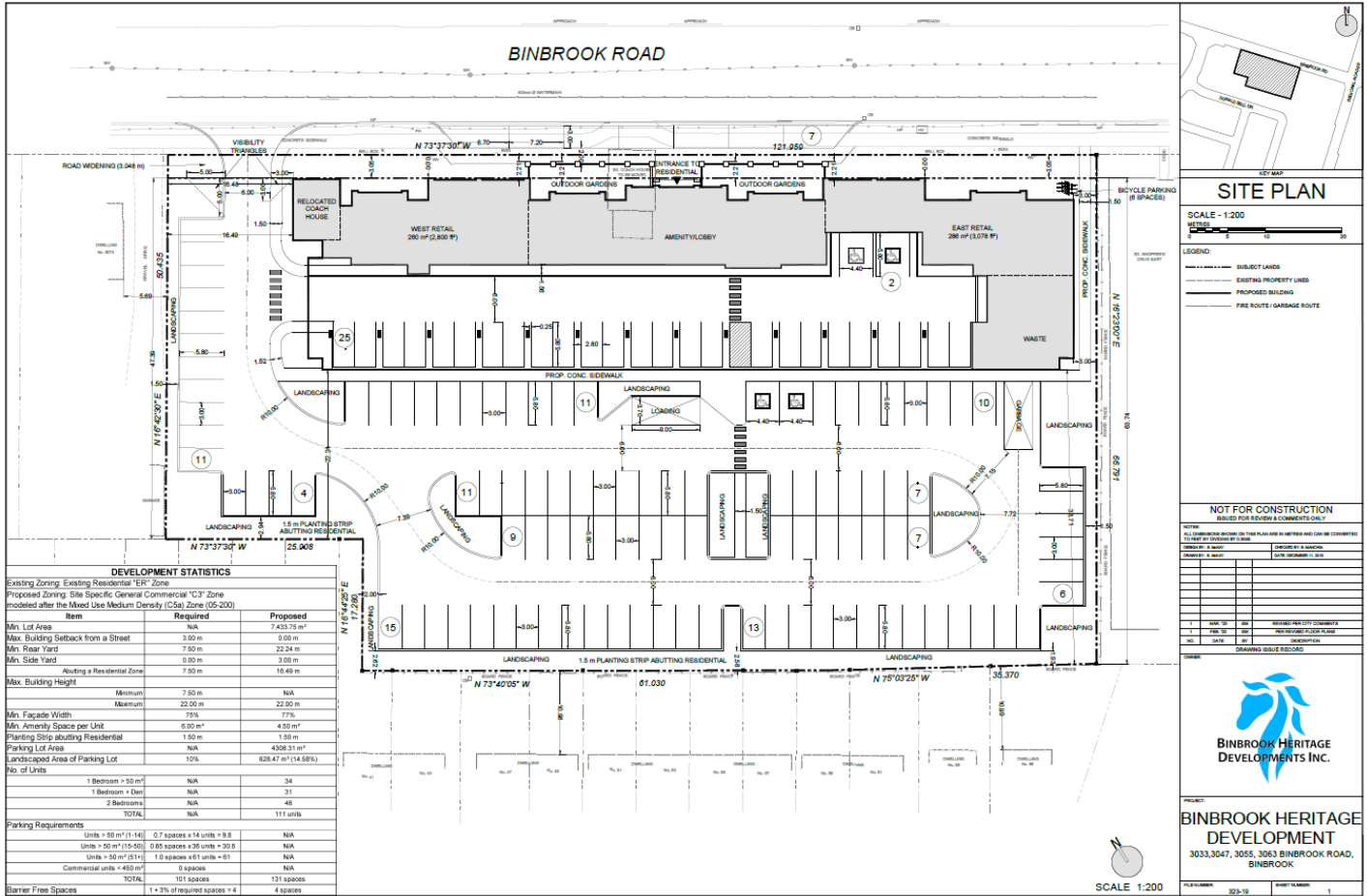
MANUEL SPICER ARCHITECT INC.
© 2019 MSA
100 Dundas Street West, Suite 1000
Toronto, Ontario M5G 1L5
Tel: 416-593-8888
Fax: 416-593-8889

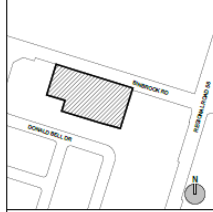
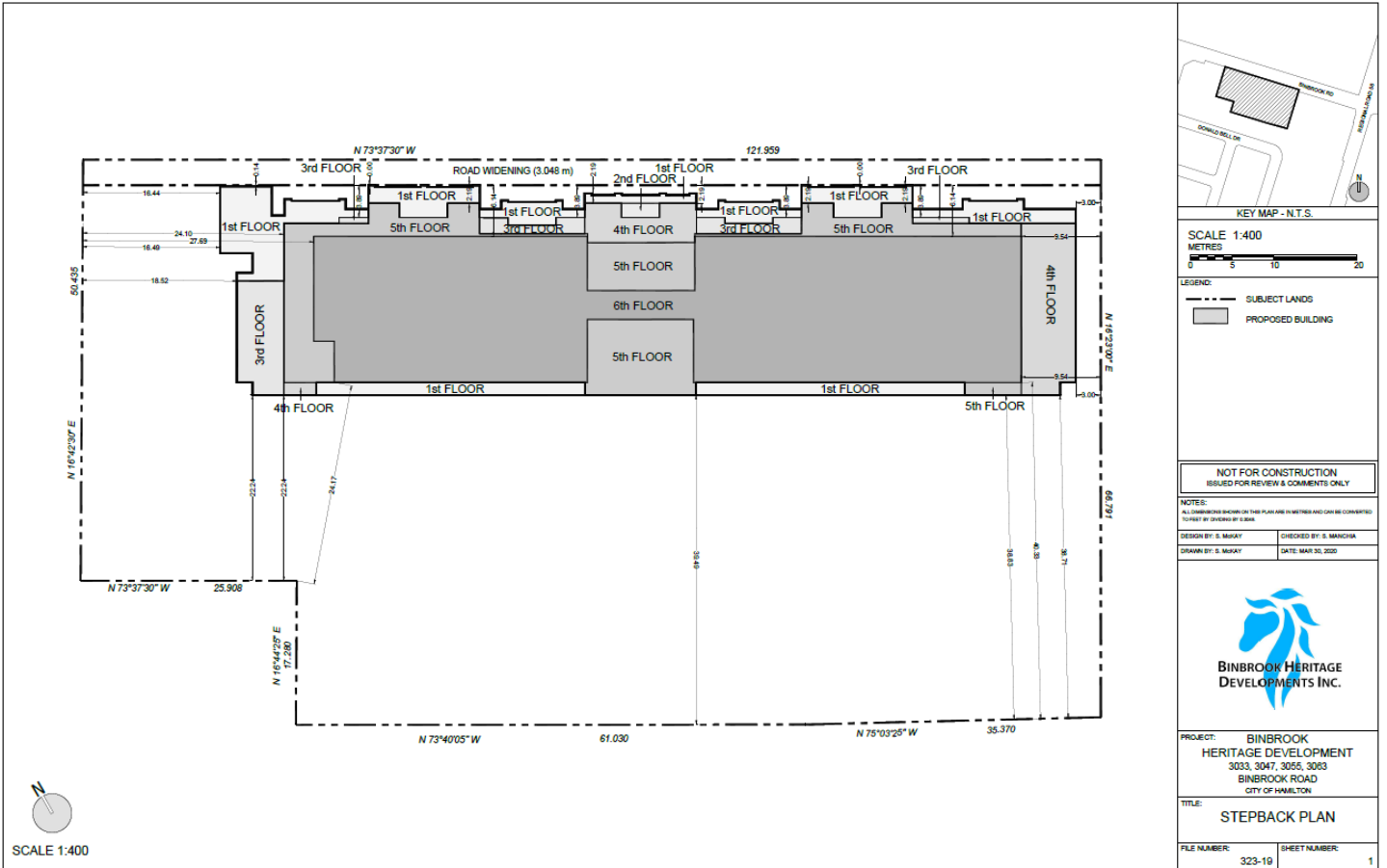
3033 Binbrook Rd.
Residential Development
Hamilton, Ontario

Context Plan
April 7, 2020



Appendix "B" to Report LS19003(b)/PED19031(b)





SCALE 1:400
METRIC

LEGEND:
 - - - SUBJECT LANDS
 [Grey Box] PROPOSED BUILDING

NOT FOR CONSTRUCTION
 ISSUED FOR REVIEW & COMMENTS ONLY

NOTE:
 ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METERS AND SHALL BE CONSIDERED TO BE IN DIVISION BY 0.3048

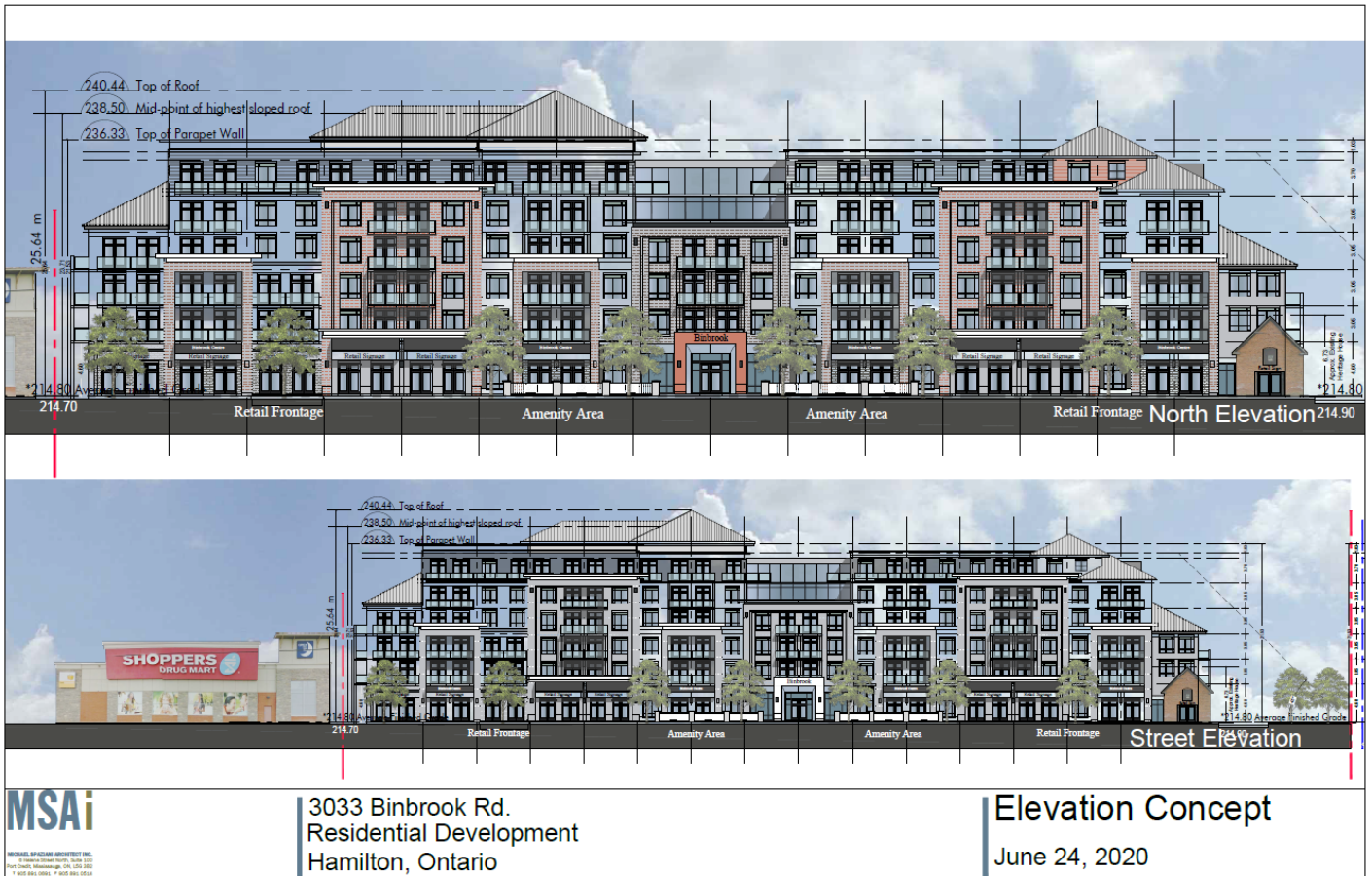
DESIGN BY: S. MUKAY CHECKED BY: S. MARICHA
 DRAWN BY: S. MUKAY DATE: MAR 30, 2020



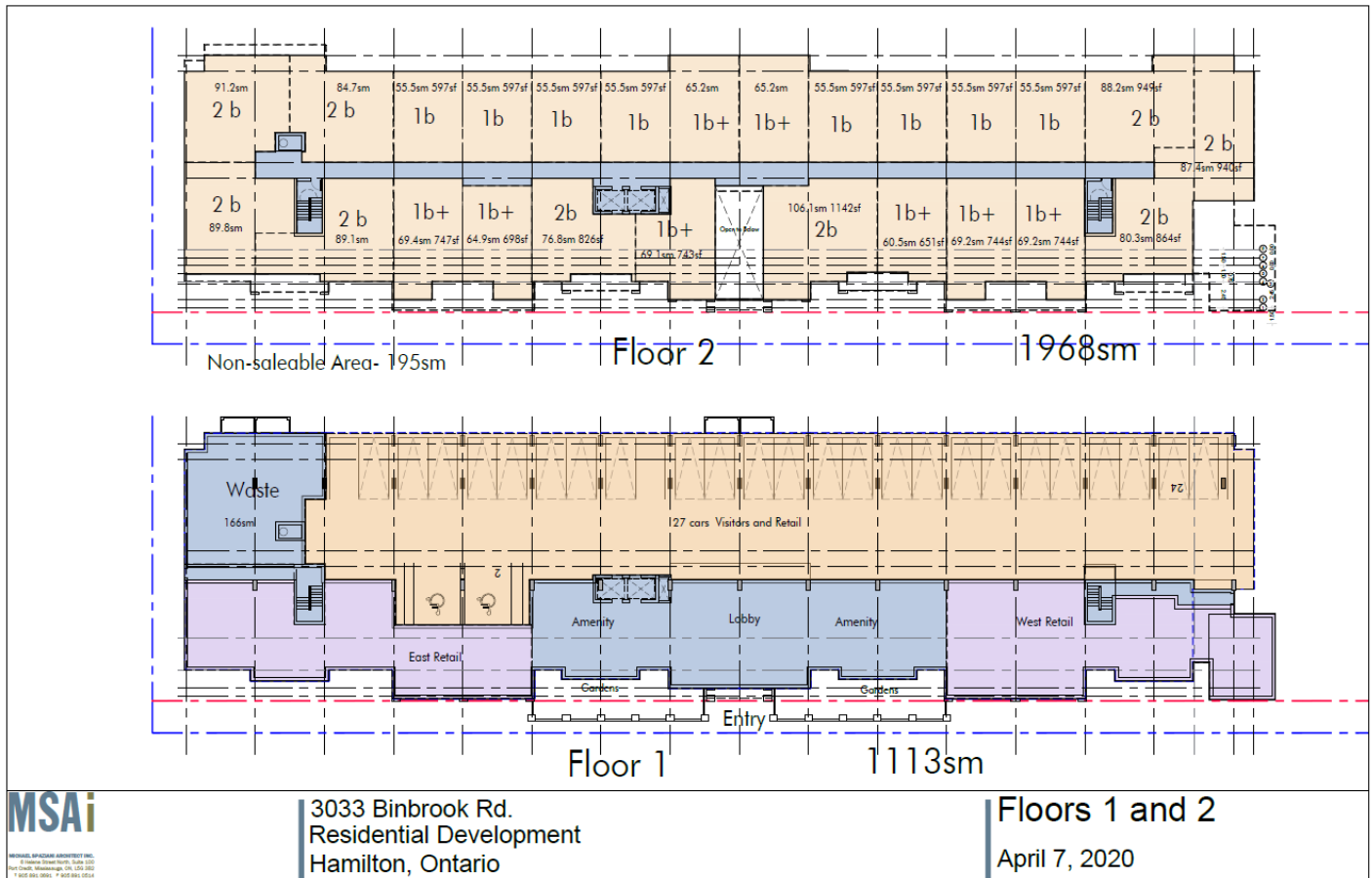
PROJECT: BINBROOK HERITAGE DEVELOPMENT
 3033, 3047, 3055, 3063
 BINBROOK ROAD
 CITY OF HAMILTON

TITLE: STEPBACK PLAN

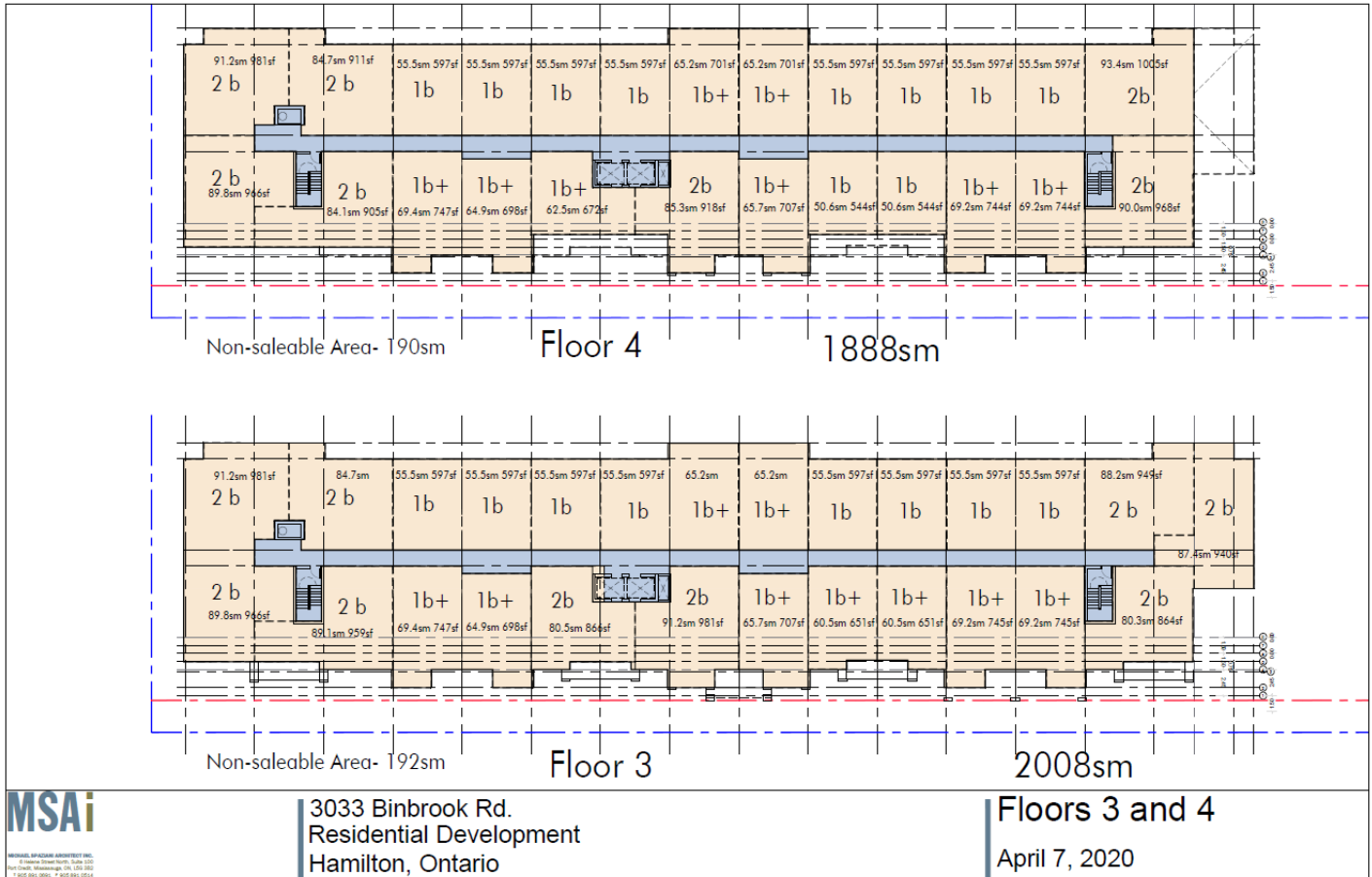
FILE NUMBER: 323-10 SHEET NUMBER: 1



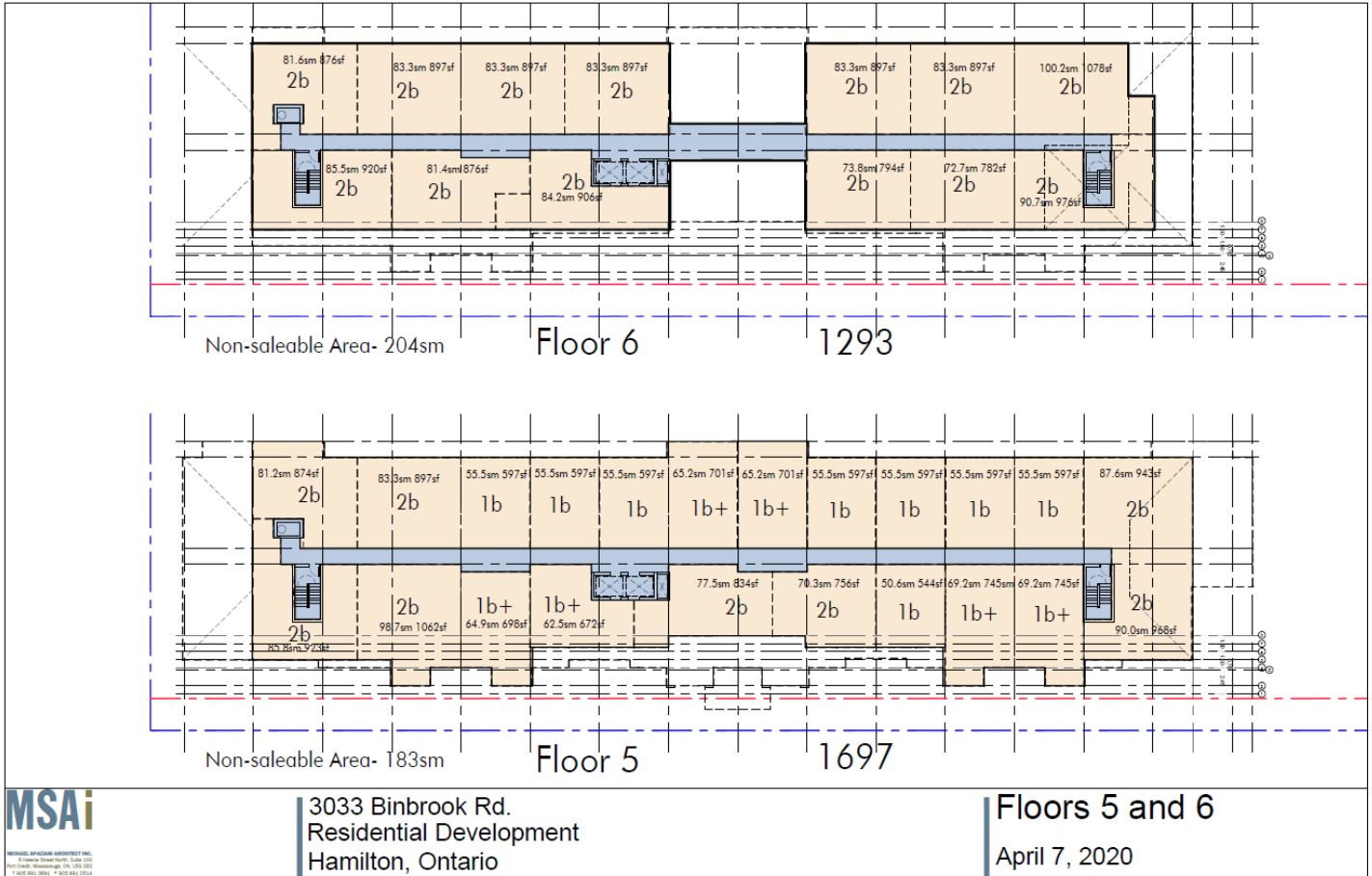
Appendix "B" to Report LS19003(b)/PED19031(b)



Appendix "B" to Report LS19003(b)/PED19031(b)



Appendix "B" to Report LS19003(b)/PED19031(b)



Urban Hamilton Official Plan Amendment No. 131

The following text, together with Appendix “A”, Volume 2, Map B.5.1-1 – Binbrook Village Secondary Plan – Land Use Plan, attached hereto, constitutes Official Plan Amendment No. 131 to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to establish a Site Specific Policy within the Binbrook Village Secondary Plan to permit an increased height for a mixed-use building within the Mixed Use – Medium Density – Pedestrian Focus designation.

2.0 Location:

The lands affected by this Amendment are known municipally as 3033, 3047, 3055 and 3063 Binbrook Road, in the former Township of Glanbrook.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed Amendment contributes to providing an appropriate range and mix of housing types by providing a form of housing that is not readily available.
- The proposed development will provide protection for an identified cultural heritage resource by integrating a historic structure into the proposed new building.
- The capacity of infrastructure and the transportation network is sufficient for the proposed development.
- The proposed Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019.

4.0 Actual Changes:

4.1 Volume 2 – Secondary Plans

LPAT Case File No.: PL170981

Text4.1.1 Chapter B.5.0 – Glanbrook Secondary Plans – Section B.5.1 – Binbrook Village Secondary Plan

- a. That Volume 2, Chapter B.5.0 – Glanbrook Secondary Plans, Section B.5.1 – Binbrook Village Secondary Plan be amended by adding a new Site Specific Policy, as follows:

"Site Specific Policy – Area S

- B.5.1.13.19 Notwithstanding Policy B.5.1.5.1 h) and Policy B.5.1.10.2 a) specifically with respect to building height and roof pitch only of Volume 2, for the lands located at 3033, 3047, 3055 and 3063 Binbrook Road and identified as Site Specific Policy – Area S on Map B.5.1-1 Binbrook Village Secondary Plan – Land Use Plan, building heights shall not exceed six storeys."

Maps4.1.2 Map

- a. That Volume 2, Map B.5.1-1 – Binbrook Village Secondary Plan – Land Use Plan be amended by identifying the subject lands as Site Specific Policy – Area S as shown on Appendix "A", attached to this Amendment.

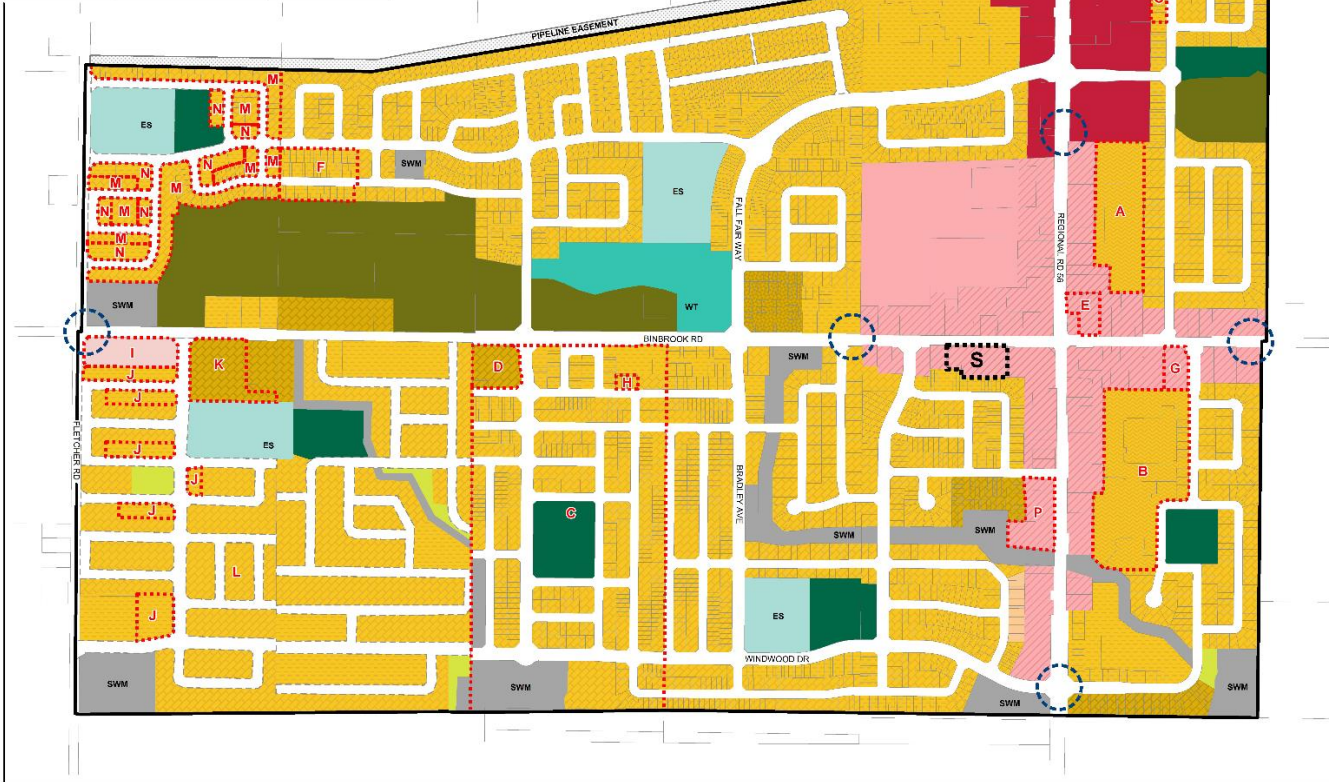
5.0 Implementation:

An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. ___, pursuant to Decision / Order of the Local Planning Appeal Tribunal issued in Case No. PL170981.

Appendix A
 APPROVED Amendment No. 131
 to the Urban Hamilton Official Plan
 Pursuant to the Decision of the LPAT in Case No. PL170981
 Lands to be identified as
 Site Specific Policy - Area S
 (3033, 3047, 3055 and 3063 Binbrook Road, Glanbrook)

Date: May 4, 2020 Revised By: MP/NB Reference File No.: OPA-U-131(G)



Legend

Residential Designations

- Low Density Residential 1c
- Low Density Residential 2a
- Low Density Residential 2h
- Low Density Residential 3c
- Low Density Residential 3e

Commercial and Mixed Use Designations

- Local Commercial
- District Commercial
- Mixed Use - Medium Density
- Mixed Use - Medium Density Pedestrian Focus

Parks and Open Space Designations

- Parkette
- Neighbourhood Park
- Community Park
- General Open Space
- Natural Open Space

Other Designations

- Institutional
- ES Elementary School
- WT Water Tower
- SWM Storm Water Management

Other Features

- Area of Site Specific Policy
- Gateway
- Water Tower
- Pipeline
- Proposed Roads
- Secondary Plan Boundary

Council Adopted: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

Urban Hamilton Official Plan
 Binbrook Village
 Secondary Plan
 Land Use Plan
 Map B.5.1-1

City of Hamilton
 Planning & Economic Development Department

CITY OF HAMILTON**BY-LAW NO. [REDACTED]****To Amend Zoning By-law No.464 (Glanbrook)
Respecting Lands Located at 3033, 3047, 3055 and 3063 Binbrook Road
(Glanbrook)**

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

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as "The Corporation of the Township of Glanbrook" 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. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Official Plan Amendment No.131;

NOW THEREFORE the Local Planning Appeal Tribunal orders:

1. That Schedule "H", appended to and forming part of By-law No. 464 (Glanbrook), is amended by changing the zoning from the Existing Residential "ER" Zone to the General Commercial "C3-317" Zone, Modified, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That Section 44: "Exceptions to the Provisions of this By-law", as amended, of Zoning By-law No. 464, is hereby further amended by adding Special Exception "C3-317" as follows:

C3-317 3033, 3047, 3055 and 3063 Binbrook Road

- i) Notwithstanding Section 25: General Commercial "C3" Zone, Subsection 25.1 - Permitted Uses, Clauses (a), and (c), only the following uses shall be permitted:

By-law to Amend Zoning By-law No.464 (Glanbrook)
Respecting Lands Located at 3033, 3047, 3055 and 3063 Binbrook Road, in the former
Township of Glanbrook, now in the City of Hamilton

- (a) banks and financial institutions, retail stores, commercial schools, custom workshops, hotels, medical centres, motels, personal service shops, photographic studios, places of entertainment or recreation, post offices, printing establishments, professional and business offices, fast food restaurants, standard restaurants, take-out restaurants, service shops, veterinary service establishments, and uses, buildings and structures accessory to the above permitted uses.
- ii) In addition to the regulations of Section 25: General Commercial "C3" Zone, Subsection 25.1 (b) - Permitted Uses, an apartment building in conjunction with another permitted use shall also be permitted.
- iii) Notwithstanding any other permitted use, a drive-through facility shall be prohibited, even as an accessory use.
- iv) Notwithstanding the regulations of Section 25: General Commercial "C3" Zone, Subsection 25.2 – Regulations for Uses Permitted in Paragraph (a) of Subsection 25.1, Clauses (f), (g), (h), (i), (j), (k), (l), and (m), the following regulations shall apply to the lands zoned "C3-317":
- | | |
|----------------------------------|--|
| (f) Minimum Front Yard | Shall not apply. |
| (g) Minimum Side Yard | 3 metres, except 16 metres abutting the westerly side lot line. |
| (h) Minimum Rear Yard | 38 metres. |
| (i) Maximum Height | 26 metres and 6 storeys. |
| (j) Minimum Parking Requirements | <p>i) All parking spaces shall be provided in accordance with the general provisions of Paragraph 7.35(a) of this By-Law except as modified by Section viii) of Special Exception C3-317 herein; and</p> <p>ii) The minimum number of parking spaces shall be provided in accordance with the off-street parking requirements specified in subsections viii) (f) and (g) of Special Exception C3-317 herein; and</p> <p>iii) Shall not apply; and</p> <p>iv) No parking space or part thereof shall be located within 4.5 metres of any street</p> |

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- line or within 1.5 metres of the boundary of any Residential or Institutional Zone or any Zone where the adjoining land is used for residential or institutional purposes.
- (k) Minimum Loading Requirements Loading spaces shall be provided in accordance with the provisions of Subsection 7.36 of this By-Law except as modified by Section viii) of Special Exception C3-317 herein.
- (l) Minimum Landscaping Requirements A landscaped area in the form of a planting strip having a minimum width of 1.5 metres and a fence shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a Residential or Institutional Zone or any Zone where the adjoining land is used for residential or institutional purposes.
- (m) Outside storage and display Outside storage shall not be permitted, however the display of goods or materials for retail purposes accessory to a retail use may be permitted in the front yard.
- v) Notwithstanding the regulations of Section 25: General Commercial "C3" Zone, Subsection 25.3 – Regulations for Uses Permitted in Paragraph (b) of Subsection 25.1, Clauses (a), (b), and (c), the following regulations shall apply to an apartment building in conjunction with another permitted use:
- (a) Location An apartment building shall only be permitted above the ground floor, except for parking, access, accessory office, amenity and utility areas, which may be located on the ground floor.
- (b) Minimum Floor Area per Dwelling Unit Shall not apply.
- (c) Minimum Parking Requirements In addition to the minimum parking requirements for other permitted uses, parking spaces for residential uses shall

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also be provided in accordance with the provisions of Subsection 7.35 of this By-Law, except as modified by Section viii) of Special Exception C3-317 herein.

vi) In addition to the regulations of Section 25: General Commercial "C3" Zone, Subsection 25.2 – Regulations for Uses Permitted in Paragraph (a) of Subsection 25.1 and Subsection 25.3 - Regulations for Uses Permitted in Paragraph (b) of Subsection 25.1, the following regulations shall also apply to the lands zoned "C3-317":

- | | |
|---|--|
| (a) Minimum Building Setback from a Street Line | <ul style="list-style-type: none"> i) 2 metres for the second to fifth storeys; and ii) 6 metres for the sixth storey; and iii) Notwithstanding Sections (a) i) and ii) herein, balconies and architectural elements such as sills, belt courses, cornices, eaves or gutters, pilasters, and brickwork framing the main entrance may project into the required building setback; and iv) Notwithstanding Section (a) iii) herein, a maximum of 2 balconies may project into the required 2 metre building setback for the second to fifth storeys; and v) Notwithstanding Section (a) iii) herein, balconies on the sixth storey may project into the required 6 metre building setback a distance of not more than 4 metres. |
| (b) Maximum Building Setback from a Street Line | <ul style="list-style-type: none"> i) 3 metres for the first storey, except where a visibility triangle is required for a driveway setback. ii) Section (b) i) shall not apply for any portion of a building that exceeds the requirements of subsection (h) ii) herein. |

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- | | |
|---|--|
| (c) Minimum Building Setback from a Side Lot Line | <ul style="list-style-type: none"> i) The fourth storey of a building shall be set back a minimum of 24 metres from the westerly side lot line; and ii) The fifth storey of a building shall be set back a minimum of 24 metres from the westerly side lot line and a minimum of 9.5 metres from the easterly side lot line; and, iii) The sixth storey of a building shall be set back a minimum of 27.5 metres from the westerly side lot line and a minimum of 9.5 metres from the easterly side lot line. |
| (d) Minimum Façade Height | Minimum 7.5 metre façade height for any portion of a building along a street line, except for any building or portion of a building which is listed in the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest, or listed in the Municipal Heritage Register, or designated under the Ontario Heritage Act. |
| (e) Minimum Amenity Area for dwelling units | <ul style="list-style-type: none"> i) 6 square metres for each dwelling unit; and ii) In addition to the definition of Amenity Area in Section x) of Special Exception C3-317 herein, an Amenity Area located outdoors shall be unobstructed and shall be at or above the surface, and exposed to light and air, except for balconies for use by individual dwelling units. |
| (f) Location of Amenity Area | Rooftop amenity areas shall not be permitted, excepting balconies for use by individual dwelling units. |
| (g) Maximum Gross Floor Area for office use | 2,500 square metres |
| (h) Built form for new development | In the case of new buildings constructed after the effective date of this by-law or additions to |

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buildings existing as of the effective date of
this by-law:

- i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street.
- ii) The minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 75% of the measurement of the front lot line.
- iii) In addition to Section (h)(ii) herein, the minimum width of the ground floor façade facing the front lot line shall exclude access driveways and required yard along a lot line abutting a street.
- iv) No parking, stacking lanes, or aisles shall be located between the required building façade and the front lot line.
- v) A minimum of one principal entrance shall be provided:
 1. within the ground floor façade that is set back closest to a street; and
 2. shall be accessible from the building façade with direct access from the public sidewalk.
- vi) A walkway shall be permitted in a planting strip where required by the By-law.
- vii) A minimum of 60% of the area of the ground floor façade facing the street shall be composed of doors and windows.
- viii) The first storey shall have a minimum height of 3.6 metres and a maximum height of 4.6 metres.

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- ix) Subsection (h)(viii) herein shall not apply to any building or portion of a building which is listed in the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest, listed in the Municipal Heritage Register, or designated under the Ontario Heritage Act.

- vii) Notwithstanding the regulations of Section 7: General Provisions for All Zones, Subsection 7.18 – Minimum Front Yard, Subsection 7.23 – Special Setback Requirements from Streets, and Subsection 7.32 – Fences shall not apply.

- viii) Notwithstanding the regulations of Section 7: General Provisions for All Zones, Subsection 7.26 – Encroachment into Yards, Clause (b), Subsection 7.35 – Minimum Parking Requirements, Clauses (a)(i), (a)(ii), (a)(vii), (a)(xii) (a)(xv), and (b), and Subsection 7.36 – Minimum Loading Requirements, Clauses (a)(i) and (b), the following regulations shall apply to the lands zoned "C3-317":
 - (a) A balcony may project into the required easterly side yard a distance of not more than 1.5 metres.
 - (b) Subsection 7.35 – Minimum Parking Requirements, Clause (a)(i) shall not apply.
 - (c) If the calculation of the required parking spaces results in a fraction, fractions shall be rounded down to the nearest whole number, and when a building or lot has more than one (1) use, the required parking spaces shall be the sum required for the separate uses.
 - (d) Each parking space for ninety (90) degree perpendicular parking shall have a minimum width of 3 metres and a minimum length of 5.8 metres, however a minimum 2.8 metres in width and 5.8 metres in length shall be permitted within an above ground or underground parking structure; and where a wall, column, or any other obstruction is located abutting or within any parking space within an above ground or underground parking structure, the minimum width of a parking space shall be increased by 0.25 metres.
 - (e) Where a parking area abuts any Residential or Institutional Zone or where the adjoining land is used for residential or institutional purposes, a landscaped area consisting of a permanently maintained planting strip with a minimum width of 1.5 metres shall be provided and shall also include fencing to provide a solid and effective screen.

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(f) Barrier free parking spaces shall be designated and provided as part of the required parking spaces in accordance with the following requirements:

i) Number of spaces

Required Parking spaces	Designated Barrier Free Parking Spaces
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1-49	Minimum 1 space
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50-100	Minimum 4% of the total number of required parking spaces
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101-200	Minimum 1 space + 3% of the total number of required parking spaces
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ii) Each space shall have a minimum width of 4.4 metres and a minimum length of 5.8 metres.

iii) Barrier free parking spaces shall be located near building entrances and each space shall be suitably identified for use by the physically handicapped only.

(g) Minimum Off-Street Parking Space Requirements

i) Apartment building dwelling units

i) Dwelling units less than 50 square metres in gross floor area	0.3 spaces per unit
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ii) Dwelling units greater than 50 square metres in gross floor area	
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1-14 units	0.7 spaces per unit
15-50 units	0.85 spaces per unit
51 + units	1.0 spaces per unit

iii) Visitor Parking	0.1 spaces per unit
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- ii) Other permitted uses
 - i) 0 parking spaces for the first 450.0 square metres in gross floor area; and
 - ii) Minimum one space for each 17 square metres of gross floor area which accommodates such uses, for that portion of a building that is in excess of 450.0 square metres.
- (h) Subsection 7.36 – Minimum Loading Requirements, Clause (a)(i) shall not apply.
- (i) A minimum of one off-street loading space shall be required for all uses.
- ix) In addition to the regulations of Section 7: General Provisions for All Zones, Subsection 7.35 – Minimum Parking Requirements, the following regulations shall also apply:
 - (a) Minimum Short Term Bicycle Parking Requirements

i) Use	Short Term Spaces
Apartment Building	Minimum 5 spaces
Commercial Use	Minimum 5 spaces

 - ii) Notwithstanding subsection i) above, for any office, personal service, restaurant or retail use less than 450 square metres no short-term bicycle parking spaces shall be required.
 - iii) Locational Requirements
 - Short term bicycle parking spaces shall be located within a bicycle parking area at grade

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- (b) Notwithstanding Subsection viii)(d) of Special Exception C3-317 herein, light standards, including the base, located at the intersection of 4 parking spaces shall not be considered as an obstruction.
- (c) In addition to Subsection viii)(e) herein, the following landscaping requirements shall apply to a parking lot where 50 or more parking spaces are provided on a lot:
- i) Landscaped areas or landscaped parking islands with a minimum combined area of 10% of the areas of the parking lot and associated access driveway and manouvering areas shall be provided and maintained; and
 - ii) Each landscaped area or landscaped parking island shall have a minimum area of 10.0 square metres.
- x) Notwithstanding the definition of "Amenity Area", "Height", "Landscaped Area", "Lot Line, Rear" and "Planting Strip" in Section 4: Definitions, the following definitions shall apply:
- | | |
|------------------|---|
| (a) Amenity Area | Shall mean the area of a lot intended for recreational purposes, and shall include areas that are landscaped, patios, privacy areas, balconies, communal lounges, swimming pools, play areas and similar uses, located on the same lot, but shall not include a building's service areas, parking lots, aisles or access driveways, or a planting strip. |
| (b) Height | Shall mean the vertical distance from grade to the uppermost point of the building but not including any mechanical penthouse or any portion of a building designed, adapted or used for such features as a chimney, smokestack, fire wall, stair tower, fire tower, water tower, tank, elevator bulkhead, ventilator, skylight, cooling tower, derrick, conveyor, antenna, or any such requisite appurtenance, or a flagpole, display sign, ornamental figure, parapet, bell tower or other similar structure. Provided, however, where this By-law requires building height to be calculated to |

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determine a minimum rear yard or a minimum side yard requirement, building height shall mean the vertical distance between the lowest finished grade elevation along the lot line related to such required yard at that point closest to the building and the horizontal extension of the uppermost point of the building.

(c) Landscaped Area

Shall mean any portion of a lot which:

- a) Contains no building thereon;
- b) Is not used for parking, access to parking, driveways or loading space;
- c) Is used for the purpose of landscaping; and,
- d) Landscaped areas may include bell pedestals and light standards but shall not include courier or mail boxes.

(d) Lot Line, Rear

Shall mean the lot line farthest and opposite to the front lot line.

(e) Planting Strip

Shall mean an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a buffer and may include low level architectural walls or features, and fire hydrants, but shall not include walkways, sidewalks, and charging stations.

xi) In addition to the definitions in Section 4: Definitions, the following definitions shall also apply:

(a) Drive-Through Facility

Shall mean a facility that is designed to allow drivers to remain in their vehicles before and during an activity on the site, and may include drive-in or drive-through

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PASSED this [] day of [], 2020.

Fred Eisenberger
Mayor

Andrea Holland
City Clerk

ZAC-16-051

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For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? No

Committee: Chair and Members Report No.: XXXXX Date: XX/XX/2020

Ward(s) or City Wide: Ward: 11 (MM/DD/YYYY)

Prepared by: Melanie Pham Phone No: 6685

For Office Use Only, this doesn't appear in the by-law

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This is Schedule "A" to By-law No. 20-
 Passed the day of, 2020

 Mayor

 Clerk

Schedule "A"
Map forming Part of
By-law No. 20-_____
to Amend By-law No. 464

Subject Property
 3033, 3047, 3055 and 3063 Binbrook Road, Glanbrook

 Change in Zoning from Existing Residential "ER" Zone to General Commercial "C3-317" Zone

Scale:
 N.T.S

Date:
 April 16, 2020

File Name/Number:
 ZAC-16-051

Planner/Technician:
 MP/NB



Site Specific Modifications to the General Commercial (C3) Zone

Regulation	Required	Modification	Analysis
Definitions:	<p>Amenity Area – means an area situated within the boundaries of a project and intended for communal recreational purposes, which may include landscaped open spaces, patios, play areas, lounges, sundecks and roofdecks, but shall not include apartment balconies or the area occupied at grade by buildings, service areas, parking or driveways.</p> <p>Height - means the vertical distance between the average finished grade level at the front elevation of such building or structure to:</p> <ul style="list-style-type: none"> a) In the case of a flat roof, the highest point of the roof surface, or the parapet, b) whichever is the greater; and, (b) In the case of a mansard roof, the roof deck line; and c) In the case of any other roof, the point midway between the eaves and ridge; and, d) In the case of a structure not having a roof, the top part of the structure. 	<p>Amenity Area - Shall mean the area of a lot intended for recreational purposes, and shall include areas that are landscaped, patios, privacy areas, balconies, communal lounges, swimming pools, play areas and similar uses, located on the same lot, but shall not include a building's service areas, parking lots, aisles or access driveways, or a planting strip.</p> <p>Height - Shall mean the vertical distance from grade to the uppermost point of the building but not including any mechanical penthouse or any portion of a building designed, adapted or used for such features as a chimney, smokestack, fire wall, stair tower, fire tower, water tower, tank, elevator bulkhead, ventilator, skylight, cooling tower, derrick, conveyor, antenna, or any such requisite appurtenance, or a flagpole, display sign, ornamental figure, parapet, bell tower or other similar structure. Provided, however, where this By-law requires building height to be calculated to determine a minimum rear yard or a minimum side yard requirement, building height shall mean the</p>	<p>The definitions used in Zoning By-law No. 05-200 are applied to ensure that these items are consistent with the City's current standard.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
	<p>Landscaped Area - means an area that shall not be built upon and shall not be used for any purpose other than as an area of landscaping, which may include grass, shrubs, flowers, trees and similar types of vegetation, and paths, walks, patios, fences and similar appurtenances, but shall exclude parking areas, loading areas, driveways or ramps.</p> <p>Lot Line, Rear - means the lot line opposite the front lot line.</p> <p>Planting Strip – means a strip of land consisting of trees, shrubs and other similar types of vegetation, designed to act as a buffer or visual screen.</p>	<p>vertical distance between the lowest finished grade elevation along the lot line related to such required yard at that point closest to the building and the horizontal extension of the uppermost point of the building.</p> <p>Landscaped Area - Shall mean any portion of a lot which:</p> <ul style="list-style-type: none"> a) Contains no building thereon; b) Is not used for parking, access to parking, driveways or loading space; c) Is used for the purpose of landscaping; and, d) Landscaped areas may include bell pedestals and light standards but shall not include courier or mail boxes. <p>Lot Line, Rear - Shall mean the lot line farthest and opposite to the front lot line.</p> <p>Planting Strip - Shall mean an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a buffer and may include low level architectural walls or features, and fire hydrants, but shall not include walkways, sidewalks, and charging stations.</p>	

Regulation	Required	Modification	Analysis
Definitions	<p>Drive-Through Facility – Not defined.</p> <p>Façade – Not defined.</p> <p>Façade Height – Not defined.</p> <p>Landscaped Parking Island – Not defined.</p> <p>Landscaping – Not defined.</p> <p>Setback – Not defined.</p>	<p>Drive-Through Facility – Shall mean a facility that is designed to allow drivers to remain in their vehicles before and during an activity on the site, and may include drive-in or drive-through restaurants, retail and service uses, but shall not include a motor vehicle washing establishment or a motor vehicle service station.</p> <p>Façade – Shall mean a building wall or series of building walls facing a street.</p> <p>Façade Height – Shall mean the vertical distance between the base of the façade at finished grade level and the lowest point of the top of the façade.</p> <p>Landscaped Parking Island – Shall mean a curbed portion of land for the growing of ornamental shrubs or trees, flowers, grass, and other vegetation, suitable to the soil and climatic conditions of the area of land for the purpose of landscaping within a parking lot, and shall include walkways, fire hydrants, decorative walls, or features, and light standards, and shall form part of a Planting Strip of Landscaped Area.</p> <p>Landscaping - Shall mean outdoor space for use, enjoyment and</p>	<p>Some regulations in the by-law refer to terms that are not defined in the current By-law. Definitions for these terms consistent with By-law 05-200 have been added.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
		<p>recreation and shall include natural vegetation areas and constructed areas such as patios, decks, playgrounds, pathways, outdoor recreation amenities, fencing, decorative architectural features and retaining walls.</p> <p>Setback - Shall mean the distance between a lot line and the nearest part of any building or specified structure exclusive of any permitted yard projections on the lot.</p>	
Permitted Uses	<p>Non-Residential Uses - Banks and financial institutions, boat and/or motorized snow vehicle sales establishments, Brewers Retail stores, building supply sales in wholly enclosed buildings, cold storage locker establishments, commercial schools, custom workshops, dairies, day nurseries, department stores, dry cleaning establishments, farm equipment sales establishments, funeral homes, garden centres, hotels, laundries, Liquor Licence Board of Ontario stores, medical centres, motels, new and used motor vehicle dealerships, motor vehicle rental and leasing, offices, personal service shops, photographic studios, places of</p>	<p>Non-Residential Uses - Banks and financial institutions, retail stores, day nurseries, commercial schools, custom workshops, hotels, medical centres, personal service shops, photographic studios, places of entertainment or recreation, post offices, printing establishments, professional and business offices, fast food restaurants, standard restaurants, take-out restaurants, service shops, veterinary service establishments, and uses, buildings and structures accessory to the above permitted uses.</p> <p>Residential Uses - An apartment building in conjunction with a ground floor commercial use.</p> <p>Prohibited - Drive-through facility</p>	<p>Uses that are not consistent with the Mixed Use – Medium Density Pedestrian Focus designation have been removed. Also, drive-through facilities have been prohibited as per policy direction in the UHOP for pedestrian focus areas. An apartment building has been permitted in conjunction with commercial ground floor uses, to allow for the proposed multiple dwelling, while maintaining active uses at grade.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
	<p>entertainment or recreation, post offices, printing establishments, private or commercial clubs, professional and business offices, public and private parking lots and structures, public transportation depots, recreational vehicle sales establishments, fast food restaurants, standard restaurants, take-out restaurants, retail stores, service shops, taverns, taxi establishments, and veterinary service establishments; and uses, buildings and structures accessory to the above permitted uses.</p> <p>Residential Uses - Residential uses ancillary to the uses permitted.</p> <p>Motor Vehicle Uses - Motor vehicle service stations, motor vehicle gasoline bars, motor vehicle repair shops, motor vehicle washing establishments and uses, buildings and structures accessory thereto, including but not restricted to, an accessory restaurant or coffee shop on the same lot, but excluding residential uses.</p>		

Regulation	Required	Modification	Analysis
Location of Residential Uses	In the principal building on any floor other than the basement, cellar or the ground floor.	An apartment building shall only be permitted above the ground floor, except for parking, access, accessory office, amenity and utility areas, which may be located on the ground floor.	<p>The modification recognizes that some accessory parts of a residential building can be located on the ground floor. No actual units will be located on the ground floor and the street frontage of the building will contain all commercial uses, with the exception of the residential building's entrance.</p> <p>Therefore, staff supports this modification.</p>
Minimum Floor Area Per Dwelling Unit	70 square metres (750 square feet)	No requirement	<p>The building provides a variety of unit sizes, including one bedroom and two bedroom units, which will help to meet a variety of housing needs.</p> <p>Therefore, staff supports this modification.</p>
Minimum Front Yard	9 metres	No requirement	<p>No front yard requirement is proposed, consistent with Zoning By-law No. 05-200 standards to allow the building to be close to the street, to support pedestrian activity. The proposed building has variations in the frontage for visual interest and to break up the massing. The proposal will require a right-of-way widening of approximately 3 metres, which will provide a wider boulevard area than what currently exists.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
Minimum Side Yard	3 metres, except 7.5 metres abutting a side lot line which is the boundary of any Residential or Institutional Zone or where a ground floor residential use or an institutional use is located on the adjoining land.	3 metres, except 16 metres along the westerly side lot line.	<p>The increased setback ensures that the proposed 6 storey building is sufficiently set back from existing residential uses and that it is within a 45 degree angular plane from the westerly property line.</p> <p>Therefore, staff supports this modification.</p>
Minimum Rear Yard	7.5 metres, except where a rear yard abuts a street, Residential or Institutional Zone, a ground floor residential use or institutional use, the minimum rear yard shall be 9 metres.	38 metres	<p>The increased setback ensures that the proposed building is sufficiently set back from existing residential uses at the rear of the property to avoid issues of shadowing, overlook and loss of privacy.</p> <p>Therefore, staff supports this modification.</p>
Maximum Height	10.7 metres	26 metres and 6 storeys	<p>The modification reflects the height of the proposed building. The typical maximum height for 6 storey buildings is 22 metres. However, because the proposal incorporates various peaked roof elements to provide building variation and visual interest, the additional height recognizes these elements, while still limiting the development to 6 storeys.</p> <p>Therefore, staff support this modification.</p>

Regulation	Required	Modification	Analysis
Minimum Parking Requirements	<p>Residential - 2 spaces for each dwelling unit plus 0.5 visitor spaces for each dwelling unit</p> <p>Retail - 1 space per 20 square metres of gross floor area</p> <p>Other uses not specified - One parking space for each 28 square metres, or fraction thereof, of ground floor area devoted to commercial uses, and one parking space for each 45 square metres, or fraction thereof, of remaining gross floor area devoted to commercial uses.</p>	<p>Residential - For dwelling units less than 50 square metres: 0.3 spaces per unit</p> <p>For dwelling units greater than 50 square metres:</p> <p>Units 1-14: Minimum 0.7 per unit Units 15-50: Minimum 0.85 per unit Units 51+: Minimum 1 per unit Visitor Parking: 0.1 spaces per unit</p> <p>Commercial – 0 for the first 450 square metres, 1 space per 17 square metres of gross floor area over 450 square metres</p>	<p>All parking requirements reflect Zoning By-law No. 05-200 standards, which are in place for other Mixed Use – Medium Density sites in the Binbrook core. A visitor parking requirement has been added, whereas Zoning By-law No. 05-200 does not require visitor parking in the Mixed Use Medium Density - Pedestrian Focus (C5a) Zone. As this site is located on an arterial road and on-street parking opportunities are limited in the Binbrook pedestrian core area, this will ensure that spaces are provided on site for visitors.</p> <p>Therefore, staff supports this modification.</p>
Barrier Free Parking	One (1) space for each 50 required spaces up to a total of 200 required spaces, plus one (1) space for each additional 100 required spaces or part thereof.	<p>1-49 required parking spaces: Minimum 1 space</p> <p>50-100 required parking spaces: Minimum 4% of the total number of required parking spaces</p> <p>101-200 required parking spaces: Minimum 1 space + 3% of the total number of required parking spaces</p>	<p>The barrier free parking standard reflects Zoning By-law No. 05-200 standards and is very similar to the existing standard. Both would require 4 barrier free spaces for the proposal.</p> <p>Therefore, staff supports this modification.</p>
Barrier Free Parking Space Size	3.9 metres by 6 metres	4.4 metres by 5.8 metres	The proposed standard increases the width of barrier free spaces and is consistent with the City's current standard in Zoning By-law No. 05-200.

Regulation	Required	Modification	Analysis
			Therefore, staff supports this modification.
Parking Space Size	Each parking space for ninety (90) degree perpendicular parking shall have a minimum width of 3 metres and a minimum length of 6 metres, exclusive of any land required for access or driveway, except where a minimum of 20 parking spaces are required to be provided on the subject lot, a maximum of thirty-five percent (35%) of the parking spaces may have a minimum width of 2.6 metres and a minimum length of 5.8 metres, provided these parking spaces are clearly marked for small cars only.	Each parking space for ninety (90) degree perpendicular parking shall have a minimum width of 3 metres and a minimum length of 5.8 metres, however a minimum 2.8 metres in width and 5.8 metres in length shall be permitted within an above ground or underground parking structure; and where a wall, column, or any other obstruction is located abutting or within any parking space within an above ground or underground parking structure, the minimum width of a parking space shall be increased by 0.25 metres.	The proposed parking space size is consistent with the City's current standards and provides adequately sized parking spaces. The regulation also addresses the spaces within the building, ensuring that additional width is provided abutting walls or columns. Therefore, staff supports this modification.
Setbacks for parking areas	No parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle within 4.5 metres of any street line or the boundary of any Residential or Institutional Zone or any Zone where the adjoining land is used for residential or institutional purposes.	No parking space or part thereof shall be located within 4.5 metres of any street line or within 1.5 metres of the boundary of any Residential or Institutional Zone or any Zone where the adjoining land is used for residential or institutional purposes.	Setbacks abutting side lot lines have been reduced to 1.5 metres. This is considered adequate to provide a visual barrier and a planting strip which will buffer the parking area from adjacent uses. Therefore, staff supports this modification.

Regulation	Required	Modification	Analysis
Landscaping for parking areas	Where a parking area which is required to provide for more than four (4) vehicles abuts any Residential or Institutional Zone or where the adjoining land is used for residential or institutional purposes, a landscaped area consisting of a permanently maintained planting strip with a minimum width of 3 metres shall be provided and shall also include fencing to provide a solid and effective screen.	<p>Where a parking area abuts any Residential or Institutional Zone or where the adjoining land is used for residential or institutional purposes, a landscaped area consisting of a permanently maintained planting strip with a minimum width of 1.5 metres shall be provided and shall also include fencing to provide a solid and effective screen.</p> <p>Where 50 or more parking spaces are provided on a lot:</p> <ul style="list-style-type: none"> a) Landscaped areas or landscaped parking islands with a minimum combined area of 10% of the areas of the parking lot and associated access driveway and manouvering areas shall be provided and maintained; and b) Each landscaped area or landscaped parking island shall have a minimum area of 10.0 square metres. 	<p>Planting strips along lot lines have been modified to be consistent with the 1.5 metre setback requirement for parking areas. Additional requirements have been added for landscaped areas and parking islands, to provide additional areas for tree plantings and other plantings on the site.</p> <p>Therefore, staff supports this modification.</p>
Rounding of parking spaces	If the calculation of required parking spaces results in a fraction, the next higher whole number shall apply.	Where the application of the parking standards results in a fraction it shall be rounded down to the nearest whole number.	<p>The modification reflects the new Zoning By-law No. 05-200 standard for calculating parking spaces requirements.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
Short Term Bicycle Parking	No requirement.	Apartment Building – 5 spaces Commercial Uses – 5 spaces	A requirement has been added to support active transportation and to be consistent with Zoning By-law No. 05-200 standards. Therefore, staff supports this modification.
Number of Loading Spaces	Apartment Buildings containing more than 100 dwelling units – 2 spaces Commercial greater than 200 square metres to 900 square metres – 1 space	One loading space shall be required for all uses on the site.	Based on the modest size of the proposed ground floor commercial area, commercial uses will be in smaller units which would not create a need for a substantial amount of large truck deliveries. Also, as the building is only marginally more than 100 units, it is not expected that the reduction in loading spaces will have a significant impact on the function of the site. Therefore, staff supports this modification.
Landscaping Requirements	a) A landscaped area in the form of a planting strip having a minimum width of 4.5 metres and a fence having a minimum height of 1.8 metres shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a Residential or Institutional Zone or any Zone where the adjoining land is used for	A landscaped area in the form of a planting strip having a minimum width of 1.5 metres and a fence shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a Residential or Institutional Zone or any Zone where the adjoining land is used for residential or institutional purposes.	The proposed planting strips along the side and rear property lines vary from 1.5 to 2.94 metres wide. Combined with landscaping requirements for parking areas, the width of the planting strip will provide sufficient area for an effective visual barrier and greening on the site. An additional regulation for parking areas already requires a 3 metre landscaped area abutting a street. Fence height details have been

Regulation	Required	Modification	Analysis
	<p>residential or institutional purposes.</p> <p>b) A landscaped area having a minimum width of 4.5 metres shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a street, and such landscaped area shall be continuous except for the required driveway(s).</p>		<p>removed as fencing details are regulated by the City's Fence By-law.</p> <p>Therefore, staff supports this modification.</p>
<p>Outside Storage and Display</p>	<p>a) Outside storage shall not be permitted in any front yard, however, the outside display of vehicles or plants accessory to the principal use on the subject lot may be permitted in the front yard.</p> <p>b) Outside storage and display areas shall not be permitted less than 4.5 metres from any street and/or the boundary of any Residential or Institutional Zone or any Zone where the adjoining land is used for residential or institutional purposes.</p> <p>c) Outside storage areas shall be screened from view and enclosed with a fence having</p>	<p>Outside storage shall not be permitted, however the display of goods or materials for retail purposes accessory to a retail use may be permitted in the front yard.</p>	<p>Previous outside storage requirements are appropriate to the range of uses in the general commercial zone. As uses have been restricted to only those which support a pedestrian focus street area, outside storage requirements are proposed to be amended to only allow display in a front yard for retail ground floor uses. As the yard setbacks at the front of the building are minimal, this would only allow minor display areas.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
	a minimum height of 1.8 metres.		
Minimum Building Setback from a Street Line	No Requirements	<p>a) 2 metres for the second to fifth storeys, and</p> <p>b) 6 metres for the sixth storey</p>	<p>Requirements mandate building setbacks along the front of the building to reduce the impact of the building mass and create a human-scaled building at the ground level.</p> <p>Therefore, staff supports this modification.</p>
Maximum Building Setback from a Street Line	No Requirements	<p>3 metres for the first storey, except where a visibility triangle is required for a driveway setback.</p> <p>Does not apply for any portion of the building that exceeds the minimum façade length.</p>	<p>This is consistent with Zoning By-law No. 05-200 standards for Pedestrian Focus Street areas.</p> <p>Therefore, staff supports this modification.</p>
Minimum Building Setback from a Side Lot Line	No Requirements	<p>The fourth storey of a building shall be set back a minimum of 24 metres from the westerly side lot line; and</p> <p>The fifth storey of a building shall be set back a minimum of 24 metres from the westerly side lot line and a minimum of 9.5 metres from the easterly side lot line; and,</p> <p>The sixth storey of a building shall be set back a minimum of 27.5 metres from the westerly side lot line and a minimum of 9.5 metres from the easterly side lot line</p>	<p>Requirements mandate building setbacks at the sides of the building for upper storeys, to create appropriate transitions in building heights between adjacent lots.</p> <p>Therefore, staff supports this modification.</p>

Regulation	Required	Modification	Analysis
Minimum Façade Height	No Requirements	Minimum 7.5 metre façade height for any portion of a building along a street line, except for any building or portion of a building which is listed in the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest, or listed in the Municipal Heritage Register, or designated under the Ontario Heritage Act.	Requirement regulates façade height consistent with the standard of Zoning By-law No. 05-200 for Pedestrian Focus Street areas. An exception is provided for the coach house, which is less than 7.5 metres in height to allow for the integration of this heritage resource. Therefore, staff supports this modification.
Minimum Amenity Area for dwelling units	No requirements	6 square metres for each dwelling unit; and	Requirement is consistent with Zoning By-law No. 05-200 standards for dwelling units and ensures that sufficient amenity area for residents is available. Therefore, staff supports this modification.
Location of Amenity Area	No requirements	Rooftop amenity areas shall not be permitted, excepting balconies for use by individual dwelling units.	Rooftop amenity areas are not consistent with the Binbrook Village Urban Design Guidelines. These have been prohibited. Therefore, staff supports this modification.
Maximum Gross Floor Area for office use	No requirements	2,500 square metres	This standard is included in Zoning By-law No. 05-200 and has been included for consistency with these standards. The office size restriction originates from Provincial policy

Regulation	Required	Modification	Analysis
			<p>requirements to limit the size of offices outside of employment areas.</p> <p>Therefore, staff supports this modification.</p>
Balcony projections	Balconies, canopies, fruit cellars or unenclosed porches may project into any required front or rear yard a distance of not more than 1.5 metres, or into any minimum side yard a distance of not more than 0.5 metres;	<p>A balcony may project into the required easterly side yard a distance of not more than 1.5 metres.</p> <p>Balconies and architectural elements such as sills, belt courses, cornices, eaves or gutters, pilasters, and brickwork framing the main entrance may project into the required building setback; and</p> <p>A maximum of 2 balconies may project into the required 2 metre building setback for the second to fifth storeys; and</p> <p>Balconies on the sixth storey may project into the required 6 metre building setback a distance of not more than 4 metres.</p>	<p>Balcony projections into yards are restricted to only the east side of the building abutting the existing Shoppers Drug Mart. Balcony projections within required building step-backs at upper storeys of the building are also restricted. This ensures that balconies do not detract from the intended building articulation.</p> <p>Consideration for architectural details of the main entrance is also included, to allow for added architectural design features.</p> <p>Therefore, staff supports this modification.</p>
Built form for New Development	No Requirements	<p>In the case of new buildings constructed after the effective date of this by-law or additions to buildings existing as of the effective date of this by-law:</p> <p>a) Rooftop mechanical equipment shall be located and/or</p>	<p>Added regulations reflect Zoning By-law No. 05-200 standards for Pedestrian Focus Street Areas. The standards ensure a built form that addresses the street, is pedestrian focused, and has an active frontage. The regulation has been modified to allow for an exception to the</p>

Regulation	Required	Modification	Analysis
		<p>screened from view of any abutting street.</p> <p>b) The minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 75% of the measurement of the front lot line. The minimum width of the ground floor façade facing the front lot line shall exclude access driveways and required yard along a lot line abutting a street.</p> <p>c) No parking, stacking lanes, or aisles shall be located between the required building façade and the front lot line.</p> <p>d) A minimum of one principal entrance shall be provided:</p> <ol style="list-style-type: none"> 1. within the ground floor façade that is set back closest to a street; and 2. shall be accessible from the building façade with direct access from the public sidewalk. <p>e) A walkway shall be permitted in a planting strip where required by the By-law.</p>	<p>maximum first story height for the coach house, to ensure that this heritage resource can be integrated.</p> <p>Therefore, staff supports these modifications.</p>

Regulation	Required	Modification	Analysis
		<p>f) A minimum of 60% of the area of the ground floor façade facing the street shall be composed of doors and windows.</p> <p>g) The first storey shall have a minimum height of 3.6 metres and a maximum height of 4.6 metres. This shall not apply to any building or portion of a building which is listed in the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest, listed in the Municipal Heritage Register, or designated under the Ontario Heritage Act.</p>	